

ZONING BOARD OF APPEALS
MINUTES OF MARCH 5, 2014 – 7:00 P.M.

1. The regularly scheduled meeting of the Zoning Board of Appeals was called to order at 7:00 p.m.
2. A quorum was present. Marzena Szubart, Kathy Mennella, Gil Snyder, Bruce Boreson, Chairman Mark Cwik, Frank Grieashamer, Lisa Manzo (Secretary), Village Attorney Matt Welch, John Schneider (Director of Community Development), and Eric Richard, (Assistant Planner). All members were present.
3. Member Grieashamer made a motion to accept the amended minutes of February 5, 2014. The motion was seconded by Member Mennella and approved to place them on file as presented.
4. New Business: ZBA 14-04
LA Sweet Inc. – Stacy Katsibaros
9901 Pacific
12-21-417-044-0000

Chairman Cwik stated that this hearing is for a Conditional Use for Other manufacturing, processing, storage or commercial uses per Section 9-5D-3 of the Franklin Park Zoning Code.

Member Grieashamer made a motion to enter in any and all department reports, memos, new and revised reports and testimony into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Chairman Cwik called the petitioner up at this time. He asked if she can sign in and be sworn in. Ms. Stacy Katsibaros, President of LA Sweet, Inc., petitioner, came forward. She signed in and was sworn in.

Ms. Katsibaros gave a brief presentation on this hearing and discussed her plans for a manufacturing company of confectionery goods for the baking industry as well as popcorn products. She continued that in the future she would like to entertain having a retail space as well.

Ms. Katsibaros stated that she is the sole owner of the company. She purchased the business ten (10) months ago. The business operation will be Monday through Saturday except on peak holidays and an occasional Sunday. The hours of operation will be 5:30 a.m. to 10:00 p.m.

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The company will have two (2) shifts, the first from 6:00 a.m. until 2:00 p.m. and then the second shift will be from 2:00 p.m. to 10:00 p.m. Ms. Katsibaros stated that there will be between twelve (12) to fourteen (14) employees per shift.

Member Grieshamer asked what the term of her lease will be. Ms. Katsibaros stated that she is leasing the property at this time and is in discussion via her attorney to purchase the entire property.

Member Grieshamer asked what types of products will be used in the facility. Ms. Katsibaros stated that they use cocoa, syrup, milk, vanilla, etc. Member Grieshamer asked how many deliveries a month there will be. Ms. Katsibaros stated that deliveries are rare, approximately a few times a month and pick-ups will be a few times a month, mostly in containers and pallets.

Member Boreson asked if there is sufficient lighting at the exterior of the property and will it be modified at all. Ms. Katsibaros stated that no exterior lighting will be changed at this time.

Member Grieshamer stated that the hearing this evening is for the Conditional Use for the manufacturing of confectionery products. If in fact Ms. Katsibaros would like to add a retail space to the business, she will have to come back before this Board.

Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that anyone wishing to speak to please come forward, sign in and be sworn in.

Public Session began at 7:12 p.m.

John Czaicki of Alabomba Furniture, 9901 Pacific, came forward at this time. Mr. Czaicki signed in and was sworn in. Mr. Czaicki is the current tenant of 9901 Pacific. He stated that his business has a two (2) year lease and is very confused on what is taking place. He stated that the confectionery business is already moving in product. He would like to know what is going to happen to him and his business.

Mr. Welch, Village Attorney responded to Mr. Czaicki stating that he is of the opinion that he should have his attorney speak with the building owner to address these issues.

Public Session was closed at this time at 7:15 p.m.

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Board Discussion began at 7:15 p.m.

The members discussed this hearing. They stated that this hearing is for the confectionery manufacturing business only, not retail. She will have to come back before the Zoning Board if she wishes to conduct retail.

They discussed placing conditions on this hearing. The members talked about the shed to the south of the property on the railroad right of way being removed.

Board Discussion ended at 7:20 p.m.

Member Grieshamer made a motion to “approve ZBA 14-04 for 9901 Pacific, for a Conditional Use for Other manufacturing, processing, storage or commercial uses per Section 9-5D-3 of the Franklin Park Zoning Code with the following conditions: 1. If there is lighting added to any exterior of the property, then the lighting shall shine away from the neighboring properties and all light fixtures shall contain light guards to ensure that no light shines downward. 2. If there is new fencing to be installed at any point in the future, then the property shall install a solid fence no less than 5’ in height and no more than 8’ in height. 3. That all employee parking associated with this business remain on the property at all times. 4. That the shed to the south of the property be demolished as this shed is constructed on railroad right of way. 5. That the applicant and property owner conform to all other applicable regulations as found in the Franklin Park Village Code.” Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Snyder-Yes; Member Boreson-Yes; Chairman Cwik-Yes; Member Grieshamer-Yes. Six (6) Ayes, Zero (0) Nays, Zero (0) Absent, Zero (0) Abstain. The motion was carried.

