

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

Joseph Annunzio, Village Attorney, was also present.

Commissioner Troiani was absent.

Chairman Callero stated in the absence of Commissioner Troiani, Secretary, Commissioner Alpogianis will act as Secretary Pro Tem for this meeting.

Commissioner Weel moved to approve the minutes of January 6, 2007, as presented.

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

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

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:

No applications this evening so there will be a discussion on teardowns.

Rich Wlodarski, Assistant Director of Community Development, started the discussion. Assuming everyone looked over the packets presented last week and this week I will briefly go over everything. Any questions?

Commissioners LoVerde and Alpogianis have questions.

Mr. Wlodarski started with parkways and excavations of parkways. These two go together and are more policies than ordinances. There have been some problems with contractors getting parkways restored back to the way they should be or at least presentable during construction; also complaints that residents did not know that contractors were going to dig in their parkways. He is proposing some new language that parkways be restored within 10 days after digging; also adjacent property owners and property owners across the street be notified at least 72 hours before excavation so they aren't startled when they come home. He is now working with an engineer on policy and will see how it goes for the next year but feels comfortable that it should work.

Commissioner LoVerde is questioning the 10 day significance. Is it 10 days upon notification from the village? Is it 10 days from final acceptance? Is it just the parkway that's being worked on or could it be a parkway across the street from the construction site? Mr. Wlodarski states this policy would pertain to any parkway. The language should be defined because right now it seems a little loose.

Mr. Wlodarski stated that at times there is settlement after the first rough grading of a parkway and the crew has to come back. In the meantime it should be safe and presentable. But this will be defined.

Mr. Charles Ostman, Director of Community Development, stated they will refine the language and come back to the Commissioners one more time with recommendations.

Commissioner Cardella stated there is a difference between restored and rough grading.

Mr. Ostman said they will seek language from other villages and see how they present the issue.

Commissioner LoVerde stated at some point in time there must be complete restoration of the parkways. Mr. Wlodarski agreed.

Commissioner Weel stated originally the parkway has to be brought up to grade but ultimately it must be restored to its original condition. Also brought up was notification of the neighbors regarding excavations in the parkways. They are supposed to be notified 72 hours prior to digging. Notification is vague. Are they to be notified by mail, by phone?

Commissioner LoVerde asked who is going to do the notifying. Is it the contractor or the owner of the home being excavated? He feels the Village should be doing the notifying of the neighbors. It makes it more official.

Village Attorney Joseph Annunzio states that would cause the Village undue liability. He states it is the contractor's responsibility to notify the neighbors via certified mail.

Commissioner LoVerde states the contractor is not going to put as much effort into notifying Niles residents as the Village would.

Mr. Wlodarski states it is now the policy, before a permit is issued for demolition and construction, that 3 certified letters must be presented to the department showing notification of neighbors on either side and behind that construction is about to begin. At a preconstruction meeting the contractors are made aware of the guidelines for notification.

Commissioners Weel and LoVerde state it is more credible if the neighbors get a certified letter from the Village as opposed to the contractor/owner.

Commissioner LoVerde states he wants more language as far as protection of existing trees.

Attorney Annunzio states once the Village gets involved there is a group liability issue if anyone is sued.

Commissioner Weel does not feel a certified letter from the Village comes with any liability. It is strictly a notification.

Commissioner LoVerde states it is the responsibility of the Village to make sure things are done properly.

Chairman Callero states it is easier for this department to do the notification and then you know it's done right.

Mr. Ostman's recommendation is the same policy in place now of notifying the adjacent residents by registered letter and a 4 x 4 foot sign in the front yard notifying the entire neighborhood that construction is about to begin. If the Village stays on that same level of notification he thinks that will work. He would like to see how this works for 6 months.

Commissioner LoVerde states a form letter from the Village for the contractor to deliver to the residents could say if you have any problems call 588-8000; at least then it's more official. It should be handed to the contractor on our stationery and the resident must sign it and the contractor return it to the Village before his permit is issued.

Chairman Callero questions how do you know the homeowner actually signed the letter? How do you know the contractor didn't sign it?

