



COMMUNITY DEVELOPMENT

MAYOR

George D. Alpogianis

VILLAGE MANAGER

Joseph S. La Margo

VILLAGE CLERK

Marlene J. Victorine

TRUSTEES

John C. Jekot

Joe LoVerde

Danette O'Donovan Matyas

Craig Niedermaier

Dean Strzelecki

**BUILDING AND ZONING COMMITTEE MEETING
MINUTES
VILLAGE HALL – SECOND FLOOR CONFERENCE ROOM #218
January 20th, 2022**

Chairman

Craig Niedermaier – Trustee

Members

Kathy Thake – Deputy Village Manager

Charles Ostman – Community Development Director

Rich Wlodarski – Community Development Assistant Director

Tom Kanelos – Chairman Planning and Zoning

Danielle Grcic – Village Attorney

Rich Mangold – Resident

I. Call To Order/Roll Call

The Niles Building and Zoning Committee meeting was called to order at 8:20 AM.

Present: 8 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Grcic, Kanelos, Mangold, Thake,

Absent: 1 – Mayor George Alpogianis

Guests: 1 – Carol (member of the public)

II. Approval of Building & Zoning Committee minutes from the meeting on August 26th, 2021

Wlodarski motioned to approve of meeting minutes for August 26th, 2021.

AYES: 5 – Ostman, Wlodarski, Thake, Grcic, Mangold

NAYS: 0

ABSTAIN: 2 – Chairperson Niedermaier, Kanelos

Motion passed.

III. Old Business

A. Discussion on Outdoor Dining

- i. Ostman discusses the importance of regulations in place for outdoor dining and states that the discussion on outdoor dining will be continued in future meetings as it will be more prominent.
- ii. Niedermaier agrees and states that outdoor dining is largely driven by the pandemic, making it easier and safer for the public.
- iii. Wlodarski states that there were some issues in the past related to outdoor dining causing noise complaints, but agrees that the pandemic made it important.
- iv. Ostman confirms and states he wants to bring the discussion back in next month's meeting.

IV. New Business

A. Real Estate Transfers

- i. Ostman discusses bringing attention to Village manager Joe La Margo and the finance department in regards to real estate transfers. The pandemic set the discussion back but Ostman states there is a meeting scheduled for real estate transfers using the permit process in Energov software and that the committee will be kept up to date as it progresses.
- ii. Kanelos asks Ostman to specify and if the discussion is related to increasing transfers.
- iii. Ostman states that it is about documenting the transfers and making the ownership data available to all departments and the importance of it for the community development department when writing tickets, making them more accurate in terms of having the correct homeowner in the system. A common issue is ticketing the tenant and not the actual homeowner.

B. Energov Software

- i. Ostman provides an update on the Energov software which is the primary software the community development department uses. Ostman states this software has been used for the past three years and is used by many different surrounding communities. There are some issues with the software, but overall it is a good fit for the department as it has allowed the department to transition to be more digital. The Energov software allows business licenses to be applied for/paid online and permit statuses may be viewed as well. Ostman will demonstrate the capabilities of the software in future meetings especially to the public eye to showcase the transparency of it.
- ii. Wlodarski states that there will be an upgrade with the software in future months.
- iii. Ostman confirms that the software will go through a major upgrade and that it will further benefit the operations of the department. Ostman states that the department removed any paper files and is completely digitalized so applicants can submit any plans through the online portal. The department will also be implementing "BlueBeam" which is a software that allows direct communication with the architects and developers allowing both parties to make comments or changes that are visible in real time.
- iv. Niedermaier confirms that any edits occur in real time not only does it internally increase efficiency but the software is great as an external facing device for clients, architects, contractors, etc.,

C. Cross Control Survey Program

- i. Wlodarski presents this as a program that all villages in the state of Illinois have to follow referring to backflow devices which have to be tested once a year. The IEPA requires a survey of all the water users in the village to make sure they have the proper backflow protection. Niles tracks everyone with a backflow system and hope to find residents without it, which is the primary purpose of the survey. Wlodarski reiterates the purpose of these state rules is to protect our water system.
- ii. Niedermaier asks if testing is done by a third party.
- iii. Wlodarski confirms that indeed it is tested by a third party which runs the whole program and they take all the documentations. He states that these devices occasionally will stop functioning which is another purpose of this program because it allows the village to notify and remind the resident to repair the system within a certain time frame to make sure they are protected.
- iv. Kanelos asks whether the homeowner pays for this testing
- v. Wlodarski confirms the third party charges the homeowner for the services in which they incorporate to their cost.
- vi. Ostman states that it is efficient to have this document management third party.

