

MUNSTER PLAN COMMISSION
MINUTES OF REGULAR BUSINESS MEETING
Meeting Date: March 8, 2022

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

Call to Order: 7:39 PM

Pledge of Allegiance

Members in Attendance:

Lee Ann Mellon
William Baker
Roland Raffin
Andy Koultourides
Steve Tulowitzki

Members Absent:

Stuart Friedman
Brian Specht

Staff Present:

Tom Vander Woude, Planning Director
David Wickland, Attorney

Approval of Minutes:

Mr. Vander Woude pointed out an error in the minutes under the Election of Officers. There were 2 lines showing President. It should have been reported as follows:

a. President

Motion: Mr. Koultourides nominated Mr. Raffin

Second: Ms. Mellon

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

b. Vice President

Motion: Mr. Koultourides nominated Mr. William Baker

Second: Ms. Mellon

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

Motion: Ms. Mellon moved to approve the amended minutes of the February 8, 2022 meeting.

Second: Mr. Koultourides

Vote: Yes – 5 No – 0 Abstain – 0. Motion carries.

Preliminary Hearings

a. None

Public Hearings

- a. PC 22-001 Jay O'Dell of Aubry Enterprises representing EYM Restaurant Group requesting approval of a Development Plan to construct a 3-unit commercial building including a Pizza Hut at 815 Ridge Road.**

Mr. Raffin introduced the agenda item. Mr. Vander Woude said a public hearing was held last month to discuss this development plan. EYM restaurant Group is proposing to demolish the existing Pizza Hut and build a 3-unit commercial building. It would be a 12000 square foot building with 2 stories. There will be some minor modifications to the parking lot specifically in the way the landscaping islands are set

up. They are providing 54 parking spaces. They are not seeking any variances; they are building the building and parking lot to code. He pointed out a few things that are contemplated in the Town's comprehensive plan. It calls for Town Hall Square to be developed in the northeast quadrant of Calumet Avenue and Ridge Road. There is a vision for a direct connection between Calumet Avenue and the Town Hall. It would involve reconfiguration of 4 different pieces of property. This subject property is located within this comprehensive plan. The Town has requested that the developers provide the Town an easement so that the connection could be developed in the future. Mr. Vander Woude said the Plan Commission asked in February that the petitioner include the use of regular, modular brick and limestone rather than thin brick, increase the articulation of the façade, review the encroachment into the public right of way, provide an explanation for how the snow will be removed from the sidewalk, confirm that any rooftop mechanicals will be screened by the building parapet, provide information about the layout of the second floor and whether it could be released out as a separate business, enhance the façade, confirm that the pork chop in the right in/right out drive to couldn't be circumvented, add windows to the west side of the building, and to add directional signage to the parking lot. He said there was also a suggestion by the remonstrant to move the dumpster enclosure to the east side. Mr. Vander Woude said that there is a revised plan being presented at this meeting with some changes. The façade has been modified. They have added some detail to the cornices and have added a second cornice above the windows on the 2nd floor. They have made the limestone section around the 3 entrances deeper to make them protrude out more. They have added some windows to the west side of the building which was previously a blank wall. They have included a letter to respond to all the suggestions. They have pointed out that the plan they are presenting does comply in all respects to the town zoning code. They pointed out in the last meeting that the 2nd floor is proposed storage. There is no parking calculation for tenant storage. Based on the intended use that was presented, the staff made the determination that the proposed parking will be sufficient to accommodate that storage area as well. Mr. Raffin asked the Board for any questions. Mr. Koultourides asked whether the right of way had been approved, if it provided for a continuous view going forward. Mr. Vander Woude said that had not been provided in this plan. The recommendation from the staff would be to approve the development plan contingent upon a recorded easement document. Mr. Koultourides asked what the impact might be on parking requirements if the building owners choose to repurpose the 2nd floor in the future. Mr. Vander Woude said that as it stands today, if they were to propose the use for a separate tenant, they would need to return to the BZA to get a variance since they are using all the parking for the 3 planned tenants. Mr. Koultourides asked if there were any Americans with Disabilities Act considerations that need to be made for access to the 2nd floor. Mr. Vander Woude said that when the building plans are submitted for a building permit, this would be reviewed and noted. Mr. Raffin said there had been a discussion about the aesthetics matching the Munster Shops and the thought was that individual suites would be delineated or identified like the Munster Shops. He does not see a real difference between last and this month's plans. He still thinks it looks like a salt box. He asked what conversation took place between the staff and the developer to try to meet the suggestion. Mr. Vander Woude said he believes they used as a reference a building in the Munster Shops. He said there is not the same level of articulation between all the different suites, but this new building is not very large, it is just about 100' wide. Mr. Koultourides said it would compare in size with Chipotle, Froyo and Anthem. Mr. Raffin said that the Munster Shops were built to appear as multiple structures as opposed to this single structure. Mr. Vander Woude said that Board had asked that the facade be more articulated and is what they have presented. Mr. Koultourides noted that on the

