

Burns Harbor Advisory Plan Commission

Minutes of Monday, March 2, 2026

The Advisory Plan Commission of the Town of Burns Harbor, Porter County, Indiana, met in a regular session on Monday, March 2, 2026, in the Town Hall. The meeting was called to order by Advisory Plan Commission Vice President Aaron Adcock at 6:00 pm.

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

Toni Biancardi	Absent
Bernie Poparad	Present
Roseann Bozak	Present
Travis Dunlap	Present
Gordon McCormick	Present
Aaron Adcock	Present
Michelle Watkins	Present

Additional Officials Present

Attorney- Clay Patton, Building Commissioner- Joe Lawson, and Secretary- Jill Sherrill.

Also Present

Minutes

Bozak made a motion to approve the minutes of February 2, 2026. Watkins seconded the motion. Poparad-Aye. Bozak-Aye. Dunlap-Aye. Watkins-Aye. McCormick-Aye. Adcock-Aye. Biancardi-Absent. Motion passed.

Communication, Bills, Expenditures

Review: Bonds, Maintenance Guarantees, Letter of Credit

Adcock stated that the Clerk-Treasurer did receive a new check for Corlin's Landing Phase 2.

Report of Officers, Committee, Staff

Nothing to report.

New Business

Ordinance Amending Language of Chapter 4(Culverts & Fences)

Adcock stated that if the language is acceptable, we can schedule a public hearing in April. Bozak stated that this copy is the same one we received last month, so no changes were made. Adcock stated that on culverts and fences, there were no changes. The changes were in the other sections we tabled for further discussion. Bozak asked if we made any changes to the daytime hours because I know we were back and forth on what the times were going to be, and I thought we ended by not making the changes. But I still see it crossed out on our copy. Adcock stated that it was tabled, but I think we decided last month to make no changes to that. Only culverts and fences are going for a public hearing. Bozak asked if there was a final copy of what was going to be set for the public hearing. Attorney Patton asked if this was the language that you want to have published. Bozak stated that we are looking at the same document from last month. I

thought there was going to be another document to look at. Building Commissioner Lawson stated that in section 4-1-16, we'd be striking out other than fences, and in section 4-1-17, we'd be striking out restoration and repair of, and restoration or repair at the end. Adcock stated that in culverts, it's just adding section 4-3-4 violations. Bozak made a motion to set culverts and fences for a public hearing for the April meeting. McCormick seconded the motion. Poparad-Aye, Bozak-Aye, Dunlap-Aye, Watkins-Aye, McCormick-Aye, Adcock-Aye, Biancardi-Absent. Motion passed.

Dunlap questioned if all violations were captured in the building code, because, for some reason, I don't think they all are. Building Commissioner stated that it's a little bit of everything. I think some of the things that need to be in there are captured elsewhere in the code.

Excavation Permit- 298 Meadowbrook

Adcock asked Building Commissioner Lawson if he had any new updates regarding 298 Meadowbrook. Building Commissioner Lawson stated that I received a report from IDEM with some listed violations. I think it would be wise for the homeowner to work with the state before proceeding with any kind of excavation permits from the Town of Burns Harbor. I think those need to be handled and satisfied before issuing a permit. Secretary Sherrill stated that their excavation permit was incomplete, so the homeowner is here this evening to get clarification on what is needed from him. Juan stated that my name is Juan and I am partnered with Juan Gonzalez, who owns 298 Meadowbrook. We applied for a permit, which I don't consider an excavation because we are just grading the area and moving dirt. I think we need more information on what we need to put on the application. Building Commissioner Lawson stated that under ordinance 15-13-26 B (4), it specifies a licensed engineer's drawing of the proposed operation site, including clearing marked details, the elevations before and after the proposed operations, and so on. I would highly suggest that anyone requesting an excavation permit consult with an engineer. Gonzalez stated that what we are planning to do is simple, and the permit application has too many questions. I don't know if we can request a meeting on-site to explain what we are planning to do. Bozak stated that there is a process and paperwork that you have to file; there can't just be a site meeting. What is it on the permit that you are not understanding or have a question about? Gonzalez stated that the problem is that the permit is for excavation, and we don't consider what we are doing to be excavation. That is the main thing. It's hard for me to answer the questions. Bozak stated that this is why you need to consult an engineer; you can't just spread out the dirt on the property and change the elevation of the land. You are changing the water flow of the property, and you are next to two areas that are already wetlands. Gonzalez stated that we understand that, and we are not going to push the water towards our neighbors. Bozak stated that without an engineer, you don't know that for sure, and without showing this board a plan, we don't know what you are doing. Building Commissioner Lawson stated that you are going to need an engineer, especially now with the complications that have been added from IDEM. Have you been in contact with IDEM because the last time I spoke with them, they were still trying to get in touch with the homeowner. Gonzalez stated that I have not had any contact with IDEM. Building Commissioner Lawson stated to recap from earlier, 15-13-26 (a) says it shall be unlawful for any person, firm, or corporation to remove or add any sand, soil, earth, or any other material from or to the surface of any land within the corporate limits of the Town of Burns harbor, or in any other manner change the contours of any land within said limits unless said person, firm, or corporation shall first have procured from the Plan Commission or the Town Council, a permit for such purpose. So, that just explains the requirements. Bozak stated that I feel like we are at a standstill, and no one knows what to tell them their next step is. We don't know this, but an engineer would know, which is why you need an engineer. The permit directs you to get an engineer, and we cannot approve anything without having that signed off by a licensed engineer.

