

**APPROVED**  
**MINUTES OF THE MEETING OF THE PLAN COMMISSION**  
**AND ZONING BOARD OF APPEALS**  
**VILLAGE OF NILES**  
**COOK COUNTY, ILLINOIS**  
**November 2, 2009**

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

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

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

Commissioner Robert Schulter, Jr. was absent.

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

Chairman Kanelos stated are there any corrections, additions or clarifications to the minutes of the October 5, 2009 meeting. [There were none.] If not, I'll entertain a motion to approve.

Commissioner Dimond moved to approve the Minutes of October 5, 2009 as presented.

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

AYES:	5	Dimond, Surace, Kanelos, Troiani, Dubiel
NAYS:	0	
ABSENT:	1	Schulter

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

Chairman Kanelos 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 Mr. Richard Wlodarski, Assistant Director of Community Development, 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 wishing to accompany the members is invited to meet at the Administration Building, 1000

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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. At this time I am going to ask Attorney Joseph Annunzio to offer some insight.

Mr. Annunzio stated thank you Mr. Chairman. I'd just like to give a short talk on the need for the Plan Commission and Zoning Board of Appeals to follow state law and Village ordinances. First of all, I'd like to remind the Board they are the findings of fact for the Village of Niles in zoning matters. All information that is needed for the Village Board to make a correct decision is generated with this Board. Because of that, you have an important duty to make sure all the information that is necessary is in the findings of fact and is in our minutes. What I'd like to talk about tonight is Mr. Kanelos' duty to create the findings of fact and conclusional law that is going to be presented to the Board and the need for him to have the right information in our minutes so that he can write a proper findings of fact. Before you, I put two pieces of paper: one called Special Use and one called Variation. If you could I'd like you to take a look at those. Tonight when you are asking questions to the various parties either seeking a Special Use or Variance, it is important that you follow the rules that are set down in our Zoning Code. For instance, if you look at Special Use, the Zoning Code sets up three standards that must be asked and answered before a Special Use can be recommended. It is important that you ask these questions and they are answered in the findings of fact. If you'll take a look at the other one, Variations, we all have three criteria that must be answered in the positive before a Variation can be given. Again I ask you to make sure you ask questions that pertain to those three questions in the variance Variations so that Mr. Kanelos can write a findings of fact in conclusional law that supports your recommendation. What I would like to do, starting tonight, is after the questions are asked, that we again summarize the criteria for either Variance or Special Use with the information we acquired tonight to make sure we have answered these either in a positive or negative. Do you have any questions?

Commissioner Dimond stated are you suggesting that one of the Board members summarize verbally the evidence we've heard according to the criteria that is set forth.

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Mr. Annunzio stated yes. If it is in the record it will be much easier for Mr. Kanelos to write the findings of fact. And by doing so, we'll know that the entire Board concurs with his findings of fact. Thank you.

Chairman Kanelos stated so from now on after each presentation and testimony is given, after the question and answer period we will have a brief summary as Attorney Annunzio recommended and has asked us to do.

Commissioner Dubiel stated which Commissioner would you pick to do that or is it a volunteer basis.

Mr. Annunzio stated a voluntary basis.

Commissioner Dubiel stated would it be the person presenting the motion either to approve or deny.

Chairman Kanelos stated it could be. It would probably be the simplest thing to do if you are going to make the motion to approve or not approve. These indicate the facts that were found on those three questions in summary form. Thank you very much.

**Old Business**

**None**

**Announcement**

**Starting with the January 4, 2010 meeting of the Zoning Board of Appeals and Planning Commission we will begin meeting at 7:00 p.m. versus 7:30 p.m.**

**New Business**

**09-ZP-18 Mr. Randall Jaacks, President  
Rustic Wood Fencing Ltd.  
9116 N. Milwaukee Ave.  
Niles, IL 60714**

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**Requesting approval of Plat of Consolidation to Appendix B, Section XI (C.1)(3)(i) for parcels 1 thru 4 and a Zoning map amendment of**

**parcels 3 and 4 from R-1 Single Family Residence District to B-2 Service Business District at 9116 N. Milwaukee Ave., Niles, IL 60714.**

**09-ZP-19 Nathan Glaser, Owner  
7656 W. Monroe St.  
Niles, IL 60714**

**Requesting a variance to Appendix B, Section VII (C)(10) to reduce the rear yard setback from the required 40' to 27' (32.5%) to construct a first floor addition at 7656 W. Monroe St., Niles, IL 60714.**

**09-ZP-20 Jaclyn Graney, Owner  
8104 W. Greendale Ave. (correction of street name)  
Niles, IL 60714**

**Requesting a Special Use to Appendix B, Section VIII (B)(3)(u) to operate a dance studio at 291 & 295 Golf Mill Ctr, Niles, IL 60714.**

**09-ZP-21 Mr. Paul A. Kolpak, Attorney  
Bogdan Chmielewski, President/CEO  
100 McGuinness Blvd.  
Brooklyn, NY 11222**

**Requesting a Special Use to Appendix B, Section VIII (B)(3)(bb) for a drive-in credit union and a variation to Appendix B, Section VIII (B)(5)(b) to reduce the rear yard setback from the required 20' to 12' (40%) to construct a drive-thru at 6913 N. Milwaukee Ave., Niles, IL 60714.**

**09-ZP-22 Mr. Chuck Ostman, Director  
The Village of Niles  
1000 Civic Center Dr.  
Niles, IL 60714**

**Requesting text amendment to Village of Niles Zoning Code Appendix B, Section VII (B)(14) and (C)(14) intensity of lot from 65% to 60% impervious surface.**

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**09-ZP-23 Mr. Chuck Ostman, Director**  
**The Village of Niles**  
**1000 Civic Center Dr.**  
**Niles, IL 60714**

**Requesting text amendment to Village of Niles Zoning Code**  
**Appendix B, Section IX (B)(2) Special Use for Motor Vehicle Body**  
**Repair Facility.**

Chairman Kanelos called for the first item on the agenda.

**09-ZP-18 – Mr. Randall Jaacks, President, Rustic Wood Fencing Ltd.**  
**9116 N. Milwaukee Ave., Niles, IL 60714 - Requesting approval of**  
**Plat of Consolidation to Appendix B, Section XI (C.1)(3)(i) for parcels**  
**1 thru 4 and a Zoning map amendment of parcels 3 and 4 from R-1**  
**Single Family Residence District to B-2 Service Business District at**  
**9116 N. Milwaukee Ave., Niles, IL 60714.**

Charles Ostman, Director of Community Development stepped forward. Good evening. This is zoning case 09-ZP-18. Subject property is 9116 N. Milwaukee Ave. Legal notice was published October 15, 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 by Mr. Randall Jaacks, owner of Rustic Wood Fencing, for a plat of consolidation and rezoning of two parcels. This plat encompasses four parcels in which two parcels abutting Milwaukee Ave. are zoned B-2 and the two rear parcels are zoned R-1. This has been a family business in Niles for nearly fifty years. Approval of the Plat of Consolidation would permit the owner, by right, to construct a new office building for their business detached from the residential structure on the property. The plat has been reviewed by Gewalt Hamilton & Associates, Village of Niles Engineering Dept. and Community Development Dept. and meets all Village requirements. The plat in your package does not reflect two changes made last week for the easement for an existing storm sewer and a 5' easement that runs along the perimeter of the entire property. The corrected plats have been provided this evening to each of the Commissioners. The two rear parcels that require rezoning was originally part of the rear yards of the residential property on Maryland. The date of the transfer of that real estate

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in the expansion of their yard could not be determined. Recommendation is to approve separately the Zoning map amendment

from R-1 to B-2 in the Robert Jaacks subdivision. Do you have any questions?

Commissioner Dimond stated I looked at the map and saw the two rear parcels were zoned R-1 which I'm sort of surprised at because it looks like they are already being used for business purposes. It looks like there are trucks and other equipment back there.

