

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 7:31 P.M.

Present were Chairman Callero along with Commissioners Alpogianis, Looby, Troiani, LoVerde and Weel.

Commissioner Cardella was absent.

Joseph Annunzio, Village Attorney, was present.

Commissioner Alpogianis moved to approve the minutes of November 6, 2006, with the following corrections:

1. Page 10 of 18, Paragraph 5 and 7, Commissioner Looby's name is incorrect. It was spelled Lobby and should have been Looby.
2. Page 17 of 18, Paragraph 11, Commissioner LoVerde stated than with the 50% issue they would be able to do that anymore. This paragraph should read Commissioner LoVerde stated that with the 50% issue they would not be able to do that anymore.

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

AYES: 5 Alpogianis, Looby, Troiani, Weel, LoVerde
NAYS: 0
ABSENT: 1 Cardella

There being five affirmative votes the motion carried.

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

To be heard this evening:

07-ZP-01 – Yong Ran Yoon Park, 1141 Windbrooke Dr. #101, Buffalo Grove, IL 60089, requesting a Special Use to operate a restaurant with 60 seats at 8257 Golf Road. Requesting a 23% parking variation.

07-ZP-02 – Sinisa Crnomarkovic, 8315 New England Ave., Niles, IL 60714, requesting a variation to Section VII (C) (10) to reduce the required 40' rear yard to 22'6" to construct a 2 story addition at 8315 New England.

07-ZP-03 – Jack Wojkowski, 1807 Summerton Pl., Northbrook, IL 60062, requesting a plat of consolidation of Ballard Point Consolidation at 8120 Park Ave.

07-ZP-04 – Pramod Kumar, 7451 N. Western Ave., Chicago, IL 60645, requesting a Special Use to operate a Community Service Center and to reduce the rear yard from 20' to 5' and 3' side yard to construct an addition at 9015 Milwaukee Ave.

Discussion - Teardowns

Chairman Callero called for the first matter on the agenda.

07-ZP-01 – Yong Ran Yoon Park, 1141 Windbrooke Dr. #101, Buffalo Grove, IL 60089, requesting a Special Use to operate a restaurant with 60 seats at 8257 Golf Road. Requesting a 23% parking variation. Legal description and persons notified in case file.

Yong Ran Yoon Park, wife, Ihngiu Yoon, husband, Adin Yoon, son, and Yong Ho Lee, Architect, all at the above address stepped forward.

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

They all stated yes.

Chairman Callero stated please give us your testimony.

Ihngiu Yoon stated we are not trying to open a Korean Restaurant. We are trying to open a Shabu-Shabu Restaurant. Shabu-Shabu was developed in 1948 in Japan. We use "hot pot" as a method of cooking. We take sliced meat and seafood and place in the hot pot with broth to cook. We remove the cooked items and they can be dipped into different sauces which are homemade by us. I have submitted a statement in your package that states all of this. A specialization of our restaurant is a customized table for individual cooking and eating.

Chairman Callero stated we have the statement. All the cooking is done right at the table, correct?

Ihngiu Yoon stated yes. We have four holes in each table that the hot pot is placed for individual use. This is very safe. The Shabu-Shabu restaurant will specialize in three unique qualities. You can cook your dinner yourself, the items are very healthy, and the last item it is really delicious, especially with our 3 different kinds of dipping sauces. Our most important qualities are the fact that we use a custom table. We are trying to keep our prices low to medium in range.

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

Commissioner Troiani stated I only have one concern. I have a concern in regards to health. Who is going to supervise the cleaning? Each bowl is used for individuals; you won't have two different people to a table? Is anyone

concerned about the cleanliness and the health of the people? The customers are the ones doing the cooking.

Chairman Callero stated what is the difference between that and the cook in the kitchen that you can't see?

Commissioner Troiani stated the cook in the kitchen is to be governed by sanitary laws. At this restaurant they are providing hot water and the people bring food and do their own cooking.

Ihngiu Yoon stated we provide the hot pot, meat, seafood and vegetables from the kitchen.

Adin Yoon stated all the food is cleaned and prepared in the kitchen. We then bring the food out to the tables. All the food is clean.

Commissioner Troiani stated do you have another restaurant like this anywhere else?

Adin Yoon stated no.

Commissioner Troiani stated have you ever had any sanitary problems?

Chairman Callero stated how could they if they don't have another restaurant?

Commissioner Troiani stated I am just worried.

Commissioner Weel stated this is very similar to a fondue restaurant. Instead of cooking in oil you are cooking in flavored water. This type of restaurant is all over the place. There are fondue restaurants all over nationally. Some of these places are pretty big chains. I don't think there are any issues as far as health concerns at the tables. This would be regulated just like any other restaurant.

Commissioner Alpigianis stated I have a little background in this. According to State law there has to be a licensed sanitation official on premise from the time preparation is started until the time the restaurant is sanitized and closed down. I don't know if I missed something. Are these hot pots removable? Every time there is parties of four per say the hot pot is removed and a new one is brought out. They will be washed in back. You will be versed in washing and sanitizing, etc.

