

**APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
July 6, 2009**

The Niles Plan Commission and Zoning Board of Appeals was called to order at 7:33 P.M.

Chairman James Hynes asked everyone to stand for the Pledge of Allegiance and then asked Commissioner Troiani to take the roll.

Present along with Chairman Hynes and Village Attorney Joseph Annunzio were Commissioners Karen Dimond, Thomas Surace, Angelo Troiani, Thomas Kanelos, Robert Schulter, Jr. and Morgan Dubiel.

Also present was Charles Ostman, Director of Community Development and Richard Wlodarski, Assistant Director of Community Development.

Chairman Hynes then asked are there any changes, additions, deletions or corrections for the June 1, 2009 meeting minutes. [There were none.] If not, I'll entertain a motion to approve.

Commissioner Kanelos moved to approve the Minutes of June 1, 2009 as presented.

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

AYES:	4	Surace, Troiani, Kanelos, Schulter
NAYS:	0	
ABSTAIN:	2	Dimond, Dubiel

There being four (4) affirmative votes the motion carried.

Commissioner Dimond stated I did not have a chance to read the minutes.

Commissioner Dubiel stated I did not receive a copy of the minutes.

New Business

**09-ZP-09 Mr. Argiro Tsagaroulis, Owner
8457 W. Clara Dr.
Niles, IL 60714**

Requesting a side yard variation to Niles Zoning Ordinance Section VII(C)(9)(a) to reduce the required 10' side yard to 5' to construct a

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drive thru carport at 8457 W. Clara Dr., Niles, IL 60714.

09-ZP-10 Mr. James D. DiPieto, Owner
8657 N. Milwaukee Ave.
Niles, IL 60714

Requesting a Special Use to Section VIII (B)(3)(y) to operate a truck rental business, and a zoning map amendment on lot 39, from R-4 general residence district to B-1 business district at 8657 N. Milwaukee Ave., Niles, IL 60714.

09-ZP-11 Mr. Zvi Feiner, General Mgr.
Regency Rehabilitation Center LLC
6631 N. Milwaukee Ave.
Niles, IL 60714

Requesting a variation to Section V (K)(3) to reduce the required 30' front yard to 7'11" to construct a 765 sq. ft. addition. Amendment to zoning map for parcels 3 & 4 from M to B-2 Special Use and consolidate parcels 1 thru 4. Amend Special Use ordinance #1969-31 at 6631 N. Milwaukee Ave., Niles, IL 60714.

Chairman Hynes called for the first item on the agenda.

09-ZP-09 - Mr. Argiro Tsagaroulis, Owner, 8457 W. Clara Dr., Niles, IL 60714 - Requesting a side yard variation to Niles Zoning Ordinance Section VII(C)(9)(a) to reduce the required 10' side yard to 5' to construct a drive thru carport at 8457 W. Clara Dr., Niles, IL 60714.

Mr. Ostman, would you like to start the presentation and let us in on what the position of your department is?

Good evening. My name is Charles Ostman, Director of Community Development. This is case number 09-ZP-09. Subject property is 8457 W. Clara Dr. The legal notice was published June 18, 2009 in the Bugle Newspaper. All property owners within 250' were also provided with the legal notice by first class mail. Owner is requesting a side yard variation to the Niles Zoning Ordinance Section VII(C)(9)(a) to reduce the 10' side yard required for a detached garage to 5' to construct a drive thru carport. The 5' side yard would comply with the zoning ordinance if the

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property did not have a detached garage. The applicant has lived at the residence for the past 25 years and they would like to construct the carport to allow them to be protected from the weather conditions while loading and unloading from their vehicles. This Board has granted variations like this in the past. This Board is the final authority for the application.

Chairman Hynes stated any members have any questions of Chuck. [There were none.] Is Mr. Argiro Tsagaroulis present? Mrs. Argiro Tsagaroulis stepped forward.

Chairman Hynes stated please raise your right hand. Do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mrs. Tsagaroulis stated I do. We live at 8457 Clara Dr. in Niles.

Chairman Hynes stated Mr. Ostman told us what your requests are. Would you like to expand upon that?

Mrs. Tsagaroulis stated sure. Just because we are getting older and during the winter time it's kind of hard for us to go back and forth to our detached garage, especially to protect ourselves from the rain and the snow we are asking for a variance for one more foot for our carport.

