

**Village of Indian Head Park
201 Acacia Drive
Indian Head Park, IL 60525**

**MINUTES
VILLAGE OF INDIAN HEAD PARK
PLANNING AND ZONING
COMMISSION MEETING**

January 3, 2023

“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”

I. CALL TO ORDER – Chair Costelloe 7:00 p.m.

ROLL CALL: Present (and constituting a quorum):

Chair Costelloe, present
Commissioner Gormely-Barnes, present
Commissioner Scovitch, present
Commissioner Tantillo, present
Commissioner Svestka, present via phone

ABSENT:

Commissioner Halm, absent

ALSO IN ATTENDANCE:

Mayor Hinshaw
Assistant Village Administrator Ferrini
Trustee Farrell-Mayer
Trustee Eck
Audiovisual Tech Karaffa
Administrative Clerk Bujak
Approximately 20 residents and guests

PLEDGE OF ALLEGIANCE

Recited

II. APPROVAL OF DECEMBER MEETING MINUTES

Commissioner Gormely-Barnes requested that additional details be added to the December minutes to include comments in section VI [visibility concerns of the billboard for higher elevations] and section VII [traffic stacking concerns related to potential Dunkin' Donuts at Joliet and Wolf Road].

Commissioner Tantillo moved to approve the December minutes with the conditions stated above, seconded by Commissioner Scovitch. Motion carries unanimously with Commissioners Tantillo, Scovitch, Gormely-Barnes, and Chair Costelloe voting aye, and Commissioner Svestka abstaining.

III. PUBLIC HEARING: VARIANCE PETITION FOR AN ATTACHED GARAGE AT 6527 HOWARD AVENUE

Commissioner Gormely-Barnes moved to open the public hearing for a variance for an attached garage at 6527 Howard Avenue, seconded by Commissioner Tantillo. Motion carries unanimously.

AVA Ferrini provided a brief recap to the Commission; this public hearing was continued from last month so the petitioner could provide more detail. A variance is necessary due to the odd placement of the home on the lot, in fact most of the home is located outside of the buildable area. The petitioner provided a drawing of the proposed garage and indicated the exact location on the plat of survey. The proposed garage will be 30 feet away from the property line, 40 feet from the street and 44 feet to the neighbor located to the east. There is no objection from the neighbors. There were no public comments.

Commissioner Gormely-Barnes moved to recommend approval to the Board of Trustees for the variance for the attached garage located at 6527 Howard Avenue, seconded by Commissioner Tantillo. Motion carries unanimously.

Commissioner Gormely-Barnes moved to exit the public hearing, seconded by Commissioner Tantillo. Motion carries unanimously.

IV. PUBLIC HEARING: VARIANCE PETITION FOR A GENERATOR AT 111 ACACIA CIRCLE

Commissioner Scovitch moved to open the public hearing for a variance for a generator at 111 Acacia Circle, seconded by Commissioner Tantillo. Motion carries unanimously.

This public hearing was also continued from last month in order for the petitioner to provide additional details to the Commission. Village Staff met with Peter Cattaneo Jr, the contractor for the proposed generator, and measured the area for the proposed generator. The generator will be located 21' from the building (111 Acacia) with a measurement of 38' to the side property line. The Village generator code allows for a distance of 5 feet from the building but that's not feasible due to existing utility lines and water supply for the Fire Protection District. The sound levels of the generator indicated in the manufacturer's specifications are acceptable within the Village Ordinance. The sound levels are 71 decibels at a distance of 20 feet, the Village code allows for 75 decibels at a distance of 20 feet. At a distance of 95 feet, the decibel level is 57.47, which is equivalent to the noise emitted from an electric toothbrush.

The Commission questioned the petitioner about water access for the Fire Protection District, the petitioner responded that they will be required to obtain a permit from Pleasantview FPD.

The Commission asked how large the concrete pad will be, the petitioner answered 6 feet by 10 feet. There were questions about the diagram and how it shows a larger area, the petitioner answered that area includes the proposed landscaping. The large Evergreen tree that is currently located on the property will not be disturbed. Additionally, no mature trees will need to be removed for the project. The project includes a proposed \$10,000 in landscaping to screen the generator. The petitioner received authorization from the master association to place the generator at the proposed location.

The petitioner agreed that the unit will be tested once monthly for a half an hour, on Tuesdays during the same time that the tornado sirens are tested.

Commissioner Tantillo questioned if the entire building was surveyed and if they approved the placement. Jack Mancione of MI Construction indicated that there were 12 open meetings with the community informing them of the project and said there were multiple one-on-one meetings with various residents in the area.

Public Comments:

Karen B. of Indian Ridge indicated that the flags that are on the property are confusing and questioned why white lines were not painted on the lawn. The petitioner explained which flags outline where the generator and landscaping, and which flags were marking the buried utilities. Karen asked the Commission to consider the concerns of the residents of Indian Ridge and to deny the request for a variance.

