

JAMES CALLERO, CHAIRMAN
GEORGE ALPOGIANIS
JEFFREY CARDELLA
MICHAEL LOOBY
JOSEPH LO VERDE
ANGELO TROIANI
ALAN WEEL

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

Present were Chairman Callero along with Commissioners Alpogianis, Troiani, Cardella, and LoVerde

Commissioners Looby and Weel were absent

Joseph Annunzio, Village Attorney, was present.

Commissioner Alpogianis moved to approve the minutes of July 10, 2006, as presented.

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

AYES:	4	Alpogianis, Troiani, Cardella, LoVerde
NAYS:	0	
ABSENT:	2	Lobby, Weel

There being four affirmative votes the motion carried.

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

To be heard this evening:

06-ZP-16 – Sharlotte Zaki, 2520 S. State St., Chicago. Requesting a Special Use to operate a Salon and Day Spa/Masseurs and requesting a parking variation at 8800 Milwaukee Ave.

06-ZP-17 – Yera Patel, 8635 National Ave., Niles. Requesting a special use to operate a 30 seat restaurant at 7954 Waukegan Rd. Requesting a variation of 24% to the required parking from 74 spaces to 55 spaces.

06-ZP-18 – Lawrence Maye, 7634 N. Odell Ave., Niles. Requesting a Special Use to maintain an existing 6' Satellite Dish.

Chairman Callero called for the first matter on the agenda.

06-ZP-16 – Sharlotte Zaki, 2520 S. State St., Chicago. Requesting a Special Use to operate a Salon and Day Spa/Masseurs at 8800 Milwaukee Ave. Requesting a parking variation of 84%. Legal description and persons notified in case file.

Sharlotte Zaki, Petitioner and Aaron Spivack, Attorney at Law, 811 W. Superior St., Chicago, IL 60622 stepped forward.

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

Both stated yes.

Sharlotte Zaki stated we are attempting to open a full service salon and day spa at the 8800 N. Milwaukee Ave. location. Our hours of operation would be from 9:00 a.m. to 9:00 p.m. We would offer all hair cutting services, aesthetic, as well as therapy massage.

Chairman Callero asked Sharlotte Zaki if she had anything else in her presentation?

Sharlotte Zaki stated she would like to read the following statement:

When we began looking for locations to open our flagship salon, we looked at many different areas. We were looking for areas with active communities that had a solid business and retail foundation that inspired growth. We were also looking for a prime location that had unique style and high visibility. We found that in Niles and our 8800 N. Milwaukee location. What we also found was the warmth of the people here. Over the past few months I've had the pleasure of meeting and interacting with many different business owners and residents of Niles. Everyone had been very receptive, helpful and excited about Bacara coming to the area and honestly I can't think of a better way to establish a positive feeling about what we are doing. Starting a business is sometimes a daunting endeavor but it feels good to know that people welcome your business and share the excitement. From a business perspective, we feel Bacara will be an asset to the Milwaukee/Dempster area bringing in clientele from Niles and the surrounding areas as well providing employment opportunities for qualified candidates. We feel the area has great potential for growth and we would like to be a part of that. From a personal standpoint, I am very proud of what we are putting together for our salon. Our goal is to provide exceptional experiences to our clientele. We want to be the benchmark leaders in the industry for client satisfaction and retention. In my statement for the support of the application, I wrote that the key to our success will be the reputation we establish in the community and with our clients. I stand wholeheartedly behind that comment. We are bringing that old-fashioned sense of customer appreciation to the high fashion world.

Chairman Callero asked if there were any questions or comments from the Commissioners?

Commissioner Troiani asked what are your hours of operation?

Sharlotte Zaki stated they will be from 9:00 a.m to 9:00 p.m. Monday thru Saturday and 10:00 a.m. to 4:00 p.m. on Sunday.

Commissioner LoVerde asked how many employees will be working out of this location?

Sharlotte Zaki answered at full capacity we would have 24 employees.

Commissioner LoVerde asked how many seats are currently being proposed within this facility.

Sharlotte Zaki stated there would be 16 full styling stations and 3 aesthetic rooms.

Chairman Callero asked what is the required seating, 2 or 3 seats per chair?

Rich Wlodarski answered 3 parking places per chair or station.

Chairman Callero stated because you are requesting 16 stations, that would be 48 parking spaces required.

