

**MUNSTER PLAN COMMISSION**  
**MINUTES OF SPECIAL BUSINESS MEETING**  
Meeting Date: May 24, 2022

The announced meeting location was Munster Town Hall and could be accessed remotely via Zoom, a video conferencing application.

**Call to Order:** 7:02 PM

**Pledge of Allegiance**

**Members in Attendance:**

Lee Ann Mellon  
Roland Raffin  
Brian Specht  
Steve Tulowitzki

**Members Absent:**

Stuart Friedman  
William Baker  
Andy Koultourides

**Staff Present:**

Tom Vander Woude, Planning Director  
David Wickland, Attorney

**PC 20-009 Guy Costanza/GM Contracting requesting modifications to the building frontage at 407-411 Ridge Road**

Mr. Vander Woude reported on recent discussions between the Town and the applicant on a solution to the grading problems at 407-411 Ridge Road and the proposal to install a raised stoop partially within the Town right-of-way. He said at the last meeting the applicant stated that utilities in the public right-of-way would not permit the implementation of the Town staff recommendation to relocate the fire hydrant and the streetlight and to install parkway trees. Gary Torrenga had the utilities located and provided a utility locate scan which has been included in the staff report. He said the scan shows a telephone line, a fiber optic cable, and an electric line. Mr. Vander Woude said that he and Jill DiTommaso reviewed the report and concluded that the location of those utilities would not prohibit the relocation of the hydrant and the light pole or the installation of the parkway trees in the suggested locations. Mr. Vander Woude said staff continues to recommend the plan for a continuous paved right-of-way, utility relocation, and installation of parkway trees. He said the recommendation includes conditions. He said that staff would not take issue with removing the recommendation for additional stairs on the east side of the stoop, which is one of the conditions. He said the remaining recommended conditions are the final plan would be subject to the Town Engineer's approval; the west side of the building would be modified by regrading and installation of additional bricks so no unfinished concrete will be shown; a revised landscaping plan will be submitted to staff approval. This is needed because the landscaping plan on file does not include the building changes. The Town would like to see an alternative landscaping plan that considers the modifications being made to the site; that the storefronts be modified with recessed entries to effectively have a 5' clear path along that stoop; that the stoop be constructed of the same material as the building, so it has a cohesive appearance; and, that the applicant works with the Town Attorney to determine the best way to legally permit the encroachment into the Town right of way.

Mr. Reed said he wanted to address Ms. DiTommaso's opinion that the utilities do not prohibit the movement of the light pole and fire hydrant. He said that "prohibit" is an interesting word because with enough money, you can do anything. He said that there is fiber optic cable laying along the railroad tracks where the underpass went, and they were movable for roughly \$.5M. You can do anything, but you can't do anything when you are building a 27,000 square foot building. He said it isn't feasible and he can't promise to do that. He said he has no issue with a final review by the town engineer; they expect that everything must meet the proper standards of engineering. He said for item 2, they have tried to reach the people at NICTD multiple times to no avail, but they propose to cut down the brick ledge 6" on that side and regrade it. He said the brick will be right at grade level so there will be no unfinished concrete foundation showing. He said they have no problem submitting a revised landscaping plan. He said they cannot recess the entryways because that will take away a substantial amount of square footage in the building and because the building was not designed that way, it is also terribly expensive. He said the already completed work on the south elevation of the building would have to be redone. He said they don't believe the swinging doors will create a real issue there. He said the stoop will be constructed and faced with the same exact handset brick that will be on the building. He said the stairs on the east side have already been addressed: the April plans show the slopes of the ADA ramps; they are ADA compliant and stairs there would make it more difficult to move around the site. They have discussed the light pole, fire hydrant and utilities. He said they have no problem dedicating right of way, giving the town unfettered access and easement over the frontage of the property all the way to the stoop in exchange for whatever easement they need in front for that stoop. He said Mr. Torrenza can address any technical questions. They can do conditions 1,2,3,5, and 7 listed in the staff report. Mr. Raffin asked if the architect and their engineer are guaranteeing that it is to be frost proof. Mr. Reed said they do guarantee. Mr. Raffin asked if any future buyers will be disclosed of the fact that the building was not built below frost line. Mr. Reed said he doesn't know about the disclosures. He said the town may be concerned the building may fall into disrepair, but he considers it a private issue. Mr. Tulowitzki asked if the relocation of the lamp pole and fire hydrant were covered under items 1-7. Mr. Reed said that it can be done, but at a cost. Mr. Tulowitzki asked if the entire streetscape plan was untenable. Mr. Reed said the sidewalk would be where it is, the stoop would be built behind the fire hydrant up next to the building for access to the south entrances. Mr. Tulowitzki said that it sounded like Mr. Reed was making the case that the cost to move the fire hydrant was the same as the cost to move utilities for the underpass, which is not the same. He asked if there were any official engineer opinions on what it would take to move the fire hydrant and the lamp post and to plant trees. Mr. Reed said he did not have this but what he had been told by the contractor is that it is cost prohibitive, around \$100K. Ms. DiTommaso said she thinks the hydrant and the fiber optics cable can fit in between the 2 utilities and still have a clear space on the sidewalk for the ADA. Ms. DiTommaso said she has seen several utility installations where they dig the trench and have the gas line going across the top. She said her recommendation is to install the hydrant and other items between the utilities. She said there appears to be more than enough room to have a 5' distance between any obstruction on the sidewalk, which is needed for ADA. Mr. Reed said the way they are proposing it, the fire hydrant is just beyond where the stoop will be. The stoop will be all brick face and the hydrant will be right by it, perfectly accessible and not covered in any way. Mr. Raffin asked if there would be at least 5' from the sidewalk. Ms. DiTommaso said it would be right up against the roadway. The Town tried to have a parkway between the street and the sidewalk. Mr. Tulowitzki asked Mr. Vander Woude what the benefit is to moving the hydrant. Mr. Vander Woude said the benefit is in moving all the sidewalk obstructions out adjacent to the curb