Ihngiu Yoon stated there are several restaurants just like this one open in L.A. and N.Y., not Chicago. We do have a license.

Chairman Callero stated I'm sure the restaurant in Chicago will be cleaner than the ones in L.A. and N.Y.

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

Commissioner LoVerde asked will there be any liquor served at this establishment? Do you have a liquor license?

Ihngiu Yoon stated no. I am a Christian and I don't want to serve liquor.

Commissioner LoVerde asked what are your hours of operation?

Ihngiu Yoon stated we will be open 11:30 to 9:30 p.m., six days a week. We will be closed on Sunday.

Commissioner Weel stated the proposal indicates a 23% parking variation based upon 60 seats. I count 54 seats at the tables and the booths. Will the bar stools add the additional six seats bringing this up to 60 seats? Are the bar stools actually utilized to eat at or is this just a holding area where just refreshments are served?

Ihngiu Yoon stated we have a waiting area in front of the doors. These stools are just for one person. They can eat at this location.

Commissioner Weel stated the total number of seats that you are requesting is 60 seats and nothing more than 60 seats. I want to make sure we are talking about the same percentage in the variance.

Ihngiu Yoon stated in the future we are trying to make something larger.

Chuck Ostman stated I talked to the petitioner right before the meeting and he was requesting to amend the application from 60 seats to 75 seats.

Commissioner Weel stated what would that do to the variation?

Chuck Ostman stated he would require over 1,000 parking spots and he would require an additional 8 spots.

Chairman Callero stated then he would be requiring over a 30% variation.

Commissioner Weel stated we are at 23% right now.

Ihngiu Yoon stated I believe our menu is mostly for dinner. This is a heavy meal, not a snack.

Commissioner Troiani asked Mr. Ostman do we have a parking problem at this location?

Chairman Callero stated I thought this restaurant was going to be placed in a certain location of the shopping center area where there is adequate parking?

Chuck Ostman stated this proposed restaurant is in a location where there is the most parking available. This is located in front of the Wickes Furniture store as well as another vacant furniture store. There is plenty of parking in this shopping center in that particular area.

Chairman Callero stated the landlord understands that if this was approved it might affect future tenants. He was made aware of this.

Chuck Ostman stated correct.

Commissioner Alpigianis stated Mr. Ostman is this just east of the DMV?

Chuck Ostman stated yes.

Chairman Callero stated just so we understand this petition, it is now to read a variation of what percentage.

Chuck Ostman stated yes but I don't come to the figure as high as you are indicating. The number I come up with is the total number of parking spaces required would be 1,338 against the 1,080 parking spaces provided. You are looking at a 24% variation.

Chairman Callero stated the original petition must be wrong.

Chuck Ostman stated the original petition is 23% and we are now asking for 24%.

Commissioner Weel stated you are only adding 8 on 1330 so this really is minimal.

Chairman Callero stated how should this read?

Chuck Ostman stated a parking variation to 24% per 75 seats.

Chairman Callero stated let it be noted that the petition has been amended to 24% which equates to 75 seats.

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

Commissioner LoVerde stated where will the additional 15 seats go on the plan we were just given?

Chuck Ostman stated the petitioner does have an amended floor plan. If the Board would like to see the new plan adjusting the additional 15 seats we could provide that. The plan adjusts the washrooms to make room.

Chairman Callero stated the washrooms are being adjusted to jam in 15 more seats. Why is this being presented to us at this time? Did they just decide on this outside? Why were we not given this earlier?

Commissioner Looby stated this causes a lot of conflict. I had a layout that I originally looked at. I was considering going ahead with this plan. Now all of a sudden it's thrown on my plate that you are adding 15 more seats. We are sitting here fumbling around with calculations. I just don't like this type of activity. If the petitioner wants to add more seats than it should be put on hold until next month and re-submitted so we can have the proper amount of time to evaluate the validity of the request. I don't think it's fair to me personally to have this request submitted to me at this point in time. I don't feel it's particularly fair to the Village of Niles that we are rushed into this type of decision. I would prefer to have this put off and if they want to have the additional seats let them resubmit a properly drawn schematic within the required time so that we have time to look at it. It's only fair to this Board.

Chairman Callero stated I don't have a problem with that.

Commissioner LoVerde stated I agree with Commissioner Looby.

Chairman Callero stated what this Board is saying to the petitioner is if you want us to vote on this tonight then you have to leave the petition as it originally was stated at 23% and 60 seats. If you want to change it to 24% and 75 seats then we will put this on hold and we will put it on the agenda for next month. Do you understand?

Ihngiu Yoon stated before you make your decision I know the most important concern about our restaurant is traffic problems. I noted the DMV closes at

5:30 from Wednesday to Friday and they are closed at 12:00 on Saturday. They are also closed on Sunday.

Commissioner Weel stated the concern of the Board is not the traffic. The concern of this Board is that we have a site and floor plan that is not consistent as to what you are requesting. That is the concern.

