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FINAL APPROVED MEETING MINUTES

PLANNING AND ZONING BOARD

MONDAY, JANUARY 9, 2023

7:00 PM

NILES VILLAGE HALL

Members Present: Chairman Thomas Kanelos
Susan DeBartolo
Morgan Dubiel, Vice Chairman
Ted Karabatsos
Janet Lee
Terrence McConville
Robert Schulter , Secretary

Staff Present: Charles Ostman , Community Development Director
Richard Wlodarski , Community Development
Assistant Director
Nathan Bruemmer, Planner I
Danielle Grcic , Village Attorney

I. CALL TO ORDER

The Niles Planning and Zoning Board was called to order at 7:02 P.M.

II. PLEDGE OF ALLEGIANCE/ROLL CALL

All rose for the Pledge of Allegiance.

PRESENT: 7 Chairman Thomas Kanelos, Commissioners
Ted Karabatsos, Susan DeBartolo, Robert
Schulter, Terrence McConville, Janet Lee,
Morgan Dubiel.

Also, present was Director of Community Development Charles Ostman, Assistant Director of Community Development Richard Wlodarski, Planner I Nathan Bruemmer and Village Attorney Danielle Grcic.

Chairman Kanelos started the meeting by wishing Commissioner DeBartolo a speedy recovery from her recent knee surgery. He also asked the Commissioners to keep our previous Chairman for many, many years, Jim Callero, in their prayers. He is recovering from a broken hip and collarbone. He served the Village for decades with dignity and did a great job. He is in our prayers and thoughts.

III. APPROVAL OF MINUTES

Chairman Kanelos asked if there were any additions, clarifications, or corrections to the minutes of December 12, 2022. There were none.

Commissioner DeBartolo moved to **approve** the minutes of December 12, 2022.

Seconded by Commissioner Dubiel on roll call the vote was:

AYES: 7 DeBartolo, Schulter, McConville, Lee, Dubiel,
Karabatsos, Kanelos

NAYS: 0

There being seven (7) affirmative votes the motion carried.

IV. PUBLIC COMMENT

The public can ask questions or comment after the Board has heard the petitioners' testimony following each case. However, if the public has any general comments or questions, they can speak before we start to hear tonight's cases.

Chairman Kanelos stated as is the prerogative of the Chair, we have one old and two new business items. He moved to rearrange the agenda of tonight's schedule by taking the two (2) NEW BUSINESS items first and putting OLD BUSINESS last. He made a motion to rearrange the agenda.

Commissioner Dubiel moved to rearrange the agenda with new business coming before old business.

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

AYES:7 Dubiel, Karabatsos, DeBartolo, Schulter,
McConville, Lee, Kanelos

NAYS: 0

There being seven (7) affirmative votes the motion carried.

New Business, Item #1

23-ZP-01 , 8824 N Milwaukee Ave

A request for approval of a Special Use Permit per Village of Niles Zoning Ordinance Appendix B Section 8.2(A) for a 'Community Recreation Center' at 8824 N Milwaukee Ave, Niles, IL 60714

COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

1. Persons appearing for the applicant

Michael Trevino, petitioner, 7806 W. Lill Ct., Niles, IL, came to the podium and was sworn in. He is the Coordinator of the Niles Teen Center.

2. Summary of Presentations

Mr. Trevino represents Niles Teen Center, part of Niles Family Services. They want to relocate from the current location inside Golf Mill Mall to 8824 N Milwaukee Ave. The teen center provides activities and social development for teens in the community. The after-school program is open Monday through Friday from 3:00 until 7:00 p.m. This is why they are requesting a Special Use Permit.

Chairman Kanelos asked the Director of Community Development Charles Ostman if this is all they are requesting. Just the Special Use. There are no parking issues or anything else, correct?

Nathan Bruemmer, Planner I answered just a Special Use.

Commissioner Dubiel said the packet has been read into the record and is complete. He does not see anything else to add in terms of this case.

COMMENTS AND ARGUMENTS FROM INTERESTED PARTIES

There were no comments from the public.

MOTION

Chairman Kanelos entertained a motion.

Commissioner Dubiel moved to **approve** a request for approval of a Special Use Permit per Village of Niles Zoning Ordinance Appendix B Section 8.2(A) for a 'Community Recreation Center' at 8824 N Milwaukee Ave, Niles, IL 60714

Seconded by Commissioner DeBartolo.