diagram, there are stairs going up to the 2nd floor but no stairs are shown on the façade diagram E. It shows, too, that there is a 2nd floor to the Pizza Hut, and he wonders how people will get there. Mr. Baker said there are 2 separate units on the 2nd floor, 1 set of stairs go the right and 1 set to the left. Mr. Vander Woude said that a dividing wall is noted and asked Mr. O'Dell to address this issue. Mr. Jay O'Dell introduced himself as an engineer with Aubry Enterprises and present on behalf of EYM Realty of IN. He answered that Pizza Hut will not be using the 2nd floor. That would be available for the other 2 tenants to use as amenities. That is why there are only 2 access points. It is their understanding that it was more on the aesthetics that the Board was looking to the Munster Shops, not necessarily that they wanted each suite differentiated. That is why they added more above the windows and on the parapet. He said he thought those were the specific questions. Mr. Raffin said that as a contractor working for a business that has been around for 100 years, he would not use thin brick on a shed at this house. He comes from a long line of masons, so he understands the body of the thinset and the thin brick. He would vote against the plan today if they were dead set on using the thin brick. Mr. O'Dell said it fits what they are trying to do as far as durability and lifespan. Mr. Raffin said he would still vote against it tonight. Mr. O'Dell expressed some surprise that this would be a condition for approval. He thought the question was the why of this brick material as opposed to traditional brick being a requirement. Mr. Raffin said that when he looks at the life stage of the building, he doesn't want a 20-year building, he wants it to last as long as the train is going to be here. Mr. Baker said the Board is trying to consider how this plan fits into how Calumet Avenue and Ridge Road are to be modified going forward. He has concerns with the positioning of the building so close to the sidewalk of the busiest intersection in town. Mr. Vander Woude said he cannot say what the outcome of the comprehensive plan might be with respect to the building setbacks. He added that, typically, in a comprehensive plan, there would be a general policy about that, then the Zoning Ordinance would define the actual standard. Mr. Baker suggested that the Town Council might help him understand the policy but that it was his belief that the streetscape was supposed to slow down traffic along Ridge Road. He asked if that is somehow tied to the moving forward of all the buildings on Ridge Road, and why we have a reputation with people driving into buildings around here. Mr. Vander Woude said that the wider the road is and the farther the buildings are from the road, the faster people drive. If they have a feeling of enclosure, people drive more slowly. Mr. Baker asked Mr. O'Dell if the developer had looked at the possibility of using the rear entrances to this building as the primary ingress and egress as it relates to tenants. Mr. O'Dell said he believes it is a requirement the entrance be front facing. Mr. Vander Woude confirmed that the primary entrance is to be on the street. Mr. Baker asked if that were the same as was done at Centennial. Mr. Vander Woude said it was not, this requirement is new as of 2019. At Centennial, they take the garbage out the front door, that is the street side door. In this new building, you will have people walking in and out of the street side and the garbage going out the back door. Mr. Baker said he has concerns with approving this plan as presented. Mr. Vander Woude pointed out that with respect to the location of the building on the lot, it complies with the current zoning ordinance, our comprehensive plan which specifically calls for bringing buildings to the lot line, and with having the primary entrances on the front of the building. With respect to the building materials, it also complies with the zoning ordinance. He said the zoning code does have some specific standards for façade articulation for very wide buildings. They must have changes in cornice line and related items that are spelled out in our code. This building is not wide enough to hit those thresholds. Mr. Baker asked if it is depth or width, or the percentage of the lot as opposed to a distance. Mr. Vander Woude clarified that it is specifically the building width along its frontage. This is regardless of the lot size, if it is a small lot, it could not be that wide. Referring