Mr. Ostman stated that is correct. We can't determine when they expanded the use into the residential zoned property. We were unable to determine when that occurred.

Commissioner Dubiel stated to the northern most R-1 [on the overhead] property – what is that triangular.... it looks to be part of that property. Are they encroaching on the church?

Mr. Ostman stated yes, they are encroaching currently on St. Matthew's church property. I probably would expect them to relocate that fence to the proper lot lines.

Chairman Kanelos stated any other questions from the Commissioners. Is the petitioner here?

Randall Jaacks and Architect Robert Lizzo stepped forward.

Chairman Kanelos stated do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth.

They both stated I do.

Chairman Kanelos stated please state your names and addresses clearly for the record.

Randall Jaacks, 9116 Milwaukee Ave., Niles.  
Robert Lizzo, 7 S. Lake Ave., Third Lake, IL.

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Chairman Kanelos stated do you have anything to add to Mr. Ostman's presentation.

Mr. Jaacks stated not really. What we are trying to do, you can kind of see it there, the small area was a garage at one time. We converted it

into an office building. Over the years it served us quite well but we've kind of outgrown it.

Commissioner Dimond stated could you point [at the overhead screen] where your office is.

Commissioner Dubiel stated that's the rear of the lot, right? R-1/B-2 where they meet.

Commissioner Troiani stated no. It's right out in front, right underneath that sign – 9116 N. Milwaukee Ave.

Chairman Kanelos stated excuse me, Commissioners please – one at a time and through the Chair.

Mr. Jaacks continued, we've outgrown it and we don't have bathroom facilities in there. We need a little bit more room to keep functioning properly.

Commissioner Dimond stated what do you intend to do in terms of tearing down or removing any of the existing buildings and building a new structure. What are your plans?

Mr. Jaacks stated this building right here is coming down. We are planning on building in the same spot. [Inaudible – petitioner is away from the microphone.]

Mr. Lizzo stated basically we are tearing down that building and replacing it in basically the same location, approximately the same size. A little bit bigger, going back about 18'.

Chairman Kanelos stated any other questions from the Commissioners. Any questions from the public for either the petitioner or Chuck? [There were none.]

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Commissioner Troiani stated we have to ask some questions Mr. Chairman. Some standard questions on Special Use. This particular thing, increasing your office, would be necessary for the convenience of your customers, am I right?

Mr. Jaacks stated yes.

Commissioner Troiani stated it is designated, located, proposed to be operated that the public health, safety and welfare of the Village of Niles citizens will be protected at all times, correct?

Mr. Jaacks stated yes.

Commissioner Troiani stated it will not cause substantial injury to value of other property in the area.

Mr. Jaacks stated no.

Commissioner Troiani stated this is so cut and dry it is kind of hard to ask some of these questions. But that's all right.

Mr. Annunzio stated get used to it Ginger.

Commissioner Troiani stated the Plan Commission may recommend that the Village Board provide a few conditions on this and restrictions upon the construction, location, operation of a Special Use, included but limited to, the ingress and egress of the property. You have three cuts on Milwaukee Ave. according to IDOT. Is that going to remain for the convenience and safety of the people?

Mr. Jaacks stated yes.

Commissioner Troiani stated your setback of your building is far enough back not to hinder traffic on Milwaukee Avenue.

Mr. Lizzo stated that is correct and it is going to remain so.

Commissioner Troiani stated thank you. I think that's all the questions. Most of this property has been grandfathered in, Mr. Jaacks, from your grandfather buying Golf Mill and this is part of the land agreement with people back and forth with the church many, many moons ago, right?

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Mr. Jaacks stated yes.

Commissioner Troiani stated thank you, that's all I have.

Commissioner Dimond stated Mr. Ostman, did the neighboring parcels

receive notice of this. The residents who live just behind the property all received notice of it.

Mr. Ostman stated absolutely, yes.

Chairman Kanelos stated one more time, does anyone in the audience have any questions or concerns? [There were none.] Chuck, I

understand you want this approved in two phases.

Mr. Ostman stated it is recommended in two separate ordinances.

Chairman Kanelos stated I will entertain a motion for the first half.

Commissioner Troiani stated I'd like to make a motion to change the R-1 property in the rear of the program to B-2.

Chairman Kanelos stated I would like someone to offer the wording as it exists in the petition. We are going to do the second half first, the Zoning amendment.

Commissioner Troiani moved that Mr. Randall Jaacks, President, Rustic Wood Fencing Ltd., 9116 N. Milwaukee Ave., Niles, IL 60714, Zoning ordinance 09-ZP-18, requesting approval of Plat of Consolidation to Appendix B, Section XI (C.1)(3)(i) for parcels 1 thru 4 be **approved**.

Seconded by Commissioner Dimond, on roll call on that half of the motion the vote was:

AYES:	5	Dimond, Surace, Kanelos, Troiani, Dubiel
NAYS:	0	
ABSENT:	1	Schulter

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

Chairman Kanelos stated at this time I would entertain a motion for the second half for the Zoning map amendment.

Commissioner Dubiel moved that the Board **approve** the Zoning map amendment of parcels 3 and 4 from R-1 Single Family Residence to B-2 Service Business District at 9116 N. Milwaukee Ave., Niles, IL 60714.

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

AYES:	5	Dimond, Surace, Kanelos, Troiani, Dubiel
NAYS:	0	
ABSENT:	1	Schulter

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

Chairman Kanelos stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate our decision. 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 an issue will be heard by the Board of Trustees, leave your name and address with our secretary and you will be notified.

Chairman Kanelos called for the next item on the agenda.

**09-ZP-19 – Nathan Glaser, Owner, 7656 W. Monroe St., Niles, IL 60714 – Requesting a variance to Appendix B, Section VII (C)(10) to reduce the rear yard setback from the required 40’ to 27’ (32.5%) to construct a first floor addition at 7656 W. Monroe St., Niles, IL 60714.**

Charles Ostman, Director of Community Development, stepped forward. This is case 09-ZP-19. Subject property is 7656 W. Monroe. Legal notice was published October 15, 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 to reduce the rear yard requirement from 40’ to 27’ to construct an addition at 7656 W. Monroe. The lot is 70’ wide and on the west lot line measures just over 118’ deep. The east lot line is 45’ less than

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the standard lot measuring just over 80' deep. The current dwelling meets the rear yard requirement of 40'. The purpose for the addition is to provide a family room that measures 16' by 27' in size. The proposed FAR would be at 4.40 – well below the .625 permitted by code on this 7,008 sq. ft. lot. The maximum intensity of the lot for impermeable surface would be 37% of the lot – totaling 2,577 sq. ft. It is estimated that only 52 sq. ft., about 12% of this addition, would encroach into the required rear yard of the 432 sq. ft. addition.

Recommendation is to approve since only 12% of the addition, being about 52 sq. ft., would encroach and no other variations are sought.

Chairman Kanelos stated are there any questions for Mr. Ostman.

Commissioner Dubiel stated in your background information on this lot, the lots in this area are normally 125' deep, are you saying?

Mr. Ostman stated a typical lot in Niles is 50' by 125'.

Commissioner Dubiel stated so this is an unusual shaped lot on this corner.

Mr. Ostman stated yes, it is 70' wide versus the typical 50' lot. The depth on the one side is near your typical lot but on the other side the interior lot line is less.

Commissioner Dubiel stated so it is fairly unique. Thank you.

Chairman Kanelos stated any other questions for Mr. Ostman.

Commissioner Dimond stated this is just a one story addition at the rear of the property, right?

Mr. Ostman stated this is strictly a one story addition.

Chairman Kanelos stated if the Commissioners could please direct the questions to the Chair to be recognized. Is the petitioner here?

Dr. Nathan Glaser stepped forward along with Project Director John Cvetkovski.

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Chairman Kanelos stated please raise your right hands.

Chairman Kanelos stated do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth.

They both stated I do.

Chairman Kanelos stated please state your names and addresses clearly for the record.

