

**Burns Harbor Advisory Plan Commission
Minutes of Monday, February 2, 2026**

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

The Pledge of Allegiance to the American Flag was recited.

Roll Call:

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

Additional Officials Present

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

Also Present

Jeremy and Jennifer McHargue and Justin Keith

Minutes

McCormick made a motion to approve the minutes of January 5, 2026. Watkins seconded the motion. Poparad-Aye, Bozak-Aye, Dunlap-Aye, Watkins-Aye, McCormick-Aye, Adcock-Aye, Biancardi-Aye. Motion passed.

Communication, Bills, Expenditures

Review: Bonds, Maintenance Guarantees, Letter of Credit

Biancardi stated that I have just a couple of updates. The Corlin's Landing phase one for the sewer flush, upon investigating that through the Sanitary Board, which was based on a two-year agreement. So, that expired in 2010, and we will not need to be monitoring that. And then the Corlin's Landing phase two infrastructure guarantee, which was dated 2018. Upon investigation and contacting the bank, the checks are not good after two years. Clerk-Treasurer Loving has requested a new check, which should be in the office tomorrow. We will then have that, and we will put on here as an expiration date of two years from that date, so we can stay on top of it. Clerk-Treasurer Loving also mentioned that once the checks are received, they are interested in paving phase two, so that may be a springtime activity.

Report of Officers, Committee, Staff

Nothing to report.

New Business

Permit Extension- 219 Fairchild Drive

Biancardi stated the reason for the extension is that the work was not completed in the allotted time. The estimated date of completion is October 31, 2026. The second application fee has been paid, and unless there are questions, we would just need to approve this extension. Bozak made a motion to approve the permit extension for 219 Fairchild Drive until October 31, 2026. Watkins seconded the motion. Poparad-Aye, Bozak-Aye, Dunlap-Aye, Watkins-Aye, McCormick-Aye, Adcock-Aye, Biancardi-Aye. Motion passed.

Reorganize Plat Committee

Biancardi stated that currently, we have Aaron and Gordon, so we will need to appoint someone from the board for this. Bozak made a motion to appoint Toni Biancardi to the Plat Committee. Poparad seconded the motion. Poparad-Aye, Bozak-Aye, Dunlap-Aye, Watkins-Aye, McCormick-Aye, Adcock-Aye, Biancardi-Aye. Motion passed.

Committees to Review:

Comprehensive Plan

Biancardi stated that we have two plans in the Town of Burns Harbor, and Indiana code calls for these to be reviewed approximately every 10 years. They were written in 2009, and I think there has been an amendment or two. I think what I would really like us to do is to have a committee to read these and come back with any comments or suggestions. A discussion was held regarding who wanted to be on the committee. Biancardi stated that we will have Roseann Bozak, Michelle Watkins, and Gordon McCormick on the Comprehensive Plan committee.

Downtown & US 20 Corridor Sub Area Plan

Biancardi stated that we will have Aaron Adcock, Gordon McCormick, and me on the Downtown & US 20 Corridor Sub Area Plan Committee. I would just like everyone to read through these and, as a group, talk about whether it's still applicable to what we are hoping for the future of the Town of Burns Harbor.

Proposed Code Book Amendments

Culverts

Biancardi stated that Building Commissioner Lawson sent over some amendment suggestions. Building Commissioner Lawson stated for the culvert ordinance, I am just proposing a means of enforcement. Section 4-3-4 would be the new section, and that would be the means of enforcing that. Biancardi stated so, no changes, just the addition. Building Commissioner Lawson stated that it is correct. Biancardi asked if the first and second offenses mirror other things in town as far as violations. Building Commissioner Lawson stated yes, it is. Biancardi stated in Section 4-3-3 that we are removing Sections 4-40 and 4-41. A discussion was held regarding the articles and ordinances that are sectioned together. Dunlap stated penalties under 4-1 are only applicable to 4-1. Biancardi asked Attorney Patton if what is in an article only applies to that specific article. Attorney Patton stated that the way it is written is violations of this ordinance; it doesn't say of this code. So, we do not know which ordinance it was, and perhaps it was poorly worded when it passed. This can certainly be changed, and any violations could be for the entire chapter 4. Building Commissioner Lawson stated that I would not suggest that I would say having specific violations for the culvert ordinance is specific to the culvert ordinance. Attorney Patton stated that it should probably read violations of chapter 4, article 3 shall be punishable by. We should look at all of Chapter 4 and see what the penalties should be for any other violations, because there are penalties for other sections. Biancardi stated that we will look at all of Chapter 4 penalties to clear up the language. But we can still address the culvert and add a penalty there. Attorney Patton stated yes, I think that if you kind of tweak what the proposed language says and say violations of Chapter 4 article 3 shall be punishable by a fine of \$100 for the first offense and \$250 for the second offense.

