

JAMES CALLERO, CHAIRMAN
GEORGE ALPOGIANIS
MICHAEL LOOBY
ANGELO TROIANI
ALAN WEEL
THOMAS KANELOS
KAREN DIMOND

The Niles Plan Commission and Zoning Board of Appeals was called to order at 7:30 P.M.

Present along with Chairman Callero were Commissioners Looby, Kanelos, Dimond, Weel and Troiani.

Commissioner Alpogianis was absent.

Joseph Annunzio, Village Attorney, was also absent

Commissioner Kanelos moved to approve the minutes of October 1, 2007, as presented.

Seconded by Commissioner Looby, on roll call the vote was:

AYES: 5 Looby, Weel, Kanelos, Dimond , Troiani
NAYS: 0
ABSENT: 1 Alpogianis

There being five affirmative votes the motion carried.

Chairman Callero announced that it has been the practice of the Board that any members desiring to review the upcoming matters on the agenda would meet with Mr. Charles Ostman, Director of Community Development, and Mrs. Kimberly Frederick, Secretary, on the day of the hearing at 1:30 P.M. The purpose of this meeting is to review the sites and the surrounding environment to ascertain conditions which may require special consideration at the subject hearing. Anyone who wishes to accompany the members is invited to meet at the Administration Building, 1000 Civic Center Drive, Niles, Illinois, prior to 1:30 P.M. They will be given the agenda and the locations of the sites to be visited. This public announcement is made to conform with the Open Meetings Act of the State of Illinois and is deemed to be a public notice.

To be heard this evening:

07-ZP-23 – Jonathan Robinson, SAC Wireless Inc., 655 N. 1st Bank Dr., Palatine, IL 60067. Requesting a Special Use to collocate three 3' dish type antennas on an existing lattice tower at 7720 N. Lehigh.

07-ZP-24 – Wolfgang A. Behrendt, 8047 W. Lake St., Niles, IL 60714. Requesting a variation to Section VII (C) (10) to reduce the rear yard set back from the required 40' to 31'8" to construct a garage addition at 8047 W. Lake St.

07-ZP-25 – Andrzej L. Bednarczyk, Geopool Surveyors, Inc., 12S355 Lemont Rd., Lemont, IL 60439. Requesting a resubdivision of two (2) existing lots of record into three (3) new lots at 8135 & 8137 Davis St.

07-ZP-26 – Dan Shapiro, Attorney, Schain, Burney, Ross & Oitron, Ltd., 222 N. LaSalle St., #1910, Chicago, IL 60601. Requesting rezoning from R-1 to B-1 and B-1 Special Use for a banking facility with drive-thru upon approval of annexation at 8001 Golf Road and 9544 Washington St.

Chairman Callero called for the first matter on the agenda.

07-ZP-23 – Jonathan Robinson, SAC Wireless Inc., 655 N. 1st Bank Dr., Palatine, IL 60067. Requesting a Special Use to collocate three 3' dish type antennas on an existing lattice tower at 7720 N. Lehigh.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

Tony Phillips, SAC Wireless Inc., 655 N. 1st Bank Dr., Palatine, IL stepped forward. He stated I do. I am representing Fiber Tower this evening. (Jonathan Robinson is no longer with the company per Mr. Phillips' information as told to the secretary.)

Mr. Phillips stated we sent in a proposal to locate three (3) three foot (3') microwave dishes on an existing tower at 7720 Lehigh. They are for the purpose of backhaul – basically the same thing a T1 line would do for the existing carriers there. It carries the existing information for them from their central switching stations. This is for communication for the carriers, not really for the customers. It is called a backhaul network.

Chairman Callero asked is there anything else in the presentation?

Mr. Phillips stated what we require is a four (4) foot pad at the base of the tower for equipment. They also need three (3) microwave dishes. The actual area was shown in a photo simulation on the overhead projector. Apparently Stu Chapman, an independent study person, did a report and recommended there would be no problem with this.

Chairman Callero stated yes, the Commissioners had Mr. Chapman's report in their packet this evening. He asked is there anything else in your presentation?

Mr. Phillips stated no.

Chairman Callero asked are there any questions or comments from the Commissioners.

Commissioner Weel stated regarding the landscaping, I noticed landscaping was requested for the structure that is going to be around the cabinet. From Stuart Chapman's comments, I'm reading "Fiber Tower did not submit a landscape plan." Has one been submitted?