leaving the area adjacent to the building as a clear walkway. Mr. Raffin asked if this is the vision for the future for all of Ridge Road. Mr. Vander Woude said this is the plan in certain areas. Ms. Mellon said she has had calls from residents asking that the ornamental light poles be removed because they don't match and suggested removing the light pole rather than relocating it. Mr. Vander Woude said that the cobra light across the street provides sufficient illumination of the area and eliminating that light rather than relocating it would be one way to reduce the developer's costs. Mr. Reed said that seems like a logical approach. Mr. Tulowitzki said it appears they have a consensus. He said the hydrant can be relocated to provide a clear pathway keeping in mind that this will be right next to the train station that will be the center, the heart, of the town. He said it sounded like it was recommended that the hydrant could be relocated where it will not interfere with the utilities, and the utilities would not need to be moved. Ms. Mellon asked Mr. Vander Woude if the plan is to have them all moved nearer the street because in the Town plan, we want them all near the curb. Mr. Vander Woude said it was. Mr. Raffin asked if these decisions are made in Town Council, if the Town Council dictates what happens in the right of way. Mr. Vander Woude said that whenever a development project involves the public right of way, it is reviewed by the Plan Commission. Mr. Raffin asked if it then goes to the Town Council. Mr. Vander Woude said that this project will because it involves an encroachment. Mr. Reed said he doesn't understand why the hydrant move is necessary when it is where it has been, the sidewalk is where it has always been, and they are just putting the building behind it. Mr. Tulowitzki said that the stoop is going where the sidewalk had been. Mr. Reed said that would understand if he were changing something or encroaching on it but the building including the stoop is not going to touch the old sidewalk and it is not going to hurt the old sidewalk that is there. He said the sidewalk will be connected to the building with a stoop and, through the sidewalk access to the parking lot. He said this is only one side of a 4 sided building and there are entrances on the other sides as well. Ms. Mellon asked if there would be grass under the stoop. Mr. Reed said that is the proposal and they are not creating a condition by building this building that somehow hampers the usage of the sidewalk. Ms. Mellon asked if people would be walking on the grass. Mr. Reed said they will be building the ADA ramps. Ms. Mellon asked if they just want the sidewalk to go to the stoop and not pave all the way across. Mr. Reed said that the sidewalk there will not be going away. Mr. Torrenga explained that the existing sidewalk runs along the front, but they are putting in the driveway, so they must take the sidewalk out and concrete the driveway. They don't want the sidewalk going down to the driveway, they want the sidewalk further up to the east, so they are proposing to put the new walk in line with the old sidewalk to the east. There will be a new sidewalk going up toward the building with a new handicapped ramp. This ties into the new stoop in front which has steps down on the west. The only reason it is there is for handicapped access. They did not want this, but they realized after the construction of the building that somebody goofed because there was a ramp coming out of the doors going down to that existing sidewalk and that will not work for the handicapped. What they plan is necessary for the handicapped. All this business with moving the hydrant and the light pole, it is all unnecessary. Moving the fiber optic cable could break it and the contractor doesn't even want to try moving the hydrant with the fiber optic cable near it. He said that just before the meeting, he got a picture of Lanier School on Ridge Road where the Performing Arts Center is located. When they built the Performing Arts Center on the Lanier School site, they had to move a lot of communications lines at a cost of \$.5 million. He said he thinks that this is excessive money spent on unnecessary things. He said the plan was approved in September 2021, but without the stoop in front and it was handicapped accessible.