Chairman Callero stated Mr. Yoon I am asking you a simple question and I need a simple answer. Do you want us to vote on this tonight with 60 seats and 23% the way it was originally presented to us? If you do not we are going to postpone it because we do not want to deal with 75 seats and 24% until we get a new package that includes the new adjusted floor plan which we never received. We are giving you your choice.

Adin Yoon stated we do have a new floor plan right now. If this is not acceptable than we want to go with the 60 seats and 23% variation.

Chairman Callero stated you would like to keep the petition as originally presented.

Adin Yoon stated correct.

Chairman Callero stated when our inspectors come to your location to check this out there better not be more than 60 seats otherwise you will have a lock on the door.

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

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

Commissioner Weel moved that 07-ZP-01 – Yong Ran Yoon Park, 1141 Windbrooke Dr. #101, Buffalo Grove, IL 60081, requesting a Special Use to operate a restaurant with 60 seats and requesting a 23% parking variation at 8257 Golf Road be **approved**.

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

AYES:	5	Alpogianis, Looby, Troiani, Weel, LoVerde
NAYS:	0	
ABSENT:	1	Cardella

There being five 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.

07-ZP-02 – Sinisa Crnomarkovic, 8315 New England Ave., Niles, IL 60714, requesting a variation to section VII (C) (10) to reduce the required 40' rear yard to 22'6" to construct a 2 story addition at 8315 New England. Legal description and persons notified in case file.

Sinisa Crnomarkovic, 8315 New England, Niles, petitioner/owner and John Hanna, 180 W. Washington, Chicago, 60602, architect 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.

Chairman Callero stated please give us your testimony.

John Hanna stated we were in front of this Board several months ago and we have revised the plan so that we comply with the 35 degree rule in the rear yard. We have also increased the side yard to also comply with the required side yard setback.

Chairman Callero stated Mr. Ostman or Rich Wlodarski at the time that we heard this case a few months ago does this case cover everything we requested? I don't remember.

Rich Wlodarski stated we did not specifically request anything dimension wise. We just denied them. Over the last four or five months they have re-drew the entire plan to meet most of the setbacks. They are asking for some variations but a lot of the requests and concerns that we had have been addressed. The side yard set back being one and the 35 degree plane being the other issue.

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

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

Bob Trudy, 7515 Lawler, Niles stepped forward. Mr. Trudy stated I am just curious if this gentlemen plans on living in this house or is this just a development that he plans on selling.

Chairman Callero asked Mr. Crnomarkovic do you plan on living in this house or do you plan on selling the house?

Sinisa Crnomarkovic stated we definitely built this house for ourselves. We are planning to stay.

Bob Trudy asked for how long? Are you going to stay there for one year, two years?

Chairman Callero stated who knows how long they will live there. The point is they are building the house to live in.

Chairman Callero asked are there any other questions from the audience.

Commissioner Alpigianis moved that 07-ZP-02 – Sinisa Crnomarkovic, 8315 New England Ave., Niles, IL 60714, requesting a variation to section VII (C) (10) to reduce the required 40' rear yard to 22'6" to construct a 2 story addition at 8315 New England be **approved**.

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

AYES: 5 Alpigianis, Looby, Troiani, Weel, LoVerde

NAYS: 0
ABSENT: 1 Cardella

There being five affirmative votes the motion carried.

Chairman Callero called for the third matter on the agenda.

07-ZP-03 – Jack Wojkowski, 1807 Summerton Pl., Northbrook, IL 60062, requesting a plat of consolidation of Ballard Point Consolidation at 8120 Park Ave. Legal description and persons notified in case file.

Mr. Chuck Ostman, Village of 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. Ostman stated yes.

Chairman Callero stated please give us your testimony.

Mr. Ostman stated this is a plat of consolidation for the Ballard Point Consolidation. This is a combination of five lots of the former Vegas Motel and the Swenson Paint property. The alley depicted on the plat was vacated on May 5, 1956 by the Cook County Board of Commissioners with no language for any continued public utility easement. That is why the building is being built over the vacated alley. The second item is a 10 foot sanitary sewer easement which was terminated on June 27, 2006, Ordinance 2006-28. This plat has been reviewed by Engineering and Community Development and we recommend approval.

Chairman Callero asked if there were any questions or comments from the Commissioners on the board.

Commissioner Looby stated we voted to approve this development. I am curious as to why this was not addressed the first time.

Chuck Ostman stated we had to go through all the paperwork and documents at the Cook County Recorder of Deeds to make absolutely sure that before we actually issued the permit that the alley was not a utility easement and at the same time if it was we would have had to come back to the Village Board and vacate that utility easement. Our documents indicated that there were no provisions in the vacation of the alley, and that it would remain as an easement. This is what took so much time, but we verified everything before we actually issued the permit for that condo.

Commissioner Looby stated isn't this something that should have been taken care of before it was given to us with the first proposal?

Chuck Ostman stated this was time consuming. We were confident in talking to Engineering that it was not going to be an issue because there were no utilities running through that alley. We still had to take additional time to verify through the records that there were no provisions and any kind of plats. It should have been brought to you but in one section of the ordinance it states that if we could assure the Board of Trustees and this board that it would meet all of the requirements we would then issue the building permit.

