

Town of Griffith  
Plan Commission  
April 19, 2021

The April 19, 2021 Plan Commission meeting was called to order at 7:04 p.m. by Chairman; Larry Ballah with members Stan Dobosz, Dave Maglish, Rick Ryfa, and Larry Stassin. Also present was Attorney Bob Schwerd, Plan Commission Engineer; Jake Dammarell, Sean Mikos, and Building Commissioner; Steve McDermott. Absent were members Rob Bubala, and Jim Marker.

Minutes from the March 15, 2021 meeting were approved as written.

**OLD BUSINESS**

**Item #1 Autism Home Services; 905 W Glen Park Ave. Preliminary Site Plan Change of Use to operate a therapy center in a PB zoning district.**

Mr. Brad Stephens appeared before the Commission. Mr. Stephens stated the business provides one on one therapy for children 2-13 years old. Mr. Ballah asked what the business hours will be. Mr. Stephens stated they are open Monday-Friday 8:30am – 4:30pm. Mr. Ballah asked what the parking situation is. Mr. Stephens stated the parking is more than adequate. Mr. Stassin asked what the intentions are with fencing. Mr. Stephens then distributed a survey with the fence location shown. Mr. Ryfa asked if there is an ordinance regulating playground equipment on commercial property. Mr. Dammarell stated he would try to do some quick research. Mr. Ryfa then asked the petitioner if he would mind being moved to the end of the agenda to allow the engineer and attorney time to look at the town ordinances. Mr. Stephens agreed. Mr. Dammarell stated there isn't anything in town ordinance that speaks to a playground. Mr. Dammarell asked if the location of the playground could be adjusted. Mr. Stephens stated it is situated there because of the swingset location. Mr. Maglish asked what the distance is from the road. Mr. Stephens stated it is 25' from the road, and approximately 30 yards from the northeast intersection. Mr. Dammarell asked what the fence material will be. Mr. Stephens stated he will install a wooden 6' shadowbox style fence. NIPSCO has done all necessary locates. Mr. Maglish asked if there will be roadside landscape. Mr. Stephens stated there will be. Mr. Maglish asked if NIPSCO is overhead or underground. Mr. Stephens stated it is underground. Mr. Maglish asked how much excavation there will be. Mr. Stephens stated the fence posts will be the only excavation, all the playground equipment will be on surface and cornered in with a border. Mr. Maglish asked if he would be doing the work himself. Mr. Stephens stated he would, with the help of volunteers. Mr. Dammarell stated the side yard appears to be good. Mr. Ryfa asked if it is a non-profit organization. Mr. Stephens stated it is for profit. Mr. Ryfa asked for the distance from 45<sup>th</sup> and also Wiggs. Mr. Dammarell stated it is 25' from 45<sup>th</sup>, and 85' from Wiggs. ***Mr. Stassin made a motion*** granting preliminary site plan approval to Autism Home Services; 905 W Glen Park Ave., for change of use to operate a therapy center as well as approval of the playground, fencing, and landscape, in a PB zoning district, ***seconded by Mr. Maglish. All favored, motion carried.*** Mr. Stephens asked the Commission to suspend the rules and grant final approval. ***Mr. Ryfa made a motion*** to suspend the rules, seconded by Mr. Stassin. Roll call was then taken. Mr. Ballah; in favor, Mr. Dobosz; in favor, Mr. Maglish; in favor, Mr. Ryfa; in favor, Mr. Stassin; in favor. ***All approved motion carried to suspend the rules. Mr. Ryfa made a motion*** granting final site plan approval, ***seconded by Mr. Stassin. All favored, motion carried.***

**Item #2 Austgen Properties Inc.; 1210 E Main St. Public Hearing requesting rezoning of the property to B3 zoning.**

Mr. Austgen appeared before the Commission. Mr. Austgen stated the property north of WildRose Brewing was never zoned, and is requesting a B3 zoning. Mr. Ballah asked if the public hearing requirements had been met. Mr. Schwerd stated all legal requirements were in order. Mr. Ballah then opened up the public hearing portion of the meeting. Mr. Charles Szo; 210 N Colfax, asked if the proposal would be going all the way to Colfax. Mr. Austgen stated it will not, he does not own all the property. Mr. Austgen then presented drawings to help explain the proposal and location. Mr. John Burgins; 204 Colfax, stated he is against the proposal, and voiced his displeasure with the tree removal. Mr. Maglish asked if there will be any sort of buffer from the residential homes. Mr. Austgen stated a fence is in the plans, and the BZA requested the fencing should be a solid pvc fence for added privacy. Mr. Maglish asked if there will be landscaping. Mr. Austgen stated the fence will be on or within his property and there will be landscaping that can be seen from Main St. No further remonstrators appeared before the Commission. Mr. Ballah then closed the public hearing portion of the meeting. ***Mr. Ryfa made a motion*** granting permission to Austgen Properties Inc.; 1210 E Main St. to be zoned B3, ***seconded by Mr. Dobosz. All favored, motion carried.***

**Item #3 Austgen Properties Inc.; 1210 E Main St. Final Site Plan Review.**

Mr. Jeff Austgen appeared before the Commission. Mr. Mikos stated the newest plans have been received and all items from previous correspondence appears to have been addressed. Mr. Mikos recommended the Commission could grant final approval if they so choose. Mr. Ryfa then mentioned the landscape plan, and the number of trees that are proposed. Mr. Austgen stated there will be 20 trees and/or bushes to help soften the look of the building. Mr. Mikos stated there are about 13-15 trees shown in the plans. ***Mr.***

