

ZONING BOARD OF APPEALS
MINUTES OF MAY 9, 2012 – 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, Aaron Jimenez, Gil Snyder, Bruce Boreson, Chairman Mark Cwik and Frank Grieshamer, Lisa Manzo (Secretary), Village Attorney Matt Welch, Patrick Ainsworth (Planner). All members were present.
3. Member Grieshamer made a motion to accept the minutes of April 11, 2012. The motion was seconded by Member Szubart and approved to place them on file as presented.
4. New Business: ZBA 12-10
Leo's Gluten Free LLC
10130 Pacific Avenue
12-21-308-037-0000

Chairman Cwik stated that this hearing is for a Conditional Use for food manufacturing/other manufacturing in the CM Commercial Manufacturing District per Section 9-5D-3 of the Franklin Park Zoning Code.

Chairman Cwik called the petitioners up at this time. He asked if they can sign in and be sworn in. Ms. Rose Bucaro, Ms. Rosanna Dragotta and Ms. Anna Bucaro, petitioners, came forward. They signed in and were sworn in.

Member Grieshamer made a motion to enter in all the department reports, packets and answers to the standards into the record. Member Snyder seconded the motion. All in favor. The motion was carried.

Ms. Rose Bucaro gave a very detailed presentation regarding this Conditional Use. She stated that her family has owned and operated Perfect Pasta for 24 years in Addison. They would like to start a Gluten Free pasta company. The new company will be called Leo's Gluten Free. She continued that their intention is to manufacture four (4) different types of raviolis, rigatoni, fettuccini, gnocchi and more. Ms. Bucaro gave statistics on how many people have been diagnosed with Celiac's Disease and are wheat intolerant, so this type of pasta would be beneficial to those people. She continued that there are several distributors waiting for this product to come out.

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Chairman Cwik asked how many employees they will have. Ms. Bucaro stated that there will be between five (5) to eight (8) employees. Hours of operation will be Monday through Friday, between 8:00 a.m. and 5:00 p.m.

Chairman Cwik asked how many delivery trucks they will have. Ms. Bucaro stated that they will not have any delivery trucks. The distributors will come and pick up the product by appointment only. Ms. Bucaro stated that this will allow them to have control over any congestion in the streets. She stated that it will only be one (1) truck at a time.

Member Boreson asked if there will be any lighting on the exterior of the building, and if so, that it shine onto their own property and not the neighbors. Ms. Bucaro stated that it would be their intention to install security cameras on the property and if there is any lighting installed, it would direct onto their property.

Member Grieshamer asked how many distributors that they have. Ms. Bucaro stated that Perfect Pasta will be the main distributor along with potentially another four (4) or five (5). She continued that she doesn't foresee more than two (2) trucks coming to the site per day.

Member Grieshamer asked if there will be deliveries made to the business to supply them with product to make the pasta. Ms. Bucaro stated that they will keep a month supply of rice and flour, and don't foresee a delivery of cheese/dairy/eggs more than once a week.

There was discussion regarding parking; private property vs. public property. Mr. Ainsworth stated that there is some flexibility that the tenant can explore parking within 1,000 feet of the property to gain additional parking spaces. He continued that there are eight (8) parking spaces on Village property at this time.

Chairman Cwik opened this hearing to the public at this time. Since no members of the public came forward, Chairman closed this hearing to the public.

Board Discussion began at 7:16 p.m.

The members discussed the parking situation and the lighting. Mr. Welch stated that the tenant can provide sufficient evidence of parking rights to provide for the required parking spaces.

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The members discussed hours of operation for this business. They discussed Monday through Friday from 8:00 a.m. to 8:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. and closed on Sundays.

Board Discussion ended at 7:24 p.m.

Chairman Cwik was pleased that included within the packet was an actual layout of the business within the space. He complimented the petitioner with their attention to detail.

Member Grieshamer made a motion to “approve ZBA 12-10 at 10130 Pacific Avenue, for a Conditional Use for food manufacturing/other manufacturing in the CM Commercial Manufacturing District per Section 9-5D-3 of the Franklin Park Zoning Code with the following conditions: 1. That the hours of operation be limited to Monday through Friday from 8:00 a.m. to 8:00 p.m. and Saturdays from 8:00 a.m. to 5:00 p.m. and closed on Sundays, 2. That all operations take place inside the building, 3. That the petitioners provide sufficient evidence of parking rights for their business, 4. That no commercial vehicles be parked on the property, 5. That lighting be directed on the petitioner’s property, not on the neighbor’s, 6. That a dumpster be on the property either enclosed on the exterior or placed in the interior.” Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Chairman Cwik-Yes; Member Grieshamer-Yes; Member Snyder-Yes; Member Jimenez-Yes. Seven (7) 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 12-11
Unlimited Plumbing - Tomasz Dubowski
10006 Pacific Avenue
12-21-310-049, 050-0000

Chairman Cwik stated that this hearing is for a Conditional Use for a contractor yard and office in the CM Commercial Manufacturing District per Section 9-5D-3 of the Franklin Park Zoning Code.