- vii. Wlodarski explains the program aside from the survey works by mailing out letters to residents to notify them that the backflow device is due to be tested 30 days prior. Following up is critical and the program over all works very well. Wlodarski reiterates that the village does not do the actual he testing itself, but rather tracks it.
- viii. Ostman asks how many devices are being tracked at the moment.
- ix. Wlodarski estimates about 1400 systems.
- x. Ostman states that there has been a significant rise is backflow systems
- xi. Niedermaier asks if this system is something that an average homeowner would possess.
- xii. Wlodarski states that the system is predominantly used by commercial properties rather than residential. A commercial building typically has the domestic water meter and fire system protected with a backflow device. The only residential property that needs a backflow device is if they have a lawn irrigation or sprinkler system.
- xiii. Ostman expands on this by stating that while this system may be costly, it is required by the EPA and it is required across the country and not just in Illinois.
- xiv. Thake asks if there will be mail notifying residential properties.
- xv. Wlodarski confirms and states that the survey is taken simply on the BSI website and there will be follow ups if there is no response.
- xvi. Kanelos asks how the third party is getting paid.
- xvii. Wlodarski states that the third party is paid by the village to do the survey. The homeowner pays a \$10 fee if they have this backflow device.
- xviii. Ostman reiterates that this survey has only been done for commercial and industrial areas but now the focus is village wide in accordance with EPA rules.
- xix. Neidermaier asks whether the homeowner pays \$10 yearly or the whole inspection as well.
- xx. Wlodarski states that the fee is for the test results to be uploaded by the third party.
- xxi. Ostman states that there are about 38 of these devices within the village.
- xxii. Niedermaier states that giving as much notice to the resident as possible is essential and the importance of discussing and educating residents that this is done for the greater good of potable drinking water.

D. 2023 Budget

- i. Ostman presents highlights that have been included into the budget. The community outreach data collection being one of them. Offering something to the residents just coming into Niles in return for their feedback is important.
- ii. Niedermaier clarifies that the idea is to survey people entering and exiting the Niles community and to use that data to research the reasoning behind both.
- iii. Ostman confirms and presents the North Milwaukee Sub area plan and the changes coming to that area in the future. The northeast corner of Maryland and Milwaukee is large piece of land with potential and can see it enhancing with redevelopment.
- iv. Niedermaier asks if this plan applies to the South area of Milwaukee.
- v. Ostman explains the importance the village assembling many small properties within close proximities and making a larger development. The village is doing this by constant communication with property owners.
- vi. Kanelos states the possible risk of a lot of empty property that might not get developed.
- vii. Niedermaier describes the importance of listening to the public and incorporating that in to redevelopment plans in order for them to be successful.
- viii. The resident mentions the redevelopment that occurred Milwaukee area in Vernon Hills and the success of it. She states that it contains a grocery store and many restaurants in which Niles should mirror this redevelopment because it creates a work-life balance for the community.
- ix. Niedermaier agrees with the resident and states that more conversations should take place regarding the South corridor plan with all the stakeholders, contractor, and developers.
- x. Ostman states the importance of design guidelines in regards to the budget and creating good guidelines for both residential and commercial properties when it comes to remodeling or new construction.
- xi. Ostman presents the “Grow Your Home” program being a part of the budget which will improve housing within Niles. This program will help and educate people who want to move into Niles, but don’t know the process of putting an addition onto their home. Ostman presents the idea of wanting to team up with the Niles Public Library and creating an educational 3 part series which goes into depth about putting an addition on a residential property. It will also inform the resident the breakdown of where the costs come from.

- xii. Kanelos asks whether putting a second floor addition on a home requires a sprinkler system must be put in.
- xiii. Wlodarski states that a sprinkler system is only required in new construction.
- xiv. Niedermaier asks what can be added to the plan in order to attract a new residential family to elevate their home.
- xv. Ostman states that more will be implemented to the program once the basics of it are established.
- xvi. Kanelos asks who will be developing the design guidelines.
- xvii. Ostman states that they will be developed by a firm. There is existing language that the same house cannot be repeatedly built. It is the village's judgement whether there is enough difference among houses.
- xviii. Wlodarski reiterates that the main purpose of this program is to enhance existing houses.
- xix. Niedermaier agrees and that ideally it will cause people to see the potential in creating an addition due to it being cost effective and neighborhoods looking distinct.