*Stassin made a motion granting Final Site Plan Approval to Austgen Properties Inc.; 1210 E Main St., seconded by Mr. Dobosz. All favored, motion carried.*

#### **NEW BUSINESS**

##### **Item #1 Set 'Em Up; 145 N Broad St. Preliminary Site Plan Review.**

Mr. Tony Hobson appeared before the Commission. Mr. Hobson stated he has recently purchased the property at 145 N Broad St. (the former Jack's Heating & Cooling building). Mr. Hobson stated he would like to have a fenced, outdoor patio area. There will be openings on Broad St. & Columbia. The outdoor area will have 10 tables and will mimic the patio area at Set 'Em Up. Mr. Ballah asked if food will be served. Mr. Hobson stated there will be food and alcohol served. Mr. Ballah asked what the plans are for the building. Mr. Hobson stated he won't be doing anything right away, but will demolish the building at a later date. Mr. Ballah asked if the seating area would be open all year. Mr. Hobson stated it would not, only seasonally. There will not be any music, but there are plans to install overhead patio lighting, and the railing will be the same as Set 'Em Up. Mr. Ballah asked about the sidewalk. Mr. Hobson assured the Commission that the patio area will not impede on the sidewalk. Mr. Ballah asked about minors in the area. Mr. Hobson stated minors can be in the area for dining, just cannot be served alcohol. Mr. Dobosz asked when he plans to open. Mr. Hobson stated he would like to begin construction and set up ASAP. Mr. Dobosz asked what will happen to the building. Mr. Hobson stated it will be eventually be demolished. *Mr. Stassin made a motion granting preliminary site plan review to Set 'Em Up; 145 N Broad St. for an outdoor dining area, seconded by Mr. Maglish. All favored, motion carried.* Mr. Hobson then asked the Commission to suspend the rules and grant final site plan approval. Mr. Ryfa asked if the vote for approval needed a 2/3 vote or 75%. Mr. Dammarell stated the ordinance states it is by majority. *Mr. Ryfa then made a motion to suspend the rules, seconded by Mr. Dobosz.* Roll call was then taken. Mr. Ballah; in favor, Mr. Dobosz, in favor, Mr. Maglish; in favor, Mr. Ryfa; in favor, and Mr. Stassin; in favor. *All favored, motion carried to suspend the rules. Mr. Maglish made a motion granting final site plan approval, seconded by Mr. Stassin. All favored, motion carried.*

##### **Item #2 Smile Motors LLC; 1019 N Rensselaer Ave. Requesting a Public Hearing to rezone the property from a R2 zoning district to a B4 zoning district to operate a car dealership.**

Mrs. Destiny Oghafu appeared before the Commission on behalf of her husband. Mrs. Oghafu stated the garage will be used to store used cars that are for sale. Mr. Maglish asked how many vehicles in total will be on the property. Mrs. Oghafu stated there will be two vehicles in the garage, and two additional in the driveway. Mr. Ballah asked if they own or rent the property. Mrs. Oghafu stated they own the property. Mr. Ballah asked how many cars they personally own and where will they be parked. Mrs. Oghafu stated they own two vehicles and plan to park them on the street. Mr. Ryfa stated his concerns with that type of business in a residential zoning district. Neighbors will likely not be in favor of the increase in traffic, parking, etc. Mr. Ryfa then informed Mrs. Oghafu of the requirements for a public hearing and the cost that will be incurred. Mr. Dammarell then read aloud Ordinance Sec. 86-218 Additional parking regulations. Mr. Stassin informed Mrs. Oghafu that the Commission cannot deny a public hearing but based on town ordinance the request will likely be denied. Mrs. Oghafu asked for something in writing to take to her husband. Mr. Ryfa suggested a meeting with the Building Commissioner to explain the process and the contention ahead of this type of request. Mr. Ryfa stated they would also have to go before the BZA for approval. *Mr. Ryfa made a motion granting permission for a public hearing to Smile Motors LLC; 1019 N Rensselaer Ave., to rezone the property to a B4 zoning district to operate a car dealership, seconded by Mr. Stassin. Mr. Dobosz; against. All other member in favor, motion carried.*

#### **COMMUNICATIONS**

None.

#### **BILLS AND EXPENDITURES**

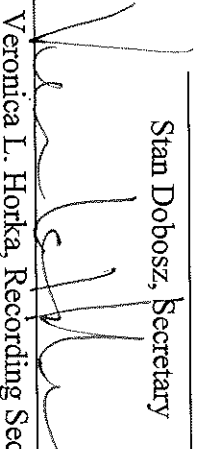
*Mr. Dobosz made a motion to approve a claim for the meetings held March 15, 2021 in the amount of \$65.00 seconded by Mr. Stassin. All favored, motion carried*

#### **ADJOURNMENT**

There being no further business to come before the Plan Commission, a motion was made and seconded to adjourn. The meeting was adjourned at 7:55p.m.

Respectfully Submitted

Stan Dobosz, Secretary



Veronica L. Hortka, Recording Secretary