Ms. Mellon said that it is about the streetscape, and how they want it to look all the way up Ridge Road. She asked if it would be better to build the streetscape piecemeal or all together. Mr. Vander Woude said this is a good point and a decision that the Plan Commission will have to make. He said that if they were given the grant, he is unsure of the timeline, they may not make a lot of changes to this area. He doesn't know how much work they would be doing on either side of the NICTD tracks because they are close to being set up how they are going to be. He doesn't think the curb lines will change much. He does know it will have the same general cross section in the area. He thinks if they were to implement the streetscape plan now it wouldn't change very much, that the lamppost point is a good one.

Ms. Mellon asked if they might be overreaching given the small size of this project. She said on huge projects, it is understandable to ask the developer to make public improvements. Mr. Tulowitzki said that although he believes 100% that there was a building error, he also thinks this may be too much change requested at this stage. Mr. Reed said he could understand if this were an established building. He doesn't think the new streetscape would be required if the new train station was not going in. He said he understood that the plan was approved in September without moving the light pole or hydrant. He wants to understand when the plans changed, what impact did that change have on what needed to be done, including adding the stoop. The building is not being built to the plans approved in September.

Mr. Raffin said the elevation wall moved 5 feet so the new wall is raised above the sidewalk level whereas before, he assumes, the sidewalk was sloping back. Mr. Reed said that now there is a brick wall, a little patch of grass, a sidewalk, etc. Mr. Raffin asked if they were planning for the existing sidewalk to remain. Mr. Torrenge answered that it is. Mr. Raffin asked if they had planned to blend the new building sidewalk down to the existing sidewalk.

Mr. Reed said that the ramps would have been too steep of a grade because the foundation is 6" higher than it is supposed to be. He said that it is really a 2' problem and the elevation should not have been approved at that level. To recreate the handicapped access into the building, there is a stoop there. The ramps can be placed in different locations to get under the 5% grade to meet ADA guidelines. That is all accomplished without touching the fire hydrant and lamp pole that all needs to be accomplished at the developer's expense including the ledge on the other side that must be finished in brick. He doesn't understand how the stoop creates the necessity of moving the hydrant and lamp pole. Mr. Raffin said that the original plan did not have them moving these items. Mr. Torrenge said that the elevation has not changed at the floor of the building, the problem was the accessibility.

Mr. Vander Woude said the reason the project is being rereviewed is due to the encroachment into the public right of way and how that encroachment conflicts with the idea of streetscape and accessible sidewalks. He said to keep in mind that the Plan Commission approved a rendering, and the building is going to look like the rendering, but it is going to be behind a railing, there will be no one standing at grade, there will be no landscaping around the building. He said there will be a patch of grass with a hydrant in it. He said from his perspective, there is an opportunity do something really nice in this area and have it match the streetscape standards as well as fix the problem with the building grade. Mr. Tulowitzki asked for clarification of the starting with the plan that was approved in September 2021. Mr. Torrenge said the gentleman in the rendering is standing on the stoop which is 5' wide. Mr. Torrenge said that the building could not be done as planned because the grades to the north and to the east would not allow that. He said the rendering matches the building to the east, this works with the parking lot and the underground storage systems that they had to do here. He said they could not get

the building any lower. Mr. Tulowitzki said he understood that but when they look at this plan, they expect it to be clean. This plan didn't work so they made some changes that resulted in a diminishment, looking less clean. As a compromise, the staff and Board are trying to recommend putting in a cement sidewalk and removing things that are ruining that clean look. He said he thinks they are coming to a consensus whereas we don't need a light post; it makes sense to eliminate it. If it is possible to relocate the hydrant to the 5'-6' amenity strip, we start to build something back that the Plan Commission, the Town Council, the train riders, and the homeowners can feel good about in this place. It may not be as big as the Performing Arts Center, but it is a very strategic location, possibly the most strategic location in this part of town. There has been a lot of discussion, there had been a lot of variances given to this property, there have been some mistakes, all sorts of things but we are trying to compromise over and over. He said it seems that they have been coming to a reasonable compromise and they are getting to a place where all really can agree with the 7 conditions requested. He noted that the Town has also compromised.

Mr. Raffin asked Mr. Tulowitzki whether if it is his desire to see that area hardscaped so there is more area for people to walk or passage or if it is to hardscape the entire frontage area. Mr. Tulowitzki said he thinks everyone wants it to be a clean, enjoyable, open experience. If the Town were rebuilding all of Ridge Road, it would be built like the proposal so when we are putting in a new building on Ridge Road, we would like it to be built like we are rebuilding all of Ridge Road. Mr. Reed said they were willing to make that whole area, where the sidewalk is now, into an additional sidewalk where the grass strip is and leave all the utility items where they are if that would be acceptable. Mr. Tulowitzki said they can discuss this with the Town Council but what the Town ideally wants is for them to be moved. They hope for a high traffic area where people walk and push strollers and they'd like not to have the hydrant and light pole there. The power pole will be removed by NICTD who is doing improvements. We have said the light pole may not be necessary here so let's eliminate the cost to moving it and maintaining it. The Board is asking that the hydrant be moved.

