

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

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

Chairman Callero asked everyone to stand for the Pledge of Allegiance.

Present along with Chairman Callero were Commissioners Alpogianis, Kanelos, Dimond, Surace and Troiani.

Also present were Charles Ostman, Director of Community Development and Richard Wlodarski, Assistance Director of Community Development.

Commissioner Alan Weel and Village Attorney Joseph Annunzio were absent.

Chairman Callero asked are there any additions or corrections to the August 4, 2008 meeting minutes. If not, can I please have a motion for approval.

Commissioner Alpogianis moved to approve the minutes of August 4, 2008 as presented.

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

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

There being five (5) 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.

Correspondence

Commissioner Troiani read "Thank you for your thoughtfulness and the beautiful plant you sent to me when I had my by-pass surgery in August." Signed Chairman Jim Callero. This is a thank you note from Jim to be put into the records.

New Business

08-ZP-12 – Michael A. Nigro, 7403 N. Milwaukee Ave., Niles, IL 60714 – Requesting a Special Use to Section VIII (B)(3)(t) to operate a 61 seat restaurant/family fun center, providing food and games for children at 7407, 7411, 7417 & 7419 N. Milwaukee Ave.

08-ZP-13 – Paul Rosengarten, President, 4560 W. Touhy Ave., Lincolnwood, IL 60712 – Requesting a Special Use to Section VIII (B)(3)(ttt) to operate an apparel shop, providing men’s suits, sport coats and accessories at 7777 N. Caldwell Ave.

Chairman Callero called for the first matter on the agenda.

08-ZP-12 – Michael A. Nigro, 7403 N. Milwaukee Ave., Niles, IL 60714 – Requesting a Special Use to Section VIII (B)(3)(t) to operate a 61 seat restaurant/family fun center, providing food and games for children at 7407, 7411, 7417 & 7419 N. Milwaukee Ave.

Chairman Callero asked the petitioner or a representative to step forward.

Mr. Michael A. Nigro, 7403 N. Milwaukee Ave., Niles, IL 60714 stepped forward.

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

Mr. Nigro stated yes I do. He stated we are attempting to own and operate a children’s facility at the location address of 7407 thru 7419 N. Milwaukee, as stated before having food and entertainment for children.

Chairman Callero stated we received a packet. All the Commissioners have gone thru it. Is there anything else you haven’t given us in this packet that you have?

Mr. Nigro stated at this time, no.

Chairman Callero asked if there were any questions or comments from any of the commissioners.

Commissioner Alpigianis asked Mr. Nigro is that the proper pronunciation of your last name.

Mr. Nigro stated yes.

Commissioner Alpigianis stated as Commissioners of the Zoning Board we are here to interpret the ordinances and pass this on to the Trustees. It would be beautiful for us to see the mall you are trying to fill up be full again. Of course, it’s a benefit both to the landlord and to the Village. I just had some brief questions here. I think that the layout for the floor plan is vague. If I could pair up the letter you wrote to the Village along with this floor plan I’d appreciate it. You may be able to give us some help. It says here the center will consist of thirty-five arcade-style games, thirty-five redemption games, fifteen small children’s rides, and a food service area/pantry along with sixty-one seats. I’m a father of small kids so I believe I have an idea of what you’re trying to attain, like a Dino-Rex Safari Land type of thing. I personally would just like for things to be little bit more black & white in writing if possible. Me, being a father, I understand that some people aren’t parents of little kids anymore, so they may not understand what all that is.

Mr. Chairman, the only thing I'm saying I don't know if we should go piece by piece on this or ask him to come back with a legend of some sort to explain the floor plan. I could walk him through it now.

Mr. Nigro stated I would appreciate it if we can do it now. As of right now, another thing that needs to be noted, size might vary, as far as how many games are actually going to be put in the facility. Our goal is to have the facility flow well so you are able to view your children at all times and also, such as a Chuck E. Cheese, having personnel at the front door to see who comes in and who goes out. Our importance is safety. I, too, am a father of two, so that's our goal right now; but as far as questions about the floor plan, what don't you understand?

