

A G E N D A

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK TO BE HELD ON MONDAY, JULY 22, 2019, AT 6:30 P.M. AT THE WILLOWBROOK POLICE DEPARTMENT TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, IL, DUPAGE COUNTY, ILLINOIS

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. LAW AND ORDINANCES COMMITTEE UPDATE
5. VISITORS' BUSINESS - Public comment is limited to three minutes per person
6. OMNIBUS VOTE AGENDA:
 - a. Waive Reading of Minutes (APPROVE)
 - b. Minutes - Regular Board Meeting - July 8, 2019 (APPROVE)
 - c. Warrants - \$490,652.59 (APPROVE)
 - d. Motion - Board Authorization for Staff to Process Current Delinquent Water Bills in Accordance with Past Practices (PASS)
 - e. PLAN COMMISSION RECOMMENDATION - Public Hearing 19-02: Review and Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), Approval of Written Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), and consideration of a petition to approve a variation from Section 9-5B-3(D)2 of the Village of Willowbrook Zoning Ordinance to reduce the interior side yard setback from twenty feet (20') to fourteen and 66/100 feet (14.66') along the north property line, and consideration of other such relief, exceptions and variations from Title 9 of the Village Code. - 6350 Clarendon Hills Road and 6406 Clarendon Hills Road- "Reyes Subdivision" (RECEIVE)

- f. PLAN COMMISSION RECOMMENDATION - Public Hearing 19-04: Consideration of a petition for a text amendment to amend Sections 9-3-15, 9-12-2, and 9-12-4(C) of the Zoning Title of the Village of Willowbrook regarding regulation of telecommunications antennas and antenna support structures (RECEIVE)
- g. PLAN COMMISSION RECOMMENDATION - Public Hearing 19-05: Consideration of a petition for a text amendment to amend Section 9-9-7, entitled "Fire and Explosion Hazard Standards," of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois (RECEIVE)

NEW BUSINESS

- 7. RESOLUTION - A Resolution Approving and Authorizing the Execution of an Intergovernmental Agreement Between the Village of Willowbrook and the Village of Downers Grove for the Operation and Maintenance of a Peer Jury Program for Restorative Juvenile Justice (ADOPT)
- 8. RESOLUTION - A Resolution Appointing a Delegate and Alternate Delegate to the Intergovernmental Risk Management Agency (ADOPT)
- 9. RESOLUTION - A Resolution Approving and Authorizing the Mayor to Execute, on Behalf of the Village of Willowbrook, a First Amendment to an Agreement for Scavenger Services (ADOPT)
- 10. RESOLUTION - A Resolution to Approve and Authorize the Execution of an Agreement for Professional Services to Prepare a Stormwater Master Plan for the Executive Plaza in the Village of Willowbrook By and Between Christopher B. Burke Engineering, Ltd. and the Village of Willowbrook (ADOPT)
- 11. ORDINANCE - An Ordinance Amending Section 4-2-11 Entitled "Permit Fees:" and Section 4-2-48 Entitled "Fire Code Adopted:" of Chapter 2 Entitled "Building Code" of Title 4 Entitled "Municipal Services" of the Village Code of Ordinances of the Village of Willowbrook (PASS)

12. ORDINANCE - An Ordinance Amending Section 9-2-2, Entitled "Definitions," of Chapter 2, Entitled "Definitions," of Title 9, Entitled "Zoning Title of the Village," of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois (PASS)

PRIOR BUSINESS

13. TRUSTEE REPORTS
14. ATTORNEY'S REPORT
15. CLERK'S REPORT
16. ADMINISTRATOR'S REPORT
17. MAYOR'S REPORT
18. CLOSED SESSION
19. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, JULY 8, 2019 AT THE WILLOWBROOK POLICE DEPARTMENT, 7760 QUINCY STREET, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 6:32 p.m. by Village Clerk Leroy Hansen.

2. ROLL CALL

Those present at roll call were Village Clerk Leroy Hansen, Trustees Sue Berglund, Umberto Davi, Terrence Kelly, Michael Mistele, Gayle Neal and Paul Oggerino.

ABSENT: Mayor Frank Trilla

Also present were Village Attorney Andrew Acker, Village Administrator Brian Pabst, Director of Finance Carrie Dittman, Chief Robert Schaller, Assistant Village Administrator Michael Mertens, and Deputy Clerk Christine Mardegan.

3. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Mistele asked Superintendent of Public Works Joseph Coons to lead everyone in saying the Pledge of Allegiance.