My name is Dr. Nathan M. Glaser. This is my building representative, Mr. John Cvetkovski.

Nathan M. Glaser, 7656 W. Monroe St., Niles, IL.  
John Cvetkovski, 1015 – 7<sup>th</sup> Ave., LaGrange, IL.

Chairman Kanelos stated forgive us if some of the questions are repeated, but as you can see we have specific questions that must be asked and answered of the petitioner in order to successfully complete our findings of fact. So at this point, do any of the Commissioners have a question.

Commissioner Dimond stated I want to know if this is going to affect your neighbors property in any way. Is it going to cast shadows on your neighbor's property?

Mr. Cvetkovski stated no, it is a one story addition. It will not cast any shadows. The current home is two stories, so the addition on the back is only one story.

Commissioner Dimond stated is it going to displace a lot of water into your neighbor's yard.

Mr. Cvetkovski stated no it will not.

Chairman Kanelos stated could you please briefly give us the conditions or the reasons that you need to have this addition; the unique circumstances, so to speak, that require this variation.

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Dr. Glaser stated I recently have an expansion in my family, not due to any activity on my part; rather unfortunately due to a foreclosure of a very nice home that my nephew and niece had with their two children. So they have been living with me since July 2008. It is very, very crowded. We have three bedrooms and one room I use as a study upstairs. Two kids sleep with their mother. Their father has a place he stays on the side. My sister-in-law lives there too, so the place is just too crowded for all of us. We need more space. We may even have to use the room downstairs as a bedroom. I'm getting older and I may have objection to walking up and down the steps. So it is very nice to have it all on the first floor. We also have a full bathroom on the first floor. It

really is a matter of emotional, mental and necessary health of everybody.

Commissioner Dimond stated do many of the other homes in your neighborhood have additions built on the rear of the property.

Dr. Glaser stated if you look at the vertical map [on the overhead] you'll see that almost all the homes, except the corner one on Milwaukee and Monroe, have had other additions put on their homes, yes.

Chairman Kanelos stated any additional questions.

Chairman Kanelos stated how many people, at this point, are there in the house.

Dr. Glaser stated seven.

Chairman Kanelos stated of the seven, how many are children.

Dr. Glaser stated two. One child is 5, the other is 7.

Chairman Kanelos stated is anybody paying rent.

Dr. Glaser stated nobody pays rent.

Chairman Kanelos stated so you feel if you don't have this addition, and all the other houses in the area have additions, do you feel there's any negative impact on your property because you don't have the space that some of the other homes in the area have.

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Chairman Kanelos stated are there any other questions from the Commissioners. Any questions from the public? [There were none.] I will entertain a motion on this petition. Keep in mind the motion should summarize the key points.

Commissioner Dimond stated I would like to make a motion and after I make the motion I will also state the findings of fact that I'd like to base that motion on. The motion would be to request a variance requested by Dr. Nathan Glaser, Owner, 7656 W. Monroe St., Niles, IL 60714 – for a variance to Appendix B, Section VII (C)(10) to reduce the rear yard setback from the required 40' to 27' (32.5%) to construct a first floor

addition at 7656 W. Monroe St., Niles, IL 60714. I base this motion on the following findings of fact I believe the Board should make. That is, his property cannot yield, as currently shaped, under the current zoning rules, a reasonable return to him in terms of giving him enough space on his property due to the configuration of the lot; he has a unique circumstance here due to the way Milwaukee Ave. slants and therefore gives him less than the normal shaped property. He doesn't really have a backyard that is as large as many of the other people on the block. The variation, if we grant it, will not alter the essential character of the locality. It remains residential. You are not going to use it for any other purpose I understand. And also, the specific property creates sort of a hardship for Mr. [Dr.] Glaser, in that because of the shape of it, he cannot create an addition under the zoning rules as written. Other properties on the block do not have that problem. I don't believe Mr. [Dr.] Glaser has done anything to create this problem. This is just the shape of the property. The granting of this variance I don't think would be detrimental to the public welfare in the neighborhood and it would not impair an adequate supply of light and air to other of the properties around it nor would it encourage the danger of fire or endanger public safety in any other way or diminish property values in the neighborhood. In fact, most of the other properties on that street already have additions build behind them. So for all of these reasons which I suggest the Board adopt as findings of fact, I move that we **approve** the variance.

Commissioner Dubiel stated I have just one comment. The Community Development Department has noted they would like to have an Engineering grading plan along with these plans; it has not been submitted in what we have. Is that clear to the petitioner?

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Mr. Ostman stated the grading plans will be submitted when they apply for their permit.

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

AYES:	5	Dimond, Surace, Kanelos, Troiani, Dubiel
NAYS:	0	
ABSENT:	1	Schulter

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

Chairman Kanelos stated this Board is a final decision on the variance.

Chairman Kanelos called for the next item on the agenda.

**09-ZP-20 – Jaclyn Graney, Owner, 8104 W. Greendale Ave., Niles, IL 60714 - Requesting a Special Use to Appendix B, Section VIII (B)(3)(u) to operate a dance studio at 291 & 295 Golf Mill Ctr, Niles, IL 60714.**

Charles Ostman, Director of Community Development. This is case 09-ZP-20. Subject property is Golf Mill Mall. Legal notice was published October 15, 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 Special Use to operate a dance school in Units 291 and 295 in the Golf Mill Mall. This location is the corridor that runs east and west from the food court to the movie theatre. Golf Mill Mall is located in B-1 zoning district in which schools teaching dance are specifically listed. On October 14, 1980 schools were placed in the Special Use category. The minutes were reviewed to see if I can get any background as to why schools were placed in this Special Use category and the minutes did not reflect any discussion at that time. So I can't expand on that anymore as to why the schools were put under a Special Use. The Community Development Dept. recommends approval for this Special Use. This Board is a recommending Board for this application.

Chairman Kanelos stated are there any questions from the Commissioners for Mr. Ostman.

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Commissioner Troiani stated Mr. Ostman, if I remember right, we had discussions about putting that into Special Use years back. The reason we had at that time was that we did not want solid contracts set up with the people. There were a lot of scams going around at that time, in days when we changed that to Special Use, that these dance studios were setting up contracts where people couldn't get out of them. They were just stuck with them. We wanted a little more control of that so people can get out of a contract, it isn't iron clad. That's why we asked the Village Board to follow our suggestion and put that into Special Use.

Chairman Kanelos stated thank you for the history Mr. Troiani. Are there any other questions for Chuck? [There were none.] Is the petitioner present?

Jaclyn Graney and Michael Williams stepped forward.

Chairman Kanelos stated please raise your right hands. Do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth.

They both stated I do.

Chairman Kanelos stated please state your names and addresses for the record.

Jaclyn Graney, 8104 W. Greendale Ave., Niles, IL 60714  
Michael D. Williams, Senior General Manager, Golf Mill Shopping Center,  
239 Golf Mill Center, Niles, IL.

Chairman Kanelos stated do you have anything to add to Mr. Ostman's presentation at this point.

Ms. Graney and Mr. Williams stated they had nothing to add at this point.

Chairman Kanelos stated any questions from the Commissioners pertaining to this Special Use.

Commissioner Dimond stated can you tell us how many customers you plan to bring into your studio on a daily or weekly basis.

Ms. Graney stated as of right now in the beginning, I would say a minimum of about 100 on a weekly basis, coming for one class a week.

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Commissioner Dimond stated all of those students will park in the Golf Mill parking lot, I presume.

Ms. Graney stated that is correct. Most likely they'd be dropped off by their parents. I'm guessing parents would come in and shop around the mall.

Commissioner Troiani stated what are you going to do in this dance studio. Are you going to teach? The way I read it you are going to teach people the use for their school activities, cheerleaders and everything.

Ms. Graney stated yes. Currently I coach at Maine South High School specializing in competitive dance so we go to state championships and

national championships. So I want to grow the program for youth competitive dance.

Commissioner Troiani stated are you going to be dealing with the school districts or individual young people.