Commissioner Alpigianis stated here is what I would suggest to you, Mr. Nigro. For your benefit and the benefit of the Community Development and ourselves, you may want to sit down and talk to Community Development and explain it to them. What I'm seeing here is sixty seats, I'm seeing twenty stations in the squares with the number ones on them, I'm seeing four round stations. (Mr. Nigro stated they are the redemption centers for the tickets to get your prizes.) Just for time's sake and everything else, I think you should further review this and bring it back to Community Development and then come back to us next month. Because the only thing I'm saying is, we don't know what type of rides you are actually putting in there; we don't know what the kitchen is made up of, if you are planning on bringing in food from the outside, if you guys are planning on cooking in there. Your plans are just vague, that's all I'm telling you. And for us to properly go through all this and give you a yes or a no, we should have a set of detailed plans in front of us, do you understand what I mean?

Mr. Nigro stated as far as the kitchen is concerned, we are going to be preparing the food there, on site. (Unclear – something about a detailed restaurant.)

Commissioner Alpigianis stated I just think if you have a layout of the kitchen, if you explain to us what all the stations are, the types of rides, maybe give Community Development some background or information on the rides, it's going to make everything much easier for everybody.

Chairman Callero stated Mr. Ostman, if they are going to be cooking in the kitchen, shouldn't we have known that ahead of time?

Mr. Ostman stated I didn't think that would be an issue in regard to this special use being granted. Once the Village Board approves this plan, of course, they would be required to submit construction drawings.

Mr. Nigro stated I was under that impression also. Time is of the issue. We are also owners of the property. We have been vacant, Mr. Troiani can verify this, more than I'd like.

Commissioner Alpigianis stated I drive past this at least twice a day. I live at Touhy and Milwaukee. I understand. And I want to see it full too, believe me.

Mr. Nigro stated if this hurdle could be taken care of tonight, I would appreciate it.

Chairman Callero stated if I'm reading Mr. Alpigianis properly, I think he's saying at this particular time, with the information he has in front of him at

this time, he's a no vote. If you want to go forward, I don't know how the rest of the Board feels. Am I reading you right?

Mr. Nigro stated the rides we are providing in the facility are rides you've probably seen at Chuck E. Cheese and Safari Land.

Commissioner Alpigianis stated Mr. Nigro, I understand. There's no way that everyone on this Board.....

Mr. Nigro stated I can provide a list at the next meeting. But I would like it if I could get some kind of

Commissioner Alpigianis stated it's not going to move that fast. That's what I'm telling you. The only thing that you need to do is to be more exact on these floor plans. There's no way we could pass this without seeing everything.

Chairman Callero stated there's no way you could pass it.

Commissioner Alpigianis stated myself, correct. I apologize – I am not speaking for the rest of the Board.

Chairman Callero asked Mr. Nigro, do you want to go forward?

Isabelle Nigro stepped forward.

Chairman Callero stated give your name and address again into the microphone. Speak clearly so the secretary can hear and put it in our verbatim minutes.

Mrs. Nigro stated my name is Isabelle Nigro, I am Michael Nigro's wife.

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

Mrs. Nigro stated I do. I just want to clarify about the rides. They are very, very, very simple. Nothing out of the ordinary. Something that might go up and down or around for a very small child. Nothing that would be dangerous or nothing that would be wild. It's very simple, up and down, side to side – that type of thing. For maybe a two year old. Very simple. Nothing crazy. Doesn't require safety belts. I just wanted to clarify that in case you thought it was going to be something crazier like Safari Land has, with the roller coasters and stuff. There would be nothing like that here.