Mr. Phillips stated we can't really submit a landscape plan because we don't own the property. American Tower owns the property so we can't fix up the property. Our cabinet will be located behind existing equipment. You won't see it. If you go to the site you will notice there was no landscaping required by the other carriers that are already in that existing compound. Our cabinet is 48" tall. You won't see it as far as all the other equipment goes. Technically we can't do anything to that site. If landscaping is required we would have to contact the owners of the property and that would be something they would have to address since we are a tenant.

Commissioner Weel stated I have a question for Mr. Ostman. Why would there be a request for proposed landscaping by the cabinet structure by Mr. Chapman?

Mr. Charles Ostman, Director of Community Development, stated that item, number one in Mr. Chapman's information report, would not have been requested by our department. This is a secluded area and we would not require any landscaping there. I would disregard that point.

Commissioner Weel stated I have no further questions.

Chairman Callero asked are there any other questions or comments from the Commissioners.

Commissioner Dimond stated I understand the tower is pre-existing. Will the tower be any higher that it already is?

Mr. Phillips stated no. The dishes will be on the existing tower.

Chairman Callero asked are there any other questions or comments from the Commissioners. Any questions or comments from anyone in the audience. There were no objectors.

Chairman Callero entertained a motion on 07-ZP-23.

Commissioner Weel moved that 07-ZP-23 – Jonathan Robinson, SAC Wireless Inc., 655 N. 1st Bank Dr., Palatine, IL 60067 requesting a Special Use to collocate three 3' dish type antennas on an existing lattice tower at 7720 N. Lehigh be **approved** and recommended to the Board of Trustees.

Seconded by Commissioner Looby, on roll call the vote was:

AYES:	5	Dimond, Kanelos, Looby, Weel, Troiani
NAYS:	0	
ABSENT:	1	Alpogianis

Chairman Callero stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate our decision and it will be necessary for the petitioner to contact Mr. Charles Ostman, Director of Community Development, and ask to be placed on the Board of Trustees agenda and you will be notified of the date. Anyone in the audience who would like to be informed as to the date of this hearing by the Board of Trustees, leave your name and address with our secretary and she will notify you.

07-ZP-24 – Wolfgang A. Behrendt, 8047 W. Lake St., Niles, IL 60714. Requesting a variation to Section VII (C) (10) to reduce the rear yard set back from the required 40' to 31'8" to construct a garage addition at 8047 W. Lake St.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

Wolfgang A. Behrendt, 8047 W. Lake St., Niles, IL stepped forward and stated I do. The reason I'm here is I want to extend my garage so I can park two (2) cars back to back. As you can see on the (overhead) drawing, I am roughly 8'2" short of the 40' required from the property line. I don't want to put a two (2) car garage in the back of my yard because I would lose most of

my yard so I figured I can park two (2) cars back to back. This way I would save most of my backyard.

Chairman Callero asked is there anything else in the presentation?

Mr. Behrendt stated no and thank you.

Chairman Callero asked are there any questions or comments from the Commissioners.

Commissioner Troiani noticed on the drawing there is a sliding patio door at the rear. I want to make sure you realize we do not want a room back there, that it's going to be a garage.

Mr. Behrendt stated yes, it is going to be a garage.

Commissioner Troiani stated the Board would make that part of the ordinance; it would not be converted into a room.

Mr. Behrendt stated no, absolutely not.

Chairman Callero asked are there any questions or comments.

Commissioner Dimond stated I understand you currently have a garage there now in need of being rebuilt.

Mr. Behrendt stated that is true. The back wall is bulging out and the wall has to be removed sooner or later. Before I go and have this whole wall taken out I might as well extend the garage to two (2) cars so I would be able to park them back to back.

Chairman Callero asked are there any questions or comments from the Commissioners. Any questions or comments from anyone in the audience. There were no objectors.

Chairman Callero entertained a motion.

Commissioner Troiani moved that 07-ZP-24 – Wolfgang A. Behrendt, 8047 W. Lake St., Niles, IL 60714 requesting a variation to Section VII (C) (10) to reduce the rear yard set back from the required 40' to 31'8" to construct a garage addition at 8047 W. Lake St. be **approved** subject this property will never have a finished bedroom or family room there.