Ms. Graney stated individual young dancers; but I'll prepare them for high school and college and professional dance teams.

Commissioner Troiani stated you would deem it necessary for the location being good there's always people around, security for people in and out and everything else. Is that what you're thinking of?

Ms. Graney stated definitely. Also the parents going to the mall being able to do something while their child is dancing for an hour and a half or two and a half hour dance lessons.

Commissioner Troiani stated and if they just happen to spend money in there, we are happy to have them in the Village.

Chairman Kanelos stated what are your hours of operation.

Ms. Graney stated they would be governed by the mall hours. During the day, twice a week, I'll have classes for children from 3 to 5 during the week. But a lot of the kids go to school that I'll be teaching because they'll be five years plus, so it would be 4 to 9.

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Chairman Kanelos stated it is safe to assume you are asserting this would be an asset to the mall, to the community, the neighbors.

Mr. Williams stated yes. The group that she is teaching is our number one targeted marketing group. We want teenagers at the mall. They seem to have their parents' credit cards to spend money. Parents and other friends will be there for an hour and a half and will do cross shopping. A typical visitor to the mall spends about \$81 per visit. So we are hoping for an increase in sales. At the same time Jackie's studio is going to have about \$100,000 apparel sales. She can explain how much each of her team members has to purchase, uniforms to compete in the competition. At the same time siblings or friends want to buy supporting t-shirts and things like that. We think it is a good fit for the mall to have this type of use and have the parents; we're like a one stop shop – we

have the Niles Teen Center. The same thing: children go there and learn some activities; mom and dad come pick them up, visit the mall, eat in the mall, and go to the theater. It is somewhat of a similar use that we have.

Chairman Kanelos stated what are the age ranges of your pupils.

Ms. Graney stated my competitive dancers, right now, are 5<sup>th</sup> to 8<sup>th</sup> grade; the youngest being 10, the oldest being 14. I'll also have individual classes that will specialize in technique; walk-ins are always welcome. That will range all the way into high school and adult classes as well.

Chairman Kanelos stated do you have special procedures in place for the safety of these minors when they're there. Do their parents have to come and sign them in and sign them out to protect the public safety of the children? Very briefly can you explain the procedures?

Ms. Graney stated yes, definitely. When they register they'll have a liability release form they must fill-out that I have for my competitive dancers and any average customer. So if they came in with a walk-in under 18 years of age, they'd have to have a parental signature that lays out all the rules the studio has. Picking up, dropping off, and coming in to pick them up.

Chairman Kanelos stated so a 10 year old isn't going to leave and start walking through the mall without the parent.

Ms. Graney stated exactly.

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Chairman Kanelos stated are there any other questions from the Commissioners. Are there any questions from the public? [There were none.] I will again entertain a motion which we will have to summarize the specific points in questions for the findings of fact.

Commissioner Troiani stated 09-ZP-20 – Jaclyn Graney, Owner, 8104 W. Greendale Ave., Niles, IL 60714 requesting a Special Use to Appendix B, Section VIII (B)(3)(u) to operate a dance studio at 291 & 295 Golf Mill Ctr, Niles, IL 60714 be **approved** subject to all the discussion we had on this matter. The people feel that it is necessary for the convenience of the public at this location; it is designated, located and proposed to be

operated that the public, health, safety and welfare will be protected at all times and will not cause substantial injury to the value of other property in the neighborhood of which it is located, that would be Golf Mill. Golf Mill ownership feels it is viable to the health of their community.

Mr. Annunzio stated I'd just like to mention that conclusions aren't necessarily a finding of fact.

Chairman Kanelos stated so if I may elaborate on that – the safety and public health of the pupils and the visitors at the mall would be protected by the school maintaining the access when the children come and go and their parents are with them so there's not any kind of danger to the children or other people in the mall. Also, this is of value to the mall, essentially the neighbors by improving the services offered at the mall. Is there a second to that motion?

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

AYES:	5	Dimond, Surace, Kanelos, Troiani, Dubiel
NAYS:	0	
ABSENT:	1	Schulter

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

Chairman Kanelos stated as Mr. Ostman mentioned at the beginning, this is a recommending Board on this petition. Thank you very much.

Chairman Kanelos called for the next item on the agenda.

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**09-ZP-21 – Mr. Paul A. Kolpak, Attorney, Bogdan Chmielewski, President/CEO, 100 McGuinness Blvd., Brooklyn, NY 11222 – Requesting a Special Use to Appendix B, Section VIII (B)(3)(bb) for a drive-in credit union and a variation to Appendix B, Section VIII (B)(5)(b) to reduce the rear yard setback from the required 20’ to 12’ (40%) to construct a drive-thru at 6913 N. Milwaukee Ave., Niles, IL 60714.**

Charles Ostman stated this is case number 09-ZP-21. Subject property is 6913 N. Milwaukee Ave. Legal notice was published October 15, 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 Special Use to operate a credit union with drive-thru lanes along with a variation to the rear yard requirement from 20’ to 12’ for the construction of the drive-thru lanes. This request complies with the parking requirement and stacking for the drive-thru lanes. The site plan was reviewed by our consultant Gewalt Hamilton & Associates up in Vernon Hills and changes were made based on their recommendations for circulation and access to the IDOT road, Milwaukee Avenue is an Illinois Department of Transportation road. IDOT met with Gewalt Hamilton & Associates on the site to review the access points and finds that the elimination of the third access point originally proposed would meet the IDOT approval. The landscape plans were also reviewed by our consultant, Ives/Ryan Group of Naperville. The landscape plans in your package reflect the changes of nearly three pages of recommendations by Ryan. This property has been a restaurant since 1969. In the early years this type of business was very successful at this location. But in recent years the businesses that have occupied this location have been very unsuccessful. There have been three different restaurants in the past eight years at this location. The Community Development Department recommends approval of this Special Use. This Board is a recommending Board for this application.

Chairman Kanelos stated before I take questions from the Commissioners I would remind them, again when we have a motion, we are going to have two motions: one for the Special Use and one for the variance. We have questions that pertain to each one specifically.

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Commissioner Dimond stated I wanted to know how long this property has been vacant.

Mr. Ostman stated this is still occupied by the restaurant called Kokonuts. It is still operating. If I can restate something, this Board is a recommending Board for the Special Use. This Board has the authority on the rear yard variation.

Commissioner Dubiel stated on the application there is no filing fee and no amount paid. Is that correct?

Mr. Ostman stated I apologize, that is incomplete. But I assure you that the filing fee, with escrow, has been submitted to this department.

Commissioner Dubiel stated also, can you give us a little background on the Ives/Ryan report, the three pages of changes, with particular emphasis on this drive-in area. The reason I ask is I was partly late because I pulled into there today and I had to reduce down to near 5 mph to make that turn comfortably and there was no traffic behind me at all on Milwaukee at the time.

Mr. Ostman stated is this at the drive-in lane?

Commissioner Dubiel stated the drive-in lane that would be leading into the drive-thru. It seemed very difficult; it's a sharp ninety degree turn. The other two, the points egress and ingress combined, has a nice, smooth curve to it.

Mr. Ostman stated the only thing that is noted on here is that the ingress/egress points will be changed to a 20' radius to allow for a smooth turn into it that would be a standard for IDOT. Those are IDOT standards.

Commissioner Dubiel stated but that's not being addressed at the ninety degree turn, which is a critical turn, right, off Milwaukee in the lower right hand [on the overhead].

Mr. Ostman stated if I'm not mistaken, right now it shows that access point at the southern most part of the property; that area all along there is being reconstructed right now through the Milwaukee Ave. reconstruction. So when they replace that existing apron, that apron is not going to be relocated; they will put the appropriate radius at that point. This other new cut here is

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not included in the Milwaukee Ave. reconstruction, so when this applicant goes ahead and files for a permit, he has to properly show the radius for the ingress and egress out of the site. Both points will be addressed correctly. They are going to be addressed at two different times though.