Chairman Cwik reminded the applicant that this is a recommending body and all final decisions will be made by the Village Board of Trustees.

Chairman Cwik thanked everyone for attending this evening.

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5. New Business: ZBA 14-05

Twinn Transmission – Nick and John Cartina
9208 Grand Avenue
12-27-303-027-0000

Chairman Cwik stated that this hearing is for a Conditional Use for Other manufacturing, processing, storage or commercial uses per Section 9-6A-3 of the Franklin Park Zoning Code.

Member Grieshamer made a motion to enter in any and all department reports, memos, and testimony into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Chairman Cwik called the petitioner(s) up at this time. He asked if they can sign in and be sworn in. Mr. John Cartina and Mr. Nick Cartina, petitioners, came forward. They signed in and were sworn in.

Mr. Cartina gave a brief presentation to the members at this time. Mr. Cartina is seeking to move his operation from Chicago. His company works primarily in automotive transmission rebuilding and general auto repair. He continued that he would like permission to obtain a salvage buyer's license and rebuilder's license along with motor vehicle dealer's license which will allow them to purchase cars and parts at wholesale cost, so they can make repairs more cost efficient for their customers.

Mr. Cartina continued that they are not in the used parts business. He stated that the transmission repair business is 85-90% of their business. They would like the dealer's license to encompass the other 10% of the business. Mr. Cartina stated that they run a reputable business and have been in the car repair business since 1982.

Member Grieshamer asked how many vehicles can be worked on in one (1) week. Mr. Cartina stated that they can work on approximately ten (10) cars per week. Member Grieshamer asked if they will have enough space inside the building to accommodate the cars and the turn-around time. Mr. Cartina stated that it will take approximately 14 hours on the average to turn over one (1) vehicle.

Mr. Cartina then submitted a revised layout of the interior of the building entitled "Exhibit A" to the members. The revised layout differed from the original interior drawing in the members' packets excluding three (3) vehicles.

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Member Grieshamer asked if the type of work will be auto repair only. Mr. Cartina stated that there will be no body work, no painting and no frame work conducted.

Member Grieshamer was concerned about the distance between their two (2) locations for the pick-up and drop off of vehicles. The petitioners indicated that their location on Harlem and Belmont is not a far distance to them in any way. Mr. Cartina then stated that he has secured another parking spot from their neighbor for “night drop offs” in case of an emergency or any overage.

Member Grieshamer asked what their hours of operation will be. Mr. Cartina stated that they will be open from Monday through Friday from 8:00 a.m. to 6:00 p.m. and a half day on Saturday, (open until noon), and closed on Sunday.

Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that since no public came forward, he closed public session.

Board Discussion began at 7:46 p.m.

Member Marzena Szubart exited the Zoning Board of Appeals meeting at this time. (7:49 p.m.)

The members were concerned that this building is built on the lot lines with no room to entertain any exterior parking. They are concerned that the interior of the building will be too congested.

The members expressed their concern about the number of accessory uses being proposed in one facility with no outside parking available.

Attorney Welch stated to the members and read from the Zoning Code that the petitioners must meet four (4) criteria outline in the zoning code in regards to determination of an accessory use. Mr. Welch proceeded to indicate that based on the information presented at tonight’s meeting the applicant is requesting a conditional use for Auto Repair and an accessory use of Auto Parts Salvage and Auto Sales.

Board Discussion ended at 8:02 p.m.

Chairman Cwik re-called the petitioners at this time.

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Member Grieshamer asked if they have enough room on the interior of the building to accommodate all the uses they intend to have. Mr. and Mr. Cartina concur that they can accommodate all the uses.

The members are concerned that they do not have enough parking for both the conditional use for auto repair and for auto sales. They are requesting that if they can provide a signed and notarized lease from a neighbor within 1,000 feet of their location that they can entertain that request. The members requested that they try and secure at least four (4) more parking spaces.