Sarah of Indian Ridge was out of town and not able to attend the December meeting. Sarah is not opposed to the generator itself, but is opposed to the placement of the unit. She questioned why it couldn't be placed near the pool, where no one resides. Also, she complained that Indian Ridge currently deals with noise pollution from garbage trucks as well as air pollution from exhausts from the cars. She was curious if the top of the generator could be covered as well, as she does not want to have to look at the unit from her second story unit. She asked if studies had been done on how the placement will affect the groundwater and said that there is a river in her yard right now.

AVA Ferrini let Sarah know that the permit process will catch any water issues that would arise from the placement.

Commissioner Svestka asked the size of the arbor vitae that will be used for screening.

Jack Mancione answered that the landscaping screening plan is a three tiered design with the plantings measuring 48", 36" and 24" tall. In addition to the plantings, a berm will be surrounding most of the generator.

Commissioner Svestka asked what species of arbor vitae will be planted.

Jack was unsure of the exact species but confirmed that they will remain green year round.

Commissioner Gormely-Barnes mentioned that for the second month, the Commission has heard the plan but has not seen any visuals of what they are approving. Commissioner Gormely-Barnes indicated that if the Master Board should have taken a different approach to find an agreeable location on the master's property that does not affect outside neighbors.

The petitioner responded that the project has been in motion for several years and many accommodations have been made.

Commissioner Tantillo asked if the petitioner could revisit the Master Board to see if they would change their position.

The petitioner answered that the infrastructure is already in place for the proposed location. Nicor already installed gas lines at the location. The petitioner reminded the Commission there are many moving parts and interested parties to the project and feels that the project should not be moving backwards at this point.

Commissioner Gormely-Barnes moved to recommend approval for a variance for a generator at 111 Acacia Circle, seconded by Commissioner Tantillo. Motion fails via a roll call vote with Commissioners Gormely-Barnes, Svestka and Tantillo voting No, and Chair Costelloe and Commissioner Scovitch voting yes.

Commissioner Tantillo moves to close the public hearing for the variance for a generator at 111 Acacia Circle, seconded by Commissioner Svestka. Motion carries unanimously.

V. PUBLIC HEARING: VARIANCE PETITION FOR A GENERATOR AT 6506 CHEROKEE DRIVE

Commissioner Scovitch moved to open the public hearing for the variance petition for a generator at 6506 Cherokee Drive, seconded by Commissioner Tantillo. Motion carries unanimously.

AVA Ferrini provided a quick background to the Commission. The Dills applied for a building permit for the generator, which was rejected during the review process due to it being proposed in the side yard rather than the rear yard. The Village informed the Dills and the Contractor TruPower Generator Service that in order for the permit to be issued the unit would need to be placed in the rear yard. After several weeks of no activity, Code Enforcement visually inspected that the generator had been installed in the side yard. Due to the violation of the Stop Work Order, Mrs. Dill and her contractor attended an adjudication hearing and were subsequently fined \$175. In order to prevent setting a precedent, staff recommends denial of the variance due to the willful violation of the stop work order.

Jim Broton with TruPower Generator explained that his wife did not complete the permit paperwork in a timely fashion which caused the job to be completed without a permit. He apologized and said it was not intentional. Jim also said that when he drove through the neighborhood he noticed plenty of generators located in side yards and didn't think the placement would be an issue. He apologized and requested that Mrs. Dill not be punished for his wife's mistake.

Village Staff thinks that residential generators will become more commonplace due to many more folks working from home. AVA Ferrini is planning on reviewing the zoning code in 2023 and will revisit the Village Ordinance from 2003.

Commissioner Svestka was concerned that if the Commission approves this petition, it will set a precedent for those who willfully intend to violate the code.

Chair Costelloe mentioned that the Commission has approved other petitions that violated the code.

Commissioner Tantillo feels that the Commission should revisit the variance in order to be consistent but still evolve.

Public Comments:

Mary Jo B. questioned if a variance for a generator had been approved in the past. AVA Ferrini explained that in the ordinance if a generator or AC unit was located in the side yard prior to the ordinance being enacted, it would be allowed to remain and be replaced in the same location. But, that a variance for a generator to be placed in the side yard has not yet been granted by the Village.

Commissioner Scovitch asked for clarification of the special use, and if there was a hardship. AVA Ferrini indicated that the variance meets the finding of fact.

Commissioner Scovitch moved to approve the variance petition for a generator at 6506 Cherokee Drive, seconded by Commissioner Tantillo. Motion carries with Commissioners Scovitch, Tantillo, Gormely-Barnes and Chair Costelloe voting yes and Commissioner Svestka voting no.

Commissioner Tantillo moved to close the public hearing, seconded by Commissioner Scovitch. Motion carries unanimously.

VI. PUBLIC HEARING: SPECIAL USE PETITION FOR A BILLBOARD AT 7045 JOLIET ROAD

Commissioner Scovitch moved to open the public hearing for the billboard at 7045 Joliet Road, seconded by Commissioner Tantillo. Motion carries unanimously.