Commissioner Dubiel stated so under the Milwaukee plan, the existing plan, that radius won't be ninety degrees, is that what you're saying?

Mr. Ostman stated that is correct. All that sidewalk along Milwaukee Ave., actually those lanes are being widened. The curb is going to be moved 2' more towards the property line, giving the dimension from, I

believe, 10' on each lane to 11' and so they have to reconstruct the curb and the sidewalk all along Milwaukee Ave. on both sides.

Commissioner Dubiel stated but these two properties abut at a ninety degree angle. The gas station is to the south of that location, right? This would be up against the existing wood fence and I believe some bushes.

Mr. Ostman stated right, but that's in the IDOT right of way. IDOT sets the standards for that.

Commissioner Dubiel stated that will be addressed without any problems from the gas station owner or his property line.

Mr. Ostman stated yes.

Commissioner Dimond stated am I correct in understanding the only new structure that's going to be built is the drive-thru carport that is going to be added onto the building. Is that correct?

Mr. Ostman stated that is correct.

Chairman Kanelos stated then there will be some demolition. It looks like there is a portion that will be removed.

Mr. Ostman stated there is going to be some façade work. They are going to update the façade on the building.

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Chairman Kanelos stated you are confident, based on the report, that there is not a public safety issue with the egress to the property.

Mr. Ostman stated no, since we retained the services of Gewalt Hamilton to review all that and there is no concern there.

[Commissioner Dubiel corrected the public safety issue to “ingress”, not “egress”.]

Chairman Kanelos stated are there other questions for Mr. Ostman.  
[There were none.] Is the petitioner present?

Attorney Paul Kolpak stepped forward. I represent the petitioner.

Chairman Kanelos stated can I ask you all to raise your right hands.  
Do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth.

They all stated I do.

Chairman Kanelos stated please state your names and addresses for the record.

Paul Kolpak, Attorney, 6767 N. Milwaukee Ave., Niles, IL 60714,  
Peter Chaber, Director of Research and Development for the Polish &  
Slavic Credit Union, 9 Law Drive, Fairfield, NJ 07004,  
Michi Mho, Architect, Neri Companies, 145 S. Northwest Hwy., Park Ridge,  
IL 60068.

Mr. Kolpak stated without taking a great deal of time, what we'd like to do is tell you a little bit about the Polish & Slavic Credit Union and why we believe this will be an asset to the Village of Niles. Peter, would you please kind of give a brief history, how you started, what you do, how your membership works, and what you would add to the community.

Mr. Chaber stated if I may ask your permission, ladies and gentlemen of the Board, my partner Zbigniew Faralgalski (sic), who is the district manager for our Midwest district, to distribute some information that may be helpful for this presentation tonight.

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Commissioner Troiani stated do you want this to be put as an exhibit with the packet.

Chairman Kanelos stated this will be listed as Exhibit I. [inaudible]  
For the record, the report from the Polish & Slavic Credit Union 2008 Annual Report is Exhibit I.

Mr. Chaber stated thank you Mr. Chairman. Ladies and gentlemen of the Board, thank you once again for letting us present our situation tonight. We are actively seeking to expand our credit union into the Midwest district. Currently our credit union, as the documents you have received shows, has thirteen branches on the east coast serving New York and New Jersey. We are serving approximately 68,000 members of Polish and Slavic descent. Thirteen physical branches and 2 virtual branches. One is an internet branch; the fifteenth is a mobile branch.

We have a 40' truck servicing the underdeveloped neighborhoods of New York and New Jersey market areas. My research showed that Niles has a significant Polish population that we would like to serve. We are currently opening two branches, other than Niles, in Mt. Prospect and Norridge expected to open in January 2010. Our goal is to become part of Niles in this expansion to the Midwest district, which is a very bold step for us. We all know the current economic conditions do not call for expansion but rather reduction. We are doing the opposite. We are actually expanding rather than reducing and continuing this expansion into the Midwest district hoping to hire all local people here in Illinois. Let's not be optimistic in saying that we hope to make millions, but we don't. But we are looking forward to an expansion. We have selected Niles as one of these locations for our expansion. We have currently selected Mt. Prospect, Norridge, Niles and Burbank for these sites of expansion for our credit union. We are a \$1.2 billion institution started in 1976 serving the Polish community and as we all know Niles has a significant Polish community which we want to serve. This expansion does not come easily for us as we are going from a regional credit union to a national credit union by going into Illinois. Niles, Illinois being one of those beautiful villages that we want to become a part of. We have actually been doing this for thirty-three years and we are very community based. We realize that Niles has a moratorium on financial institutions as to expansion. We would like the Board to consider this moratorium not pertaining to us during this expansion as we are very community oriented. As a federal credit union we are not profit oriented. Our status is 501(2)(c),

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which is not for profit. All our profits are put back into the community. Just to give you an example of how we do that; in 2008 we have put in a \$350,000 scholarship for high school and college students of our membership base going towards higher education where they have received anywhere from \$500 to \$5,000 towards their higher education. No other institution that we know of has given back so much towards the youth of the Polish community or the community of any Polish neighborhood that we serve. We have thirteen branches that we currently serve right now and the scholarship has actually helped almost 200 students last year alone in achieving higher education. The scholarship program we have right now has been in place since 1991. We have put almost \$2 million towards the higher education of our students that are members of our credit union. Going back to the credit union initiative, we are not open to the public. We can't serve everybody. Going back to the site plan that has been presented to the Board, traffic actually is significantly lower based on the fact that we can't serve

everybody. We can only serve a specific clientele. And this goes to any credit union based on a non-profit status. Whether you are doing Chicago Patrolman's Benevolent Association Credit Union, they can only serve police officers. We can only serve people of Polish and Slavic descent that belong to a certain organization. Right now we are currently working with local organizations to become our sponsor group. In New York we are serving members of Polish and Slavic Center, The Polish Schools Council. We also serve the Polish Cultural Foundation of Clark and we are serving the Polish Friends of [inaudible], just to name a few of the organizations that we currently can serve. So traffic studies, when it comes to volume, are significantly less because our volume is limited by what we can do. Therefore we are coming before the honorable Board tonight, ladies and gentlemen, to ask for your variance to allow us to place our branch here in Niles to serve the Polish community that is present and very viable in the Village of Niles. Based on our research and findings we find it to be beneficial to both the Niles village and to our credit union.

Mr. Kolpak stated Peter, we are asking for a variation to the rear yard for a drive-thru. In your experience, isn't it necessary for the public convenience to have a drive-thru since more and more people don't get out of their cars? They like to deposit and go on their way.

Mr. Chaber stated drive-thrus are new to us. In New York everybody walks into our branches to talk to our customer service representative to talk to our tellers because of the Polish language. There is no barrier. The members

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come in, they are happy to talk to us. We noticed during our research here, which has been going on since 2008, it is not a whim kind of thing. I've been spending a lot of flights here to Chicago. I've noticed that drive-thrus are essential in Chicago. I guess it is due to the weather over here. It's kind of cold in the winter. We decided to go with drive-thrus for the convenience of the members. It's something new to us but we feel that in order to be successful here we need to adapt to the local market and provide that local service.

Mr. Kolpak stated based on your utilization, you want to utilize the same building with minor changes to it and wouldn't it be true to say to try to put up a new building would be extremely more expensive than to try to [inaudible.]

Mr. Chaber stated actually what we are doing is two things that are convenient to the neighborhood. One is we are actually reducing the size of the building. We are going from 5,700 sq. ft. to about 5,200 sq. ft. so we are actually chopping down the building about 500 sq. ft. to accommodate the new drive-thru which has not been part of the current site plan. And to accommodate more parking spaces including the handicapped parking spaces that exist in front of the proposed site plan into the main entrance.

Commissioner Dimond stated I have a few questions. First of all can you tell us generally what the hours will be for the facility?