Commissioner LoVerde stated as the board is aware, and so the minutes reflect Milwaukee/Dempster area currently has an existing restaurant in operation. The variation that you are seeking and the hours that you will be open will be in direct conflict. I was out there again this evening and the 8800 strip mall just to the North, also sharing the driveway, has signs clearly posted "No Restaurant Parking", "Tow Away Zone", and "Parking for Plaza Only". The big concern I have is how two businesses are going to be compatible in an area that currently has a parking problem, especially in the evening hours. We are now looking for an 84% variance to place a new business having the same hours of operation as a restaurant with the peak hours of 5:00 to 9:00 p.m. I have a huge concern regarding the functionality of this piece of property. I also have a concern with granting an 84% variance at the expense of hurting an existing business. I don't think this is in the best interest of what we should be doing. Someone would have to convince us that this would not create a hugh traffic problem.

Aaron Spivack stated this location is now vacant; however the business that was there prior was a furniture store that kept the same kind of hours also conflicting with the restaurant. The furniture store was in business for approximately 20 years.

Chairman Callero asked what are the requirements on parking for a furniture store, one space every 250 feet?

Chuck Ostman stated I do not have the ordinance in front of me, however I believe the parking requirements for a furniture store may be 1 space for every 500 square feet.

Chairman Callero asked do we have any idea how many square feet are inside the building?

Aaron Spivack stated the square footage on the lease is 5,000 square feet.

Commissioner LoVerde stated I am not sure that a furniture store would have 24 full time employees. I am looking at 24 full time employees that need a place to park, plus 48 spaces for the stations, plus the existing,

operational and successful restaurant that has been there for a long time. We already know the restaurant had encountered parking problems.

Chairman Callero stated I am not disagreeing with you Mr. LoVerde I am just trying to prove a point to the petitioner that there operation requires a lot more spaces, almost three times the number of parking spaces then the type of business that was there before. The furniture store required approximately 10 spaces for the 5,000 square foot area, where the Salon would require 72 spaces.

Commissioner LoVerde stated just as an additional point I noticed today at the 8800 Milwaukee strip mall there is four vacant stores that still have the potential of being leased. What type of business is unsure, but we do know they will be bringing in more traffic through the same curb cuts.

Commissioner Alpagianis stated he would like to note that the Fire Chief has also stated this location also requires a second exit from a lower area. There is also a concern raised by the Fire Department that there are no windows serving this area. In case of an emergency that area may be totally cut off. I believe originally the furniture store used that area for storage and overflow.

Aaron Spivack stated we have had discussions with the liquor/bar business across the street that does not open up until 10:00 a.m. and they agreed to allow us to use the parking lot for any cars that we would need to park as overflow until at least 9:00 AM or 10:00 AM.

Commissioner Troiani asked have you ever witnessed traffic on Milwaukee Ave? Did you intend for your customers to park and cross Milwaukee Ave. to visit your establishment?

Sharlotte Zaki answered no Sir; we would be parking our clients by valet only.

Chairman Callero asked if they had any documents stating how many spaces are available across the street? Did you also have anything in writing giving you permission to use the lot?

Chuck Ostman answered no, I do not have any information.

Chairman Callero also asked if there were any questions from the audience?

Commissioner LoVerde moved that 06-ZP-16 – Sharlotte Zaki, 2520 S. State St., Chicago. Requesting a Special Use to operate a Salon and Day Spa/Masseurs and requesting a parking variation of 84% at 8800 Milwaukee Ave be **DENIED**.

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

AYES:	4	Alpagianis, Troiani, Cardella, LoVerde
NAYS:	0	
ABSENT:	2	Weel, Looby

There being four affirmative votes the motion carried.

Chairman Callero stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate our decision and it will be necessary for the petitioner to contact Mr. Charles Ostman, Director of Community Development, and ask to be placed on the Board of Trustees agenda and you will be notified of the date. Anyone in the audience who

would like to be informed as to the date this will be heard by the Board of Trustees, leave your name and address with our Secretary and she will notify you.

Chairman Callero called for the second matter on the agenda.

06-ZP-17 – Yera Patel, 8635 National Ave., Niles. Requesting a special use to operate a 30 seat restaurant at 7954 Waukegan Rd. Requesting a variation of 24% to the required parking from 74 spaces to 55 spaces. Legal description and persons notified in case file.

Mukesh & Jennifer Patel, 2406 King James Ave., St. Charles, owners, and Yera Patel, 8635 National Ave., Niles, also an owner stepped forward.

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

All stated yes.

Chairman Callero stated please give us your testimony.

Jennifer Patel stated we are interested in opening a Jimmy John's Restaurant at 7954 Waukegan Ave. The hours of operation will be Monday thru Saturday 10:30 a.m. to 10:00 p.m. and Sunday 11:00 a.m. to 10:00 p.m. We will have 20 to 25 employees. We will focus on fast food service, as well as catering and delivery. We will have 8 tables, seven of which will be 4 person tables and one which will be a 2 person table.