Chairman Hynes asked do any members of the Board have any questions or comments.

Commissioner Dimond stated I looked at the drawings and I presume you are going to be putting a new roof over your house that will extend over the carport area, correct? And that there will be a gutter along the side of the carport. Do you know where the downspout is going to go? And which direction is the water going to be flowing?

Mrs. Tsagaroulis stated we do not have the original architect yet. We are waiting for you to tell us if it's okay for the variance and then we will go ahead and submit a new drawing that the architect will do.

Commissioner Dimond stated I am just concerned about water flowing on your neighbor's property and it should be directed out to the street, not to the back.

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Mrs. Tsagaroulis stated okay.

Commissioner Troiani stated I have one question. The 5' that is going to be remaining after the carport should be in greenery. Bushes or grass – we don't want it in gravel or asphalt or concrete because then you might be able to park another car up in the driveway and we don't want that.

Mrs. Tsagaroulis stated okay.

Commissioner Troiani stated I am going to make that a condition of the motion.

Chairman Hynes stated any other questions.

Commissioner Kanelos asked are there other properties on your block or close by that have a similar situation. Do you feel yours would have a negative impact on the overall appearance of the neighborhood?

Mrs. Tsagaroulis stated yes, there are a lot. They all have extended carports. As we said in the letter and in the pictures we have taken around the neighborhood there were a lot of carports that were extended, not just the regular carports.

Commissioner Kanelos stated if you look at one of the pictures showing 8419 W. Normal you will see the gutter with what Mrs. Dimond was referring to. Keep that in mind; have your architect see that so the water is directed towards the street and not on the neighbor's property.

Mrs. Tsagaroulis stated okay.

Chairman Hynes asked any further questions? [There were none.] Anyone in the audience have any comments or wish to speak. [There were none.] I will entertain a motion with conditions.

Commissioner Troiani moved 09-ZP-09 - Mr. Argiro Tsagaroulis, Owner, 8457 W. Clara Dr., Niles, IL 60714 requesting a side yard variation to Niles Zoning Ordinance Section VII(C)(9)(a) to reduce the required 10' side yard to 5' to construct a drive thru carport at 8457 W. Clara Dr., Niles, IL 60714 be **approved** subject to having greenery on the 5' remaining, so you

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might have to cut down that concrete driveway you have in there now to allow 5' of greenery between the two buildings,

between the two owners properties. Commissioner Dimond stated may I also add the condition that the water drains toward the street, if the movement and the second would accept that condition also.

Commissioner Kanelos stated yes.

Chairman Hynes stated Chuck, once the final drawings are completed by the homeowner they will be submitted to your department for approval.

Mr. Ostman stated yes.

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

AYES: 6 Dimond, Surace, Troiani, Kanelos, Schuler, Dubiel
NAYS: 0

There being six (6) affirmative votes the motion carried.

Chairman Hynes called for the second item on the agenda.

09-ZP-10 - Mr. James D. DiPieto, Owner, 8657 N. Milwaukee Ave., Niles, IL 60714 - Requesting a Special Use to Section VIII (B)(3)(y) to operate a truck rental business, and a zoning map amendment on lot 39, from R-4 general residence district to B-1 business district at 8657 N. Milwaukee Ave., Niles, IL 60714.

Chairman Hynes asked Mr. Ostman, would you like to fill us in on your position on this?

Good evening, Charles Ostman, Director of Community Development, case number 09-ZP-10. Subject property is 8657 N. Milwaukee Ave. Legal notice was published June 18, 2009 in the Bugle Newspaper. All property owners within 200' were also provided with legal notice by first class mail. James DiPieto, owner of Grendel's Rapid Oil Change, is requesting a Special Use to Section VIII (B)(3)(y) to operate a truck rental business and a zoning map amendment [meaning a rezoning] on lot 39 only from R-4 general residence district to B-1 business district. The

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parcels on which Grendel's Rapid Oil Change stands are currently zoned B-1 for lot 38 and R-4 for lot 39, which can be observed on the survey in the aerials provided in your packages. In your packages are pictures

depicting the site with six trucks to the north of the building. This Board is a recommending Board to the Board of Trustees.

Chairman Hynes stated do any members have questions for Mr. Ostman.