Mr. Chaber stated based on our research we've noticed that business hours in the banking industry in Chicagoland are actually long. We've noticed that hours can be from as early as 7 a.m. to as late as 9 p.m. for drive-thrus. We are trying to mimic our business hours that we currently use in our current procedures which are 9 a.m. to 7 p.m. which would mimic both lobby hours and drive-thru hours. So we are not trying to expand our hours, we are trying to mimic our hours which would be identical to 9 a.m. to 7 p.m. Monday through Friday, 9 a.m. to 3 p.m. on Saturday. Closed on Sundays.

Commissioner Dimond stated Kokonuts is in the facility right now, is that correct.

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Mr. Chaber stated that is our understanding.

Commissioner Dimond stated have you actually purchased the property or not.

[Chairman Kanelos stated Mr. Kolpak please speak into the microphone.]

Mr. Kolpak stated Kokonuts is currently given notice that they have to vacate the building by the landlord. As was mentioned there's been three restaurants here and Kokonuts is not doing well. Our contract is contingent obtaining the zoning change. It is my understanding the tenant has been given notice to vacate pursuant to the terms of their agreement.

Commissioner Dimond stated is that for non-payment of rent or you don't know.

Mr. Kolpak stated I do know. It is non-payment of mortgage. The bank is going to take back the property.

Commissioner Dimond stated so Kokonuts actually owned the property but.....

Commissioner Troiani stated the only question I have is are you going to have enough people to maintain this drive-in so we don't have cars running for a half hour, twenty minutes to be waited on there. We see you have eighteen spaces for cars and we have residential property behind that whole east side. We generally run into some of these credit unions or banks where they have one person back there handling the drive-in facility and it is not working. We do not want the cars to be running there constantly, especially during the wintertime to keep it warm in there, and the gas is going into our residential area. Are you going to have enough people to maintain that station?

Mr. Kolpak stated we will have it staffed and I have banked at TCF and a couple others, and your own traffic expert has indicated that four is very, very sufficient. I think we would be, as Peter mentioned, this, even though in the Midwest we like our drive-thrus, this is an ethnic credit union. People like to go in and talk to their ..... like the old people. In the old days when you'd go in and you had your favorite teller and you stood in line three deep to go to that teller as opposed to another one. That's kind of the atmosphere

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we will have here. Yes, we will have adequate – there should not be what you described at all.

Commissioner Dimond stated you are requesting a variance to reduce the rear setback to put that carport behind the building. Was any consideration given to putting the drive-thru on the north side of the building so you wouldn't need a variance?

Mr. Kolpak stated the problem there is then if you are on the north side of the building, [pointing to overhead] if you are going this way then the passenger side is at your wall. If you are coming this way, most people don't want drive-thrus coming in your front door. What you are looking for is taking the traffic away from the front door. Think about in your car you're going this way, and then you're headed west. As a driver you can make the deposit. But if you're going to try to make the transfer that way, then you've got a different problem.

Mr. Chaber stated if I may add one thing, during our consideration with the site plan, in our initial discussions with IDOT was that we give up two driveways. Currently the property has four driveways. We decided that in the best interest of negotiations with IDOT is that we give up two driveways that are located in the middle of the property. That we have one ingress to the drive-thru and one ingress/egress on the farther side of the property reducing from four curb cuts to two curb cuts. That was also one of our discussions when we were designing the site plan.

Chairman Kanelos stated in that discussion, did you discuss the widening of the ingress.

Mr. Kolpak stated that is a mandate by IDOT.

Chairman Kanelos stated 20'.

Mr. Kolpak stated yes. We were very fortunate that Gewalt Hamilton was able to get the representative from IDOT out there in a timely fashion. One thing about IDOT is they've got two missions in life, I think. One is not to put any lights on and two, to take as many driveways as they can off the street. You cannot negotiate with them. If they say you've got 20', you've got 20'. Don't try 19'.

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Commissioner Dimond stated the property immediately to the east, which is on the other side of the carport, that is actually an alley back there, is that correct?

Mr. Chaber stated to my knowledge no, it is private property that is surrounded by a 6' fence.

Commissioner Dimond stated so it is a parking lot for the buildings behind it, is that right?

Mr. Ostman stated it is a parking lot for the apartment buildings that are located there.

Chairman Kanelos stated are there other questions from the Commissioners. Any questions from the public? [There were none.] At this time I would like to have two separate motions: one for the Special Use first. So I'll entertain that motion along with the summary of the findings of fact.

Commissioner Dimond moved the first motion is that a Special Use be **granted** to Mr. Paul Kolpak, Attorney, representing the Polish-Slavic Federal Credit Union with Mr. Bogdan Chmielewski, as President, from 100 McGuinness Blvd., Brooklyn, NY. and the Special Use would be to Appendix B, Section VIII (B)(3)(bb) for a drive-in credit union. I make this motion and suggest we adopt the following findings of fact in support of that Special Use: this Special Use is necessary for the location of the credit union at this spot; that it would be convenient for the public [admittedly, Niles does have a large Polish population]; that the layout is designed with the consideration of public health, safety and welfare and it will be protected based on the layout of the lanes going in and out of the property; also this Special Use will not create any special injury to the value of the property in the neighborhood; that it was previously a commercial property. If anything I think the credit union will close earlier than Kokonuts ever did. So for those reasons I don't believe that the Special Use will cause any injury to the value of the property in the neighborhood. That is my motion to **approve** a Special Use.

Seconded by Commissioner Dubiel, on roll call the vote was

AYES:	5	Dimond, Surace, Kanelos, Troiani, Dubiel
NAYS:	0	
ABSENT:	1	Schulter

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

Chairman Kanelos stated at this time I will entertain a motion for the variation, the second portion.

Commissioner Dimond stated I will also make a motion for the variation to the same applicant to the Appendix B, Section VIII (B)(5)(b) to reduce the rear yard setback from the required 20' to 12' (40%) to construct a drive-thru at 6913 N. Milwaukee Ave., Niles, IL 60714. As part of this motion I suggest the Board make the following findings of fact that the property in question can't feel the reasonable return, that is in terms of operating a credit union without the carport; that under the conditions in which it is situated it does seem to make most sense for the carport to be located where it is shown on the drawings submitted by the applicant; that these are rather unique circumstances; that the carport created here will not alter the essential character of the property. I think that's it.

Commissioner Dubiel stated I second that and ask that Commissioner Dimond add that this property in question is not yielding a reasonable return currently under it's designation as a restaurant.

Commissioner Dimond stated I'll accept that friendly amendment to **approve** with those findings of fact.

AYES:	5	Dimond, Surace, Kanelos, Troiani, Dubiel
NAYS:	0	
ABSENT:	1	Schulter

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

Mr. Chaber stated ladies and gentlemen, thank you very much.

Mr. Kolpak stated thank you again for your consideration.

Chairman Kanelos stated as Mr. Ostman mentioned on the Special Use portion we are a recommending Board; on the variation we are the final say.

Chairman Kanelos stated next item on the agenda.

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**09-ZP-22 – Mr. Chuck Ostman, Director, The Village of Niles, 1000 Civic Center Dr., Niles, IL 60714 – Requesting text amendment to Village of Niles Zoning Code Appendix B, Section VII (B)(14) and (C)(14) intensity of lot from 65% to 60% impervious surface.**

Richard Wlodarski, Assistant Director of Community Development. This is case number 09-ZP-22. Subject is intensity of lot. This is a request from the Director of Community Development Department. Prior to 2003, the Zoning Code did not address the amount of impermeable surface a residential lot can have. At this time, so someone could not cover the entire lot with concrete, we added language to the Zoning Code to restrict the amount of impervious surface that could be covered on any residential lot to 65%. This worked in the sense there were some guidelines to not allow people to cover their whole backyard or their whole frontyard. After the September flood of last year, the Storm Water Task Force was created. In that committee many issues were discussed. One being to reduce the amount of impervious surface in residential districts. Since 2003 with the amount of impermeable being at 65%, we

had very few cases where someone actually had to change something on their submittals because they did not meet the 65% impermeable surface requirement. In doing a lot of calculating concerning this issue, of which highlights of those calculations are included in your packages, the staff feels very comfortable in reducing the amount of impermeable surface to 60%.