Chairman Callero stated I would assume this was done to save the original petitioner money, because time is money. The sooner they could get started the less money would be spent.

Chuck Ostman stated this wasn't really done at the request of the petitioner. I was confident that there were no utility easements on any type of plats.

Chairman Callero stated but it would have been the request of the petitioner if you held it up because you had to wait for Cook County.

Chuck Ostman stated yes.

Chairman Callero stated that is why I am bringing this up. You are talking money and that's the reason it was done like that. Otherwise Mr. Looby I am sure they would have required everything and done it the proper way. Time is money.

Chairman Callero asked if there were any other questions or comments from the Commissioners on the board.

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

Commissioner Troiani moved that 07-ZP-03 – Jack Wojkowski, 1807 Summerton Pl., Northbrook, IL 60062, requesting a plat of consolidation of Ballard Point Consolidation at 8120 Park Ave. be **approved**.

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

AYES:	5	Alpigianis, Looby, Troiani, Weel, LoVerde
NAYS:	0	
ABSENT:	1	Cardella

There being five 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 fourth matter on the agenda.

07-ZP-04 – Pramod Kumar, 7451 N. Western Ave., Chicago, IL 60645, requesting a Special Use to operate a Community Service Center and to reduce the rear yard from 20' to 5' and 3' side yard to construct an addition. Legal description and persons notified in case file.

Edward Lipsky, 355 W. Dundee #200, Buffalo Grove, 60089, Lawyer,
Armaghan Rana, 7451 N. Western Ave., Chicago, 60645, General Manager,
Mahen Panchal, Cicero & Belmont, Chicago, Architect, 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 three stated yes.

Chairman Callero stated please give us your testimony.

Edward Lipsky, attorney stated the applicant is a 501C3 charitable organization whom maintains a facility currently at 9058 Golf Rd. in Niles serving adults in the form of an adult day care. I have here, which I am going to pass out, one of the brochures which highlight what they do. I am sorry I did not have this in the package for you earlier. They own this building on Milwaukee Ave. and are seeking a variation and a special use to make some changes to enlarge a facility that they currently maintain. The current building on Golf Rd. is rented and the lease expires in August of this year. They want to move to this new facility, expand it and provide the services that are shown. The services that will be provided will be strictly the adult services. The youth services are only maintained in the Chicago facility, otherwise the brochure is accurate. I think the documents show the proposed changes to the building. This should be in your packet. We have gone through an analysis of the parking and the usage and I could give you an overlay as to what we attempt to propose and would entertain questions if there are any.

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

Commissioner LoVerde stated are there any medical services provided in the facility?

Edward Lipsky and Arnaghan Rana both replied no medical services.

Commissioner LoVerde stated could you give us a general overall idea what actually takes place in the particular facility as it is now. Are you occupied in there now?

Edward Lipsky stated no. The one on Golf Road provides adult day care services. The general manager of that facility is here and he can outline for you what they do better than I can.

Commissioner LoVerde stated alright I would like to hear a little bit about the meal that you provide.

Armaghan Rana, General Manager stated right now we are providing nutrition funded by an organization known as adoptions. All we have are seniors that come in for the lunch program. It is a specific lunch program; we do not have dinner or anything like that. This is strictly lunch for seniors. Most of the issues we have are in reference to the parking, and the people that we have that come for lunch are usually provided with transportation by us. We have our own vans and we usually pick them up and drop them off at their home.

Commissioner LoVerde asked how many square feet is your current location?

Armaghan Rana stated the current location is 2,000 square feet.

Commissioner LoVerde stated and that is at 9050 W Golf Road in Niles?

Mr. Rana stated that is correct.

Commissioner LoVerde asked will that facility remain?

Mr. Rana stated no, we plan on moving the entire operation to the new facility.

Edward Lipsky stated that facility is leased and the lease expires this summer.

Commissioner LoVerde asked now I would like to look at the actual request for this variation. The existing building is on a non conforming lot on the property line.

Chuck Ostman stated it is a non conforming structure on this lot. By the zoning code there should be a 20' rear lot. This building is up to the rear property line.

Commissioner LoVerde asked directly to the east of there is that residential homes?

Chuck Ostman stated those are residential and multi family residential.

Chairman Callero stated I have to ask the question did you buy this building contingent upon getting any variation approvals at this zoning board or did you just buy it?

Edward Lipsky stated the client bought the building.

Chairman Callero asked why would they buy the building prior to getting approval?

Commissioner Weel stated I just have a couple of questions. Would the facility be functional without the second floor addition? If you did not add the second floor would you be able to operate effectively?

Edward Lipsky stated the first floor would be the adult day care services. I am advised that the second floor would be the office area.

Commissioner Weel stated my question is either yes or no.

Edward Lipsky stated to some extent no. The office area would cut into the adult day care preventing certain services from being rendered.

Chairman Callero asked how many square feet do you have now at the existing location?