Seconded by Commissioner Kanelos, on roll call the vote was:

AYES: 5 Dimond, Looby, Kanelos, Weel, Troiani
NAYS: 0
ABSENT: 1 Alpogianis

07-ZP-25 – Andrzej L. Bednarczyk, Geopool Surveyors, Inc., 12S355 Lemont Rd., Lemont, IL 60439. Requesting a resubdivision of two (2) existing lots of record into three (3) new lots at 8135 & 8137 Davis St.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

Andrzej L. Bednarczyk, Geopool Surveyors, Inc., 12S355 Lemont Rd., Lemont, IL stepped forward and stated I do. I represent Mr. Kozik and Monickz (sic) owners of property known as 8135 & 8137 Davis St., lots 31 & 32 in Niles subdivision. Currently they reside on properties that are two (2)

lots of record in size of 97.77 feet by 170 feet. They propose to resubdivide these two (2) lots of record into three (3) new lots of record where two (2) lots will have dimensions of 60 feet by 170 feet and total square footage of 10,189 feet and remainder lot will have dimension 75.54 feet by 170 feet with total square footage of 12,818 square feet. Currently this property is improved by two (2) houses; one house has attached garage and another house has detached garage. I propose to take down the house with the attached garage to make room to build two (2) new houses consistent with development which is on the same block of Davis east of property where there are a couple new houses in the subdivision, all new houses, all brick, nice construction. They will blend with neighborhood improvements. During process of subdivision all property will improve with drainage sewer which will serve especially rear area of property which right now, because of existing grading or configuration during heavy, is creating good habitat for mosquitoes but not good habitat for people. There will be immediate improvement to the neighbors and building process of these two (2) new houses will make extensive beautification on Davis St. The owners are not asking for any variation to the existing subdivision and building code. They completely blend with minimum standards for new lots of record in this district.

Chairman Callero asked are there any questions or comments from the Commissioners.

Commissioner Troiani asked Mr. Ostman if it should be on record that 8115 has been remodeled to fit onto the property.

Mr. Ostman stated 8115 has nothing to do with subdivision. The structure at 8135 has been modified where the owner could sell off two (2) feet to do a subdivision on the other lot to the west. Shown on the overhead, this house right now is on a seventy-eight (78) foot lot. In order for this gentleman to take this lot here and subdivide it into sixty (60) foot lots, this gentleman here at 8135 is selling off approximately two (2) feet to this property owner here. To keep in compliance with the zoning code, this property owner here had to reduce the width of the attached garage in order to maintain the zoning code requirements.

Chairman Callero stated that's why it says two(2) lots to three (3) lots, 8135 and 8137.

Chairman Callero asked are there any other questions or comments from the Commissioners. Any questions or comments from the audience.

David Yoon, 8029 Davis St., Niles, Illinois stepped forward.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

Mr. Yoon stated I do. My question is the subdivision from two (2) houses to three (3) houses what type of house will be built up. How many square feet each. And how many bedrooms. I want to know details of what they are going to schedule on the street as far as landscaping and traffic conditions.

Chairman Callero stated that will not come in front of us at this time. Right now all this is about is subdividing two (2) pieces of property into three (3) pieces of property. Two (2) lots to three (3) lots. At a later time depending on what he tries to put on the property or what he tries to build, if he needs a variation, in other words if it doesn't fit within the code that we have already in this Village, then he has to come in front of us again.

Mr. Yoon stated I didn't know.

Chairman Callero stated that's alright. I'm just explaining to you how it works. He's not asking for any variations on building or anything. At this time he's just trying to subdivide a piece of property from two (2) lots to three (3) lots. At this time that's all we're discussing.

Chairman Callero asked are there any other questions or comments from anyone in the audience. There were no objectors.

Chairman Callero entertained a motion.

Commissioner Weel moved that 07-ZP-25 – Andrzej L. Bednarczyk, Geopool Surveyors, Inc., 12S355 Lemont Rd., Lemont, IL 60439 requesting a resubdivision of two (2) existing lots of record into three (3) new lots at 8135 & 8137 Davis St. be **approved**.

Seconded by Commissioner Looby, on roll call the vote was:

AYES: 5 Dimond, Looby, Kanelos, Weel, Troiani
NAYS: 0
ABSENT: 1 Alpogianis

Chairman Callero stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate our decision and it will be necessary for the petitioner to contact Mr. Charles Ostman, Director of Community Development, and ask to be placed on the Board of Trustees agenda and you will be notified of the date. Anyone in the audience who would like to be informed as to the date of this hearing by the Board of Trustees, leave your name and address with our secretary and she will notify you.

07-ZP-26 – Dan Shapiro, Attorney, Schain, Burney, Ross & Oitron, Ltd., 222 N. LaSalle St., #1910, Chicago, IL 60601. Requesting rezoning from R-1 to B-1 and B-1 Special Use for a banking facility with drive-thru upon approval of annexation at 8001 Golf Road and 9544 Washington St.