New Business, Item #2

23-ZP-02, 5637 W Touhy Ave

A request for approval of a Special Use Permit per Village of Niles Zoning Ordinance Appendix B Section 8.2(A) for an "Educational Facility - Vocational" at 5637 Touhy Ave, Niles, IL 60714.

COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

1. Persons appearing for the applicant

Lisa Wadsen, petitioner, came to the podium and was sworn in. She is representing Bear Paddle Swim School, 8096 Excelsior Blvd., Hopkins, MN 55343.

2. Summary of Presentations

Ms. Wadsen said they are asking for a Special Use Permit to open a Bear Paddle Swim School in the previous location of Pier 1 [Village Crossing Shopping Center] adjacent to Dick's Sporting Goods. They provide swim lessons to children from six months to any age. They also provide private, semi-private and family swim opportunities for the community. They are open Monday through Sunday for various hours as the enrollment grows. They are looking to be a premier provider in Niles. There are currently five existing locations in Illinois and one under construction in Kildeer - about to open next week. They offer a couple types of memberships. As a business, they were founded in 2009 and they have eleven locations in four markets. They are currently expanding in their Minneapolis market where the corporate office is located.

Commissioner Schuller said he used to have swimming in high school. Are these classes taking over from what the park district cannot accommodate?

Ms. Wadsen answered no. Parents usually use their swim school to go above and beyond initial training for young kids. The difference is they try to make it more educational based for the parents and more fun for the child. They have story-based lessons where a theme is presented every month and that lesson actually has a theme to it, i.e., Farmer Days or Astronaut Days. They try to be educational along with providing swim lessons.

Commissioner Schuller asked if it was more to teach them competition or is it more for fun?

Ms. Wadsen said more for fun. It is also for families who want to have additional swimming lessons to get ready for spring breaks, for cabins. It is such a life necessary skill and what they get in school is typically not enough to get them to a level where we want them: to be able to roll over, float and be able to save themselves if something were to happen.

Commissioner Schulter said in school they just threw the kids into the pool and then okay, time to get out.

Chairman Kanelos said your students are from a very young age.

Ms. Wadsen said they start with infants at three months. The parents are actually in the pool with the infant. Her own grandchild is in the pool with her son-in-law and she gets videos every week. It is the best experience for them to not be afraid of the water at that young age.

Chairman Kanelos asked if there were other questions.

Commissioner Lee asked if this swim school is similar to Big Blue and Foss, those types of companies.

Ms. Wasin said they are similar. If you look at this floor plan, they are trying to provide a premier experience. You will see a slide in the pool area for family swim. There is a slide on the back side as well [not shown on the diagram] and there is a big room for birthday parties and other events off the pool area.

COMMENTS AND ARGUMENTS FROM INTERESTED PARTIES

There were no comments from the public.

MOTION

Chairman Kanelos entertained a motion.

Commissioner DeBartolo moved to **approve** a request for approval of a Special Use Permit per Village of Niles Zoning Ordinance Appendix B Section 8.2(A) for an "Educational Facility - Vocational" at 5637 Touhy Ave, Niles, IL 60714.

Seconded by Commissioner Dubiel.

VIEWS EXPRESSED BY MEMBERS OF THE PLANNING AND ZONING BOARD

Commissioner Schulter thinks this will be great.

Chairman Kanelos added this will be a great addition, especially since the Leaning Tower YMCA is closed. There used to be a lot of people going to the Y for lessons. That is no longer. This is a good addition to the Village.

Commissioner Lee said it is exciting. She wishes there would be swimming lessons for those over fourteen.

Old Business, Item #1

22-ZP-35, 7136 Lee St

A request for approval of a Variation from Village of Niles Zoning Ordinance Appendix B Section 4.3(A) to allow a rear yard setback of 7.92' where 40' is required for an addition to a single-family home at 7136 Lee St, Niles, IL 60714.

COMMENTS AND ARGUMENTS ON BEHALF OF THE APPLICANT

1. Persons appearing for the applicant.

Lukas and Katarina Kantor, 7136 Lee St., Niles came to the podium and were sworn in.

Attorney Fred Agustin, 20 N Wacker Drive, did not need to be sworn in.

Commissioner Dubiel wanted to clarify before the Board is a zoning issue, not a building issue.