Commissioner Alpigianis stated Chairman if I could interject it is 2,000 and they are looking to almost triple it at 5,750 if I read the proposal correctly. The original one that you are in now is 2,000 sq ft.

Mahen Panchal stated the existing facility has 2,990 sq ft. We are adding 1,270 totaling 4,260 on the first floor and 1,490 on the second floor making it 5,750 sq ft out of which 1,817 sq ft is allocated for the office areas and 3,933 sq ft. is allocated for the activity areas which totals to 5,750 sq. ft.

Chairman Callero stated you are trying to go from 2,000 sq ft where you are renting now to 5,700. Of the 5,700 sq ft the addition on the second floor was how many?

Mahen Panchal stated 1,490.

Chairman Callero stated we will call it 1,500 sq. ft.

Commissioner Weel stated I am looking at the first floor plan along with the rendering for the second floor. Please explain to me what the nursery office #1 and nursery office #2 would be utilized for.

Edward Lipsky stated I have been advised that the R.N. and the L.P.N. that are necessary at site would be sitting up there.

Commissioner Weel stated so it is not nursery but nursing?

Edward Lipsky stated nursing staff.

Chairman Callero stated it is not a nursery for little kids or for plants.

Commissioner Weel stated do you have to have registered nurses on site 24 hours a day, when your facility is open, or do they come and go? I am just trying to follow as to what goes on in this building.

Armaghan Rana stated an adult day care service is required by the state to have an R.N. on the site before hours. We do have an R.N. on the site for four hours but we do have a L.P.N. on the site for six hours. If God forbid something were to go wrong with the clients or anything they would be there. When the clients come in for lunch its not like they just come in and go out they have their activities on a daily basis. They stay there for 3 to 4 hours sometimes.

Commissioner Weel stated somewhere in the literature I read that the age of the people involved at this facility is 35 and over. Then I am reading in order to become a member eligibility is 60 years and older. What is the actual demographics or the age group of the people that use this center?

Armaghan Rana stated 60 and older.

Commissioner Weel repeated 60 and older.

Armaghan Rana stated yes.

Commissioner LoVerde stated I have a concern about the decrease in the value of the residential home that abuts this property. If my calculations are correct and if the variance is granted, this building would have a 36 tall wall 5 feet from the existing residence on Churchill. Does that math work out? Over 36 feet of wall within 5 feet of someone's backyard that is not there now.

Chuck Ostman stated I don't believe the height is 36 feet high. The actual height is 25 feet 10 inches. This is what is proposed 5 feet away from the property line.

Commissioner LoVerde asked is the balcony from the existing roof only over the front entrance way?

Mahen Panchal stated yes.

Commissioner LoVerde asked this is designed for people to just be up there?

Mahen Panchal stated it was probably designed to give it an Asian profile.

Commissioner LoVerde stated actually I think I miss quoted that. The five feet is the new addition that is requesting to go to five feet. The existing structure would go up above the existing roof, correct.

Chuck Ostman stated no there is no addition on the existing structure.

Commissioner LoVerde stated O.K. there is just going to be the one section to the south.

Chuck Ostman stated that is correct.

Mahen Panchal stated we are not building a second floor on top of the existing structure.

Commissioner LoVerde stated I got it now; I needed to get my bearings.

Commissioner Weel stated looking at the elevation this canopy type structure, how much higher is that than the top of the roof?

Mahen Panchal stated it's not calculated at this point but it is open air.

Commissioner Weel stated and the purpose of that is?

Mahen Panchal stated to have some kind of façade during the summer time, like you have an umbrella in your backyard.

Commissioner Weel stated what would be the function or purpose of that canopy on the roof?

Mahen Panchal stated basically sometimes you like to allow adults to sit in the upper veranda. Since we had to cover the first floor veranda we took the benefit of the terrace area. Rather than sitting on the existing roof and not knowing what the structural load is, we should be on the new roof, that is how the decision was made.

Commissioner Troiani stated we are taking a piece of retail property that makes taxes for us and giving it to a tax free organization on Milwaukee Ave. Is that a wise thing to do or is that necessary. Now we are putting a Nursing facility in there. I received new books tonight; new pamphlets tonight and I have to figure out how this is going to profit Niles. What is Niles going to get out of this besides a piece of property that is tied up against residential property? What are we going to get out of it? What is the Village of Niles getting out of the sale of this property? What good is it going to be to the Village of Niles?

Edward Lipsky stated can I address that?

Commissioner Troiani stated why not, I don't care.

Edward Lipsky stated Niles has a sizeable Asian community who is already served by this organization. To continue providing proper service to them we proposed this facility. You already serve these people and the current location will be lost. It would be of great benefit to Niles because it will serve a lot of senior citizens who need a place like this to go for socialization purposes. A lot of these people need to adapt to America and this organization provides a means for them to be introduced to the country gently, in a way that they understand. The benefit to Niles is not so much in money, perhaps as in tax dollars, but as in providing services to a group that is a growing contingency in your community.

