

Town of Griffith
Plan Commission
June 19, 2023

The June 19, 2023, Plan Commission meeting was called to order at 7:04 p.m. by Chairman; Larry Ballah with members Rob Bubala, Dave Maglish, Jim Marker, Rick Ryfa, and Larry Stassin. Also present was Plan Commission Engineer Jake Dammarell, Attorney; Bob Schwerd, and Building Commissioner; Steve McDermott.

The minutes from the May 15, 2023, meeting were approved as written.

OLD BUSINESS

Item #1 Indi Homes 200 LLC; 1001 E 40th Pl. Rezone property from R2 to R3 to build townhomes: MOU conditions continued. Mr. Patrinos appeared before the Commission. Mr. Patrinos stated the square footage noted in the MOU is too large, he is proposing 1,335 square feet and a 360 square foot garage. Mr. Ballah confirmed the total footprint will be approximately 1700 square feet. Mr. Patrinos stated that was correct. Mr. Ryfa asked if he had considered a PUD. Mr. Patrinos stated he is unsure about a PUD but does understand variances may be needed. Mr. Ryfa feels the smaller size homes might be an issue. Mr. Ballah asked how many units are desired. Mr. Patrinos stated without the horseshoe drive, there could be 12-16 units. Mr. Ballah asked the last proposal had 18 units; Mr. Patrinos agreed. Mr. Ballah mentioned the previous plan brought up questions about emergency vehicle access. Mr. Maglish asked if they will be paired units. Mr. Patrinos stated there will be 2-unit and 4-unit buildings. Mr. Ryfa asked what the cross streets are for the property. Mr. Patrinos stated they are Colfax and 40th Pl. Mr. Ryfa questioned the address. Mr. Ballah asked if 1,500 square feet for the residence and 350 square feet for the garage was acceptable. Mr. Patrinos asked if there could be a range of 1350-1500 square feet. Mr. Ballah and Mr. Ryfa agreed the plan commission doesn't want to see a bunch of smaller homes sitting on top of one another. Mr. Stassin stated he has an issue with the lower square footage and agreed with Mr. Ballah and Mr. Ryfa's concerns. Mr. Ryfa stated the 4-unit buildings are an issue when it comes to parking. Mr. Ryfa asked if R3 zoning allows 4 units. Mr. McDermott stated 4 units are allowed in that zoning. Mr. McDermott stated the R3 zoning has lot coverage and setback requirements. Mr. McDermott asked if the units will be separate properties or under one with an HOA. Mr. Patrinos stated the one larger property under an HOA are his intentions but that could change. Mr. McDermott asked if the individual lots would have split buildings. Mr. Patrinos stated they potentially will be. Mr. Schwerd suggested a study session to obtain a better understanding. Mr. Ryfa stated 18 units is a lot of homes on that piece of land. Mr. Patrinos stated it also has a proposed 15,000 square feet area of open space. Mr. Marker asked if an updated drawing is being worked on. Mr. Patrinos stated it is. Mr. Marker suggested bringing that updated plan to the study session. Mr. Ballah suggested sending the plans (preliminary plans would be acceptable) ahead of time to allow the plan commission and engineers time to review. Mr. Marker asked when he would like the project to begin. Mr. Patrinos stated he would like to begin soon. Mr. Ryfa asked if the horseshoe would be a one or two-way egress. Mr. Patrinos stated it will be two-way. Mr. Ryfa asked if it will be off of 40th Pl. Mr. Patrinos asked if 40th is considered a driveway or a town street. Mr. Dammarell stated originally the right-of-way requirements could not be met, so it would be considered private. Mr. Ryfa asked how many acres are available. Mr. Patrinos stated he has close to three acres. Mr. Ryfa asked what the target price will be. Mr. Patrinos stated two years ago, he was at \$220K, now it's probably closer to \$270k. Mr. Ryfa stated he would be concerned if the price was much lower, the homes could become rentals. **Mr. Stassin made a motion** to continue Indi Homes 200 LLC; 1001 E 40th Pl., to the July 17, 2023 meeting. **Motion was seconded by Mr. Bubala, all favored, motion carried.**

Item #2 Turnberry at Trail Creek; Turnberry Rd., & Glasgow Dr. Rezone the property from R1 to R3. The public hearing has been closed. Petitioner has requested a continuance.

Mr. Marker made a motion to continue Turnberry at Trail Creek to the July 17, 2023 meeting. **Motion was seconded by Mr. Stassin, all favored, motion carried.**

Item #3 Turnberry at Trail Creek; Turnberry Rd., & Glasgow Dr. Preliminary Site Plan Review. Petitioner has requested a continuance.