Commissioner Troiani stated back in 1949 and 1950, I had an argument with Mr. Randolphson, who was the Building Commissioner at that time, that we were building too much concrete and asphalt around the houses and it's going to cause a water problem. That's when he said no, we're allowing people to have two runways of concrete and grass in the middle, so that would help absorb the water into these lots. I had an argument at that time with it and I think this is about time that we started to think about our water problem in this town. And I really thank you people for getting back to it. I think the 65% really for new construction is even too much. I think we should be higher than that. The more ground you have to absorb water, the better it's going to be.

Mr. Wlodarski stated we are at 65% now. We are lowering it to 60%.

Commissioner Dimond stated can you tell us what types of properties this 60% will apply to.

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Mr. Wlodarski stated strictly single family residential.

Commissioner Dimond stated that's it. And when would it go into effect?

Mr. Wlodarski stated it would have to be approved by this Board and go on to the Village Board for final approval. So conceivably by the end of this month.

Chairman Kanelos stated this may seem at this time a little farfetched. But the way things are going we may see people coming into the Village of Niles and want to build a new garage and they want to build it with a live [green] roof on top. How would we include that type of technology that I think we are going to see more and more of in the future?

Mr. Wlodarski stated that is still new stuff out there. We would take a look at that in the future. But right now it would just be the footprint of

the garage as it is. If it happened to have a green roof, could we take that into consideration in the future and alter things? Absolutely.

Chairman Kanelos stated the primary goal of this is to assist in the reduction of flooding.

Mr. Wlodarski stated absolutely.

Chairman Kanelos stated is there any data that says how much water it is going to save from going into our storm sewers

Mr. Wlodarski stated I can't even begin to give you those calculations.

Chairman Kanelos stated I don't even know where to begin thinking about that but I thought the question up anyway. Are there any other questions?

Commissioner Dimond stated now available are permeable driveway pavers. That would not count towards a permeable surface, right?

Mr. Wlodarski stated it's all in the beginning stages with some of that type of materials. It is definitely something we are looking at as a staff. We haven't really come up to any conclusions because there are some issues with it as far as maintenance. But it's definitely something that we will be looking at in

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the future. If we feel comfortable that it works and we can use that towards helping somebody out with the percentage they are using, we will definitely be considering that. As of right now though, with what we're proposing, that wouldn't be considered but it's definitely something we are keeping our eyes open to in the future, along with green roofs, like Tom brought up.

Commissioner Dubiel stated I am curious, this came from the Storm Water Commission meeting, right?

Mr. Wlodarski stated right.

Commissioner Dubiel stated I spoke with Mr. Ostman twice on this Friday. What is behind the movement from 65% to 60%, what is the data that said why not 59% or 55% or 61%.

Mr. Wlodarski stated it was more or less kind of crunching the numbers, trying to do as much as we could and be reasonable about not completely restricting people and doing research and checking with other towns and calculating our town with a typical lot; we came up with the recommendation that it would not really hurt people from going from 65% down to 60%. It would still allow people to do what they wanted but add a little bit more for the ground to absorb at the same time.

Commissioner Dubiel stated R-1, R-2 are affected only, right?

Mr. Wlodarski stated correct.

Commissioner Dubiel stated in those zoning classifications that are currently 65% or above, do we know how many homes in Niles are currently in the R-1, R-2 zoning at 65% or more? Do we know how many?

Mr. Wlodarski stated I would just be guessing, I couldn't give you an exact number.

Commissioner Dubiel stated you said earlier you were just crunching numbers. I am just curious, which numbers were you crunching?

Mr. Wlodarski stated the idea of how much area could be covered in a typical lot whether it be an R-1 or an R-2, R-1's being a little bit bigger. How big a

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footprint you could put on a property with drives with detached garages, with attached garages and just to see where everything would come out and it's very fair at 60% for somebody to be able to build with a typical lot. There are circumstances where if somebody wanted to come for a variation that we would possibly have to look at that and consider it. But we would work with people and try to work it out where they could. If it was a hardship and it couldn't be worked out, we would have no problem supporting a variation. Each case would be a case by case scenario though.

Commissioner Dubiel stated I'm just looking at your numbers here and just trying to understand the history of it, Rich. We don't have anything from the Storm Water Commission in our packets to understand the communication within, what people have suggested in terms of the minutes. You end up here with a home under your proposal where the

attached garage can be just under 2,300 sq. ft. How does that jibe with the plans that have come through the Building Department?

Mr. Wlodarski stated the real issue, to just kind of cut to the chase of it, with an attached garage you're pretty much okay to do, for the most part, whatever you want to do. If you wanted to concrete your whole backyard you wouldn't be able to and still meet these requirements. But you would be able to pretty much build the size house you wanted, have your sidewalks, your patios and still fit within a reasonable amount of having a decent size patio in your backyard. The real dilemma, and where it kind of comes into play, is when you have a detached garage. The reason being, you have a side drive that creates a lot of concrete. Currently our Zoning Code allows a 700 sq. ft. garage which in staffs' opinion, if you had to cut down that garage, if you maxed everything out on a detached garage, you wouldn't be able to do it and still meet the permeable surface ordinance as it would be if you guys approve this. But you would have to make some concessions. One of them being maybe cut down the size of that 700 sq. ft. garage.

Commissioner Dubiel stated where does that figure come from – 700. The garages that I know of are maybe 20' x 22's.

Mr. Wlodarski stated I just calculated everything at the maximum. That's what the zoning code allows.

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Commissioner Dubiel stated I see it – the maximum size for a garage. And that's pulled off from the size of the house, right – the net? We're talking about FAR now if you're talking about going forward with the project.

Mr. Wlodarski stated no, completely separate.

Commissioner Dubiel stated completely separate, the garage when it's detached?

Mr. Wlodarski stated the whole garage. We allow a 400 sq. ft. bonus that doesn't count towards FAR. This has no issue with that whatsoever. You build a 700 sq. ft. garage; that 700 sq. ft. counts against your permeable surface.

Commissioner Dubiel stated so I just want to clarify then. This 2,280 sq. ft., for instance on the attached garage home in this zoning district, and then the single family detached 2,100 sq. ft. – you're talking about the footprint not affecting the FAR.

Mr. Wlodarski stated correct. This has nothing to do with that at all. I'm sorry. Thanks Chuck. It never got into me until right now. Thank you Rich.

Chairman Kanelos stated just a quick question too. In comparing to the other villages what their percentages are, intuitively I would think that most of the villages mentioned have pretty similar lot sizes to ours, but did you do any research on that? I mean, the average lot size. Are we talking the percentage of the same amount?

Mr. Wlodarski stated you know what, I don't know – every town has a little bit uniquely different size lot, but apples to apples, I tried to compare towns that were similar to ours size-wise – Skokie, Morton Grove – which you have those calculations of what their percentages are.

Chairman Kanelos stated are there any other questions for Rich.

Commissioner Dubiel stated on these here – comparing them – do you know what the average lot sizes are here. For instance, Park Ridge is down to 60%. How would that compare to your numbers in terms of square foot? This 2,280

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is a square foot footprint, yeah? So it would not affect building here in the Village in terms of FAR. The FAR stands.

Mr. Wlodarski stated the FAR is not changing, correct.

Commissioner Dubiel stated so in terms of Park Ridge, are their lots generally 50' x 125'?

Mr. Wlodarski stated to be honest with you most towns have a lot of residential zonings districts. We happen to only have two and one of them is very predominant. I was more or less looking for just the percentages more than the lot size because it is all relevant to the size of the lot. If you have a smaller lot, obviously ....

Commissioner Dubiel stated that's what I'm saying. A large lot, if Park Ridge lots were 65' x 130' on average, their 60% would be equivalent to our current 65% roughly.