Chairman Cwik called the petitioner up at this time. He asked if he can sign in and be sworn in. Mr. Tomasz Dubowski, petitioner, came forward. He signed in and was sworn in.

Member Grieshamer made a motion to enter in all the department reports, packets and answers to the standards into the record. Member Snyder seconded the motion. All in favor. The motion was carried.

Mr. Dubowski gave his presentation to the members at this time. He stated that he loves Franklin Park and that this location is ideal for him. He continued that he has one (1) van, and one (1) dump truck, and he parks them inside the building.

Member Grieshamer asked him if there are any parking spots at the rear of the building. Mr. Dubowski stated that he hasn't been at the rear of the property; his space for his business is at the front of the building.

Member Grieshamer asked how many employees there will be. Mr. Dubowski stated that it will be just himself, one (1) plumber and one (1) secretary working fifteen (15) hours per week. Member Grieshamer asked where she will be parking, and he responded, in front of the building.

Member Grieshamer asked if customers will come to the property. Mr. Dubowski replied that at some time, customers may come to the property to sign their contracts.

Chairman Cwik asked how many businesses are in this building. Mr. Dubowski didn't know. Chairman Cwik is concerned about parking, and not knowing how many businesses are in the building and additionally, how many employees there are, and then, how many cars will be parked is the question.

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Chairman Cwik expressed his concern again that he cannot make a formidable decision with this particular case, until the building owner provides documentation stating what businesses are in this building, the square feet they take up, where the employees park, and what addresses are assigned to them.

Chairman Cwik opened this hearing to the public at this time. Since no members of the public came forward, Chairman closed this hearing to the public.

Board Discussion began at 7:39 p.m.

There was extensive discussion among the members that it will be difficult to make a decision regarding this case without having the proper information in front of them showing how this building is split up, what companies are occupying the space, how many employees there are, where do they park and what are the addresses.

It came to the members' attention that the petitioner is already operating his business within the building. Mr. Ainsworth stated that originally an occupancy packet was filled out by this petitioner and denied in 2010. He continued to explain the occupancy process.

The members were appalled that businesses move in to a property and start running a business without following the proper protocol. Mr. Ainsworth explained that sometimes this does happen and when staff is alerted to their presence, they inform the businesses to apply for occupancy.

Chairman Cwik stated that under the circumstance if this hearing should be continued, that this petitioner would be allowed to continue to run his business. Mr. Ainsworth stated that is correct, he would be allowed due to its pending nature.

Board Discussion ended at 7:56 p.m.

Chairman Cwik re-called the petitioners up at this time. Member Snyder asked the petitioner if his vehicles can be parked inside the building. The petitioner agreed. Mr. Welch stated that it could be a possibility that a condition can be made to not allow customers at the property. Mr. Dubowski stated that would not be a problem, he can go to the customer and have contracts signed there.

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Chairman Cwik reiterated that the board can not make a formidable decision until he knows specifically from the property owner, what other companies are in this building.

Board Discussion began again at 8:00 p.m.

The members would like to know the following from the property owner: how this building is split up, what companies are occupying the space, how many employees there are, where do the employees park and what are the addresses that they occupy.

Member Grieshamer made a motion “to continue hearing ZBA 12-11 to the next scheduled meeting of the Zoning Board of Appeals on Wednesday, June 13, 2012 at 7:00 p.m. in the northwest first floor conference room to gain the following information from the property owner, as in a sworn, signed, notarized affidavit, or that he be present to testify at the next scheduled meeting: how this building is split up, what companies are occupying the space, how many employees there are, where do the employees park and what are the addresses that they occupy.” Member Mennella seconded the motion. Roll Call Vote. Member Szubart-Yes; Member Mennella-Yes; Member Boreson-Yes; Chairman Cwik-Yes; Member Grieshamer-Yes; Member Snyder-No; Member Jimenez-Yes. Six (6) Ayes, One (1) Nay, 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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6. Old Business:

Chairman Cwik reminded the members to please remember to take the Special Open Meetings Act on-line web training course.

Chairman Cwik made a motion to add a special meeting of the zoning board of appeals for Wednesday, June 20, 2012 due to the fact there are several hearings that the zoning board will be facing in the coming weeks. Member Snyder seconded the motion. All in favor. The motion was carried.

Mr. Ainsworth briefed the members on some of the upcoming hearings that they will be facing.

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

The meeting adjourned at 8:10 p.m.

Respectfully Submitted,

Lisa M. Manzo
Secretary