Mr. Marker made a motion to continue Turnberry at Trail Creek to the July 17, 2023 meeting. **Motion was seconded by Mr. Stassin, all favored, motion carried.**

Item #4 Gene Berryman; 1033 Reder Rd. Rezone the property from I1 to R1. The public hearing has been closed.

Mr. Berryman appeared before the commission. Mr. Ballah asked when the property was purchased. Mr. Berryman stated he purchased the home in 2008. Mr. Ballah asked if it was zoned I1 at that time. Mr. Berryman stated it was. Mr. Ballah asked why there is a need to rezone the property now. Mr. Berryman stated he has ongoing issues with the current business' across from his house, there have been multiple police reports taken. With a change in zoning, from industrial to residential, he feels that he has a better chance at standing up to the businesses. Mr. Berryman continued in stating his neighbor recently went through the same process and was granted permission to rezone to residential. Mr. Ballah stated a rezoning to residential won't change the neighbor's business use. Mr. Berryman stated he understood but feels the businesses use the zoning against him and allows them to continue to be a bad neighbor. Mr. Ryfa asked what the issues are. Mr. Berryman stated there is excessive noise after 10pm, speeding, and trash. Mr. Ryfa asked Mr. Schwerd what would happen when noise from Industrial goes into Residential. Mr. Schwerd stated there should be a buffer zone. Mr. Ryfa asked who is next to Industrial? Mr. Berryman stated his home and his neighbors that are in attendance. Mr. Berryman continued stating he will have a problem when he tries to resell his home because of its industrial zoning. Mr. Ballah asked if he knew how many of the businesses are causing the problems. Mr. Berryman stated there are 2-3 businesses that are issues. Mr. Ryfa asked if the industrial businesses were there when the home was purchased, Mr. Berryman stated they were industrial however the tenants at the time were much different. Mr. Ballah asked that Mr. Berryman provide a list of the businesses that are the issue. Mr. Ryfa asked Mr. Schwerd if a legal review would be appropriate before any action is taken. Mr. Schwerd agreed. Attorney Jeff Carroll appeared on behalf of the Austgen's. Mr. Carroll stated his client is disputing the request for rezone due to mixed residential and industrial zoning are not compatible. The Austgen's are working on appraisals that will reflect their interest will be harmed with a rezoning. Mr. Stassin asked how residential zoning would be detrimental to Mr. Austgen's properties. Mr. Carroll stated a residential zoning does not follow the Town of Griffith's comprehensive plan. **Mr. Stassin made a motion** to continue Gene Berryman; 1033 Reder Rd. to the July 17, 2023 meeting. **Motion was seconded by Mr. Maglish, all favored, motion carried.**

Item #5 Menards; 430 W Ridge Rd. Site Plan Review for retail store. Petitioner has requested a continuance.
Mr. Bubala made a motion to continue Menards; 430 W Ridge Rd. to the July 17, 2023 meeting. **Motion was seconded by Mr. Stassin, all favored, motion carried.**

NEW BUSINESS

Item #1 American HVAC Supply: 1909 W Glen Park Ave., Change of Use to open an HVAC supply store.
Mr. Junior Pagan appeared before the Commission. Mr. Pagan stated he would like to open an HVAC supply store. Mr. Pagan stated the store will be open after house and use online and delivery services to provide HVAC parts and tools. The store will be open to students, contractors, technicians, and homeowners. There will be 4-6 shelves filled with 1500-2500 small items for sale with a countertop for sales. Mr. Bubala asked if refrigerant will be kept on site. Mr. Pagan said there will not be any refrigerant, if a contractor needs that he will put them in touch with a distributor. Mr. Pagan stated he also holds a current Town of Griffith HVAC contractor's license. Mr. Pagan stated his store will be open until 8:00pm. Mr. Stassin asked how parts are delivered. Mr. Pagan stated a box truck will drop off parts, no semis. Mr. Ballah asked if his HVAC business is running out of this space. Mr. Pagan stated it is completely separate. **Mr. Bubala made a motion** granting Change of Use to American HVAC Supply; 1909 W Glen Park Ave., to open an HVAC supply store. **Motion was seconded by Mr. Stassin, all favored motion carried.**