Mr. Ostman answered yes, that is correct.

2. Summary of Presentations

Mr. Agustin said since that last meeting in December, they have met with the Village and coordinated in terms of approving the addition that is partially built. We would like to address some comments that came up. The owner wanted to build a rear deck behind the addition. He is no longer going to do that. There is not enough room back there. If he did, it would be right up to the property line. In its place they are going to have decorative railings right against the door and we propose planting trees there - evergreens as high as they could be - so the doors would be covered in addition to the fencing. Therefore, those doors will not be seen at all. There is a building issue that came up and that is the addition is going to be built on piers.

Chairman Kanelos said that is something Mr. Ostman is going to take care of but thank you for bringing it up. He is satisfied that Mr. Ostman and the Building Department are going require one of the piers be dug up so it can be confirmed they were constructed properly.

Mr. Agustin said we would like to answer any questions and work with the Village and the Board with any other suggestions they may have.

Commissioner Dubiel asked if Mr. Ostman could read into the record the email sent to him and the Commissioners on December 30, 2022.

Mr. Ostman started to read the email however Chairman Kanelos said this is all regarding the Building Code.

Commissioner Dubiel said this is public record and previously it was not done right so he feels it is important to make sure the record is complete for anyone else dealing with this in the future.

Chairman Kanelos said it is not necessary as long as it is there and part of the record.

Commissioner Dubiel asked if it can be entered as an exhibit.

Village Attorney Grcic said it can be entered as Exhibit I. {See Attachment}

Commissioner Dubiel asked Mrs. Kantor about the lot line. Pictures are being shown on the overhead. There was discussion about the existing lot lines when they moved in.

Mrs. Kantor said they did not alter those lot lines.

Commissioner Dubiel asked if when they bought the house, did they ask the Village of Niles to create a 40' setback on this property?

Mrs. Kantor said no, they did not.

Commissioner Dubiel asked to see page 3 of the petition on the overhead. This page shows our findings of fact. Whether before or after this addition was built, you would have brought this to us to see if you could build up to this 40' lot line. He then read the requirements:

- The strict application of the term of this Ordinance will result in undue hardship, as distinguished from a mere inconvenience, unless the specific relief requested is granted;
- The variation, if granted, will not alter the essential character of the locality; [from previous testimony we saw all kinds of buildings in the area that are deep into the lot line - legal non-conforming.]

[They are showing that 7132 went through a legal variation and Mr. Ostman believes that is so]. Other variations have been granted so this will not alter the essential character of the locality. Those are the first two findings of fact that show these criteria. Neither the lot line nor the setback was created by the homeowners. That is the end of his comments.

Chairman Kanelos asked if there were other questions. He then asked about the sliding doors. What type of railing would the homeowners be putting there and how would they make it permanent so it cannot be removed to use the doors as sliding doors? He is concerned about this.

Mrs. Kantor said they are thinking of a Juliet metal balcony railing.

Chairman Kanelos said that can be removed. We are looking for a more permanent solution. He recommends removal of the doors and either place fixed glass panels that cannot be opened, in which case you would not need a railing; or removing the doors and replacing them with windows. That may come up as a condition of approval.

Mrs. Kantor said OKAY, sounds good.

Chairman Kanelos also said removing the deck piers in the back would be a condition as well.

Mrs. Kantor said they can be removed as well. They will be removed in the spring.

Chairman Kanelos asked if they were in agreement with tall [8' to 10'] arborvitae to immediately create a green fence. They would be planted on your property.

Mrs. Kantor said yes.

Chairman Kanelos said the fence back there is in pretty bad shape. Are you going to replace it?

Mrs. Kantor said that is not their fence.

Chairman Kanelos asked if the builder is here tonight and what is his name.

Mrs. Kantor said no, he is out of town with family. The name of the company is Peter Otlowski Corp.

Chairman Kanelos asked Mr. Ostman if he has been in contact with the builder. Has he come in, is he licensed in the Village or provided insurance? Before anything continues, that has to take place.

Mr. Ostman answered they need to apply for a permit and submit drawings.

Chairman Kanelos said it will remain tagged until that point.

Commissioner Dubiel asked Mr. Ostman if he was here when that 40' setback was put into place in the community. Was there a particular health, safety or welfare issue that was considered at that time? Do you recall?

Mr. Ostman said the actual setback requirements have been in place since at least 1965 and most likely before that.