Commissioner Dimond stated I have a question. I was looking at the drawing and it looks like Grendel's is primarily already on lot 39, which is zoned R-4. Is that correct?

Mr. Ostman stated it is. It's a legal non-conforming. They are non-conforming right now. They don't need to do anything in regard to the zoning unless the Special Use is granted or they do some other type of construction on that property. But it is considered right now a legal non-conforming, which is fine.

Commissioner Dimond asked because of how long it has been there?

Mr. Ostman stated yes.

Commissioner Troiani asked is where you are planning to park the trucks going to be visible from Milwaukee Ave.?

Mr. Ostman stated I think that would be for the petitioner – the pictures are in your packages. Some of the pictures are taken from Milwaukee Ave.

Chairman Hynes asked does anyone else on the Board have questions. [There were none.] Mr. DiPietro, are you here? [He was not.] Anyone here to speak on behalf of this request? [There was no one.] No one here is a proponent. Since no one is here on behalf of the petitioner is there a motion to deny the request?

Commissioner Dimond stated I'd like to make a motion to table it for next month to see if anyone appears at that time.

Commissioner Dubiel seconded that motion.

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Chairman Hynes stated we have a motion and a second to **table** this request until next month.

Commissioner Troiani asked have we been notified they weren't coming or anything.

Mr. Ostman stated they certainly knew of the meeting this evening.

Commissioner Troiani stated so they knew there was a meeting here. So why give them another chance?

Chairman Hynes stated we have a motion and second, so just vote on the motion.

Commissioner Troiani stated all right. Motion to **table** by Commissioner Dimond, seconded by Commissioner Dubiel.

On roll call the vote was:

AYES: 5 Dimond, Surace, Kanelos, Schulter, Dubiel
NAYS: 1 Troiani

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

Chairman Hynes called for the final item on the agenda.

09-ZP-11 - Mr. Zvi Feiner, General Mgr., Regency Rehabilitation Center LLC, 6631 N. Milwaukee Ave., Niles, IL 60714 - Requesting a variation to Section V (K)(3) to reduce the required 30' front yard to 7'11" to construct a 765 sq. ft. addition. Amendment to zoning map for parcels 3 & 4 from M to B-2 Special Use and consolidate parcels 1 thru 4. Amend Special Use ordinance #1969-31 at 6631 N. Milwaukee Ave., Niles, IL 60714.

Good evening again, Charles Ostman, Director of Community Development. This is case number 09-ZP-11. Subject property is 6631 N. Milwaukee Ave. Legal notice was published June 18, 2009 in The Bugle newspaper. All property owners within 250' were also provided with the legal notice by first class mail. This is a request for a variation

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to Section V (K)(3) to reduce the required 30' front yard to 7'11" to construct a 765 sq. ft. addition. Requesting an amendment to zoning map for parcels 3 & 4 from M to B-2 Special Use and consolidate parcels 1 thru 4 which would also require amending Special Use ordinance #1969-31. The original nursing home at 6631 N. Milwaukee Ave. was approved in 1969 to change the zoning from M to B-2. In 1994 the adult

day care center at 6625 was approved to change the zoning from M to B-2 also and a height variation from 36' to 50'. The setback requirement of the front yard is the average setback of the block. It cannot be determined the average setback of this particular block. Therefore we took the 30' maximum and that's what the request is from - 30' down to 7'11". The request also includes the consolidation of all the properties now into one lot of record which includes a parking lot expansion. This request will greatly enhance the nursing home with no additional beds and adult daycare center will provide more benefits to the residents with a new, larger dining room and new therapy area. They will also be expanding the parking lot and build a new, exterior patio. The expansion will include a large amount of new landscaping to beautify the entire site. These changes will require the amendment of the original Special Use Ordinance 1969-31 to reflect a new legal description of the entire property. The parking will be properly expanded to meet the current parking requirements bringing the entire site to a legal conforming status from a legal non-conforming. This Board is recommending Board to the Board of Trustees for this application.

Chairman Hynes asked are there any questions from members of the Board for Mr. Ostman.

Commissioner Dubiel stated Chuck, it looks like several parcels in that area have less than 11', is that right?

Mr. Ostman asked adjacent properties?

Commissioner Dubiel stated yes, that's right.