Commissioner Troiani stated I am stuck with a few things that I would just hate to see happen. I just hate to see a twenty foot buffer zone between buildings and residential area almost entirely eliminated. Five foot to a fence

does not do you any good. Then you are going to build a brand new structure where you are going to have no light coming thru and it will not be conducive for property opposite and in back of it.

Edward Lipsky stated if I might point out the existing structure goes all the way to the lot line now in the back.

Commissioner Troiani stated that does not mean we need to enhance the problem, right? We have a problem there now, for many years. It was unincorporated and brought into the Village of Niles, grandfathered in. We don't have to enhance on that property to make it any worse, do we?

Edward Lipsky stated legally no you don't have to.

Commissioner LoVerde stated I would just like the minutes to reflect that when I am looking at this the existing building now is on a property line which is mostly behind the garage at that residence. Is that correct?

Chuck Ostman stated that is correct.

Commissioner LoVerde stated then the variation would require approximately 25 feet to the south and 25 feet tall. Is that correct?

Chuck Ostman stated that is correct.

Commissioner LoVerde stated now that new addition comes towards the residents home, not his garage anymore. Now it starts coming in 5 feet away but it is in line with his home.

Chuck Ostman stated correct from a principal dwelling itself, not an accessory structure but the dwelling.

Commissioner LoVerde stated I don't know that we would be doing a justice to the resident that lives behind there in terms of the property value having a building constructed to a height of 25' right behind their home within 5 feet of the property line. That's my opinion.

Chairman Callero stated that's what I was just going to say.

Mahen Panchal stated can I please address this. What happened is because of the existing opening of the current structure and length of the cooking and activity area for the lunch area, this was creating a lot of problems. We have tried so many different variations and it just did not seem to work. We had to also provide an elevator and we got it to a point where we took the bare minimum which is required and that's how we saved. Originally we had plans that Mr. Ostman had looked at and we were going up to the easement. Then Mr. Ostman suggested that the utility be changed because he did not think we would ever get a variance for that. He stated the least you could do is to try this, which we did. We have shown these preliminary drawings to Mr. Ostman prior to making a final zoning application. I would appreciate if permission could be granted.

Commissioner LoVerde stated I certainly respect you submitting what your proposal should be. As an individual Commissioner I just feel that this is a total interruption and could cause substantial harm to that individual property. That's my opinion.

Chairman Callero stated I certainly know if I lived in that property I would be against it.

Commissioner Weel stated one of the items we have to take into consideration when granting a special use is the location – Is this an ample location? Is this the proper location for a facility or business or anything else for this particular location? I think we really need to look at that. I am not sure that where this is at fits the bill. Is this the location for this type of service? I think that along with the effect that it has on the residential neighborhood behind it really has to come into play as far as special uses are concerned.

Commissioner Alpogianis stated I would also like to add I think we need to know if it is necessary for the public convenience at this location.

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

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

Commissioner LoVerde moved that 07-ZP-04 – Pramod Kumar, 7451 N. Western Ave., Chicago, IL 60645, requesting a Special Use to operate a Community Service Center and to reduce the rear yard from 20' to 5' and 3' side yard to construct an addition be **DENIED**.

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

AYES:	5	Alpogianis, Looby, Troiani, Weel, LoVerde
NAYS:	0	
ABSENT:	1	Cardella

There being five 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 **discussion of teardowns** on the agenda.

Mr. Chuck Ostman, Village of Niles stepped forward.

Mr. Ostman stated this evening we are going to briefly touch base on the teardown issues that have come up over the last year, and some suggestions by staff for the Community Development Department as a whole. I just want to bring these items to light right now and then I would like to continue this discussion at the next regularly scheduled meeting in February. At that time I will have prepared an actual formal proposal for your review and discussion.

It had been the practice of the Community Development Department to address teardowns in the first scheduled public meeting of each year. Overall, this department had experienced minimal concerns or complaints regarding the size of the actual new residential structures in the Village of Niles. The concerns from residents in 2006 focused more on the contractors and their activities during construction. The concerns of the residents or of this department are:

Public parkways not restored in a reasonable period of time. Staff is recommending creating language to have the public parkway restored within a certain time period or forfeit the deposit being held by the department. In our formal proposal next month we would have a time frame in which that parkway would have to be fully restored, otherwise, the Village of Niles would retain the services of an outside contractor to restore the parkway using the funds from the deposit being held.

Commissioner LoVerde asked are we just going to listen and save our questions for next month?

Chuck Ostman replied yes. If you have some questions that you would like me to research then we could address that.

Commissioner Troiani stated accessory structures we allow up to 700 sq ft. in the backyard.

Chuck Ostman stated yes we do.

Commissioner Troiani stated I think that is entirely too much.

Chuck Ostman stated if I could just go thru this and then I will address that. The next item is:

Construction vehicles occupying both sides of the streets making access difficult: In going down some of these narrow streets like Merrill we plan on meeting with the Police and Public Works departments to see if we can come up with some kind of proposal. Other towns prohibit construction vehicles being parked on both sides during construction.

Property owners not being notified of excavations to the parkway property: We would make a policy of providing written notice to the property owners within 72 hours prior to the actual work being done. This way those property owners will know what is happening in the front yard in which they maintain.