Commissioner Lee asked if the neighbors had an issue with the addition.

Chairman Kanelos said we stopped the meeting last month before neighbors had a chance to make comments.

Commissioner McConville asked if the neighbors directly behind the Kantors are here tonight.

Mr. Agustin said yes.

Chairman Kanelos asked if there were any more questions for the Commissioners or Staff. There were none.

COMMENTS AND ARGUMENTS FROM INTERESTED PARTIES

Margaret Carr, 8510 N Shermer, Niles, came to the podium and was sworn in. They have lived in that house for almost thirty years and she would like to speak in opposition of this requested Variance. She has no difficulty with owners improving their property but not at the expense and impact of neighboring properties. A slight Variance setback rule is probably not a great problem. But the current loss of open land on this property with this addition really is a problem. Based on using maps and tools checking it out, it is basically 25% to 50% loss of open space from previous. As this committee knows, sufficient space between structures and open land is needed for water absorption and snow melts. She and her husband feel with this large of an addition, with the current hard structures already on this property, it does not allow a proper ratio from open lands to hard surfaces. When water on property has nowhere to go because the land is covered with houses, garages, pools, patios, driveways, etc. it moves onto other peoples' properties. This run-off not only impacts neighbors that do have open land, but it also impacts the Village when it rolls into streets and overflows into the sewers. They have already experienced an impact on their own property. They have done a lot personally to absorb water, any run-off from their roof and other hard surfaces on their property. This includes responsible planting, use of organic materials, bed edging and other permeable patio materials as well as rain barrels. When they first moved in, anytime there was a moderate rain, approximately 240 feet of their western back yard area became a swampy wetland, even ponding sometimes. This would last a few days. But following heavy rains, it would last ten days or more. Over the past seventeen years, they have significantly decreased the amount of time their property has standing water. It is because they have worked very hard over those years spending time and money to mitigate as much of the standing water as possible. She described how many different things and ways they did this. This past year they had very little flooding. But they could see their neighbors at 7132 and 7128 Lee did continue to flood. Unbeknownst to them, the ratio of open land was impacted by the building of this addition. This is when they started to get flooding again. During this past fall and again this week, there was additional standing water on their property but not too bad. The neighbors she just mentioned did flood again and the water is still standing there as of this morning. The Carrs have a problem tolerating flooding on their property; not sure if the neighbors have a problem tolerating water on their property as well. She realizes on a piece of property as large as hers, they will never be able to get rid of all the flooding;

the lower lands will flood. It will only get worse if the Village does not maintain enough open land on individual properties. Standing water is a problem for the Village as well. It is not healthy; it increases mosquitoes; it drowns and kills plants. Again, she is happy neighbors are wanting to improve their property. But please be aware that the ratio of hard structures to open land often increase flooding to surrounding neighbors. Thank you for allowing her to speak and her opposition stands.

Chairman Kanelos asked Mr. Ostman if there is any violation on 7136 Lee with the permeability. He wanted to explain the situation to Ms. Carr.

Mr. Bruemmer answered for Mr. Ostman. Prior to sending this out to the Board, the Village did a full Zoning review and it is under the allowable building coverage and impermeable surface coverage.

Chairman Kanelos said according to the code, there is enough permeable surface on that lot to meet the requirements of the code. He then asked Mr. Ostman since this addition is built on piers, is there space underneath.

Mr. Ostman said it is open underneath.

Chairman Kanelos said barring any inappropriate grading on behalf of the owner, will that absorb water underneath as well?

Mr. Ostman answered it should be able to absorb water. He has not inspected it.

Chairman Kanelos said it will not absorb 100% since it is not wide open. They did not build a traditional foundation. They built the addition on piers. If it had been built on a traditional foundation, the whole footprint would be taking out permeable surfaces because it would all be concrete. He then asked Mr. Ostman if this will be subject to assessment by Engineering regarding water flow and water management on the property.

Mr. Ostman said is certainly will.

Chairman Kanelos said the petitioners have a long road ahead of them, if this gets approved. He explained the different steps. He told Ms. Carr he commiserates with her because there were some additions behind his house and now, he floods in his backyard. They have to prove that whatever water is collected is not going onto other people's properties. Many years ago, it was all about the trees. Now it is all about water management and the Village wants to know exactly where it will go.