Mr. Ostman stated yes, that is correct. If you go between Harts and all the way to the Village limits, it's a very long stretch and there are quite a few properties that come right up to the property line.

Chairman Hynes stated so what you are saying is this request in terms of the variance is fairly normal for that area, not unusual.

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Mr. Ostman stated in my opinion, it would not be unusual.

Commissioner Dimond stated I have a question regarding the proximity of this parcel to the river. Do we have any information if that is a flood plain?

Mr. Ostman stated none of it is in the flood plain. That was checked.

Commissioner Dimond stated none of it is.

Mr. Ostman stated right.

Chairman Hynes asked any other questions? He then stated I have one clarification. Am I correct that there are, in essence, two requests here? One, for the variance to reduce the required 30' front yard to 7'11" for the addition, and then the second, is consolidating all of these various parcels into one and that one consolidated parcel will all have the same zoning?

Mr. Ostman stated there are actually going to be three separate requests. It's going to be the variation to the front yard from 30' to 7'11"; requesting the amendment of re-zoning to the zoning map – that's the second request; the third request is to approve the consolidation of all the lots.

Chairman Hynes ask does anyone have further questions of Chuck.

Commissioner Schulter stated I have a question. According to the prints we received, it appears the addition is multiple levels. Is that true?

Mr. Ostman stated is has been changed a couple of times. I'll let the petitioner answer that question if you don't mind.

Chairman Hynes called on the petitioner Mr. Feiner. [He was not in attendance.]

Paul Kolpak stepped forward. He stated good evening Mr. Chairman. My office is at 6767 N. Milwaukee Ave. I represent the petitioner, Feiner Investments, Zvi Feiner. To my right I have the administrator, Miss Lori Barrish and to her right we have our architect Mr. Michael Arenson. He can answer the question. One of the things I'd like to do is, since Mr. Feiner was not able to be here today, he did send a send a letter

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indicating that Miss Barrish, who has been the administrator for a number of years, will be representing him at this meeting and she is vastly qualified to answer any questions that we may have. At this point I'd like to introduce our architect, Mr. Michael Arenson. Mr. Arenson, would you please state your name. You're a licensed architect in the state of Illinois, is that correct?

Good evening. I am Michael Arenson. I am a licensed architect in the state of Illinois. I'm with the firm SAS Architects [630 Dundee Rd., Northbrook, IL 60062.]

Chairman Hynes stated I'd like to swear you in please. Raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Arenson stated I do.

Mr. Kolpak stated please describe the current property and the proposed addition, specifically addressing Mr. Schulter's question – will the addition go more than one story. [Using the overhead projector along with architectural drawings.]

Mr. Arenson stated the current property is a five story nursing home, licensed 299 beds. In your packet is a floor plan. There are two major segments to the addition – putting an addition on the east side which comprises a front entry which doesn't exist. On the first floor, let me show you. [inaudible] First floor has physical therapy, a dining room and activity space on it. The second floor has some dialysis space on it, a dining room and some activity space. There's a new [portico] covered entry. We have separated the traffic for the entry for the delivery and the ambulance on one side and the visitors on the other side. So this is a two story addition, about 6,500 sq. ft. each. In the front is a very small addition about 750 sq. ft. It's actually part of an ice cream parlor so that when you come in you can have natural light all the way across to the front entry; there's some public space, some activity space on the first floor. We then can enhance the front garden that is already there. We can enhance the landscaping all the way around the property, pavers as a front walk along the side and some garden space in front as well. There are no bed additions at all. The whole attempt here is to try and improve life for the residents, the quality of life within the building,

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to make it much more contemporary in terms of being a state of the art nursing home. So these are all activity spaces – there is no increase in beds or staff. This is the existing four story building. It is the adult daycare. It is a 2,500 sq. ft. footprint. It's very small. No change on that building at all. And we did eliminate even one drive going out to Milwaukee so there are less traffic problems on Milwaukee. And the

front of this addition lines up with the manufacturing building to the north. So we're not going any further west than what our neighbors are. So I did that very quickly and I'd be glad to answer any other questions.

Commissioner Schulter stated that's okay. But the addition where you are asking for the variance in the front, that's just the one story.

Mr. Arenson stated it's just the one story and a bay window, and sticks out to try and get out to that little garden; it's to the front if you know the property.