Item #2 Little Paws Family Pet Shop: 112 E Ridge Rd., Change of Use to open a pet shop.
Ms. Agne Tatro appeared before the Commission. Ms. Tatro stated she would like to open an upscale puppy boutique where she will be selling puppy clothes and small breed puppies. Mr. Stassin asked where the puppies would come from. Ms. Tatro stated she uses a family breeder. Mr. Stassin clarified it is a breeder not a rescue. Ms. Tatro stated she also works with Magnificent Mutts, a rescue company. She only works with small breed puppies. Mr. Ballah asked if there are only dogs and how many would be there at a time. Ms. Tatro stated she only has small puppies, ranging in age from 8 weeks to 4 months. Mr. Stassin asked where the family breeder is located. Ms. Tatro stated she picks up puppies from Wisconsin and other local areas. Mr. Stassin asked if they are coming from a puppy mill. Ms. Tatro stated the breeder information can be looked up. Mr. Ryfa asked what the age ranges are. Ms. Tatro stated she receives them at 8 weeks, they will stay in a cage with food and water. It is not common for them to stay there longer than 4 months. Ms. Tatro stated she will take the dogs outside for walks, and to play. Mr. Ryfa stated there isn't green space at the proposed location, and asked where she will be walking the dogs. Ms. Tatro stated wherever there is grass she will walk them. Mr. Ryfa asked if Ms. Tatro had been to the location? Ms. Tatro stated the 15-20 puppies are not there long. Mr. Ryfa stated 15-20 puppies is a lot in the small space proposed. Mr. Ballah asked if there is a specific breed of dog. Ms. Tatro stated she sells yorkies, shih tzu's, and other hypo-allergenic puppies. Mr. Stassin asked how many of the dogs are from rescue vs. breeders. Ms. Tatro stated most of the puppies are from breeders. Mr. Stassin asked how much work is done with Magnificent Mutts. Ms. Tatro stated if they have small puppies and need help, she will take them. Mrs. Stassin stated it sounds like they are a supplier, and they are not necessarily affiliated with them. Mr. Tatro stated that was correct, but they do work together. Mr. Ballah asked if the dogs will be there 24-hours a day. Ms. Tatro stated they will. Mr. Ballah stated his concern with noise, smell (waste disposal), and lack of green space to walk the dogs. Ms. Tatro stated the barking is at feeding time, 7:00am, and minimal barking during the day. Mr. Ballah voiced his concern about the late-night barking, next to residential homes and businesses that will remain open. Ms. Tatro stated there won't be that many dogs. Mr. Ballah stated the nearest grass area is in a nearby neighborhood, so she would be walking all the dogs in neighbors' yards. Ms. Tatro stated the dogs are usually gone within 2-3 weeks. Mr. Ballah asked if the dogs will be replenished once sold. Ms. Tatro stated that was correct. Ms. Tatro stated the dogs stay inside, inside cages unless they are being played with, they have trays where the waste drops on pads. Mr. Ryfa stated his concern that the proposed puppy shop doesn't fit in with the current businesses, and the proximity of the neighbors. Ms. Tatro stated she never has had a complaint about noise in her other locations. Mr. Maglish clarified there will be 15-20 dogs as well as accessories for sale. Ms. Tatro stated that was correct. Mr. Ballah asked if an air-filtration system will be installed. Ms. Tatro stated she is not concerned with smell because she will keep the cages clean. Mr. Maglish asked if Ms. Tatro has another location. Ms. Tatro stated she has another location in Hammond. Mr. Ryfa asked if the unit has a shared HVAC system. Ms. Tatro stated she is unsure. Mr. Ryfa asked if the landlord owns the entire property or just a portion. Mr. McDermott stated the landlord owns the entire property. Mr. Bubala asked if Ms. Tatro had dealings with the USDA in September of 2021. Ms. Tatro stated USDA always comes out. Mr. Bubala asked if there was an incident with Noah's Puppies. Ms. Tatro stated something was filed, but it was nothing major. Mr. Ballah asked what the issue was. Ms. Tatro stated the claim was that one of the cages didn't have a water bottle. Mr. Ryfa asked if the landlord had provided a letter allowing Ms. Tatro to speak for Change of Use at the location. Ms. Tatro stated she did not. Attorney Schwerd stated a copy of the proposed signed lease would also be acceptable. Ms. Tatro stated that can be provided. **Mr. Maglish made a motion** to continue Little Paws Family Pet Shop; 112 E Ridge Rd to the July 17, 2023 meeting. **No second, motion fails** due to lack to vote. **Mr. Stassin made a motion to deny** a Change of Use to Little Paws Family Pet Shop; 112 E Ridge Rd., due to incompatibility with established businesses in the mall. **Motion was seconded by Mr. Bubala, all favored, motion carried.**

COMMUNICATIONS

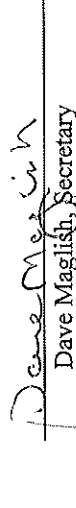
None.

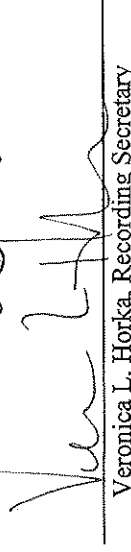
BILLS AND EXPENDITURES

Mr. Maglish made a motion to approve a claim for meeting minute preparation for the meeting held May 15, 2023, in the amount of \$65.00. **Motion was 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 8:04 p.m.


Dave Maglish, Secretary


Veronica L. Horka, Recording Secretary