Chairman Callero stated you will have 20 to 25 employees.

Jennifer Patel stated 20 to 25 employees will be the entire staff. All employees will be part time.

Chairman Callero asked at any one time how many employees will be present?

Jennifer Patel stated 7 at the most. This will be the lunch time rush.

Chairman Callero asked if there were any questions from the audience?

Mr. Robert Gagliano, 7949 Neva, Niles, stepped forward.

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

Mr. Gagliano stated yes.

Chairman Callero stated please give us your testimony.

Robert Gagliano stated I applaud anyone that does anything in that strip mall. It has been pretty nasty for a long time. My concern is with parking. I am a little bit gun shy because of what previous tenants have done including parking all over the entire sub-division. There are only 50 parking spots at this location and that does not include handicap spaces, which will have to be put in. I don't know how you divide the parking lot up per tenant. I would love to see this place get done right. You picked a good location. I believe this location will keep you in business with all the Village employees right across the street. I would like to make sure as we lease out the additional spaces we pay very close attention to the parking. Also customers

park all over, including in the front of the building. I was very surprised to see Niles Pantry putting up a sign yesterday. I must have missed the meeting when the sale of liquor was approved. I think the strip malls improvements are good, as long as it's done with care. We need to realize that mall was built so long ago that the parking can not possibly be up to today's standards. The new tenants hopefully will be lower volume tenants. I can't wait for it to be a nice place again, right now it is nasty. You should have the landlord clean up all the weeds. Hopefully down the road there won't be any parking issues.

Chairman Callero asked where are the weeds, in the back between the fence?

Robert Galiano stated yes they are as tall as me.

Chairman Callero asked Rich Wlodarski to make a note of Robert Gagliano's weed concern and give the landlord a seven day notice or a fine if they do not clean up the property. Chairman Callero stated I did not know there was anywhere weeds could grow on that property.

Robert Galiano stated it's only between my fence and the guardrail.

Chairman Callero stated sorry.

Chairman Callero asked if there were any questions or comments from the Commissioners?

Commissioner Troiani asked if anyone had calculated the number of spaces the other types of business being conducted out of this location that would be needed for parking such as delivery and pick-up.

Chuck Ostman stated it is part of the formula we use when you have a restaurant with carry-out. The formula used is 1.25 spaces for every 2 seats. It is calculated into the zoning requirements.

Commissioner Troiani verified you calculated this figure using the 30 seats.

Commissioner Cardella stated it is factored into this.

Chuck Ostman stated yes.

Commissioner Cardella asked will the carry-out business take place in the back side of the building or thru the front door?

Yera Patel stated it will be both, however we are hoping to use the entrance and exit mostly in the back.

Commissioner Cardella stated there will be an entrance in the front as well.

Yera Patel stated yes there will. This entrance will be used by anyone walking by.

Commissioner Cardella asked if most of the carry out service will be taken out the back?

Chairman Callero affirmed there is no drive thru, correct?

Yera Patel stated correct.

Chairman Callero repeated for the record there won't ever be a drive thru.

Commissioner LoVerde stated could you just clarify that when you say they go out the back and pick-up, does that mean a car comes by and you walk out and give them the food?

Yera Patel stated no, it's an entrance.

Commissioner LoVerde asked can you give this board an indication as to what percentage of your business is carry out?

Yera Patel stated I went to training in Champaign, Illinois for three weeks and most of Jimmy John's does 40% carry out and catering around the suburbs.

Chairman Callero stated 60% sitting and eating and 40% eating off the premises.

Yera Patel stated yes, in the beginning. The catering and carry out will increase as time goes on.

Commissioner Troiani asked how many delivery trucks will you have?

Yera Patel stated we will have two drivers at lunch time and one at night. The drivers will be driving cars, not trucks.

Commissioner Troiani stated they will still need parking spaces.

Yera Patel stated yes.

Commissioner LoVerde stated currently at that strip mall there is a kitchen and bath business, a barber shop, a financial shop, and as Mr. Gagliano indicated there will be a Niles Pantry, is that correct?

Chuck Ostman stated that is correct. Niles Pantry is under construction and will be opening at the very corner of Waukegan and Oakton

Commissioner LoVerde asked if that occupies the center 100% or if there still square footage available for lease.

Chairman Callero states no, there is still another 6,000 to 7,000 square footage available.

Commissioner LoVerde stated there is 6,000 to 7,000 square footage still available after Jimmy John's.

Chuck Ostman stated that is correct.

Commissioner LoVerde asked if Jimmy John's will have any outside dining or café area available?

Yera Patel answered no.