AVA Ferrini said that the Village Fee Schedule allows for a special use for a billboard for a \$30,000 fee and the annual business license fee for this billboard would amount to approximately \$10,100. Village Staff recommends approval for the special use to increase the revenue stream within the Village.

Jim Reager from Foxpoint Media gave a presentation to the Commission. He explained that communication is imperative during an emergency. His billboard company is able to broadcast messages during an emergency such as an amber alert. Their billboards can also be customized to advertise special events taking place in the Village. The billboard will be facing North on 294 as well as South on 294. The sign is designed to find the eyes on the road. Jim assured the Commission and Village that all advertisements will be classy and non-controversial. The illumination on the billboard alters with the daylight and remains .3 foot-candles over existing ambient light. The brightness can be adjusted down, and can even be turned off at night if requested.

Jim informed the Commission on how foot-candles can be evaluated. A 100-watt lightbulb from a distance of 100 feet equals .0137 foot-candles. A billboard at 100 feet away is .29 foot-candles. A billboard at a 500-foot distance is .01 foot-candles. At an angle of greater than 70 degrees, the billboard is not visible at all.

Commissioner Svestka asked the petitioner if he obtained any data on how the light output will affect the great horned owls.

The petitioner answered that he doesn't encounter any issues in the western part of the United States but will find out and get back to the Commission.

Commissioner Svestka asked how does this light output align with the recent proposed changes to the Commercial signage code.

AVA Ferrini answered that the billboard requirements vary from the Commercial Sign Code requirements.

Commissioner Scovitch asked if any sightline studies have been conducted for the community.

Jim answered that the sign manufacturer's sometimes have information on sightline studies and he would see if he could obtain that information prior to the next meeting.

Commissioner Scovitch is reluctant to approve the sign without a sightline study.

Commissioner Gormely-Barnes feels that folks on Osceola won't see the sign but has concerns that residents along Tecumseh would be able to see it on their second floors. Additionally, Commissioner Gormely-Barnes does not feel it's appropriate to highlight the Village on the sign since drivers will not be able to see the sign until they are passed the exit ramps that lead to the Village. She feels it's better to receive the revenue without advertising the Village.

There were no public comments.

Commissioner Gormely-Barnes moved to continue the public hearing until additional information is received specifically on the sightline study and the impact on wildlife through certified resources, seconded by Commissioner Tantillo. Motion carries unanimously.

Commissioner Tantillo moved to close the public hearing, seconded by Commissioner Gormely-Barnes. Motion carries unanimously.

VII. PUBLIC HEARING: 6921 JOLIET ROAD DUNKIN' DONUTS DEVELOPMENT

Commissioner Scovitch moved to open the public hearing for the Dunkin' Donuts Development, seconded by Commissioner Tantillo. Motion carries unanimously.

AVA Ferrini informed the Commission that the Dunkin' representatives submitted their revisions to include the Village Engineering firm's notes and Strand Engineers are currently reviewing it. The representatives also submitted permit applications to the County and IDOT for the proposed curb

cuts along Joliet and Wolf Roads. Village Staff recommends continuing the hearing until Strand has an opportunity to complete the review on the submissions.

Public Comments:

Dayle H. emailed in a public comment which was read at the meeting:

“Any traffic study referenced BEFORE approval of the Dunkin’ Donuts must take into account that south side residents have been AVOIDING Wolf & Joliet because the bridge has been under construction for more than a year. Drivers are going south to 79th, then to Willow Springs Road, to avoid the area and congestion. Accuracy of any vehicle traffic count is questionable.

Creating additional morning congestion, with backed up traffic, at an already DANGEROUS intersection is not in our best interests.

Stoplights are poorly timed with cars backing up on any normal day.

A long-standing business in IHP, Oak Pantry, will be negatively impacted as well.”

Commissioner Gormely-Barnes added that she would like to know what the county is allowing. AVA Ferrini informed the Commission that Strand is working under the assumption that the traffic flow will be required to be “right in, right out” only. Commissioner Gormely-Barnes feels that there should be a cross-section with the Plaza rather than new curb cuts. This will make the traffic more manageable. It is not ideal for Oak Pantry to have more traffic.

Commissioner Scovitch moved to continue the public hearing until Strand completes the review of the resubmittal, seconded by Commissioner Tantillo. Motion carries unanimously.

Commissioner Tantillo moved to close the public hearing, seconded by Commissioner Gormely-Barnes. Motion carries unanimously.

VIII. PUBLIC COMMENTS

None.

IX. ADJOURNMENT

With there being no further business to discuss, Commissioner Tantillo moved to adjourn the meeting, seconded by Commissioner Scovitch. Motion carries unanimously, the meeting was adjourned at 8:46 p.m. The next meeting is scheduled for February 7, 2023.