to Schoops and John's where patrons enter through the back door, Mr. Baker asked if that would be allowed if they were building today. Mr. Vander Woude said they do not prohibit a back door, but a front door is required. Mr. Tulowitzki asked if the building could be set back further if desired. Mr. Vander Woude said the maximum setback is 15'. The site plan shows the setback at 3'. Mr. Raffin commented that there is no green space. Mr. Baker said there are also NIPSCO poles between the curb and the sidewalk and that adds another consideration. Mr. Vander Woude said with respect to greenspace, there is a 3' landscape setback in the front. Ms. Mellon said that right or wrong, the goal has been to bring buildings closer to the road. The town is trying to narrow the road to achieve a more closed in, quaint and city-like urban look and feel. Referencing the section of Ridge Road near Schoops, she pointed out that there is no landscaping and all the businesses have front doors, but many people choose the back door. If the town does execute the streetscape that was discussed in planning sessions, all the frontages would be widened to allow for seating in front with no additional setback needed. For this project, she is unsure which way is best. If new buildings are set back further, eventually, there will be more parking in front. She knows that the town planners are looking for a more cohesive and pleasant overall look, but new development will need to be considered in the next 6-8 months while a new comprehensive plan is worked out. Mr. Raffin referred to downtown Frankfort, IL where there is room to plant a tree and landscape. Mr. Baker said they were not comparable since there is not as much pressure on that roadway in front of those structures as on Calumet Avenue and Ridge Road. Mr. Baker noted the proximity to the interchange adds even more traffic pressure. Mr. Vander Woude said the streetscape plans call for the road to be narrowed, using more of the public right of way for sidewalks rather than streets. That has no impact on the building setbacks from the lot line, but it does set the building back further from the curb. When that is done, there is an opportunity to have green space within the public right of way. Mr. Raffin said that is a great plan, but money is needed to execute these plans. Mr. Tulowitzki said that the \$34M for streetscape cannot be guaranteed but they are pursuing grants in a serious way. He thinks this project is a high priority for the Council in that they have hired engineers and are pursuing grants. Mr. Vander Woude asked Mr. Tulowitzki if he was asking that the building be setback and the developer construct a wider sidewalk. Mr. Vander Woude said he sees no problem with this, he is not bothered by the 3' setback from the lot line. If the desire was for wider sidewalks, he would say the solution would be to request that the building be set back a few more feet from the lot line and ask the developer to install a sidewalk that would be contiguous to the public sidewalk and that it be dedicated to the town as an easement. Ms. Mellon asked what the setback is in relationship to the old town hall. Mr. Vander Woude said the old town hall is set back farther off Ridge Road but about the same off Calumet Avenue. Ms. Mellon said the reason she asked is because there are not many historic buildings in town, and the town would always try to keep that building. To align with the building might be a good idea. Mr. Vander Woude said it is a good idea, adding that typically on a corner, you want the setback a little further back to create that site triangle. Additionally, the old town hall is aligned with Calumet Avenue and this build is aligning with Ridge Road so there is that diagonal type of setback. Ms. Mellon said that if they chose one corner or the other of the old town hall, that might be a better guide than just picking a new desired setback. Mr. Vander Woude said that the old town hall setback is 23' which would exceed our maximum setback in that district. Ms. Mellon asked about the front edge corner and Mr. Vander Woude confirmed that is about the same. Ms. Mellon asked what the board could suggest. Mr. Vander Woude cited the 2012 comprehensive plan as the guide. For Calumet Avenue, the plan encourages that mid-block building be brought up the curb/lot line with parking in the rear or side where feasible. The recommendations for new buildings on Ridge Road