Charles Ostman, Director of Community Development, stepped forward. He stated I want to summarize why this petition is back in front of this Commission this evening. This was heard on October 1st under zoning petition 07-ZP-22 for rezoning of the property from R-1 if it were to be annexed to the Village of Niles, and it's in front of the Village Board later this month, to a B-2. We had further discussions with the petitioner asking for more strict zoning. That is the reason for filing this petition to rezone the property from R-1 to B-1, instead of B-2, which was recommended by this Commission last month. The other item I want to point out and clarify is when we sent out notices in the paper of the commonly known address, only one (1) address was included last month, 8001 Golf Road. What's included in this petition is a second address on Washington St. Those are really the only two (2) changes in this second petition that's being presented this evening.

Chairman Callero stated looking up and down at the Commissioners I would assume you have no questions. Everybody understands why it's in front of us and what it is. Are there questions or comments from anyone in the audience?

Edward Swidler, 9500 N. Washington St., Unit 302, Niles, Illinois stepped forward.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

Mr. Swidler stated I do.

Mr. Swidler stated living at 9500 Washington, they are now saying they are going to have a drive thru that will exit on Washington St.

Chairman Callero stated that's what we approved at the last meeting the way I remember it, that's correct.

Mr. Swidler stated I'm sorry; I wasn't at the last meeting. (In fact Mr. Swidler was at and spoke at the last meeting.) Are they going to allow right turns only out of that exit, number one. Number two, we are about ¼ of a block down and we have an entrance to our complex right there. Are they going to put up any signs saying no U turns allowed out of our complex? In other words, these people will not be able to drive down Washington, make a right turn into our complex, then make a U turn out to go north on Washington instead of south. We've had this problem. That's why I'm asking.

Chairman Callero stated let me try and answer this right. First of all, I believe the only "right turn only" that we put on the petition when they were here last month was on the Golf Rd. exit; they could only turn right and not left. Mr. Ostman or somebody correct me if I'm wrong. And coming out of their property onto Washington, I do not believe we put anything. They can turn left or right. This Board would have nothing to do with signage dealing with U turns down by your housing.

Mr. Swidler stated making a left turn from where they're going to exit, they're going to have the same problem they are having now out of that gas station. There is not enough room (space) to make a left turn out of that gas station and go down Washington to go north. The traffic is just too heavy and too tight. There have been many, many accidents there. I'm sorry I wasn't at the last meeting. I would have brought it up.

Chairman Callero asked Mr. Ostman if the curb cuts that they put in are on the south side of the property, not the north side.

Mr. Ostman stated it is on the east side of the subject property along Washington St.

Chairman Callero stated what I mean is it's on the southeast, not northeast.

Mr. Ostman stated yes, toward the south of the property.

Chairman Callero stated the curb cut is down on the south side of the property on Washington St., not near the corner of Golf and Washington.

Mr. Swidler asked how far is that going to be from Golf Rd. We have so much traffic turning left off Golf Rd. to go south on Washington continuously that they can't get across. They have the same problem from the other gas station on the other side of the street when people want to go south on Washington and they can't. It's just impossible. That's why there are so many accidents. If you check with the local police you find out. That's what bothers us. We have so much traffic into our complex because we have five (5) buildings.

Mr. Ostman stated this site plan was submitted and resubmitted to our engineering department to review ingress and egress points on this proposed site and they had no objections to what was being proposed.

Mr. Swidler stated that's your engineering department. What about the engineering department for the Village of Niles that are dealing with the Niles Police who investigate these accidents.

Mr. Ostman stated that's what I'm saying. It is our engineering department, the Village of Niles.

Mr. Swidler stated that's right. I apologize. Then it was all investigated and there is going to be no problem.

Mr. Ostman stated they indicated that they accepted what was being proposed to them. It was brought to them two (2) times.

Mr. Swidler stated fine, if it does create a problem, will they further address it.

Mr. Ostman stated I can't speak for the engineering department.

Mr. Swidler stated you are speaking for Niles now, correct sir?

Mr. Ostman stated I'm just relaying the information I know is accurate from the engineering department.

Chairman Callero stated we had in our packet at the last meeting reports from the engineering department with their stamp of approval.

Mr. Swidler stated I guess I have to be satisfied. In actuality I'm not if they're not going to further address it if it goes any further. That's the problem. This is what we're a little afraid of.