Adam McAlpine, Civil Engineer with McAlpine Consulting, stated that if you are disturbing more than one acre, you would need a construction stormwater permit from the State of Indiana. You

would just have to show a report and fill out the paperwork, and it needs to be approved by the local authority, to show that you are not affecting any waterways and that you are going to stabilize the ground. When the projects are small, they don't require a state permit. Sorry to interject, but it just sounds like if you've got a project greater than one acre, then you need to get a state permit. Attorney Patton stated that whether it's over an acre or not, I think the issue is that they need to pull a full excavation permit, and they said they didn't feel like they needed one. But, in the minutes, I think the Building Commissioner stated that they had dug a drainage trench along the easement that I think went into this waterway that's adjacent to it, and I think that is why IDEM has an issue. So, maybe they don't need an excavation permit, but clearly, the work that they did has gotten the attention of IDEM. They need to hire an engineer to get this fixed. You've got bigger problems than the Burns Harbor Plan Commission; you've got IDEM. There is an inspection report from the Indiana Department of Environmental Management. We can make you a copy, but you need to get in touch with them regarding this report. Adcock stated that you will work with IDEM and get an engineer to address everything going on and come back with a completed excavation permit.

Natron Corporation- Site Plan Review

McAlpine stated that my name is Adam McAlpine, and I am here this evening representing Natron Corporation. You have all met Jim Sata before, and his company's name is Lake Real Estate Management Company LLC. He is working to subdivide his property. The Taco Bell on Highway 20 is a large property with a lot of extra space to the West between Old Porter Rd. and Highway 20. It was always Jim's intention to subdivide that once he had his Taco Bell up and running and operating. The land plan I have provided is just conceptual, so don't dial in on some of this stuff too closely. Lot B is intended to be a Dunkin' Donuts. He is under contract with Dunkin' Donuts to come here, and he is looking at some other service restaurants, such as a sandwich place. Right now, my team is working through the process of designing the frontage drive, expanding this detention basin to serve the whole development, and coordinating with the state DOT for the entrance. I did talk him out of the 3-lane entrance; it is just not necessary. It's just going to be one lane out and one lane in, and that seems sufficient for the traffic. My understanding is we just want to come before you now and just explain the projects listed and get any feedback and comments before we go ahead and go about submitting from primary plat, send letters, and conduct the public hearing. This property is a four-lot subdivision with a drainage and utility easement. If you visit Taco Bell, the parking spaces at Taco Bell would be eliminated, and that would be a frontage drive. That frontage drive would connect and serve all four of the lots, and then there would be a separate entrance or access to Highway 20. There are some remnants of an old cell tower there, but it's just a pad and some gravel. We are going to investigate that further to see how that affects lot four. There is no tower there presently, but on the land plan that the architect drew up, we're trying to avoid it altogether. At this point, we are not doing anything to lot four, except putting a drive across it. I am the engineer for Dunkin', but until the drive is there and it's subdivided, I really can't move forward on the next steps. As far as utilities are concerned, there is a sewer line along the south side of Old Porter Rd. There is a water main on the south side of Highway 20. So, we are still working on some of those details. Building Commissioner Lawson stated the entrance on Highway 20 is kind of shaded out but looks like there is a dedicated right-in and right-out. McAlpine stated that it is just showing a deceleration lane and an acceleration lane. Unless INDOT requires that for development, it's not our intention to build a deceleration lane. We are going to come to them with a lane in and a lane out. But if that is not acceptable to the state, then we will go to this next step. The traffic delineator dividers that are on Highway 20 prevent any traffic altogether and prevent the customers from getting to Taco Bell. So, this entrance will allow customers to get to everything on that property. McCormick asked the Building Commissioner who was going to fix the delineators in front of Taco Bell that were damaged. Building Commissioner Lawson stated that I sent another letter to INDOT today for information on that. Two weeks ago, when I asked, they said they had to discuss that with the traffic division of INDOT, and they would report back to me.