Commissioner Weel states a standard form letter should get sent out from the Village return receipt requested. Once the letter is delivered and the receipt comes back, that is your proof the letter was received. You don't have to wait for anyone to sign the letter.

Commissioner Cardella states 72 hour notification sounds good in theory but what happens if it rains for 3 weeks and the start date gets pushed back. Not a very big window.

Commissioner Weel states we don't care about the start date. We care that the resident has been notified.

Mr. Wlodarski states just as long as there is notification and the residents are not surprised when the construction starts.

Commissioner LoVerde feels the first call the residents will make will be to the Village because they won't understand what is going on. They are not going to call the contractor. From a credibility standpoint if someone brings that letter out from the Village and gives an explanation of what is going to happen to their parkway, the residents will have a better understanding.

Mr. Ostman states the department will come back with a proposal and language at the next hearing.

Commissioner Alpigianis states 72 hours is not enough notice. Perhaps it should be a week's notice as a courtesy to the people being affected. What if

someone is having a party and doesn't have enough time to change the date?  
Can the language say in the near future?

Chairman Callero states he doesn't think it makes any difference whether it's a week or 72 hours. If you have invitations out it's still going to interfere.

Commissioner Looby states you do run into circumstances when a family says they have to rearrange cars in a driveway or something else around the house and your notification states in the near future, it's vague as to when construction will actually start. He would like to know the day it's actually going to start.

Mr. Wlodarski states they will try but they can't predict when it might rain or if the contractor has another job he has to go to. The contractors don't always show up on time either.

Chairman Callero states the next topic is construction vehicles occupying one side of the street.

Mr. Wlodarski states there have been some complaints on the narrower streets. Preconstruction meetings will notify the contractors they have to park on one side.

Commissioner LoVerde states it should be parking on one side only no matter how wide the street is and no construction materials be allowed to be stored overnight at the construction sight. An example would be a load of stone dumped during the day. It should not be allowed to sit overnight. All dumpsters must have proper barricades and lights. He's sure it's an ordinance somewhere.

Chairman Callero asks how this would be policed and Mr. Ostman states there would be a stop work order.

Chairman Callero states the next topic is attic space.

Mr. Wlodarski states it was originally at 35 feet for the overall height of the building. It has been lowered to 32 feet and it doesn't come into effect from a bulk look. All present looked at a diagram about a pitch of a roof. They feel comfortable with the language on this. If there are stairs going into the attic for usable space then it would be counted as FAR. This would be a permanent stairway, not a drop one.

Commissioner Alpigianis states if the permanent stairwell is going up to a 3<sup>rd</sup> floor it counts as FAR.

Mr. Wlodarski states there is more information defining ½ story. It's a red flag if there is a permanent set of stairs up there. If someone has pull down stairs from the attic it doesn't count. It is not considered livable space.

Chairman Callero states the next topic is roof lines over frontloading attached garages.

Mr. Wlodarski shows exhibits that have roof lines over the garage and some that do not. The general consensus is those that do have a better appearance.

Commissioner Looby would like to know how this could be written into an ordinance.

Mr. Wlodarski states it is already written in having a roof line. If architects want to get more creative than that there is nothing wrong with it. He then showed another exhibit

Chairman Callero states the next item is first floor elevations.

Mr. Wlodarski shows an exhibit where a first floor is elevated out of the ground; it has a more bulky look and not as steep of a roof line. He then shows 3 examples of above the ground and 1 only slightly above the ground. The appearance of the lower elevation is better looking.

Commissioner LoVerde asks if there is a standard policy for measuring building height. Is it 32 feet from the ground; is it from the top of the foundation?

Mr. Wlodarski responds the policy is 32 feet from grade. Grade is usually 6 inches below top of foundation. The department measures 31 feet 6 inches from top of foundation which allows enough flexibility.

Commissioner LoVerde asks if there is policy in writing that states the height is measured as 6 inches from below top of foundation. He states there has to be consistency in policy or ordinance from where height is measured.