Mr. Wlodarski stated well, it's all relevant to the size of the lot. The bigger lot, the more you can cover, the bigger house you can have, the bigger patio you can have. For the other towns I generally just look more or less what their percentages were; not comparing exact sizes of lots.

Commissioner Dubiel stated and then what is the expected goal here. Once we go down 5% is there some spectacle like we'll see 'x' fewer floodings in terms in the number of homes or .....

Mr. Wlodarski stated to be honest with you, nobody is trying to sell the idea by doing this that people are not going to have water issues; but it's just one of many things that were discussed is small steps – whether it be rain gardens or rain barrels or what have you, this is just one small step of many to try to help the whole situation as a whole.

Commissioner Dubiel stated you mentioned patios. How does a patio compare then to a deck? Is a deck considered....

Mr. Wlodarski stated if there's no roof over the deck it is not considered impermeable.

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Commissioner Dubiel it is not considered impermeable.

Mr. Wlodarski stated correct. That being one option, instead of having a patio, maybe you'd have a deck instead of a patio. If you were at that border of meeting the 60% or not meeting the 60%.

Commissioner Dubiel stated and then you were going to address other issues, in terms of check valves, grading issues. In our neighborhood it seems [inaudible] grading.

Mr. Ostman stated its part of the Storm Water Task Force.

Commissioner Dubiel stated we don't have that background. That's why I'm curious.

Chairman Kanelos stated I will entertain a motion.

Commissioner Troiani moved that 09-ZP-22 – Mr. Chuck Ostman, Director, The Village of Niles, 1000 Civic Center Dr., Niles, IL 60714 – Requesting text amendment to Village of Niles Zoning Code Appendix B, Section VII (B)(14) and (C)(14) intensity of lot from 65% to 60% impermeable surface be **approved**.

Commissioner Dubiel stated I second it but it reads impervious. Is that how you guys want it to read?

Chairman Kanelos stated on the application it says impermeable.

Commissioner Dubiel stated I'm looking at the sheet....

Chairman Kanelos stated on the agenda it says impervious.

Commissioner Dubiel stated on my sheet it says impervious. Is that how you want the ordinance to read?

Mr. Ostman stated we discussed the two different words.

Commissioner Dubiel stated impervious would not allow any water through.

Mr. Ostman stated the word should be impervious.

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Commissioner Dubiel stated it is correct here in the ordinance. It just wasn't read correctly.

Mr. Ostman stated in the current ordinance the word is impermeable.

Commissioner Dubiel stated and the distinction between impermeable and impervious is....

Mr. Wlodarski stated it is really close because impervious is....

Commissioner Dubiel stated no water at all, like a rain umbrella or a coat.

Commissioner Dubiel stated would you change your sheet.

Chairman Kanelos stated yes, I certainly will. Mr. Troiani call the roll.

AYES:	5	Dimond, Surace, Kanelos, Troiani, Dubiel
NAYS:	0	
ABSENT:	1	Schulter

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

Chairman Kanelos called for the final item on the agenda.

**09-ZP-23 – Mr. Chuck Ostman, Director, The Village of Niles, 1000 Civic Center Dr., Niles, IL 60714 – Requesting text amendment to Village of Niles Zoning Code Appendix B, Section IX (B)(2) Special Use for Motor Vehicle Body Repair Facility.**

Charles Ostman, Director of Community Development stepped forward. This is case number 09-ZP-23. Subject is text amendment for auto body repair or painting in the M district. Legal notice was published October 15, 2009 in The Bugle Newspaper. This is a request by Director of Community Development to place motor vehicle body repair in the M limited manufacturing zoning district as a Special Use. B-1 zoning district identifies automobile service stations and repair shops are permitted as a Special Use but do not include body repair or painting. That is in the B-1 section. In the B-2 zoning districts, the district permits garages, public, including body repair or painting, as a Special Use. This text amendment garages, including body repair or painting, would be in line with other municipalities in allowing

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this type of use in the manufacturing district areas. In traveling throughout the suburbs and other municipalities, you always find body repair and auto body repainting in the manufacturing district, is quite common. Currently in the Village of Niles there are two businesses: Erich's Auto Body at 6637 Touhy Avenue and Skokie Automotive at 7254 Milwaukee Avenue. Skokie Automotive opened up in 1949 as an auto parts sales store. Records do not indicate when they changed to an auto body repair business. Erich's Auto Body appears to have opened up in 1981 and obtained a Special Use in 1988 for an addition to the existing use. Both of these businesses are located and permitted as a Special Use in the B-2 zoning district. It is in the opinion of staff that auto body auto repair businesses should be permitted in the limited manufacturing district as a Special Use. Staff also feels that each site could have its own unique set of circumstances and would make recommendations to the Board for possible conditions for any Special Use being applied for. Our recommendation is to approve.

Commissioner Troiani stated Mr. Ostman, we've always been concerned with an auto body shop and with fire hazards and explosions and everything else with it. So we put that into B-1 and I don't know if it was ever put into B-2, I don't remember that.

Mr. Ostman stated it is permitted as a Special Use in B-2. It is not permitted in B-1.

Commissioner Troiani stated I don't remember exactly with that. I've always felt that it belonged in M-2 because there are more restrictions to sprinklers and everything else put into the buildings. So are you going to be grandfathering in those two businesses you have?

Mr. Ostman stated not grandfathered in. They are in there legally in the B-2 district. If you're talking about explosions and the handling of that material, there are sufficient number of codes applying to that type of business in regard to storage and containers that material has to be stored in. Also, what is just starting to happen right now is that a lot of that painting material is being converted over to a water-based material.

Commissioner Troiani stated so that is all going to be handled in your manufacturing district. All the concerns of the fire department, etc.

Mr. Ostman stated absolutely. It's handled through when we do a code review.

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Chairman Kanelos stated I can hardly remember the last explosion.

Commissioner Troiani stated we had a few.

Chairman Kanelos stated are there any other questions for Mr. Ostman.  
[There were none.] I will entertain a motion.

Commissioner Troiani moved 09-ZP-23 – Mr. Chuck Ostman, Director, The Village of Niles, 1000 Civic Center Dr., Niles, IL 60714 – Requesting text amendment to Village of Niles Zoning Code Appendix B, Section IX (B)(2) Special Use for Motor Vehicle Body Repair Facility to be allowed in manufacturing districts. This thing is incomplete.

Mr. Ostman stated if I could clarify that. What I'm requesting is that there be a text amendment to be B-1-J in the Village of Niles Zoning

Code which currently reads garages public. What I'm looking to add is including body repair or painting. That language would match exactly to the language in the B-2 zoning district.

Chairman Kanelos stated I would like the motion stated correctly please.

Commissioner Dubiel stated you've got to withdraw the original motion.

Commissioner Troiani stated I withdraw the original motion. Now it's going to be a B-1 zoning district identifies automobile service stations and repair shops are permitted as a Special Use but do not include body repair or painting. The B-2 zoning district permits garages, public, including body repair and painting, as a Special Use. This text amendment B-1-J, garages, public, including body repair or painting, would be in line with other municipalities in allowing this type of use in a manufacturing area.

Chairman Kanelos instructed Commissioner Troiani to re-read the correct section.

Commissioner Troiani stated requesting text amendment to the Village of Niles Zoning Code appendix B, Section IX (B)(2) Special Use for Motor Vehicle Body Repair Facility.

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Seconded by Commissioner Dubiel, on roll call the vote was

AYES:        5        Dimond, Surace, Kanelos, Troiani, Dubiel  
NAYS:        0  
ABSENT:     1        Schulter

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

Chairman Kanelos stated I will entertain a motion to adjourn.

Commissioner Dimond moved to adjourn the meeting.

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

AYES:        5        Dimond, Surace, Kanelos, Troiani, Dubiel  
NAYS:        0  
ABSENT:     1        Schulter

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

The meeting adjourned at 9:06 p.m.

Kathleen Janessa, Recording Secretary