McCormick asked why we can't have the new entrance right across from Lions Drive. McAlpine stated that the logical reason is the minimum separation distance from another commercial access drive. Right now, this is 500 feet from this point to here. McCormick stated I don't like it. Bozak asked whether there have been any conversations with the Graff dealership about access to the frontage road from the stoplight. Building Commissioner Lawson stated that INDOT has full jurisdiction over stoplights and would require INDOT's permission. Bozak stated that I am wondering whether that has been discussed to access the frontage road, as there is already a stoplight there. All traffic will now be routed onto Old Porter Rd, which is not designed for heavy traffic. McCormick stated that the entrance should be moved across from Lions Drive. Building Commissioner Lawson stated that my concern is that, if you put an access right across the street from Lions Drive, when CIT Trucks opens, there will be a lot of semi-trucks making wide right turns. Dunlap stated that I think a conversation needs to happen with INDOT regarding both intersections: Lions Drive and the one just East. McCormick stated the entrance should be across from Lions Drive and that the other entrance should be closed. It will be a never-ending problem with those yellow poles being knocked over, and it will never stop. Attorney Patton stated that I think the only issue with that is the four-way light at the McDonald's/Toyota dealership entrance. And then, how many feet down the road, another light, potentially a four-way light at Lions Drive. McCormick stated that we can't require Toyota to provide property for a frontage drive. I can't imagine having all that traffic on your lot with new cars. Poparad asked whether anyone had checked on a large drainage tile running through the property from the back of Old Porter Rd. and crossing to the ice pond. McAlpine stated that a 24-inch pipe runs through the property, as shown on the drawings. We will intercept it within its utility easement and reroute it to the southwest corner to serve as the pond's outlet. We will also then reintroduce that back into the storm sewer system down here on Old Porter. McAlpine stated that, in the next couple of weeks, I will get the drawings and report to Secretary Sherrill.

Old Business

Proposed Code Book Amendments

Certificate of Occupancy

Adcock stated that the last time Bozak stated that she had some questions about the conditional landscaping with the \$3,000 bond, and weather doesn't permit completion. Building Commissioner Lawson did not feel this was adequate for commercial. One question I think we had then and probably still have to address is how you handle conditional occupancies for commercial when it's limited to outdoor improvements that are impacted by weather or more. So, in this case, we can't do landscaping in the wintertime, so you get a conditional occupancy permit for that, but then it said that CIT Trucks was given a conditional occupancy permit with a punch list of items that were still outstanding. There isn't really a provision in the code for this that allows for a certificate of occupancy with a punch list. Building Commissioner Lawson stated that it is per town ordinance, not statewide. For instance, the Town of Chesterton, when a commercial business wants to get a conditional certificate of occupancy, and they have outstanding items that are not yet completed, they issue a conditional certificate of occupancy, along with an indemnity hold harmless agreement and the punch list to be completed within a certain period. If we put something together for commercial occupancies, it covers 110% of the cost, then anything incurred would be included in that. If it is a small business, it would obviously be less, and a big business would be more. Adcock stated are you suggesting that we need to add something somewhere in the commercial section of the code to handle commercial occupancy without just landscaping? Building Commissioner Lawson stated I think that would be a really good idea. McCormick asked why can't we just change it and specify \$3,000 for residential and then do a different amount for commercial? Adcock stated that you are saying the \$10,000 amount under Section E is not sufficient for commercial, and that you would prefer a higher dollar amount for commercial rather than simply delineating that the \$3,000 is for residential, with a different amount for commercial. Poparad stated that he didn't say \$10,000; he said 110% of the cost. The Building