E. Proposed Text Amendment on Dumpster Permits

- i. Wlodarski states that in the past there were dumpsters every few blocks, so a \$30 permit fee was incorporated for the dumpsters to be put on the street. Public works deemed it as unsafe and proposed for them to be removed. The latest process is that the dumpsters must be kept in the driveway during construction, unless a driveway doesn't exist, the dumpster must be put on the front lawn rather than the street. In rare cases where neither are possible, Groot receives permission from the village in order to put the dumpster on the street. As of now there is no permit fee for the dumpster and the language has not changed
- ii. Kanelos proposed the permit fee should be brought back due the damage done to the streets by the dumpsters.
- iii. Niedermaier asks whether it is realistic to inspect each of these dumpsters after they have been put out.
- iv. The resident agrees that there should be a fee and shares an incident where a dumpster was placed in the middle of her shared driveway. The fee should be added along to the rest of the permit fees when doing heavy construction
- v. Ostman states that issuing this permit is labor intensive and doesn't have any benefits.
- vi. Wlodarski states that is very rare a dumpster is place on the street because a driveway or front lawn are utilized.
- vii. Niedermaier makes a motion to approved proposed text amendment on dumpster permits.

AYES: 5 – Chairperson Niedermaier, Thake, Ostman, Wlodarski, Grcic, Kanelos, Mangold, Thake

NAYS: 0

ABSTAIN: 0

F. Home to Market Act-allowing residential districts

- i. Ostman asks resident when legislation took place.
- ii. The residents states that this "cupcake law" took place in 2007 in Illinois. The resident explains her experience with going to a baking fair as a vendor and being told to obtain a permit prior to selling baked goods. The municipality the person belongs to has to except an ordinance stating this "cupcake" law. The resident spoke with the village's health inspector Lynn Hoette and was told to receive permission by the village to be a vendor.
- iii. Ostman states that a concern that this can cause is business being conducted within the residential village and disrupting the neighborhood. Regulations are in place in the zoning code that residents can operate a business in their homes as long as there are no disruptions to the neighborhood. Ostman asks whether this would interfere with the language in the zoning code.
- iv. Niedermaier agrees and presents to update the language that makes it distinguishable for what a person conducting business can and cannot do.
- v. Kanelos agrees and states that there should be a limitation on gross revenue so the business being run doesn't interfere with the peace in the neighborhood. This limitation will prevent any disruptions.
- vi. Neidermaiers ask what can be done in terms of language limiters so that residents can successfully conduct business but not cause any disruption.

- vii. Grcic states the importance of including what is acceptable within the home occupation ordinance and that it should be detailed and specified because it is difficult to monitor. Grcic proposes three conditions: there must be revenue limitation, no disruption to neighbors including parking, and the intensity of the work cannot increase.
- viii. Ostman agrees and states that the language that already exists is very detailed. The existing language also addresses many of the issues that commonly arise.
- ix. Niedermaier also agrees and states that the “cupcake law” presents good language as well.

G. Reviewing lighting standards- Zoning Section 9.2 Zoning Code

- i. Ostman presents background stating that lighting standards didn’t exist till 2017. The main standard of this code is that light can only be dispersed up until a property line. Ostman explains a situation at the White Eagle in which their wall lights disburse pass the property line causing complaints from residents at the nearby condominium. Ostman states that the standard code is hard to enforce because it isn’t very detailed.
- ii. Kanelos states that lighting isn’t a significant issue or common complaint within the village.
- iii. Ostman agrees and states that for the most part the code works and complaints are handled well amongst the village.
- iv. Niedermaier asks if the homeowner can mitigate the issue through planting landscaping.
- v. Wlodarski states that the landscaping would be too tall and ineffective.

H. Proposed language on electric vehicle charging gas stations

- i. Ostman presents the idea of bringing electric vehicle charging stations into the Village of Niles using Schaumburg’s language as an example to mirror for Niles, but also states this should come with conditions.
- ii. Niedermaier states he finds Schaumburg’s language on this matter very specific for how new charging stations are and that advertising isn’t permitted when gas stations pumps are used as a form of advertising.
- iii. Ostman states that there will be more conversations in the future regarding charging stations as they will be more prominent and there should be preparation for gas stations and other locations putting them in place.
- iv. Niedermaier agrees that it is a good idea to get ahead of this matter and there is a lot of change expected within the next few years.
- v. Ostman states that as of right now, a special use permit is needed for a charging station and predicts this will change in the future.
- vi. Niedermaier states there should be more research on the experience of this matter because it isn’t a standard gas station experience. Charging an electric vehicle is a lot of waiting and loitering which can be a cause for concern. Since the charging of a vehicle takes a significant amount of time, rather than implementing charging stations similar to a gas station, stores or restaurants should have these stations so charging becomes worthwhile for the car owner.

V. Next Meeting March 17th, 2022

VI. Adjournment

Niedermaier motioned to adjourn until March 17th, 2022.

AYES: 7 – Chairperson Niedermaier, Ostman, Wlodarski, Kanelos,
Thake, Mangold, Grcic

NAYS: 0

ABSTAIN: 0

Motion passed.