Quality/knowledge of General Contractors securing permits: This subject could be addressed in the future by requiring certification by the International Code Council for General Contractors for permit applications over \$50,000 in construction value. The International Code Council is the organization that drafts all the codes that we follow. What they are doing right now is going thru the United States and a third party is administering a test for general contractors. It is not the municipality that is administering this test but it's a third party firm. We in the future would require that certification. This has not entered into Illinois yet. There are only about 20 states that they have introduced this program to and Illinois should be coming down the road real soon.

Liability Insurance for General Contractors: Requiring documentation would create significant workload in collecting and verifying if the liability remains current. It was recommended to require a permit bond; the contractor will most likely have liability insurance through the same insurance company. We have done spot checks and found that every time a concern was brought up by the resident whether or not they had liability insurance they always had the bond and as we checked in further with their agent they always had full insurance. It really hasn't been an issue yet ,in

our spot checks. We will continue to do the spot checks. Our theory is that if they are providing a bond they also have full insurance.

Some of the zoning items that we would like to address at next month's meeting would be:

Setback Requirements for decks: We have no requirements in regards to decks. Say for example a resident was to build a deck around an elevated pool that is 5 feet above the ground. There are several homes in the Village of Niles that this deck actually occupies the entire rear yard with no set back requirements for decks. We have no language to that. What we would like to do is create language that would put some limitations on deck if they are 24" or 30" above grade. A lot of other municipalities have this type of language in there zoning.

First floor elevations: This would be a consideration and we are interested in hearing what the Boards comments are next month. As you drive thru town and if you look thru the pictures that I have provided for you, there are a lot of houses in Niles that have the elevated basement that are four feet out of the ground. If they are four feet out of the ground and they are 4 foot 1 inch in the ground that area does not apply towards the F.A.R. My proposal is that to allow the homeowner, the resident, the property owner to build out of the ground by a maximum of 2-½ feet, anything over 2-1/2 feet would be counted towards the F.A.R., maybe not the full amount because what we are trying to do is gauge the bulkiness of the house but maybe 50% of the floor area would be applied towards the F.A.R. This is definitely an item that should be discussed.

Roof Lines: In looking thru all the pictures here and going thru other municipalities what I have noticed is the additional roof lines that are incorporated in a house. We do not have an appearance committee and we try to stay away from adopting an appearance committee. We could incorporate some language that would require additional roof lines in the house, giving a more distinct appearance to the front elevation and more character to the neighborhood. I think at the next meeting I could give you some more examples in regards to that. One example would be requiring an additional roof line over the front loading garage. If you look at some of the pictures there are some that do not have a roof line over the two car garage that is facing the street. By simply putting a roof line over that garage, at a minimum cost to the property owner, it really enhances that house. I can demonstrate that next month in the pictures.

Attic Space: This is the last item that I would like to address. I would like to amend the attic space. What we have in the ordinance right now is any attic space at 7 foot or more with head room of 7 foot or more is counted towards the F.A.R. That's head room of 7 foot or more. If they put tie crosses up in the attic you no longer have the head room in there. We would just like clarification in regards to what attic space counts towards F.A.R. and how that is determined. One suggestion that we may have is that if it does not have permanent stairs going up to the attic and it is not finished, that would not count towards the F.A.R. The attic space is allows going to be there. This is one recommendation from us.

Just running through the other items real quick the height is reduced down to 32 feet from the 35 feet originally. Actually its more than 35 feet because we changed the definition. Side yards we have increased by one foot in both R-1 and R-2 zoning districts. When there is an attached garage we made it a requirement that it has to be 10 feet wide. Before we did not have a requirement on what the minimum driveway width would have to be or the

minimum side yard for a detached garage. The front yard we maintain the same, and the rear yard we maintain the same. The F.A.R. we reduced from .6 to .525. This has been working out really good for us. The parking has not changed from 2 required parking spaces. Accessory structures this has been reduced down to a 15 foot maximum height and 700 sq feet. We have no complaints regarding this at all. There was a time prior to reducing it down to 700 sq ft that we were getting a lot of complaints because the property owners were putting up 3 car, 4 car garages almost occupying the entire back yard. This has worked out really well. I just listed a bunch of other items that this Board has considered and approved over the last 3 or 4 years. For the most part everything has been working really well. We have very few complaints coming in; they do come in on occasion and mostly aim towards the contractors that are working on site. I would entertain any comments or recommendations for further research on some particular item.

Commissioner Troiani stated I still maintain Mr. Ostman that 700 sq ft is an awful big accessory building in a backyard. You are talking a building that could be 70 foot by 10 foot.

Commissioner LoVerde asked could you define accessory building. Is that garage or not?

Chuck Ostman stated it is a garage or any other accessory.

Commissioner LoVerde stated its any building detached at 700 sq ft. It could be a garage.

Chuck Ostman stated correct. It could be a garage or a shed.

Commissioner LoVerde stated I think we were misled thinking it was a shed. You could have a 700 sq ft shed in the backyard.

