

HIGHLAND PLAN COMMISSION

Minutes of the Meeting of
Wednesday, February 21, 2018

The Highland Plan Commission met in regular session on February 21, 2018 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland, Indiana. The Pledge of Allegiance was led by Commissioner Zemen. The meeting opened at 7:23 P.M. led by Commissioner Schocke.

ROLL CALL: Present on roll call: Commissioners' Mark Schocke, Joe Grzynski, Tom Vander Woude, Doug Turich and Bernie Zemen. Absent: Commissioner Kendra and Martini. Also present: Ken Mika, Building Commissioner, Attorney Jared Tauber and John Phipps, Plan Commission Engineer, Nies Engineering.

APPOINTMENTS: Appointment of Plan Commission Officers for 2018: Chairman, Vice-Chairman and Secretary. Commissioner Vander Woude motioned to retain the same slate as 2017. Commissioner Grzynski seconded the motion and it was unanimously passed by a roll call vote of 5 – 0.

MINUTES: Commissioner Schocke asked if there were any deletions, additions or corrections to the minutes of the January 17, 2018 regular meeting and the special meeting of January 17, 2018 and the special meeting of February 7, 2018. Hearing none they were approved as posted.

ANNOUNCEMENTS: The next study session will be held on March 7, 2018 at 6:30 P.M. The next business meeting will be held on March 21, 2018 at 7:00 P.M.

COMMUNICATION: None.

OLD BUSINESS: Docket # 2017-06 Continued Public Hearing for a revision to the Plan Commission approved original subdivision site plan and storm water drainage plan. Petitioner is Konnie Kuiper represented by Gary Torrenga, Torrenga Engineering Inc., 907 Ridge Rd., Munster, IN 46321 at the location of 8941 Kleinman Rd. Project known as "8941 Kleinman Road LLC Addition".

Mr. Taghi Arshami, The Arsh Group, 6481 Taft St., Merrillville, IN 46410, and Mr. Kuiper were present. Mr. Arshami asked to continue the public hearing to the next business meeting in order to submit alternate plans and a couple of other revisions for their consideration.

Commissioner Schocke stated that generally the Commission is somewhat liberal on requests for continued public hearings. He continued that he was frustrated with the response by the petitioner to the Plan Commission's requests, the fact of the lateness of drawings that have been submitted as well as the fact the petitioner did not attend the previous study session. The Plan Commission needs more time to sufficiently review and not be given last minute information. Commissioner Schocke stated that his recollection was that at the last meeting they were told

that would be the last continuance, however collectively the Commission may wish to act on the continuance.

Commissioner Grzymiski commented some ideas had been floated during the study session this evening from the Commission and he advised the petitioner not to discount the landscape islands in the parking lot. Mr. Arshami stated that the Commission have given them a lot of guidance and they would use every one of them.

Commissioner Turich asked if a continuance was granted what was the petitioner's plan. Mr. Arshami stated they would provide a variety of information including the type of plants and other aspects of the landscaping plan for the Commission to compare and contrast. Commissioner Turich clarified the need for two drawings and written request of what direction they would like to go.

Commissioner Schocke addressed the three options as it relates to the Alternative Compliance {HMC 18.75.050} and he would like to know their specific arguments for whichever options they may ask for. He stated for example if it was for a safety consideration he would want to know their specific argument for that option and why it was warranted and necessary in this case.

Commissioner Turich asked what the petitioner would be required to submit. Commissioner Schocke read from the ordinance that a request for Alternative Compliance be submitted at the time the landscape plan is submitted and indicated that in this case it had been deferred to the Plan Commission from the Town staff to them. He continued it should be of sufficient detail and be written, graphic or both for the justification for the request. The new drawings/request should be submitted by March 1, 2018 and the Plan Commission asked to have them emailed to them as soon as possible, so the commissioners can review prior to the study session. Commissioner Turich also stated his agreement that the islands are crucial. Commissioner Schocke weighed in on the fact that in his opinion that six islands seem like maybe a lot but he wants to see the plan, as he has not made up his mind yet.

Commissioner Zemen motioned to continue the public hearing. The motion was seconded by Commissioner Vander Woude and unanimously passed by a roll call vote of 5 – 0

NEW BUSINESS: None.

BUSINESS FROM THE FLOOR: Mr. Terry Biesen, 9005 Kleinman Rd. was present and stated that he would like to set the record straight that he owns his home, however they are looking for a new home and they do have an agreement with Mr. Kuiper to sell him the home when they are ready to sell. Commissioner Schocke asked him what he thought about additional landscaping along the south side to act as a buffer. Mr. Biesen continued he has no problem with the way it is currently. Commissioner Vander Woude asked if the water was affecting his property. Mr. Biesen stated that there had always been some water, his kids used to skim board on it and it has not affected his home. He continued he had no opinion on the landscaping and the lighting does not affect his home.

Mr. Tom Mathis, 3433 W 900 N ,Wheatfield, IN was present. He submitted a copy of the GIS of the site as Commissioner Martini had inquired what had previously been on site. He stated that site plan review is all about orderly, beneficial development and now we are just trying to find wiggle room and going backwards defeating the whole purpose of this body. He continued that this was about morals and ethics. He continued that if the Town had taken the approach that Mr. Kuiper had created a nuisance and it had gone through the proper channels that are mandatory this would have alleviated this issue. He continued that Mr. Kuiper had created the nuisance and created the hardship. He said that there is so much snow where the swale is supposed to go, he does not see how it could work. He said if you were to go there tonight there was 3-4” of ponding in the rear yards and immediately south of the old Kuiper Funeral home. Commissioner Turich said he had been there today and challenged that there was that amount of water. Mr. Mathis stated he had been there yesterday and had sent Mr. Mika photographs. Mr. Mika stated that there was obvious ponding in the rear yards but again, we had between 16” to 18” of snowmelt in 2 days and over 3” of rain. Commissioner Turich commented that it would look like his yard. Mr. Mika stated that there were similar issues all over Town for the past 2 days. There was discussion about the location of the ponding. Mr. Biesen stated that there has always been water in that area.

Commissioner Turich asked Mr. Mathis what was he looking for from the Commission. Mr. Mathis responded relief from the flooding. Commissioner Turich asked if he did not think what Mr. Kuiper had provided is adequate. Mr. Mathis responded that in construction if it is not being built the way it was approved it would get a red tag. He continued that if that had happened and a certificate of occupancy had not been given this could have alleviated this issue. Commissioner Turich asked what was his opinion given where they are today. Mr. Mathis stated he believed the detention should go where it was originally planned to go.

Commissioner Turich stated that the engineer had reviewed the plan and was comfortable with it. Mr. Mathis showed a photograph to Commissioner Turich and they discussed the location of where the proposed detention was to be. There was discussion about the location of the sanitary sewer line. Mr. Phipps stated that since we do not know where it is, it might be necessary to relocate it.

Mr. Kuiper stated he has photographs as of about 4:00 p.m. today and there is no water flowing onto Mr. Mathis’ property.

Commissioner Vander Woude stated that they were not here to debate the existing conditions. We have a plan to evaluate, our engineer has reviewed this, and it is determined to be acceptable and accounts for all the storm water runoff. He continued that this is essentially the end of the story regarding storm water. He continued that when instances are identified it is brought to the Commissioners’ attention and they work with the petitioner to actually meet the code.

ADJOURNMENT: There being no further business to come before the Board, Commissioner Zemen moved to adjourn. Commissioner Vander Woude seconded the motion and it passed by a voice vote. Meeting adjourned at 8:20 P.M.