are that they should be placed along the street. Parking access drives or drive throughs should not be allowed between the building and the street. Mr. Vander Woude showed a representation of what a building should look like. Mr. Baker asked Mr. O'Dell how much more expensive it would be to match the representative façade picture as opposed to the current proposal. Mr. O'Dell said he is a civil engineer so he would not know. Mr. Baker suggested that Mr. Vander Woude get this comprehensive plan picture to the architect so he can make that analysis, pointing out that the Munster Shops has a similar aesthetic. Mr. Raffin asked if there were any additional discussion items for the petitioner. Mr. Koultourides said he would like to see some variation on the front, he likes the building but would like to see some contrast on the front. He would also like to see it on the street lot line, not pushed back. Mr. Tulowitzki said he was trying to visualize a large sidewalk for more open space. If the building were built as proposed, there wouldn't be much flexibility on that. He would be interested in seeing a rendering of the old town hall shown with this new building and see how the dimensions work and what possibilities they want to focus on. When asked by Mr. Vander Woude if the suggestion was to push the building back, he said not necessarily, he just thinks it would be helpful to see what could be done with more space in front. Mr. Baker said to look at the angle of the street, they are not looking at apples to apples as it relates to the relationship of the building to the street. If you were to have a continuation of the Pancake House going east, you would be pushing the Pizza Hut significantly back into their lot to keep that alignment. This would result in a loss of parking because of the depth of the lot. Mr. O'Dell agreed saying that they have a certain amount of sidewalk that is to the property line. If they wanted to expand the sidewalk and make it a bit more usable, it would create more of an easement. Mr. O'Dell asked if the suggestion is to move the building back a few feet. Dr. Koultourides said what he thinks needs to be done is to visualize the way Ridge Road runs at an angle and to look west of Calumet Avenue see where the new buildings are. The sidewalks begin to open up. The area near Dr. Koultourides' office is what the board is envisioning. If the new building were set back further, it would look out of place. That part of Ridge Road is not wide. Mr. Vander Woude said that this example is what the building will look like. There is no plan to change the streetscape. He explained that the plan as it stands is to build the Pizza Hut 3' back from the lot line. This is 3' farther back than the Dr.'s office which is, in fact, built at the lot line. Ms. Mellon commented that this is not as close to Ridge Road as it appears; Mr. Baker said it is close. Dr. Koultourides said that people can walk and ride their bikes, it will be even wider after the utility poles are moved. Mr. Vander Woude was asked what bike access would look like in that space. He said at the 619 Ridge Road location, there is a multi-use path on the south side of Ridge Road. Dr. K asked if there an expansion planned for the sidewalk on the north side. Mr. Vander Woude said he believes so. Dr. K said that another way to look at this issue is how the sidewalk width could be consistent with the Pizza Hut gaining more space in front. Mr. O'Dell said that if they move the building back, they will lose parking and they are just where they need to be. If the building were moved back, it would go further into parking. They had originally planned for parking in the front but that was not part of the comprehensive plan. That is the reason they moved the building forward in the first place. Ms. Mellon said she can appreciate their position, and that he is correct, the board does not want the old style with buildings pushed back and parking in front. The petitioners have brought a plan to the board that meets the town code and still there is much discussion. She explained that the board members are sensitive because the town is at a juncture and although they have always wanted to get it right, there is much happening in the next 2 years with the train coming and all the building that comes with it. They are doing their best to approve the correct plan, one that will not limit the town's future plans or back them into a corner. They want to help achieve the vision that many have worked very hard to define.