Commissioner Alpigianis stated that's part of what was unclear. And that's all I'm saying. We could go on and on and on and go through all this. All I'm saying, in my opinion, there should be some type of legend with this and everything else so that when I open it I know what's going on. I'm sure everyone else has the same questions. I don't know what everyone else is thinking. I'm telling you what I see. There's nothing more that I want to see than that shopping center full, cars, revenue, taxes for the Village, safety for the children and everything else. But at this point I'm telling you, I can't turn around and say yeah go ahead and do it. That's all I'm saying to you. I apologize.

Chairman Callero stated you are saying you can't say that because of what you have in front of you.

Commissioner Alpigianis stated correct.

Chairman Callero stated again, I am asking the petitioner do you want us to go forward, which you have the right to, it may not pass. Or do you want to come back with a more complete package and then we will vote on it. Do you want us to postpone it or do want us to continue hearing it tonight?

Mr. Nigro stated I would appreciate it if we could have the hearing tonight. This way we could get the ball rolling.

Chairman Callero stated that's your prerogative. That's fine. Okay, any other questions from anyone on the Board.

Commissioner Dimond stated I have some of the same questions regarding what's going in the facility. As I look at the drawing I see clearly sixty seats, that makes sense. But I see twenty square boxes and four round circles. I don't see how that matches up with thirty-five redemption games, thirty-five arcade style games and fifteen children's rides. I just can't see how these lists go together with the diagram I see here. Other than the seats, that makes sense. But the rest of it I just don't see how this is going to fit.

Mr. Nigro stated does the ordinance have to say specifically how many games have to be in the facility? Because that is yet to be determined depending on square footage as far as when they start to lay it out correctly. All I provided, when I talked to Charles, is a rough layout of what we have gotten from our vendors. That might be less, I doubt any more because of the fact of the space. I could provide you with pictures of the games but I won't necessarily know until time of construction. I'm going to hand in the plans to the Village, they're going to approve them, hopefully, and we'll get out permits and start building out. There might be less. We're just giving vague... I didn't know this was an issue as far as an ordinance. I more or less thought this was for the food prep as opposed to the amusement games.

Commissioner Troiani addressed Mr. Ostman. I noticed you people had no comment in the Engineering Dept. to us this evening on this program as presented. Granted, this is not a construction permit we are going to be issuing for the construction of this job. What I will say is we have four stores there that I'd like to get people in, someday, somehow and not prolong it another month so we can get that. Are you satisfied that your department could work with a packet like we received tonight?

Mr. Ostman stated my department takes care of the building code. It's this Board here that determines whether that's an appropriate use at that location.

Commissioner Troiani stated you have no problem with the food prep area in the proper (unclear) system or getting the proper ventilation or any of that stuff.

Mr. Ostman stated no, I don't have any concerns regarding that because it is required they meet code.

Commissioner Troiani stated they meet your code, period. So we don't have to really be worried about that right now?

Mr. Ostman stated not in regard to ventilation, the hood, the cooking equipment and all that. It goes through the health department. It goes through the building department. It goes through all the departments.

Commissioner Troiani stated even the fire department didn't complain about anything. So they're ready to work with you and set this up. I just don't

know what we can ask him. They have to be accredited games. There can't be any gambling issue whatsoever or they won't get the licenses for it, am I right? They won't get the licenses for the games unless they're the games approved by the Village.

Mr. Ostman stated yes, there are certain criteria for some of the games. When it comes to the game of chance that is more restrictive. But the games he is talking about for very little kids

Commissioner Troiani stated we feel we have no problem with that. So actually we really have enough right here to make a decision on what we think we could get by renting out four stores at one time in an area that probably needs a variance. They have the parking front and rear and I'm sure if they made a deal they could use the church parking for an alternative for real big affairs and stuff. I would recommend if you go before the Village Board one way or another that you have a recommendation from the church that you can use some of their parking on overflow at certain times as long as it does not interfere with church programs.

Mr. Nigro stated I've talked to the Lord every night and he says it should be okay.

Commissioner Kanelos stated I too have some of the same concerns as Mr. Alpogianis and Ms. Dimond. Also I have one question. I see in the lower right hand corner – are those toilets?