Chairman Callero stated you understand you can not have any outside dining or café without coming in front of the zoning board.

Yera Patel stated yes we know. We have already talked to Mr. Ostman about that.

Chairman Callero stated I can not speak for the board, but I don't think that would be granted if this is passed tonight.

Commissioner Troiani asked have you tried to find any additional parking? Arvey's, the restaurant that was there before had a reciprocal agreement for parking with First National Bank of Niles.

Yera Patel stated we were told that the capacity seating for our restaurant would be compatible with parking.

Commissioner Troiani asked who said that?

Yera Patel answered the landlord.

Robert Gagliano asked what the hours of operation where going to be?

Yera Patel answered Monday thru Saturday 10:30 a.m. to 10:00 p.m. and Sunday 11:00 a.m. to 10:00 p.m.

Robert Gagliano asked will you be selling liquor at that location?

Yera Patel stated no.

Robert Gagliano asked what about at the Niles Pantry at the corner location?

Chairman Callero stated no.

Commissioner LoVerde stated that case has not come in front of us.

Robert Gagliano stated liquor is in the name advertised on the sign.

Chairman Callero stated they don't have liquor at the other location, beer and wine only, not liquor. Liquor is different from beer and wine. If they have liquor on there sign, you better tell them to order another sign. Now they are misleading the people.

Chuck Ostman stated I will look into it tomorrow.

Commissioner Cardella asked is there any parking on the street on Waukegan Road?

Chairman Callero stated yes.

Commissioner Cardella asked is that public parking along the curb?

Chuck Ostman answered yes.

Chairman Callero stated anybody can park there.

Commissioner Cardella asked approximately how many parking spots are there?

Chairman Callero stated 8 parking spots on the street.

Chuck Ostman agreed.

The 50 spaces previously referred to are located in the parking lot. There are another 8 spaces located on the street.

Commissioner Troiani stated you can not use those spaces for calculations.

Chairman Callero stated there is also another 6 or 7 spaces that are illegal that everyone has parked on in the parkway for years.

Chuck Ostman stated according to the presented diagram there are 51 parking spots which does include 2 handicapped spots.

Commissioner LoVerde stated those of us that have been around for a long time know that the sidewalk has been used for parking for years. I think the Department of Code Enforcement should make sure that as this renovation takes place those old habits don't occur on that sidewalk anymore. We still have some older tenants at that location and I still see people pull up and get there haircut.

Chuck Ostman stated we are going to try and work with the landlord to tear that asphalt out and put some landscaping in.

Commissioner LoVerde stated landscaping would be ideal there.

Chairman Callero asked if there were any other questions or comments?

Commissioner Alpigianis moved that 06-ZP-17 – Yera Patel, 8635 National Ave., Niles. Requesting a special use to operate a 30 seat restaurant and requesting a variation of 24% to the required parking from 74 spaces to 55 spaces at 7954 Waukegan Rd be **approved**.

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

AYES:	4	Alpigianis, Cardella, LoVerde, Callero
NAYS:	1	Troiani
ABSENT:	2	Weel, Looby

There being four affirmative votes the motion carried.

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

06-ZP-18 – Lawrence Maye, 7634 N. Odell Ave., Niles. Requesting a Special Use to maintain an existing 6' Satellite Dish. Legal description and persons notified in case file.

Lawrence Maye stepped forward.

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

Mr. Maye stated yes.

Chairman Callero stated please give us your testimony. My first question is how did you get a 6' satellite dish without coming to this board in the first place?

Lawrence Maye stated until I was notified by Mr. Ostman I did not know there was any regulations regarding satellite dishes in the Village of Niles. I previously lived in Chicago where there was no issue with dishes.

Chairman Callero stated this is not Chicago.

Lawrence Maye stated I understand. I moved here three years ago and installed the dish not knowing there were any regulations in Niles.

Chairman Callero asked did you have it professionally installed?

Mr. Maye stated I installed it myself.

Chairman Callero stated if you had it installed professionally I believe the installer would have researched the regulations. You might have saved a dollar, however this could cost you money. Do you have anything to tell us other than you want your 6' satellite dish approved.

Mr. Maye stated I would like to have it approved.

Chairman Callero asked is there any questions or comments from the audience?

Rosemary Palicki, 8246 Merrill, Niles stepped forward.

Rosemary Palicki stated Chairman Callero can you tell me what is the zoning for satellite dishes?

Chairman Callero referred the question to Chuck Ostman.

Chuck Ostman stated in 1996 Federal Communications Act allows in residential areas, up to one meter in diameter, a dish to be installed without any interference by the municipality. Manufacturing or commercial areas are allowed to install a two meter dish without any interference by the municipality. Anything over one meter in size in the residential area the municipality has full jurisdiction to grant the installation of those dishes or not.