She said she appreciates that Mr. O'Dell has listened to all the discussion. Mr. Raffin asked for questions of Mr. O'Dell before he opens back up to the public hearing. Mr. Vander Woude pointed the original Pizza Hut plan that was presented in 2018. That plan was used to build the Pizza Hut at 701 Lincoln Highway in De Kalb, IL. Ms. Mellon said she has seen this building and the one now presented to Munster is much better. Some board members agreed that the plans have come very far. Mr. Raffin opened the Public Hearing. Mr. Frankos of 1432 35th Street said his family owns the old town hall property. One issue he has and has mentioned before is the location of the dumpster at the northeast corner of the town hall property line. They want it moved somewhere else further to the right. It should also be noted that they have it in writing from the owners of the Pizza Hut ever since it has been a restaurant, that they are granted 10 parking spaces to use. This plan would eliminate those parking spots and cause a potential problem for their future tenants. Mr. Raffin asked if this parking agreement ever expires. Mr. Frankos said there is no expiration and no reciprocity. They could bring this in for all to review. Mr. Baker asked the board if they had ever heard of an agreement like this, the unlimited use of some else's property for a lifetime. Mr. Wickland said he has not, that contractually, it would have to be recorded in Lake County. Mr. O'Dell said he was not aware of this agreement; he would have to look at a title report to see what comes up. He answered the issue of the trash enclosure. Originally, they had investigated placing it on the north side of the property but with the easement that will be through the middle, there is a 10' lane buffer between the trash enclosure and their property. As the ground is graded right now, most of the storm water goes only onto their property. They are regrading so the low spot will contain the water on their side. If they were to move the trash over to that area, it would collect more water in the trash enclosure area. As designed, it also has direct access to 3 of the 4 stalls. The last will have to be pulled out. If they were to move it further up, it would be in the island and create more difficult access for trucks. Mr. O'Dell said he would. Mr. Baker asked whether the outlet on the east side, opposite the old town hall, is the existing exit into the neighboring property or if are they creating a new one. Mr. O'Dell said they are not changing the ingress or egress. Mr. Baker said that it is exactly like it is now without the trash corral. Mr. O'Dell said is it and they are adding a landscape island between that trash corral and the old town hall property which is an existing parking stall. They are keeping the same drive lane width there. Mr. Raffin asked if there were any other questions for Mr. O'Dell. He noted that there was a lot of discussion and a lot of outstanding items. He closed the public hearing. Mr. Vander Woude asked to clarify for the applicant, what specific issues would the board like him to address. The members listed building materials, façade, aesthetics, and store front. Mr. Baker asked about the signage plan since there is no monument. Mr. Vander Woude said there is no room for a monument, the signage is conceptual. The actual signage plans are typically submitted under a separate permit and outside the development plan. He added that signs change whenever a new tenant comes in and they must comply with our very strict sign ordinance. It makes no sense to bring it in now when the boards have already reviewed and approved the sign standard. Mr. Baker asked if the sizing and channel signs are as expected. Mr. Vander Woude said that channel letter signs would be permitted in this district. Mr. Vander Woude asked Mr. O'Dell if he has any questions of the board. He asked if the board would approve of the plans if the thin brick were used since he didn't know if this was a requirement, not just a suggestion. When they had earlier discussed the Minster Shops, he recalled some articulation between the tenants. Mr. Baker asked if he would work on a rendering based on the building next door. He wants them to work together with the staff to further conceptualize the post streetscape. Mr. O'Dell answered that he could. Mr. Tulowitzki said it should be conceptualized not about architectural drawing and engineering, per se, but what can make it fit using Dr. Koultourides'

office as a future state, achieving a consistent sidewalk experience for walkers. This might require a bit of a setback, on the same parallel to Ridge Road. It should make for a bigger sidewalk but not impact parking in the rear. Since the maximum allowed setback is 15' and the depth of a parking stall is 15'-18', a loss of parking would come with a larger setback, and it would not get to the point where is in line with the old town hall. Mr. O'Dell said that what has been shown, their plan works with the streetscape because the town is not encroaching into their property. With the 3' setback, although not exactly to the comprehensive plan vision, it still meets the criteria of the town's streetscape. They would still have what they planned on doing, just on the other side of the road. Mr. Tulowitzki said his comment was not whether their plan meets the strict definition of the streetscape. He said to imagine someone pushing a baby stroller past the Pizza Hut building. The board is trying to help the applicants understand that the town is trying to deliver a consistent walking experience to the residents. That may help to inform them now and may not have big implications for Pizza Hut in terms of parking.