The members will entertain the request and discussed continuing this hearing so that the petitioners can have time to secure a lease and move the hearing to the next regularly scheduled meeting of the Zoning Board of Appeals on Wednesday, April 2, 2014 at 7:00 p.m.

Both Mr. and Mr. Cartina were concerned with continuing the hearing as they are nearing completion with the property purchase and fear that their requests will not go through as planned. They unanimously decided to withdraw their request for auto sales and proceed with the Conditional Use for auto repair and the accessory use for salvaging.

A motion was made by Member Grieshamer and seconded by Member Snyder to go into Board Discussion. All in favor. The motion was carried.

Board Discussion began at 8:14 p.m.

The members discussed this turn of events and discussed placing conditions on this conditional use. They will also like to request that a signed, notarized affidavit be submitted that they will secure one (1) parking space from a neighbor for night drop offs within 1,000 feet of the property in question.

Board Discussion ended at 8:16 p.m.

Member Grieshamer made a motion to “approve ZBA 14-05 for 9208 Grand Avenue, for a Conditional Use for Auto Repair per Section 9-5D-3 of the Franklin Park Zoning Code with an accessory use of an Auto Parts Salvage business with the following conditions: 1- If there is lighting added to any exterior of the property, then the lighting shall shine away from neighboring properties and all light fixtures shall contain light guards to ensure that no light shines downward.

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2. That all refuse be kept inside the property until refuse pick up. 3. That any and all business operations takes place inside of the building at all times. 4. That no outside storage take place at any time. 5. That all employee parking associated with this business remain in the building at all times. 6. That an affidavit be submitted securing one (1) parking spot for night drop off within 1,000 feet. 7. That the applicant and property owner conform to all other applicable regulations as found in the Franklin Park Village Code.” Member Mennella seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Boreson-Yes; Member Snyder-Yes; Chairman Cwik-Yes; Member Griashamer-Yes. Five (5) Ayes, Zero (0) Nays, One (1) Absent, Zero (0) Abstain. The motion was carried.

Chairman Cwik reminded the applicant that this is a recommending body and all final decisions will be made by the Village Board of Trustees.

Chairman Cwik thanked everyone for attending this evening.

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6. New Business: ZBA 14-06

New Look Landscape – Kenneth Kwiat Jr.
10170 Franklin Avenue
12-21-311-022-0000

Chairman Cwik stated that this hearing is for a Conditional Use for a Contractor and Construction Yard and Offices pursuant to Section 9-5D-3 of the Franklin Park Zoning Code.

Member Grieshamer made a motion to enter in any and all department reports, memos, and testimony into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Chairman Cwik called the petitioners up at this time. He asked if they can sign in and be sworn in. Mr. Kenneth Kwiat Jr, petitioners, and Mr. James Pauletto, Attorney for the petitioner, came forward. They signed in and were sworn in.

Mr. Pauletto and Mr. Kwiat gave a brief presentation of the business to the members at this time. Mr. Kwiat is seeking a Conditional Use for his landscaping company. Mr. Kwiat stated that he is current with his business license at his 2432 Oak location. Mr. Pauletto stated that the sole intention for the business is to house an indoor storage area for all New Look Landscaping's equipment. Mr. Kwiat stated that the sole purpose is to protect his equipment during overnight periods from weather, theft and vandalism. He further stated during the summer the building will house landscape maintenance and installation equipment.

Member Grieshamer asked how long has the business been at the location on Franklin Avenue. Mr. Kwiat replied that he has been there since December of 2011. Member Grieshamer asked if he is running the business currently. Mr. Kwiat replied that he is. Chairman Cwik stated that he does not have an Occupancy Certificate nor a Business License to run the business out of 10170 Franklin Avenue.

Chairman Cwik asked if the building owner was present. Mr. Pauletto replied that the building owner is not present; he is in Arizona at this time.

Chairman Cwik asked who owns the structure that was created to house the landscaping material. Mr. Kwiat stated that he built the structure. Member Grieshamer asked if there were any building permits pulled to erect the structure. Mr. Kwiat stated there was not.

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Member Grieshamer asked where vehicles park for the business. Mr. Kwiat stated that they park inside the building.

Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that anyone wishing to speak, to please come forward, sign in and be sworn in.

Public session began at 8:34 p.m.