Mr. Nigro stated those are the facilities that are presently in the old VFW Hall which are staying where they are. We are constructing new facilities. Those are the main facilities for the main room. Those are just alternatives for other spaces.

Commissioner Kanelos stated again, I just express that I have the same concern of not having more information about the specific types of games and rides.

Chairman Callero asked are any other questions or comments from any of the Commissioners. Any questions or comments from anyone in the audience. If not, I'll entertain a motion.

Commissioner Troiani moved that 08-ZP-12 – Michael A. Nigro, 7403 N. Milwaukee Ave., Niles, IL 60714 – Requesting a Special Use to Section VIII (B)(3)(t) to operate a 61 seat restaurant/family fun center, providing food and games for children at 7407, 7411, 7417 & 7419 N. Milwaukee Ave. be **approved**.

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

AYES:	3	Dimond (while I would like a little bit more clear information I will vote yes on this), Surace, Troiani,
NAYS:	2	Kanelos, Alpogianis
ABSENT:	1	Weel

There being three (3) affirmative votes the motion carried.

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. Thank you very much.

Chairman Callero called for the second matter on the agenda.

08-ZP-13 – Paul Rosengarten, President, 4560 W. Touhy Ave., Lincolnwood, IL 60712 – Requesting a Special Use to Section VIII (B)(3)(ttt) to operate an apparel shop, providing men’s suits, sport coats and accessories at 7777 N. Caldwell Ave.

Chairman Callero asked the petitioner or a representative to step forward.

Mr. Paul Rosengarten, 4560 W. Touhy Ave., Lincolnwood, IL stepped forward.

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

Mr. Rosengarten stated I do. I am attempting to move my existing store, which is currently on Touhy in Lincolnwood, to the new location at 7777 N. Caldwell. We’ve been there approximately twelve years and we are unsure what they are going to be doing with the current property and we feel as though by moving to this current location it would be extremely beneficial to us and the Village as well.

Chairmen Callero asked are you currently leasing where you are? When is your lease up?

Mr. Rosengarten stated yes we are. It is up September 2009.

Chairman Callero asked if you were approved when would you operate or open here.

Mr. Rosengarten stated as quickly as the landlord can improve the building.

Chairman Callero asked if that took place prior to September 2009, would you operate in both places. Or would you just pay your lease at the other place until it was over and leave it vacant?

Mr. Rosengarten stated no, our existing lease allows us to leave with either sixty or ninety days notice.

Chairman Callero stated prior to September.

Mr. Rosengarten stated that is correct, yes.

Chairman Callero asked how long have you been there?

Mr. Rosengarten stated about twelve years and before that we were in Northbrook for about three years, on Anthony Trail, 650.

Commissioner Troiani stated that’s the place, Northbrook.

Chairman Callero stated he is an old guy, he remembers everything.

Mr. Rosengarten stated I want to thank everyone for wearing suits and ties or sport coats. Thank you. I appreciate that.

Chairman Callero asked is there anything else we should know about your operation.

Mr. Rosengarten stated it is a very clean operation; we are very close with the community. Most of our business is either referral or repeat business. Ninety percent of our business is suits. Our demographic is obviously men from about thirty to about fifty-five. It's just a nice, clean operation. We provide wonderful customer service and great values. Our forte really is providing the customer with merchandise you'll see in the department stores at anywhere from thirty to sixty percent off. Everything is brand new, first quality. We carry quite a large inventory so the man can come in and most men will find what they need. And they are out of there in fifteen minutes because men don't like to shop.

Chairman Callero stated you've got that right. Most men. Do you have a tailor on site?

Mr. Rosengarten stated yes, we have a couple of full time tailors as well.

Chairman Callero stated anything else you'd like to tell us?

Mr. Rosengarten stated no, any questions?