Commissioner Schulter stated thank you.

Mr. Kolpak stated Michael, would you just address the parking issue.

Mr. Arenson state absolutely. Right now the parking lot really goes right up to the edge of the building and stops about here, half way through the site. So we are extending the parking to the east, almost double. There are currently approximately 100 spots, 101. It's going up to 149. So we are adding 50% more parking spaces but yet not increasing the bed count or the staff. So we are greatly enhancing the parking. This is a generator and the garbage pickup in enclosures.

Commissioner Surace stated so you will have one entrance and one exit.

Mr. Arenson stated no. Right now there are three, believe it or not. This would hopefully be the major one – both directions so normal visitors' car traffic would be coming here. This side which currently goes out would be hopefully more relegated to service. You'd still be able to circulate all the way around and the service would be then off on the side here so that, right now if you know the property, if you go to the entrance it's got a truck in front and a car in front and it's all jumbled. Now this will separate the traffic flow appropriately for the building, give it a sense of entry.

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Commissioner Schuller asked is it still going to be one entrance and then one exit.

Mr. Arenson stated no, this will be a two way drive. Again it simplified the traffic flow immensely.

Commissioner Dimond stated did I understand you say there's going to be a dialysis center in the new larger part of the addition?

Mr. Arenson stated there's just some space for the dialysis center on the second floor.

Commissioner Dimond asked is that going to be servicing outside patients or just the residents.

Mr. Arenson stated just the residents.

Mr. Kolpak stated could we have Lori Barrish answer, that's why she is here.

Miss Lori Barrish stated it's just for our residents. She stated I'm Lori Barrish. I am the administrator at Regency. We provide on site dialysis as a benefit to the residents who live there so they don't have to go out three times a week to another site. It would only benefit our residents.

Commissioner Dimond stated this addition is going to be a multi-story addition, the one in the rear, correct? You're saying there are no beds there. What is going to be in there?

Miss Barrish stated the first floor is going to be an enhanced, more updated therapy center for our residents. We do a lot of residents who come in "rehabbed to home", short term and then go home. It's going to be nice and a better area for them to have the rehab in. The second story is going to be the dialysis area. The area now is not as open and as nice for the residents who have to sit there for hours. This is a much nicer area for them. It's going to be more state of the art, more open for them.

Mr. Kolpak asked are we going to take anybody who is not going to be a resident of the home.

Miss Barrish stated no.

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Commissioner Surace stated one question. When the buses stop on Milwaukee Ave. there's always some confusion – should they go to the entrance on the south, on the north? People who want to get on – there's

the front entrance. [inaudible] There's an entrance in the back. Should we let them off on the south or on the north entrance on Milwaukee Ave. [inaudible] It is a problem.

Mr. Ostman stated you are saying for pedestrian traffic off Milwaukee.

Commissioner Surace stated yes, pedestrian or people that come on a bus, or visitors – they don't drive.

Mr. Kolpak asked are we talking about the free bus.

Commissioner Surace stated the free bus. The main entrance is on the opposite side of Milwaukee in the back, right? Your main entrance is there. You closed the front. You've had that closed for many years.

Miss Barrish stated yes.

Commissioner Surace stated it's always that confusion, do you get left off here or there. That's important. When you drive you don't realize that problem. There is a problem.

Mr. Kolpak stated we can certainly make.... because it's our residents' people who are visiting there, we can put something in a brochure – we can certainly say please enter and exit from the rear. [inaudible]

Commissioner Troiani stated Mr. Kolpak, can you please speak into a microphone.

Mr. Kolpak stated I apologize, Mr. Troiani.

Commissioner Surace stated it's probably my voice. It's a minor point and yet you've got older people there and I think it's important for safety.

Mr. Kolpak stated a point well taken and we'll be happy to do that. The answer to the question was can we make people aware of the fact that they

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should enter and exit the facility from the rear of the building, not on Milwaukee Ave. And Miss Barrish has indicated that we will put some information into the packet so the family is aware that's where they should be.

Commissioner Surace stated thank you.

Commissioner Dimond asked do you have a Certificate of Need from the Health Facility Planning Board.

Mr. Arenson stated there is no need for a CON for this project for the alterations or changes we are making to it. We will notify the Illinois Department of Public Health, which is required and the plans will be approved by the Illinois Department of Public Health for this addition.