Fences

Biancardi stated in 4-1-16 that removing the language other than fences for violations. Then in 4-1-7, removing under permit required, the language restoration or repair of in both places, and in 15-13-19, was there something to change, or is that just a reference? Building Commissioner Lawson stated that it was just a reference point where fences were mentioned. Biancardi stated that, so in the violations we are removing other than fences, so that would allow you to write a violation for that. Building Commissioner Lawson stated it is just streamlining it, making it more conclusive with the original sections B and C, and it is kind of combining them for consistency. Biancardi stated what I didn't see changed, but I feel like it might have previously not required a permit for anything less than \$1,000, and we are going to keep that? Building Commissioner Lawson stated yes, that is correct. Biancardi stated that with fences, we are just removing the letter B, the restoration or repair of, and that second B should be C. Building Commissioner Lawson stated that one more thing is a typo that is on the website. Biancardi stated I saw that, and I think we can just fix that.

Noise Control

Building Commissioner Lawson stated that I am suggesting a time change just for residential properties. Attorney Patton questioned why the proposed changes referred to Eastern Standard Time. Building Commissioner Lawson stated that it should be Central Standard Time. Biancardi stated that, in terms of daytime hours, you want to change it to 8:00 am to 8:00 pm for residential properties, and my question is why? Building Commissioner Lawson stated that it is to take into consideration some of the older residents that we have. Biancardi asked Building Commissioner Lawson if the noise ordinance specifically calls out construction, because I would feel like this would prohibit anyone from mowing their grass at 7:00 pm or anything like that. Building Commissioner Lawson stated there is a list of definitions for different work and daytime and nighttime hours. I was just proposing a change of those hours, mainly for contractors, not for people mowing their grass. Attorney Patton asked if there were any complaints. Building Commissioner Lawson stated yes, I have had a few people ask me about it, but they did not want to go on record and make an official complaint. Biancardi stated that I don't disagree that we could maybe try to change the hours for construction, but I am not sure about changing the hours for homeowners to do yardwork or something else. Dunlap stated that 7:00 am is a pretty normal start, no matter what you are doing. McCormick stated I like 7:00 am to 7:00 pm myself for construction. Attorney Patton stated I think most home builders are out there, certainly before 8:00 am and on site before 7:00 am to get work done before the middle of the afternoon.

Justin Keith with Advanced Skyline Homes stated that I can speak as a framer myself since 2005, that 7:00 am is the start time, and that I normally work until 3:30 pm to 5:30 pm, depending on how busy we are. Attorney Patton asked about noise control. What kind of noise are we talking about? A whole crew of construction workers is a lot noisier than a homeowner doing projects around their home. McCormick stated that I don't want to prevent homeowners from doing work, but we also don't want five buddies doing a roof with air nailers at 10:00 pm. Biancardi asked whether we can specify what type of work is in our ordinance. Attorney Patton stated that it makes it harder to enforce. I think it is the noise level. I'm not sure if we have a device to determine how loud the activities are. Biancardi stated we do not. Bozak stated I feel like if we do not have any official complaints about it, there really isn't a reason to change it. Attorney Patton stated that I am looking at the current code, and where it says 7:00 am to 10:00 pm local time, it references ordinance 263 in 2015, so perhaps we can look to see what the discussion was then and what the rationale was. Dunlap stated the only other thing I would delineate against is that those hours are specifically related to sound pressure levels at the property boundary, so if someone wanted to frame until 10:00 pm, if it is not impacted at the property boundary, it really doesn't matter. But I would say this is typical of what I have seen in other noise ordinances, as far as something blatant or not. Biancardi asked do we want to leave it as is and come back to it? McCormick stated I think 10:00 pm is way too late for stuff to be going on. I think it should be from 7:00 pm to 7:00 pm.

Jeremy McHargue- 219 Fairchild Drive- McHargue stated that there are several things in the town code that reference nighttime hours, which would affect my Police Department and the enforcement of the rest of these. To tell people they need to go into their homes at 8:00 pm because they are being too loud or heard across a property line, that is going to be its own issue. Because it is referenced in 16-4-2 (a), it references nighttime hours, so if you are just going to change nighttime hours from 7:00 am to 7:00 pm, realize that every party or gathering must be shut down at 7:00 pm. If you want to separate it in a couple of ways, that would be my suggestion, but can you imagine the backlash that the Police Department would get trying to enforce that?