Commissioner stated yes, noting that the conditional occupancy may be granted when weather conditions prevent installation of the sidewalk or driveway. Again, it refers to landscaping and driveways. It is a greater amount, but it's still sidewalks. There are a lot of things outside the scope of landscaping and sidewalks for commercial businesses. Watkins asked who determines what is acceptable for the punch list? Building Commissioner Lawson stated that, if it is not injurious or dangerous to the public or health, and provided the whole harmless agreement covers that, it is acceptable. Adcock stated we can look at the Town of Chesterton and see how they have it, and that we may need to add something like that to the building code. Is that sort of what is being discussed? Building Commissioner Lawson stated that this would be my suggestion. I have a copy of the harmless agreement that you can review. Bozak stated that Biancardi can pass it along if she feels it is ready for legal review. I know that at our last meeting we discussed that, for the commercial temporary certificate of occupancy, any punch list items should be presented to the commission to determine whether to issue the certificate. I know Biancardi mentioned bringing the punch list to us for review. My question is: who prepares the punch list and approves it? How do we know which punch list items are on the list and when they were approved? Building Commissioner Lawson stated that many of the items included in a commercial conditional occupancy would require an understanding of code and building terminology to fully understand. If there were someone to oversee that or review it closely, I would highly recommend an engineer. Bozak stated that I think part of it is communication with the board regarding the decisions being made. I am not saying you can't make the decisions, but you should be able to communicate what is going on. Building Commissioner Lawson asked whether the board wanted this for all occupancies, or only residential or commercial. Bozak stated that my understanding was that it was regarding temporary occupancies. A discussion was held regarding the language for occupancy permits. Dunlap asked what the reservations were about using 110% regardless. Building Commissioner Lawson stated that if you put the language in there straightforwardly and simply, it covers everything. If it's a smaller business, 110% will be lower; if it is a larger business, 110% will be higher. Adcock stated that we will work on a draft language change of paragraph C to delineate between all commercial properties. Dunlap asked if Building Commissioner Lawson would ever issue a conditional certificate of occupancy that's not related to landscaping, sidewalks, or driveways for residential. Building Commissioner Lawson stated no, I don't think so. Adcock stated we will have some language suggestions for the April meeting.

Sidewalks

Adcock asked Building Commissioner Lawson if he had any information on how to ensure sidewalks are completed after researching other communities. Building Commissioner Lawson stated that part of the issue is whether it is undeveloped land, and if someone decides to run and build a house, they are required to put a sidewalk in, and putting the driveway in will probably ruin the sidewalk. Watkins stated I think we were trying to figure out the timeframe. Adcock stated that we can investigate the language regarding the timeframe of completion when there are vacant lots or even undeveloped lots next to developed lots. Building Commissioner Lawson asked if a PUD subdivision would be different. McCormick stated, no there is no reason for that, it is still residential. You can't have missing sidewalk sections. Dunlap asked, so you are saying anything residential. McCormick stated yes, at a certain point during the development. Adcock asked if we did change this, can we then go back to someone who bought a lot 10 or 15 years ago and make them put a sidewalk in because that wasn't part of the code then. McCormick stated that the timeframe is the biggest thing. Poparad stated it isn't fair to the rest of the subdivision to have one guy not putting a sidewalk in. Attorney Patton stated what is the cost of forcing them to do it versus just doing it ourselves? If you have an individual who has bought two lots and built on one, there is no bond there with the private individual buying two lots and only building on one. Adcock stated that we will come up with some draft language and maybe see how the Town of Chesterton and some other communities have it written.

Tracer Lines for Underground Infrastructure

Adcock asked Building Commissioner Lawson to provide some language to review on tracer lines for underground infrastructure. I don't know if there is currently a requirement in the code for this. Building Commissioner Lawson stated that if we did put one in, we would know where the sanitation lines are, the electrical lines, and the water lines. It would be a whole lot easier than some of the current situations we have.

Good of the Order and Any Other Business

None

Announcements

None

Adjournment

Bozak made a motion to adjourn at 7:17 pm. Watkins seconded the motion. Poparad-Aye, Bozak-Aye, Dunlap-Aye, Watkins-Aye, McCormick-Aye, Adcock-Aye, Biancardi-Aye. Motion passed.

Approved April 6, 2026

Toni Biancardi, President

Jill Sherrill, Secretary