Chairman Hynes asked does anyone else have any more questions.

Commissioner Dimond stated I have one more. It looks as though, when I look at those plans, that you're going to be probably putting concrete over what had been about an acre or two of open land, is that correct in the rear of the property for the parking lot?

Mr. Arenson stated yes, we will be paving more property for the parking lot.

Commissioner Dimond stated what, if any measures, are you taking to insure that water is absorbed. Is it going to be pumped into the storm sewers, is it going to be funneled off into the river? Where is that water going to go?

Mr. Arenson stated we've worked with staff and there is a civil engineer on this project who has designed whatever retention is required. I can't speak elaborately about it because I don't know the detail of it. I know we've met all the NWRD requirements for site retention.

Mr. Kolpak stated we would not be able to get our building permits without this being passed by the engineers on the Niles staff so if they don't agree with our calculations, we would have to make some adjustment to that. Is that correct Mr. Ostman?

Mr. Ostman stated that is correct.

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Mr. Kolpak stated thank you.

Mr. Arenson stated I can also add we are below the impervious/pervious area calculation that we have to meet for this as well. We have more green area than necessary. The site goes extensively further east.

Commissioner Troiani stated Mr. Chairman, at this time I'd like to read this letter to be a part of the minutes.

Chairman Hynes stated please do so. We'll consider it as Exhibit A to the minutes.

Commissioner Troiani read the following letter: Feiner Investment Corp., "Village of Niles. Please be advised that Lori Barrish, our administrator for the facility, will testify on behalf of the Regency Nursing Home. She is well acquainted with its procedure and the reasons for the proposed variations. Sincerely, Cy Feiner." We will keep this in the minutes.

Chairman Hynes asked do any Board members have any further questions of the petitioners. Do we have anyone in the audience who would like to speak for or against this request?

Rosemary Palicki stepped forward.

Chairman Hynes stated would you raise your right hand to be sworn in please. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Rosemary Palicki, 8246 N. Merrill, Niles. I just have two follow up questions. I don't know if Mr. Kolpak or your architect can answer this. I know you, Ms. Dimond, alluded to fact about water, what was going to happen to that. When these sorts of issues have come before the Village Trustees frequently the discussion comes up about putting in permeable concrete or permeable pavers. You mentioned that your sidewalk was going to be permeable pavers. This means the water would pass through it.

Mr. Arenson stated I don't think I said there would be pavers.

Ms. Palicki stated is it a possibility or can the Board make this a condition of it – that the pavement has to be permeable? That would be my first question.

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Mr. Kolpak stated what we said was we believe we've met all the requirements. If the requirement is to add permeable pavers, we will do that. Right now we think we've got enough green area to absorb the water.

Chairman Hynes stated I just want to say on my behalf, I don't think anyone on the Board has the expertise to decide whether permeable pavers are appropriate or not. That's the Engineering Dept. If the petition is approved, they can require that if it's necessary and appropriate. I don't think we have the expertise or have any testimony one way or the other that could give us the ability to make that a condition.

Ms. Palicki stated I appreciate your honesty. I just am pointing out the fact that at the Village Board, when your recommendations as a Board are presented, frequently the question is brought up and Mr. Ostman, I don't remember if you were there the last time, but after it's been agreed on, then someone suggests could you use permeable concrete or pavers. There's no one who is from the Village Management that says yes or no, well we'll look at it after a decision has already been made. I think this is a chance to make a recommendation now and I don't know whether or not, Mr. Ostman, you are prepared or would be able to speak to whether or not we need permeable concrete.

Mr. Ostman stated the only comment I can make in regard to that is the Storm Water Task Force is currently reviewing new proposals in the new ordinance to stiffen the rules in regard to permeable surface and things like that. We don't have any ordinance in place to require them to do that. In the future I believe you are going to see those rules being stiffened and therefore it's going to be an ordinance for them and then the applicants have no other alternative. Either they meet it or they use alternative material.

Ms. Palicki stated so at this time it wouldn't just be a good idea to consider it, is what I am suggesting.

Mr. Ostman stated I think there's a lot more research that needs to go into this, like the permeable concrete, because there's maintenance issues in regard to that. That's some of the things we are discussing right now on the Storm Water Task Force. It's not that easy just to say put in the permeable concrete. There are a lot of issues that go along with it.