Biancardi stated I think this is something to think about and come back to. I am not sure if it would be easy to separate. We can table this and think about it and come back to it.

Certificate of Occupancy

Biancardi stated that, based on our conversation, this is to address the conditional occupancy related to commercial. Building Commissioner Lawson stated, yes, the last 3 provisions there (g,h, i) are what I added in for proposals.

G. Sufficient security for commercial business conditional certificate of occupancy will be based on 110% of estimate to complete all unfinished work.

Building Commissioner Lawson stated this would cover a more appropriate and wider variety pertaining to commercial work. The existing language in the code talks about driveways, sidewalks, yards, etc. It is more geared towards residential and not commercial. Biancardi asked what, commercially, would you give a conditional certificate for that is unfinished besides a driveway or yard? Building Commissioner Lawson stated it could be several different things. I recently put a punch list together for CIT Trucks and gave them a conditional certificate of occupancy for some things that they did not have completed that were outside the scope of their control. There were a variety of things that they had to do, like adding fire extinguishers and various other things that they had to meet code. Biancardi asked about the conditional certificate of occupancy, which means they can move in and operate. Building Commissioner stated yes, once they have the certificate of occupancy, they are good to go.

Bozak stated I have a million questions, but I will investigate it myself. I'm not familiar with this code. Biancardi asked if there were any questions on (g). There were no questions.

H. Utility work permits and extensions will only be issued from March 1st to November 30th with the exception of emergency work and repairs.

Building Commissioner stated that we have received several complaints about the recent work for the contractor hired by Frontier has been doing. Their yards have been left with tubes and wires sticking out. They have it in the approved permit extension that they will do site restoration in the spring, so homeowners are left with torn-up yards until spring. Biancardi asked if we could prohibit utilities from working from December to February? Attorney Patton stated you cannot do that, what if an emergency or new construction is being built? Biancardi stated that if this were the code, we would be telling Frontier they couldn't do their work and would have to come back in March. I understand because I have been on the receiving end of the complaints. My opinion is being ahead of that, being very specific about the expectations, and staying on top of those who are working. A discussion was held about thoughts on (h). Building Commissioner Lawson stated that if it is left the way it is now, how is that going to change if they come and want to get a permit extension or want to get a permit extension? Site restoration cannot be finished until spring. Biancardi asked if other communities have this in their code. Building Commissioner Lawson stated there might be, but I have not investigated that at all. Poparad stated I would check on

other communities and see what they do. Biancardi stated this is the first time we have seen this, so if we can investigate this a little more and consider what to do.

I. All utility permits issued must be completed by November 30th with the exception of emergency work and repairs. Full site restoration of any and all property disturbed must also be completed by November 30th of the same year the permit is applied for.

Biancardi stated that with the proposed codebook amendments tonight, we are okay with the culverts and the fences. We are going to look at 4-1-21 and rephrase that so it doesn't reference an ordinance, but rather a violation of that chapter. We are going to table noise control and the certificate of occupancy. What questions do we have about that? Bozak stated we would offer someone a conditional occupancy to go and operate a business, and the example Building Commissioner Lawson gave was regarding fire extinguishers, so you will still allow them into the building to operate with those? Building Commissioner Lawson stated no, they have a fire suppression system, and they do have fire extinguishers; they just needed to add a few more. I can send out the list; there was more to that list. Bozak asked Building Commissioner Lawson to explain the 110%. Building Commissioner Lawson stated 110% came up because it covers the cost of where the prices rise and fall. If it is more than \$3,000, which is the current language, that is all we can really go by. It seems like it was more catered towards residential occupancy, and nothing was considered for commercial occupancy. So, by doing that, it gives a lot of flexibility. Biancardi stated I don't know if I am comfortable giving a commercial building a conditional for a variety of punch list items. Biancardi stated the 4-1-14 addresses sidewalks, landscaping, and those kinds of things that are weather-dependent. We wouldn't give a conditional or occupancy outside of that. If you want the ability to do that for all types of structures, I think that could be amended to say residential or commercial. I feel like that section covers any building or structure erected, whether residential, commercial, or industrial. But it does limit the conditional to sidewalks, driveways, and landscaping. I don't know if I would want us to give a conditional on any other types of punch list items at this time. Building Commissioner Lawson asked, does that mean no provisions or consideration for any type of conditional certificate of occupancy for a business, then, because that is what it would have to be. Biancardi stated the work would need to be done to get a certificate of occupancy. Building Commissioner Lawson stated that you are saying not to issue a conditional certificate of occupancy to a business because the language that is in the current ordinance only specifies things like sidewalks and driveways. So, if there is something outside of that, like for example, CIT Trucks must come back and re-mark the parking lot in front of the fire hydrants. They did this originally, but the weather obviously did not hold out, so they are going to come back and do that. Biancardi stated I think things that are weather dependent, but it would make me nervous to say complete all unfinished work, and that could include things like fire extinguishers and those kinds of things to be able to give someone an occupancy permit. I feel like that could open some liability potentially on the Town of Burns Harbor. Attorney Patton stated I completely understand what you are saying; it is the uncertainty. Biancardi stated we can certainly look at this some more and try to make it more specific. I do think the current ordinance, in terms of weather-dependent, would apply to any building or structure. So, it would be commercial or residential. I don't disagree that we probably need to clean it up and make sure it would cover every business and even the landscaping, being more specific to commercial. Do we want to table this and look at it more? Biancardi asked Building Commissioner Lawson to send over the punch list for CIT Trucks based on the conditional. I think we need to look at this a little bit more to understand what kind of things might be in there.