Rosemary Palicki stated showing my ignorance of the metric system what is a meter.

Chuck Ostman replied a little over one foot.

Commissioner LoVerde asked is there some type of adaptor that could be installed to the dish to bring it within the 39" regulation?

Mr. Maye replied the ban set for my dish is C-ban and KU-ban. It's the older ban satellite, not digital like Direct TV and dish network. In the past the bigger dishes were made to accommodate the weaker signals. At this point in time there is nothing to reduce the size of the dish.

Commissioner Cardella asked currently you are not using dish network, or direct TV?

Mr. Maye stated no. There is a lot of wild feed programming on satellites where sport programs and news are available that you would normally not see on TV. I use it for sports programming.

Mr. LoVerde stated these are very difficult decisions. We try to accommodate residents needs, however in situations like these when special ordinances prevail we are bound to adhere. Allowing you 6', your neighbor down the street 12', and neighbor down the street 14', all to receive more ban. In fairness to everyone in the community we need some kind of consistency. I am very concerned that allowing this dish will open up other residents wanting bigger dishes.

Mr. Maye stated the technology is actually going in the opposite direction. Dishes are smaller than 18", as Direct TV and Dish Network. Very few people have my dish. I have had this dish for a long time, and am used to the programming. I have talked with my neighbors, no one has any objections.

Commissioner LoVerde asked after three years how did you get to the zoning board.

Mr. Maye stated a neighbor a couple of doors down was building a garage and while it was being inspected the dish was noticed and reported.

Chairman Callero stated my question is why an inspector did not see this dish in the last 3 years? This case presents a problem, it sets a precedent. If someone else comes along, as Commissioner LoVerde already said we would have a problem not approving that one also.

Commissioner LoVerde stated Mr. Ostman is it our understanding that within the residential areas if the dish is 39" the Village of Niles does not doesn't have any regulations. Anything above 39" we would prefer not to have all over town.

Chuck Ostman stated dishes are classified as special use. This means it is permitted in the district, however there may be certain conditions that are placed on that dish in regards to location. There was no language put into the ordinance saying it was banning any satellite dishes over 39"

Chairman Callero said are you going on the record saying that?

Commissioner LoVerde stated in a business district we or the FCC goes to 78" or 6-1/2 feet.

Chuck Ostman stated correct and we have quite a few dishes that have gone over that in the commercial districts.

Commissioner LoVerde stated to your knowledge do we have many dishes in residential areas that exceed the 39".

Chuck Ostman stated I have reviewed the records and I have found no special uses granted or even requested for satellite dishes over one meter in the residential areas. In commercial areas we have quite a few.

Chairman Callero asked if there were any questions or comments from the Commissioners?

Commissioner Troiani moved that 06-ZP-18 – Lawrence Maye, 7634 N. Odell Ave., Niles. Requesting a Special Use to maintain an existing 6' Satellite Dish be **DENIED**.

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

AYES: 4 Alpogianis, Troiani, Cardella, LoVerde
NAYS: 0
ABSENT: 2 Weel, Looby

There being four affirmative votes the motion carried.

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

Commissioner LoVerde requested to direct one more comment for Mr. Maye and the staff. I am requesting you set up a meeting to schedule a reasonable time line without inconvenience to you to remove the dish. You can still appeal to the Village Board of Trustees. Some time line should be established between you and the Village.

Lawrence Maye stated I do plan on going to the Village Board. Mr. Maye stated he would contact Chuck Ostman to find out the procedure.

Chairman Callero stated there is a chance they would overturn our decision.

Rosemary Palicki asked if she could step to the podium for a question. She stated the question was not in reference to any of tonight's three cases, but it was in reference to a past case the board heard.

Commissioner Troiani stated we are not in the position to open up the meeting to past cases. It can not be part of the minutes.

Commissioner LoVerde stated we do have an attorney sitting in at tonight's meeting.

Rosemary Palicki stated who and when do I address my question about a past issue that this board dealt with.

Chairman Callero stated after the meeting you can address any questions to our Village Attorney if it is a past case.

Rosemary Palicki stated with all due respect my question probably does not involve this board. I will talk to Chuck Ostman at a later time.

Commissioner Alpogianis moved to adjourn the meeting, seconded by

Commissioner LoVerde on roll call the vote was:

AYES: 4 Alpogianis, Troiani, Cardella, LoVerde
NAYS: 0
ABSENT: 2 Weel, Looby

The meeting adjourned at 8:14 P.M.

James Callero, Chairman

Angelo Troiani, Secretary