Ms. Palicki stated I appreciate that. Then I have a second question. I just wondered whether reducing the front yard variance to 7'11" – does

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anyone know if that's going to impede the beautification process of Milwaukee Ave. and plans that have been proposed.

Mr. Ostman stated it will not.

Ms. Palicki stated it will have no effect or limit that in any way. Thank you.

Chairman Hynes asked does anyone else have any questions or comments. Anything further from the petitioner?

Mr. Kolpak stated no, we rest our case.

Commissioner Dimond asked have you considered seeking LEED certification for your building. [Leader in Energy and Environmental Design]

Mr. Arenson stated certainly LEEDs is a very admirable goal for all communities. In architectural practice that [inaudible] to sustainability. The answer for this specific project which is an addition to an existing building would be very, very difficult to qualify LEEDs new building. It doesn't work as a tenant remodeling. You can't even get this certified under LEEDs residential or any of the other LEEDs categories. This would not be an appropriate LEEDs type of project because it's a small addition. Everything we have added to this building has many of the characteristics of sustainability that would be in a LEEDs project. It will be well insulated; we will use projects that are renewable; we'll be very conscious of BOCs. As I said as an architectural practice we are very sensitive to sustainability. But LEEDs certification would be an incredibly awkward thing to try and get for this small addition.

Commissioner Dimond stated I understand even tenants of a building can qualify for it. I just want to know if it was considered.

Mr. Arenson stated as I said sustainability is considered but not trying to get this LEEDs certified.

Chairman Hynes asked anything further, any questions from any members of the Board? [There were none.] I think it's appropriate now to

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see if anyone wants to make a motion. I think we will need three separate motions. The first being on requesting a variation to Section V(k)(3) to reduce the required 30' front yard to 7'11" to construct a 765' sq. ft. addition. Do I hear a motion on that?

Commissioner Troiani moved to **approve** on the first motion, seconded by Commissioner Kanelos.

On roll call the vote was:

AYES: 6 Dimond, Surace, Troiani, Kanelos, Schuler, Dubiel
NAYS: 0

There being six (6) affirmative votes the motion carried.

Chairman Hynes stated the second request would be an amendment to zoning map for parcels 3 & 4 from M to B-2 Special Use and consolidate parcels 1 thru 4. Do I hear a motion on that?

Commissioner Kanelos moved to **approve** the second motion, seconded by Commissioner Dubiel.

On roll call the vote was:

AYES: 6 Dimond, Surace, Troiani, Kanelos, Schuler, Dubiel
NAYS: 0

There being six (6) affirmative votes the motion carried.

Chairman Hynes stated the third motion on this petition would be to amend the Special Use ordinance #1969-31 at 6631 N. Milwaukee Ave. as we discussed earlier – consolidating them all.

Commissioner Troiani moved to **approve** the third motion, seconded by Commissioner Surace.

On roll call the vote was:

AYES: 6 Dimond, Surace, Troiani, Kanelos, Schuler, Dubiel
NAYS: 0

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There being six (6) affirmative votes the motion carried.

Chairman Hynes asked do the members have any further questions.

Mr. Kolpak stated thank you for your time, thank you for your consideration.

Joseph LoVerde stepped forward. I'd like to address the court please.

My name is Joe LoVerde. I live at 7041 Main St., in Niles. It has been the past history of the Board in situations like 09-ZP-10 in which the petitioner does not show up, when you ladies and gentlemen move from denial to a table – in the past we've given consideration to those that have attended the meeting to speak to it. It is my request that the residents that made their time to come out here tonight for this case, if the Chairman would entertain the opportunity for these people to give their testimony since it's not going to change, in case of a continuance they won't have to come back again.

Chairman Hynes stated it puts me in a difficult spot in a sense that if these petitioners do come back, they won't hear directly what those who may want to speak today have said – for or against their request. And they won't be able to rebut what they said. Obviously it will be in the minutes so....

Mr. LoVerde stated it's been this Board's previous practice that this has been allowed so I'll leave it up to the Board.