Mr. Reed said if he sees that much walkable sidewalk area in front as he walks by, it doesn't hinder a walker if the hydrant is where it is now or the suggested location. There is the same amount of space to walk on. Mr. Tulowitzki said he understands that there is going to be landscaping and trees. Mr. Reed said if the sidewalk stays where it is supposed to be, those trees wouldn't be put there. Those trees are supposed to go on top of the utilities. Ms. Mellon asked Mr. Vander Woude whether the rendering shows where we are asking them to place trees. Mr. Vander Woude said that each of the 5' X 10' sections are proposed to be open planters with a tree planted in each for a total of 4 green spaces with sidewalk between them against the curb. The relocated hydrant would be between the 2 building frontage planters. There are 2 utility lines marked in dotted lines on the rendering. Those utility lines are shallow which is a good thing because the trees can be planted beneath those lines. Mr. Raffin asked if this is a landscaping plan that had been approved or if it is new. Mr. Vander Woude said it is new because the old landscaping plan was different based a different site plan. Ms. Mellon said that was because there was room by the building so there wasn't a need to put the trees out front. Mr. Vander Woude explained that even with this plan, they are replacing all of the sidewalk and they are demolishing the entire driveway where the existing curb cut is located and putting in an entirely new driveway and curb cut. They are replacing some sidewalk and installing a pork chop and installing all new pavement, leaving a small section intact. He said that in addition to moving the hydrant, they should replace that last area and add cement between the plantings. Mr. Vander Woude said they

could make the planting areas even wider along the curb line rather than deeper toward the building. He had estimated 5'X 10' as a minimum but by making the planters wider, they could save on the cost of concrete.

Mr. Raffin said that in looking at the utility locate, it appears that there is room to put trees in between the utility locations, there is 5' between them. He said if you were to take the light pole out, even if you leave the fire hydrant, there is enough room to walk around it with the sidewalk there. You have the utility locations and the trees between them, you might just have to hardscape a little more towards the building. That way you don't have to mess around with the fire hydrant. The light pole is probably the easy one to take out.

Mr. Tulowitzki said that from a walking perspective, there are trees giving some shield from Ridge Road. You are not walking on Ridge Road. You have the amenity zone which has green space and landscaping in that spot. That is the idea of the streetscape.

Ms. Mellon asked Mr. Reed to confirm his earlier plan to hardscape the entire area. Mr. Reed said this is correct, but he is not the owner and cannot make the decisions. Ms. Mellon said she wants to understand his position. She said that it started at \$100,000 and the Board has removed the big cost, that of moving the fire hydrant, the light pole, and the fiber optics. Mr. Reed said that he doesn't know anymore because one cost goes down and one goes up, he doesn't think they can decide tonight. Ms. Mellon said they are going to.

**Motion:** Mr. Specht moved to approve the amended development plan as discussed; not moving the fire hydrant, removing the light post, and add the hardscape from the curb to the building.

Mr. Raffin asked for clarification on the entire motion. Mr. Specht outlined that they are agreed on the following conditions listed in the staff report.

1. The plans are subject to the final review by the Town Engineer
2. That along the side of the building, the earth will be sloped up around the foundation. The brick edge will be cut down so the brick can be installed to cover all the unfinished concrete to the finished grade
3. A revised landscaping plan will be submitted to the Town for approval
4. The fourth condition is removed; entryways will not be required to be recessed.
5. The stoop will be constructed with the same masonry materials as the building. They did not agree on the store fronts.
6. The sixth condition is removed; the Board has passed on the condition to add stairs to the east side but there will be a ramp.
7. The public sidewalk easement will be recorded with the Town and worked out between the applicant and the Town Attorney

**Second:** Mr. Tulowitzki.

**Discussion:** Mr. Raffin said to recap, items 1,2,3,5 and 7 are as stated. In addition, the light pole will be removed and hardscape, a sidewalk, will be built to the Town specifications, which could be pavers, concrete, or another hard surface. Mr. Raffin asked if this would be a favorable recommendation to the Town Council. Mr. Vander Woude said he would view this as an approval of the development plan conditioned upon Town Council approval of the easement and encroachment into the Town right of way.

**Vote:** Yes – 4 No – 0 Abstain – 0. Motion carries: Yes

**Adjournment:**

**Motion:** Mr. Specht moved to adjourn.

**Second:** Mr. Tulowitzki.

**Vote:** Yes – 4 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 8:15PM

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President Roland Raffin  
Plan Commission

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Date of Approval

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Executive Secretary Thomas Vander Woude  
Plan Commission

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Date of Approval