Mr. Jim Girard of Awnings Over Chicagoland, 10204 Franklin Avenue, came forward. Mr. Girard signed in and was sworn in. Mr. Girard distributed to the Board members (15) colored photographs displaying various piles of debris and other items that effect his business as result of actions by the petitioner. We have entered these photographs into the record as Exhibits A1 through A15. Mr. Girard explained each photograph varying from mounds of dirt in the spring, to leaves, grass and branches in the summer and fall, and piles of snow and ice in the winter. The photographs also showed illegally placed dumpsters, a cinderblock enclosure and multiple trucks parking outside. He also showed a photo of steam rising out of the piles of debris showing the decomposition of the landscape material. He continued that the snow was pushed up against his property by Mr. Kwiat and it took him hours to clean it up to get his trucks out. Mr. Girard verbalized his discontent with this business being there and also the odor that the decaying debris causes. He is not in favor of this business being there.

Member Grieshamer made a motion to enter the fifteen (15) photographs into the record as Exhibits A1-A15. Member Boreson seconded the motion. All in favor. Motion was carried.

Mr. Al Husain, attorney for Mr. Lou Minaglia of Premier Produce, 10100 Franklin Avenue came forward. Mr. Husain signed in and was sworn in. Mr. Husain stated for the record that the structure that was erected by Mr. Kwiat to house the piles of landscape debris is actually on Mr. Minaglia's property. Mr. Husain continued that the P.I.N. number ending with 018 belongs to his client, not to Mr. Kwiat. Mr. Husain stated that his clients will fence off this area with permission if he has to. He continued further that Mr. Minaglia pays the property taxes for this P.I.N. number as well for over 15 years.

Attorney Welch thanked Mr. Husain for his comments; however, he stated that "we have no authority to show who owns what parcel". Mr. Welch continued that if they are in the middle of a title dispute and a decision is made, it can and will nullify a decision that is being made here by the Zoning Board of Appeals.

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Lou Minaglia, owner of 10100 Franklin, Premier Produce, came forward. Mr. Minaglia signed in and was sworn in. Mr. Minaglia stated that he has physical proof on his phone and on paper that he is the owner of the parcel of property with the P.I.N. number ending in 018. He wanted to state this on the record for this hearing.

Public Session closed at 8:52 p.m.

Mr. Pauletto came forward with Mr. Kwiat and he asked him the following questions. He asked Mr. Kwiat if at any time he was aware of any combustion of grass or debris taking place on the property. Mr. Kwiat replied, no. Mr. Pauletto asked if he will disassemble the concrete structure located on parcel 018. Mr. Kwiat replied, yes. Mr. Pauletto asked if his main priority in this piece of property is security for his equipment and vehicles. Mr. Kwiat responded, yes.

Board Discussion began at 8:56 p.m.

The members had various questions regarding this tenant and this piece of property in general. The members were concerned with the members of the public's testimony and the amount of inconsistencies in reference to this hearing.

The members feel that the property owner needs to present to answer some questions and provide testimony.

The members discussed continuing this hearing to the next meeting of Wednesday, April 2, 2014.

Board Discussion ended at 9:00 p.m.

Member Grieshamer made a motion to continue ZBA 04-06 to the next regularly scheduled meeting of Wednesday, April 2, 2014 at 7:00 p.m. in the Community Room of the new Police Station so that the property owner, or a representative of the property owner that can make decisions on his or her behalf, be in attendance. Member Mennella seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Boreson-Yes; Chairman Cwik-Yes; Member Snyder-Yes; Member Grieshamer-Yes. Five (5) Ayes, Zero (0) Nays, One (1) Absent, Zero (0) Abstain. The motion was carried.

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6. Old Business: ZBA 13-21

Text Amendment to various sections of the Franklin Park Zoning Code regarding land use regulations for Medical Marijuana uses following new Illinois State Statute (Discussion, no action shall be taken)

Member Grieshamer made a motion to continue this hearing to the next ZBA hearing of Wednesday, April 2, 2014 at 7:00 p.m. in the Community Room of the New Police Station. Member Mennella seconded the motion. All in favor. Roll Call Vote. Member Mennella-Yes; Member Boreson-Yes; Chairman Cwik-Yes; Member Snyder-Yes; Member Grieshamer-Yes. Five (5) Ayes, Zero (0) Nays, One (1) Absent, Zero (0) Abstain. The motion was carried.

7. Public Comment: None.

8. A motion was made by Member Grieshamer to adjourn the meeting of the Zoning Board of Appeals. It was seconded by Member Mennella. All in favor. Motion carried.

The meeting adjourned at 9:05 p.m.

Respectfully Submitted,

Lisa M. Manzo
Secretary