Chairman Hynes stated that's my concern. I'm not crazy about doing it this way, but does anyone have an objection if people want to make a statement to allow them to do so. [There were no objections.] If anyone does want to speak on behalf of or against petition number 09-ZP-10 – reopening the records on 09-ZP-10, Mr. James DiPietro, 8756 N. Milwaukee Ave., requesting Special Use to operate a truck rental business. Anyone want to speak to that.

Chairman Hynes stated please raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Diane Scarpelli, 8716 Wisner, Niles, IL stated I do. Naturally we are

opposed to this. If you remember how the U-Haul looked, a half block north of Dempster St., how junky it was; that's what we are planning on seeing in

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our neighborhood. Naturally we don't want inexperienced truck drivers driving through our area. We have school children waiting on the corner there for school buses. You can verify this with the police department, there's accidents there all the time. We are just causing more truck traffic on our side streets and on Milwaukee Ave. which we don't need. In our opinion it's not a very good choice of location. There are other locations in our area that would suit. There's space on Caldwell across the street from Tam Golf Course. There's space on Greenwood where Dominick's was - there is room there for them to go. There's another U-Haul Rental area right before Howard St. How many do we need within a few blocks of one another? In our opinion it's just a bad choice. We have Notre Dame High School boys getting off the bus there and we have kids riding their bicycles there down our streets. We just don't want trucks parked there. And, needless to say, it's all rental property there; it's going to degrade our chances of renting and our rent, our income. It's an eyesore.

Chairman Hynes stated thank you. Any members of the Board have any questions? Did you get a notification of the hearing?

Mrs. Scarpelli stated we did.

Chairman Hynes stated I assume in the event this comes up again, you will get another notification just like you did this time. Whether it will or will not come up, I don't know.

Mr. Ostman stated if I could make a comment to that. You said if any resident here would like to be notified, please see the secretary after the meeting and give their name and address and we will send out another notice. Normally we do not send out another notice. The one notice has been sent and it meets their obligation.

Mrs. Scarpelli stated oh, really. Even though it's continued we would not be notified?

Chairman Hynes asked even though it's continued?

Mr. Ostman stated right. The notification has been sent.

Chairman Hynes stated then in that event, make sure you leave your name and address with the secretary before you leave so we're sure you get a

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notification. And your comments will be in the minutes of this evening's meeting and if it comes up again they will be read into the record at the following meeting.

Mrs. Scarpelli stated absolutely. Thank you.

Commissioner Dubiel stated Mrs. Scarpelli, I don't know if you saw our packet. From the photo, I don't know if this is a photo-shop or if there already are Penske trucks there.

Mr. Ostman stated if I can address that. We did ask the petitioner to have Penske bring in the trucks and take a picture for the Board so they can visually see what it is going to appear like. The residents have not seen that. Of course the residents could ask for those pictures. We'd be more than happy to provide those.

Mrs. Scarpelli stated so it's going to be Penske and not U-Haul.

Mr. Ostman stated that is correct.

Mrs. Scarpelli stated same difference.

Commissioner Dubiel stated just so you know what we've seen.

Mrs. Scarpelli stated plus the pollution in the area. And also you could verify this. I thought I mentioned this before with the police department, how many accidents are within that one block. There was just one there the other day. It's pretty dangerous.

Commissioner Dubiel stated thank you.

Chairman Hynes stated thank you very much. Anyone else have any comments or questions? [There were none.] That will close the record on 09-ZP-10 which we had reopened a few minutes ago to hear comments from the citizens. One final thing with regard to the 09-ZP-11, our positive motions are recommendations to the Village Board. Just want that to be clear. Any further questions? [There were none.] I'll make a motion to adjourn.

Commissioner Surace moved to adjourn the meeting.

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

AYES: 6 Dimond, Surace, Troiani, Kanelos, Schuler, Dubiel
NAYS: 0

Their being six (6) affirmative votes the motion carried.

The meeting adjourned at 8:23 p.m.

Kathleen Janessa, Recording Secretary

Residents to be notified of future meetings in regard to item 09-ZP-10:

Diane Scarpelli
8716 N. Wisner
Niles, IL 60714

Harry Doleschal
8709 N. Wisner
Niles, IL 60714

Angela & Albert Cassettari
8716 N. Wisner
Niles, IL 60714

Laura & Joe Virgilio
8740 N. Wisner
Niles, IL 60714