Motion: Mr. Baker moved to table the matter until the next meeting on March 8, 2022.

Second: Ms. Mellon

Discussion: Mr. Vander Woude asked to clarify for the applicant the specific issues the board would like him to address. The members listed building materials, façade, aesthetics, and store front. Mr. Baker asked about the signage plan since there is no monument. Mr. Vander Woude said there is no room for a monument, the signage is conceptual. The actual signage plans are submitted under a separate permit and outside the development plan. He added that signs change whenever a new tenant comes in and they must comply with our very strict sign ordinance. Mr. Baker asked if the sizing and channel signs are as expected. Mr. Vander Woude said that channel letter signs would be permitted in this district. Mr. Vander Woude asked Mr. O'Dell if he has any questions of the board. He asked if the board would approve of the plans if the thin brick were used since he didn't know if this was a requirement, not just a suggestion. When they had earlier discussed the Minster Shops, he recalled some articulation between the tenants. Mr. Baker asked if he would work on a rendering based on the building next door. Mr. O'Dell answered that he could. Mr. Tulowitzki said it should be conceptualized not about architectural drawing and engineering, per se, but what can make it fit using Dr. Koultourides' office as a future state, achieving a consistent sidewalk experience for walkers. This might require a bit of a setback, on the same parallel to Ridge Road. It should make for a bigger sidewalk but not impact parking in the rear. Since the maximum allowed setback is 15' and the depth of a parking stall is 15'-18', a loss of parking would come with a larger setback, and it would not get to the point where is in line with the old town hall. Mr. O'Dell said that what has been shown, their plan works with the streetscape because the town is not encroaching into their property. With the 3' setback, although not exactly to the comprehensive plan vision, it still meets the criteria of the town's streetscape. They would still have what they planned on doing, just on the other side of the road. Mr. Tulowitzki said his comment was not whether their plan meets the strict definition of the streetscape. He said to imagine someone pushing a baby stroller past the Pizza Hut building. The board is trying to help the applicants understand that the town is trying to deliver a consistent walking experience to the residents. That may help to inform them now and may not have big implications for Pizza Hut in terms of parking.

Vote: Yes – 5 No – 0 Abstain – 0. Motion carries.

Findings of Fact

- a. **PC 22-001 Jay O'Dell of Aubry Enterprises representing EYM Restaurant Group requesting approval of a Development Plan to construct a 3-unit commercial building including a Pizza Hut at 815 Ridge Road.**

Additional Business/Items for Discussion

a. 1503 Fairway Avenue - Rezone from CIVIC to CD-3.R2

Mr. Vander Woude said he was presenting this issue informally following discussion with the property owner at 1503 Fairway Avenue. This is a residential lot right by Beach Park. There is a driveway to the west of the property that leads to Beach Park. The property owner said he is trying to refinance the property. In doing so, the appraiser noted that the property is zoned as civic space. He came into the building department asking why it is zoned civic and explained that this is causing problems with the refinance. Mr. Vander Woude said he investigated this matter and could find no explanation as to why it is zoned as a parkland. He researched zone maps from the 1990s. It has had a home on it for about 50 years and has been zoned incorrectly for many years. He said he could see no reason the town might want it zoned as civic space because it is not a park, it is not even contiguous to a park anymore. At one point, the land between the park and this property was also zoned as parkland. Mr. Vander Woude said his sense is that this is a mistake that was made years ago and it has continued with each publication of the zoning map. He proposed that the town initiate a rezoning of the property to rezone it from civic to R2 which is the more appropriate district. That would make this single family home legal again instead of legal, nonconforming. Mr. Vander Woude said that all the other properties outside the park are zoned residential. He added that a part of the park property is owned by the School Town of Munster. There had been an agreement in place for the town to improve the park. It was dedicated to the school as a future school site. Mr. Baker asked for clarification about the property to the north and between the property and the park. Mr. Vander Woude confirmed that it is owned by the lot owner that fronts on Kraay. The property in question was never platted as a subdivision. Mr. Baker asked if the zoning would be in the property records. Mr. Vander Woude answered that it wouldn't and that is part of the reason this was not discovered when he bought the house 5 years ago. Mr. Baker said that Lake County shows this as residential and that is why he has a homestead exemption.

