

**PLAN COMMISSION
MEETING MINUTES
Wednesday September 14th, 2022**

Meeting was called to order at 6:00 P.M. by President Palmer.

1. Roll Call.

President Palmer
Mr. Michalski
Mrs. Schneider
Mr. Cashin
Mr. Reineke
Mrs. Wynia-Smith
Mr. Kujawa-Absent
David De Angelis, Village Manager
Hector de la Mora, Village Attorney

2. Review and act on meeting minutes dated 8-17-2022.

MR. CASHIN MOTIONED TO APPROVE, MR. MICHALSKI SECONDED. MOTION CARRIED 6-0.

3. Public Hearing, review and act on a request for a special exception at 1760 San Fernando Drive pursuant to §335-51B(2) to allow for an addition to an existing legal nonconforming structure within the side yard setback area.

President Palmer called the public hearing to order. He then asked the petitioner if they were present and if there were any changes to the plan as submitted. Mr. Dao stated there were no changes. President Palmer called for anyone who wished to be heard three times and with no one responding he closed the public hearing.

Mr. De Angelis stated the side yard setback is currently less than the 20 feet and the proposed addition does not encroach into the setback any further.

Mr. Michalski moved and Mr. Cashin seconded the motion to approve. Motion approved unanimously.

4. Review and act on a request by Mark and Annie Andres, 1462 Club Drive, for exemption from §335-88D(6)(k)[2] as it relates to the permitted location of Play Structures in residential areas.

Mr. Andres presented his request for a play structure in his side yard. There was discussion regarding the decision to place the playset in the side yard within the side yard setback and not in other locations available on the lot. Mr. Andre stated they wished to have the playset in their back yard but they were restricted by a berm along their rear lot line and overhead power lines. He also stated he did not wish to have the playset in their other side lot as it was visible from Highland Drive.

President Palmer inquired whether the neighbor had indicated they did not approve. Mr. Andres stated the grandson of the homeowner indicated it was not an issue. However the daughter-in-law did object.

Ms. Jennaro was present and was permitted to address the commission and indicated she did not want it in the current location as they are currently cleaning out the invasive species from the lot line and it would be in full view of their property. She also indicated that she had contact with Mr. Andres and had indicated she was not in favor of that location.

The Commission then discussed the various options including placing the playset on the west side of the home, in a different location in the rear of the home and having the power lines buried and placing the playset at that location.

Mr. Michalski moved to table to allow the petitioners the opportunity to present alternate locations and additional information, Ms. Wynia-Smith seconded. Motion approved unanimously.

5. Review and provide preliminary consultation on a draft Certified Survey Map pursuant to §305-6 for the property located at 1745 Westmoor Terrace.

Mr. Jason Hennen appeared on behalf of the owner of the property. Mr. Hennen explained the request for the realignment of the lot lines to be perpendicular to Westmoor Terrace as being more in character of the neighborhood than having a “flag” type lot with an easement access. It is the property owner’s intention to remove the existing house and build two new homes. He indicated he had spoken to the adjoining property owners about this proposal and didn’t receive any major objections.

Mr. De Angelis explained that under current state statutes property owners are allowed to adjust property lines without community approval as long as the adjustment does not create new or new non-conforming lots. In this case the lots would be of sufficient square footage but would be short 15 feet in width. He further indicated the Village’s ordinance does require a CSM in these cases however this may be exempt under the state law.

Mr. Hennen did indicate he wanted to do a CSM to make sure there were no issues moving forward with any future sales of the property.

Atty. de la Mora opined he felt that this was the best solution going forward under the statute and the Village’s ordinances.

President Palmer indicated he felt this was good solution to the existing problem of the two lots and the dilapidated home on the site.

The Commission discussed the issue and felt it was a good solution as well.

Mr. Marc McSorley, representing 1700 Westmoor Terrace, was present and was allowed to address the Commission. Mr. McSorley felt that the neighborhood property owners should have been notified regarding this issue and felt this should not be allowed as it was going to create two smaller lots that would diminish the value of the surrounding properties.

Mr. De Angelis stated that there are no requirements under the ordinance to notify neighboring properties when a CSM or land division is proposed.

Atty. de la Mora restated his position that he felt this was the best solution and that the proper procedures were being followed and this solution was in the purview of the Commission.

After further discussion the Commission was generally in favor of the proposal and suggested the applicant move to make a formal application for their review.

6. Other Business

None.

5. Adjournment

MR. MICHALSKI MOTIONED TO ADJOURN, SECONDED BY MR. REINEKE. MOTION CARRIED 6-0.

Meeting adjourned at 7:06 P.M.

Respectfully Submitted,

David De Angelis
Village Manager