Mr. Wlodarski reiterates the policy is 32 feet from existing grade prior to any construction. That reaffirms the measurement is 31 feet 6 inches. The Village measurement is standard throughout the industry.

Commissioner LoVerde brings up the matter of construction fencing. Is there a requirement as to the type of fencing surrounding a site?

Mr. Wlodarski responds that other than orange plastic snow fencing, which is not allowed, the sight can be secured with any type of wire fencing that is sturdy and safe. At preconstruction meetings with the builders they are advised the site must be secure.

Commissioner Weel states the Village tells the homeowners they must have certain types of fencing around their yards; therefore the Village should tell the contractors they, too, must have certain types of fencing around a construction site. He states the fencing should be the rent-a-fence cyclone type all the time. This way it is heavy, anchored and secure.

Mr. Ostman asks if that is the feeling of the majority of the Commissioners and they all state yes.

Commissioner Alpigianis states each section of fence should be secured not only with sandbags at the legs but also latched together so the sections cannot be moved.

Commissioner LoVerde asks if Niles has a list of prequalified vendors for dumpsters. Some towns say you have to be on an approved list in order to set down a dumpster.

Mr. Wlodarski replies you need a permit to have a dumpster in the street.

Mr. Ostman states they will look into that because so many times there is nothing under the dumpster and the street gets damaged.

Mr. Wlodarski states it is the contractor's responsibility to meet the dumpster at the site and put plywood down underneath so the street is not

ruined. He states the Village can put in writing that cyclone fencing is required. The permit already states that plywood must be put down under a dumpster.

Mr. Ostman states the verbiage is on paper but is not an ordinance. A ticket cannot be written but the job can be stopped.

Commissioner Looby is curious about how all this will be enforced.

Mr. Ostman states the contractors are informed of all policies and ordinances during the construction meeting. If they violate anything the Village has the right to stop the job.

Commissioner LoVerde states that everything should be an ordinance. Then it would be against the law to vary in any way.

Mr. Ostman states he will have to speak with Attorney Annunzio as far as the right to stop a job over infractions because of verbiage.

Chairman Callero asks if there are any questions or comments regarding decks.

Commissioner LoVerde asks if it's required that a deck exceeding 3 feet has a handrail.

Mr. Wlodarski states any deck over 30 inches above ground requires a handrail per code.

Commissioner LoVerde asks if second floor decks be no greater than 80 square feet whether it be front, back, above porch.

Mr. Wlodarski states if it's serving a second floor you don't want a deck covering the entire backyard.

Commissioner Alpigianis asks if a handrail only has to be on the stairwell of a deck.

Mr. Wlodarski states the handrail must go all around any deck of 30 inches.

Commissioner Weel asks what if there is a pool in the yard and there is decking around the pool.

Mr. Wlodarski states that has to be clarified because right now the code states all decks over 3 feet in height must have a handrail. That means some yards with pools and decks around them cover the entire backyard. Keeping a side setback and 15 foot rear yard setback you can have a deck around your pool but keep in mind the setback rules so you aren't too close to the lot line.

Commissioner LoVerde goes back to the parkway issue for clarification. If you're not in the parkway but on the curb in front of a residence picking up water or sewer lines in the street, does it require the same courtesy to notify the homeowner of the excavation since that might be his parking space. Or does notification only apply to parkways, not curbs.

Mr. Wlodarski states it would be a good thing to notify the resident they might be inconvenienced but everything should be restored in 10 days. Commissioner LoVerde asks if there are many complaints regarding restoration.

Mr. Wlodarski states getting the area cleaned up and put back to a safe condition is a big issue. They are working with Engineering and the problem really falls into their jurisdiction although this department is on the site more often.

Chairman Callero asks Mr. Ostman and Mr. Wlodarski what is the time frame to get back to the Board with revised information.

Mr. Ostman states the next regular scheduled meeting, the first Monday in March. Right now there is one item on the March agenda.

Chairman Callero asks for a motion to adjourn at 8:20 p.m.

Commissioner Weel so moved seconded by Commissioner Alpogianis.

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James Callero, Chairman

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George Alpogianis, Secretary Pro Tem