b. 407-411 Ridge Road frontage modifications (PC Docket 20-009 Development Plan)

Mr. Vander Woude told the board that the property at 407-411 Ridge Road was being developed by Guy Costanza as a commercial building. He had received a permit to do the site work and the foundation. There was some miscommunication between the developer and the excavator. They ended up pouring the foundation 11" higher than it should be. The building inspector noticed the problem. In investigating this problem, the staff found that not only was it constructed too tall, but it was also designed to stick out 3' above the adjacent sidewalk. Like the Pizza Hut building, there is a very shallow setback. There is no way to access the front door because the front door is 3' higher than the adjacent ground. There were questions raised about the frost line. The town is at the point at which we need to give them some direction on how they should proceed. When this came to light, we asked them how they were going to get people to the front door. They have submitted 2 plans to work around this problem. Option 1 is shown in the attached plans. Option 2 would be to allow them to eliminate the front doors and build the wall to ground level. Option 3, they would have to take out the foundation. Ms. Mellon said this is very painful because this is the property that received 7 variances after going on and on and now, they can't get it right. Mr. Vander Woude said they were still in the discussion phase. Mr. Tulowitzki noted for context, on the other side of the street, behind the Citco, the town is proposing a dry pond for water retention for which the town is investing a significant amount of money. They want to make sure that part of the town works right. Ms. Mellon agreed that the town is doing their best to bring the area up to where they want it to be. Mr. Raffin said they should build it per the drawings. Mr. Vander Woude said they can't because they have 2 conflicting drawings, that is part of the problem.

The architect and the engineers did not correspond and when they made final changes at the end, they did not compensate for the overall grade of the public right of way. Mr. Baker wondered why Mr. Torrenga was not present. Mr. Vander Woude said he was not invited, he wanted to introduce the problem to the board first. Mr. Raffin said that this building should be followed closely along the way to make sure it is built per the rendering that the board approved, including materials. Mr. Vander Woude said that if the site layout is changed they may also need to change the building, he is not sure. Mr. Raffin said they should just have to adjust the foundation. Mr. Vander Woude said that the problem is the overall grading of the site. The foundation is designed so that it is at grade at one point, they had brought that grade up, but they didn't consider that the other side of the building is at a lower grade. Mr. Raffin said they will need to adjust the brick lay since the poured elevation has to be at a certain height. Mr. Vander Woude said there may be a fourth option, to rip up the foundation and push everything back so the stairs are not in the public right of way. Mr. Baker asked who owns the right of way. Mr. Vander Woude said the town. Mr. Baker asked if the crossing on Ridge Road was being changed, he assumes they need equipment, gates and crossing lines. Mr. Vander Woude said all that work will be in the existing right of way but NICTD is planning to move the sidewalk back to the north right of way line as shown on the plans.

Motion: Mr. Baker moved to table the matter until the next meeting on April 12, 2022.

Second: Mr. Koultourides

Vote: Yes – 5 No – 0 Abstain – 0. Motion carries.

c. Appointment to Board of Zoning Appeals

Mr. Vander Woude reported that the plan Commission needs to formerly appoint someone from the plan Commission to the Board of Zoning Appeals. Ms. Mellon said that historically this must be someone from the board who is not a councilor.

Motion: Mr. Baker nominated Roland Raffin.

Second: Mr. Koultourides

Vote: Yes – 5 No – 0 Abstain – 0. Motion carries.

Next Meeting: Mr. Raffin announced that the next regular business meeting will be April 12, 2022, at 7:30 PM

Adjournment:

Motion: Mr. Baker moved to adjourn.

Second: Mr. Koultourides

Vote: Yes – 5 No – 0 Abstain – 0. Motion carries.

Meeting adjourned at 9:10 PM

President Roland Raffin
Plan Commission

Date of Approval

Executive Secretary Thomas Vander Woude
Plan Commission

Date of Approval