Chairman Callero stated I'm glad you came. I'm glad you spoke up. You're in the minutes. If there is a problem at a later date all you've got to do is get the minutes and go to the engineering department in the Village of Niles and tell them here, I told you. Now what are you going to do about it?

Mr. Swidler stated thank you ladies and gentlemen.

Chairman Callero stated you're welcome. He then asked are there any other questions or comments from anyone in the audience?

Charles Sylvester, 9500 N. Washington, Unit 508, Niles, stepped forward.

Chairman Callero stated please raise your right hand. Do you solemnly swear to tell the whole truth and nothing but the truth?

Mr. Sylvester stated I do.

Mr. Sylvester asked if there is a traffic flow department. That's really what the major impact of the entire area is. One area you are leaving out, and granted it's great to have a business there, and you're getting a great other business in the shopping center down on Milwaukee and Dempster. That traffic flow is going to flow into Washington also. The amount of traffic that's going to enter that street is really going to be something. One, they'll come off Dempster to come in the back way to the Korean shopping center and two, they're not going to come on to Milwaukee Ave. to bypass that. They're going

to continue coming back out on to Washington and you're going to have an inflow of traffic on that street that you people have no idea what's going to happen. Granted it's a great idea to have a bank there. And what the other gentleman said about the traffic coming out of there, he is correct also. But this is another impact you're going to have onto that street that I don't think you gentlemen are really aware of. And if this is your engineering department, they should be aware of that also because the other construction was prior to this. And then you've got a school across the street, children walking. There's really going to be a terrible impact. Thank you.

Chairman Callero stated you're welcome. He asked Mr. Ostman if he had any comments on this.

Mr. Ostman stated no comment regarding that.
Commissioner Looby asked if there was a traffic study done.

Commissioner Weel stated it was part of the last meeting in our packet.

Commissioner Troiani stated all we're really doing is changing what was approved.

Chairman Callero stated what this gentleman is trying to tell you is he is not really worried about the bank. What he's worried about is on the corner of Dempster and Milwaukee; the construction that's going on there and once that's done, his feeling is there's going to be a lot of traffic that is going to come out of that area and go north on Washington, isn't that correct?

Mr. Sylvester stated that is correct.

Chairman Callero stated Mr. Sylvester is trying to say in his opinion once this is done and once that is done, he feels there's going to be a traffic problem. Yes, we had a traffic study here and yes, they didn't have a problem with it, and yes its okay. But he's saying when you look at the overall picture, he feels that it's going to be a problem. Any other questions or comments from anyone in the audience? There were none.

Chairman Callero stated the testimony is closed. At this time I will entertain a motion.

Commissioner Kanelos moved that 07-ZP-26 – Dan Shapiro, Attorney, Schain, Burney, Ross & Oitron, Ltd., 222 N. LaSalle St., #1910, Chicago, IL 60601 requesting rezoning from R-1 to B-1 and B-1 Special Use for a banking facility with drive-thru upon approval of annexation at 8001 Golf Road and 9544 Washington St. be **approved**.

Seconded by Commissioner Looby, on roll call the vote was:

AYES:	5	Dimond, Looby, Kanelos, Weel, Troiani
NAYS:	0	
ABSENT:	1	Alpogianis

Chairman Callero stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate our decision and it will be necessary for the petitioner to contact Mr. Charles Ostman, Director of Community Development, and ask to be placed on the Board of Trustees agenda and you will be notified of the date. Anyone in the audience who would like to be informed as to the date of this hearing by the Board of Trustees, leave your name and address with our secretary and she will notify you. At that time tell the Trustees what your concern is.

Commissioner Looby moved to adjourn the meeting.

Commissioner Weel seconded the motion to adjourn. On roll call the vote was:

AYES: 5 Dimond, Looby, Kanelos, Weel, Troiani
NAYS: 0
ABSENT: 1 Alpogianis

There being five affirmative votes the motion carried.

The meeting adjourned at 8:07 p.m.

James Callero, Chairman

Angelo Troiani, Secretary

After the meeting was adjourned, Mr. & Mrs. Charles Sylvester and Mrs. & Mrs. Edward Swidler of Niles, IL stepped to the secretary's desk. They asked that their names and addresses be added to the minutes of this meeting so they would be notified of the Board of Trustees meeting when 07-ZP-26 is presented.

Mr. & Mrs. Charles Sylvester
9500 N. Washington St. – Unit 508
Niles, IL 60714

Mr. & Mrs. Edward Swidler
9500 N. Washington St. – Unit 302
Niles, IL 60714