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

Commissioner Alpigianis stated one question. Please don't find this offensive. You obviously aren't going to have any mojos, knock offs, counterfeit suits, whatever it may be, correct?

Mr. Rosengarten stated absolutely not. That would ruin our reputation.

Commissioner Alpigianis stated thank you.

Chairman Callero stated any other questions from the Commissioners.

Commissioner Dimond stated I have a question about parking. Actually this goes to summary. Site has two hundred fifty-three parking spaces. This means the entire site. The amount of space leased up to this point including for the proposed "Suits" meets the required parking demand of three hundred twenty-three spaces. Is it three hundred twenty-three – I'm not sure what that number relates to.

Mr. Wlodarski stated with everything that is already leased in the building, including the main operation of the flooring place and their granite shop, that's actually what is needed. But because the operation with the granite has so much storage, they don't come anywhere near using the amount of parking calculated for it. So we don't feel there are any parking issues but if there were, they have plenty of room to expand.

Commissioner Dimond stated okay, so they do have two hundred fifty-three spaces and with the addition of this Suits 20/20, you feel there would still be adequate parking because the other tenant uses so very little parking, is that correct?

Mr. Wlodarski stated correct.

Chairman Callero stated whoever was to make this motion if it were to be approved could make one of the requirements that the landlord increase the

parking in the future, if it was deemed to be necessary as time went on. If that would make whoever wanted to make the motion happier, if you understand what I'm saying. Somewhere I read in the packet that the landlord said that was okay. I don't remember where but it's in there. Any other questions or comments from any of the Commissioners? Any questions or comments from anyone in the audience? If not, I'll entertain a motion.

Commissioner Troiani moved that 08-ZP-13 – Paul Rosengarten, President, 4560 W. Touhy Ave., Lincolnwood, IL 60712 – Requesting a Special Use to Section VIII (B)(3)(ttt) to operate an apparel shop, providing men's suits, sport coats and accessories at 7777 N. Caldwell Ave. be **approved** with the recommendation from staff that the landlord agree in writing to expand the parking lot accordingly if parking demands increase in the future. This would be monitored by the Community Development Department.

Chairman Callero stated very well presented, Mr. Troiani.

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

AYES: 5 Dimond, Surace, Troiani, Alpigianis, Kanelos
NAYS: 0
ABSENT: 1 Weel

There being five (5) affirmative votes the motion carried.

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. Thank you.

Comments

Chairman Callero stated I'm going to call this. Let's get it straight for the record. If you look up the definition of verbatim, first of all the function is an adverb. It's from Middle English from Medieval Latin from the Latin word verbatim. Dates back to the fifteenth century and the definition is "in the exact words, word for word." The only way to have verbatim minutes is to hire a court reporter and neither the Village Board nor the Zoning Board are going to hire a court reporter for two reasons. One, both secretaries, the Village secretary and the Zoning Board secretary, do an excellent job taking the minutes. Secondly, it would be a waste of the taxpayers' money to hire a court reporter. I also want to, at this time, read into the minutes a letter from the Village Attorney.

"In the opinion of the Village Attorney that verbatim transcripts cannot be produced by the Village Board of Trustees or the Zoning Board of Appeals. In order to have a verbatim transcript of these Board meetings, a court reporter is necessary. There is no money available to hire a court reporter for either of these Boards; therefore a verbatim transcript is impossible. I hope everybody can understand me. Let this statement also be a notice to all that minutes of both of these Boards are summaries and not verbatim. If one wishes to hear what exactly transpired at a meeting, a tape recording of the meeting is available at the clerk's office. Signed Joseph J. Annunzio, Village Attorney." I hope that's the end of verbatim. Thank you.

Commissioner Alpigianis stated thank you Chairman Callero.

Chairman Callero made a motion to adjourn.

Commissioner Troiani moved to adjourn the meeting.

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

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

There being five (5) affirmative votes the motion carried.

The meeting adjourned at 8:02 p.m.

James Callero, Chairman

Angelo Troiani, Secretary