Chuck Ostman stated you could have a 700 sq ft shed in the backyard if you don't have a garage.

Commissioner Weel stated correct, you can only have one structure.

Chuck Ostman stated no, you can have multiple structures totalling 700 sq ft.

Commissioner Weel stated is that the language? The maximum sq ft allowed by any accessory structure whether individual or multiple is 700 sq. ft.

Chuck Ostman stated before I make a statement in regards to that I would like to do a little more research in this area.

Commissioner Weel stated I would hate to see 3 – 700 sq ft structures in someone's backyard. We need to make a definition and define it. If its 700, it's the total of any accessory structure.

Chuck Ostman stated it's the total.

Rich Wlodarski stated correct, if you had a shed that was 100 sq ft then you could only have a 600 sq ft garage.

Commissioner Weel stated O.K.; we just need to make sure that the language is very specific.

Rich Wlodarski stated you could have a 700 sq ft shed only.

Commissioner LoVerde asked what controls do we have in place now. Example: assuming a contractor comes in and it's LoVerde Construction. What control is there that LoVerde Construction is doing the actual work on the project, and not subbing out. The sub-contractor may possibly not be licensed?

Chuck Ostman stated the changes that we made are that the permits can not be issued thru our software if somebody is not properly licensed and bonded. This is one item that we have incorporated. The next item is every permit that you see out there has a list of all the contractors on the jobsite. Our inspectors do verify that when we go out there.

Commissioner LoVerde stated your inspectors go out there and ask are you Ostman Plumbing, are you ...etc.

Chuck Ostman stated correct. If that contractor is not on that list we require that the contractor come in fill out an amended permit, provide the proper documentation and we then issue an amended building permit that shows the proper contractors on it.

Commissioner LoVerde stated we can talk more next month.

Chairman Callero asked is there a cost to amend the permit?

Chuck Ostman stated \$25.00 to amend a permit.

Commissioner LoVerde stated Park Ridge just passed a real neat thing for landscapers. They actually have the landscapers that were licensed and bonded go into the Village and they now charge a fee for every license. Every landscaper that comes into your town now has to be licensed. What they do is they sell them a sticker. The sticker has to be in the window and the Police Department are aware that those vehicles if they are cutting grass or maintaining properties within the Village and they don't have a sticker they get a warning ticket or are told to go into the Village. From a revenue stand point and more so from a safety point of view this secures who is working in your town. If anything happens they are registered because there are so many landscapers out there. I am sure Niles has a ton of them. This is something in the future we should probably follow up with and look into something like that.

Chuck Ostman stated I think that is a good idea if you are able to issue some type of sticker so you can identify real easy if they are licensed or not. We will look at that.

Commissioner Looby asked do we have regulations on underground pools?

Chuck Ostman stated other than the building code.

Commissioner Looby stated I mean above ground.

Chuck Ostman stated we have requirements that they have to stay 6 feet away from the principal building, and 6 feet away from the side yard.

Commissioner Weel asked does it have to be fenced?

Chuck Ostman stated no it does not have to be fenced because it already meets the code four feet out of the ground. As long as the stairs can be removed or placed in the up position.

Commissioner Alpogianis stated in ground pools must be fenced.

Chuck Ostman stated in ground pools must be fenced or have a durable cover.

Commissioner Looby asked if we started deck regulations we would have to start accounting for above ground pools when building a deck around the pool.

Chuck Ostman stated yes we do. That is going to take a lot of research by us taking a look at what the other municipalities does but it is something that has to be addressed. We have been talking about this for the last 2 or 3 years because there are some residents that have the entire yard pool and deck. It really doesn't look that pleasant.

Commissioner Looby stated I have one more question on a building that has an unfinished attic so the apex goes to 7 feet but drops significantly on either side, would that then require a separate stair case for that?

Chuck Ostman stated there is no stair case required. It is whether we determine how much of that attic space we count towards the F.A.R. Only that area that has a 7 foot head room which might be a small section applies towards the F.A.R.

Commissioner Looby stated so if its only 2 feet wide all the way down then that only applies towards the F.A.R. What do you mean by permanent stair access? Does that mean a staircase that you can pull down or physical stair?

Chuck Ostman replied no permanent stairs.

Commissioner Looby stated if its 7 feet high and only 2 feet wide that would require a permanent stair case?

Chuck Ostman stated no, again nothing requires a permanent staircase unless they plan on it being a habitable room. What we are saying if it is going to be a permanent stair case going up, that space should then be counted towards the F.A.R., but if it is just attic space that you are just using for storage, or a lot of property owners place furnaces up there then that should not be counted towards the F.A.R.

Commissioner Alpogianis moved to adjourn the meeting, seconded by

Commissioner LoVerde, on roll call the vote was:

AYES:	5	Alpogianis, Looby, Troiani, Weel, LoVerde
NAYS:	0	
ABSENT:	1	Cardella

There being five affirmative votes the motion carried.

The meeting adjourned at 8:44 P.M.

James Callero, Chairman

Angelo Troiani, Secretary