Ms. Carr said when they put in a new driveway, they had to be very careful and have a lip at the end.

Chairman Kanelos said he did as well. When the Engineer assesses this property, they will have to come up with a plan to dispose of the water. They will be required to do so. Thank you for your comments.

Ms. Carr said thank you.

Commissioner Dubiel asked Village Attorney Grcic if a person has water on his property and it flows over to a neighbor's, is that legal or illegal?

Ms. Grcic said there is never a simple answer to that question. But if you are manipulating the land without the proper engineering, that could be a violation of the code.

Monica Potempa, 7132 W Lee, Niles, came to the podium and was sworn in. She is supporting the Variance. The Kantors are good neighbors. In addition, her own house was afforded that Variance. She has lived here fourteen years and it was sixteen years ago that the house had the Variance. This group did not approve it but since it was approved in the past, she does not see why it would not be approved now. She does not have much distance between her backyard and her neighbors. She has had no change in flooding, not even this summer during the construction. It is the same or a little better because she cleaned it up back there. She just wanted to make that comment.

Chairman Kanelos said we are certain your neighbors are fine people. But we have to look at certain criteria when we make a decision. If they were not fine people, they still have the same rights to be heard. As far as your variance, yours is significantly different than what they are asking for. They are very close to the property line. That is why it has become such an issue. It may be granted but it is a different situation. We try to be as friendly to the neighbors as possible.

Patrick Sperindeo, 7146 W Lee, Niles, came to the podium and was sworn in. He moved into the neighborhood about five years ago. Married to the wife who has been in the neighborhood about thirty years. You talk about the flooding issue. The backyard flooded long before Lukasz put on his addition. He himself bought a pump from Home Depot and has pumped the water out every year - well before the addition. Lukasz is a fine gentleman. He has worked thirty-eight years for the Chicago Fire Department, Captain, retired. He has seen many inspections. And seeing this construction is outstanding. Outstanding people, outstanding community. As far as the water issue, it has been going on for many years. That is all he has to say.

Adalbert Soti, 7139 W Lee, Niles, came to the podium and was sworn in. He is the neighbor on the north side. He has some concerns about this construction. He brought some pictures to show.

Chairman Kanelos said he is certainly concerned with how this construction affects him [Soti].

Mr. Soti said the construction itself concerns him. There was no structural engineer to overlook any plans. At the last meeting here in December, we were told we do not know who built this addition. Mr. Kantor declared to the Village it was him and his friends. Last meeting was it a construction company? Was it a licensed company? We do not know. It probably is a dangerous building and a consequence could be demolition. But for his part, the construction is a bit higher and he said it is like he is on TV. In the summertime, they had parties there and he hears the noise and music. The view has changed since they built that illegal addition. They should pay the consequences. If he sells his own house, the value goes down because of that building. His grandkids play 8' from the fence right there. If they can cover the building or make it 5' below what it is.....they are good neighbors. He is not complaining about them. He feels it is stretching because he is a general contractor and he did not ask for permits. We do not know why. But if he is willing to work with the Village and with us, then you [the Commissioners] decide what will happen in the future.

Chairman Kanelos said the Village has already been out there and has done several inspections. They intend to do more, even if that means the owners have to open things up for proof. The Village has to have it on the record that the construction is to code. The fact that it was built without a permit, that is the issue they are taking care of now. Yes, that is illegal but it can still be remedied to make sure it is safe for a future buyer. If a buyer comes in and does not know how it was built or if it was built properly, it becomes a problem for them. The Village is going to be very careful about looking at the construction. He understands Mr. Soti's point about so many windows right up against his property; not only the view but those windows do not cut down on sound whatsoever. That is why he feels it is important that there is a condition regarding the sliding doors and that they be removed and windows put in. If they have more spray foam insulation put in after those doors are removed, it is not only a good insulation for heat; it is a good insulation for sound. That will help.

They have already agreed to put in a minimum of 8' arborvitae shrubs. The condition will be that it immediately creates a green fence; not to put them down low and in twenty years they grow tall enough. They are trying to be as cooperative as they can be. We want to make it so some of your [Mr. Soti] concerns are taken care of. They do have a right to be in their backyard and of course you will be able to hear that. But if they are out there making noise at 2:00 in the morning, you call the police. He doubts that will be happening.