Biancardi stated that it looks like culverts and fences are something that Attorney Patton could put into ordinance formally for next month. We can look at it next month and then set it for a Public Hearing in April.

Building Commissioner Lawson asked if it was possible to consider adding something about tracer lines under all underground infrastructure for locates? Biancardi stated yes, that would be something to ask the engineers. I know that would be helpful for Sanitation. Biancardi stated I know before coming onto this board, I had asked the board to also consider sidewalks and how we make sure that sidewalks in subdivisions are complete. Before we accept a subdivision that belongs to the Town of Burns Harbor, do we want to make sure they are installed? I don't know if we can put that on the developer, but I think it is something to think about.

Permit Extension- 237 Haglund Road

Biancardi stated this is for Advanced Skyline Homes. Building Commissioner Lawson stated the permit expired at the end of December, and the contractor reviewed the permit and their license today for 237 Haglund Rd. They are pretty much completely done with the house, and it is ready for an occupancy inspection, but I couldn't do that with the expired permit. Bozak made a motion to approve the permit extension for 237 Haglund Road. Watkins seconded the motion. Poparad-Aye, Bozak-Aye, Dunlap-Aye, Watkins-Aye, McCormick-Aye, Adcock-Aye, Biancardi-Aye. **Motion passed.**

Excavation Permit

Biancardi stated there is also an application for an excavation permit for 298 Meadowbrook. Building Commissioner Lawson stated there was never an excavation permit pulled for that property, and I received a phone call complaint, so I went over there, and the owner has dug a drainage trench along the easement, which is a concern if there are utilities in there, and it is backed up all the way up to the county ditch there. I also got the notification from IDM that they are going to get involved, and there may be fines or issues that they would have with what the owner did. The owner told me there was more excavation work he wanted to do. Biancardi asked Secretary Sherrill if that was explained during the process of the excavation permit. Secretary Sherrill stated he spoke with Michelle Watkins about the permit. Watkins stated that he seemed very unclear and just kept saying he was just moving dirt that was already on the property when he bought it. Building Commissioner Lawson stated that, upon investigation, he is doing more than that. I took pictures and have been in touch with IDM on it, and their concerns about uprooting trees and that county ditch. McCormick stated that my biggest concern is that the house has been sitting there for a long time, and what he has been doing so far is not residential, and he has business equipment on the property. A discussion was held regarding the property. We need to reach out to the owner and let him know this is not going to move forward because the permit is not filled out correctly, and everything that is required to be filled out is not. Maybe even asking him to come to the March meeting so the board can explain to him fact to face about what exactly he needs.

Old Business

None

Good of the Order and Any Other Business

None

Announcements

None

Adjournment

Poparad made a motion to adjourn at 7:07 pm. Watkins seconded the motion. Poparad-Aye, Bozak-Aye, Dunlap-Aye, Watkins-Aye, McCormick-Aye, Adcock-Aye, Biancardi-Aye. **Motion passed.**

Approved March 2, 2026

Toni Biancardi, President

Jill Sherrill, Secretary