Mr. Soti yes, it is a good idea to put in those trees. But he thinks a fence would stop the noise more. Can he ask for an 8' fence?

Chairman Kanelos said the code only allows a 6' fence.

Mr. Soti said even if you approve the building, it is still going to be a code violation because there are some things that cannot be changed on the building.

Chairman Kanelos said they can apply for a Variation to put up an 8' fence as well. They have not done that. If there is a Village code violation, Mr. Ostman and Mr. Wlodarski will find it. And if that means they have to tear down a particular wall, they will be required to do so.

Mr. Soti said thank you.

Gene Kalkowski, 7140 W Lee, Niles, came to the podium and was sworn in. He is next door to the subject property. There is no more water on his property than there was before the addition was built. They have always had a slight flooding problem back there. This structure does not impact it whatsoever. If it did, he would be complaining because it has already been up a few months. He cannot see someone complaining that is 200' or 300' away getting water because of this. Water goes everywhere. His garage and shed are right there. You would think that would be the first things to get water because it has nowhere to go. That is not the case. The other issue with the loud parties - there are no loud parties there. His kids are good kids. They go to bed around 8:30. There may be noise but it is not coming from the Kantors. That is a fallacy. The noise is from the other neighbors swearing in Bulgarian. He is okay if they go ahead with the Zoning. He does not even see the addition because his garage and shed is in the way.

Chairman Kanelos said if the flooding does exist, it is not because of the proximity of the property; it is because of the grade. You are higher so you would not flood from his property anyway. The Village is going to look into it and present a topical graph as to where the water is going.

Mr. Kalkowski said when his neighbor [7146] put in a driveway, he had instant flooding but he came to the Village right away and he put in a drain pipe running the length of the lot and that took care of it.

Mr. Soti wanted to clarify the Kantors do not make a lot of noise. But he does hear their music. He likes them and they are nice people.

Chairman Kanelos said that is fine. No need to make excuses for your experience.

MOTION

Commissioner Schuller moved to **approve** 22-ZP-35, a request for approval of a Variation from Village of Niles Zoning Ordinance Appendix B Section 4.3(A) to allow a rear yard setback of 7.92' where 40' is required for an addition to a single-family home at 7136 Lee St, Niles, IL 60714 with some conditions:

1. Remove the sliding doors and change that to windows
2. Minimum 8' arborvitae shrubbery to create a green space behind the addition at the fence
3. Remove deck piers in back of the house where there was going to be a deck

Mr. Ostman recommended that the plantings in the rear yard be subject to the approval of the Director of Community Development to insure the appropriate spacing of the bushes and whatever else is necessary.

Chairman Kanelos asked Commissioner Schulter if he will accept the condition that the green fence is such to satisfy the requirements of Community Development.

Commissioner Schulter answered yes.

Seconded by Commissioner Dubiel.

Commissioner Dubiel asked to amend this to make clear no rear deck and the arborvitae, in addition to being approved by the Director of Community Development, is to be maintained. And we want to give a specific location for the arborvitae, i.e. the length across the back of the addition.

Chairman Kanelos said he thinks the Board will leave that up to Community Development.

Will Commissioner Schulter accept this amendment?

Commissioner Schulter said yes.

Commissioner Dubiel said then my 'second' stands.

VIEWS EXPRESSED BY MEMBERS OF THE PLANNING AND ZONING BOARD

Commissioner Dubiel said for the amount of testimony here, sadly the Board would have approved this most likely, had the petitioners brought it here originally in the proper order. He thinks the conditions meet the concerns of your neighbors and you will have to continue to meet the building code.

Chairman Kanelos said he feels this did not have a good chance of passing if it was not such a hardship case. He added he would disagree. However, with the conditions placed on this request the Board made the best out of a very bad situation. A poor choice. And he requests they never build anything again without a permit. This creates a lot of problems.

DECISION

On roll call the vote was:

AYES : 7 Schulter, McConville, Lee, Dubiel,
 Karabatsos, DeBartolo, Kanelos

NAYS: 0

There being seven (7) affirmative votes the motion carried.

RECOMMENDATION/FURTHER ACTIONS

Chairman Kanelos said this Board has the final say on this. Subject to all these conditions, as soon as the petitioners satisfy the Village and the Engineering Department, Mr. Ostman will direct them on what the next step is.

Mr. Agustin, Mr. and Mrs. Kantor all said thank you.