A QUORUM WAS DECLARED

4. MOTION TO APPROVE - A MOTION TO APPOINT TRUSTEE MICHAEL MISTELE AS TEMPORARY CHAIRMAN IN THE MAYOR'S ABSENCE

Village Clerk Hansen advised that a motion was necessary to appoint Trustee Michael Mistele as Mayor Pro Tem for tonight's meeting.

MOTION: Made by Trustee Davi and seconded by Trustee Berglund to appoint Trustee Mistele as Mayor Pro Tem.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal, and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

5. LAWS AND ORDINANCES COMMITTEE UPDATE

Trustee Kelly Update on the proposed amendments changing to Section 6-8 of the Village Code clarifying that property

owners are ultimately responsible for paying all water bills, shut-off fees and other expenses relating to water bills. It was recommended that a proposed text amendment clarifying the definition of building height be referred to the Plan Commission. The proposed amendment prohibits roof tanks, bulkheads, chimneys and similar roof structures exceeding ten feet above the roof of a building. Any building proposing a structure that exceeds the ten-foot limit will be required to apply for a variance.

There was discussion on modifying the Fire Code to require companies that maintain, or store or handle hazardous materials or conduct processes utilizing hazardous materials to apply for a new Operational Permit. This new permit would be renewed on an annual basis. The new ordinance would allow the Village to gather information about chemicals used by permit holders or stored on their properties and the ways permit holders process these chemicals. This will allow the Village to confirm permit holders are conducting their operations in compliance with its Fire Code and the International Fire Code. The proposed amendments will be modeled on the Hazardous Materials Reporting and Operational Permit system currently in use in the Village of Lombard. Staff has been in touch with Lombard and Tri-State Fire Protection District regarding this program.

The Village currently requires two businesses in town to provide third party alarm notifications for hazardous chemicals. Staff has recommended that the Village review its performance standards for third party alarm notifications and codify it as a formalized permit condition. The Committee directed staff to continue working on amendments to the Fire Code requiring third party notification, in coordination with Tri-State Fire Protection District.

The Village Attorney informed the Committee of another proposed new ordinance that will incorporate many of the reporting requirements contained in SB 1852 into a local ordinance. The proposed ordinance will require owners of Ethylene Oxide sterilization operations to file copies of reports submitted to the IEPA directly with local authorities like the Village and the Tri-State Fire Protection District.

During the visitors' business session of the Law and Ordinance Committee meeting, a resident asked when the Village planned on adopting an ordinance empowering it to shut down Sterigenics if the seal order is lifted. While the Board has made it clear that Sterigenics is no longer welcome in the Village, every law firm we talked to said we do not have the

regulatory authority to shut down Sterigenics Operations. Many of the ordinances we are working on use our Home Rule powers to allow us to regulate hazardous materials more comprehensively than in the past.

6. VISITORS' BUSINESS

A Resident asked if she could have a copy of Trustee Kelly's notes. Mayor Pro Tem Mistele stated that the notes will be reflected in the minutes.

7. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Board Meeting - June 24, 2019 (APPROVE)
- c. Warrants - \$256,519.64 (APPROVE)
- d. Monthly Financial Report - June 30, 2019 (APPROVE)
- e. MOTION - A Motion to Approve the Final Payment for the Phase I Community Resource Center/Village Council Chambers Renovation Project, L.J. Morse Construction Company in an Amount Not-To-Exceed \$17,880.91 (PASS)
- f. MOTION - A Motion to Approve the Final Payment for Architectural Construction Plans and Permit for the Phase I Community Recourse Center/ Village Council Chambers Renovation Project, N. Batistich, Architects in an Amount Not-To-Exceed \$2,750.00 (PASS)

Mayor Pro Tem Mistele asked the Board if there were any items to be removed from the Omnibus Vote Agenda

MOTION: Made by Trustee Oggerino and seconded by Trustee Davi to approve the Omnibus Vote Agenda as presented.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

8. NEW BUSINESS

ORDINANCE -An Ordinance Granting a Variation from the Zoning Ordinance - Morgan Harbour Construction, LLC 7510 S. Madison Street, Willowbrook, Illinois, PC 19-03: Requesting Approval of a Variance to Reduce the Number of Parking Stalls from Fifty-Four

(54) to Thirty - Five (35) Parking Spaces to Accommodate 10,645 Square Feet of Warehouse Space and 7,902 Square Feet of Warehouse Space (PASS)

Assistant Village Administrator Mertens related that in 2016, the Village gave a 34-stall parking variance for the property. The petitioner is proposing to modify a portion of their warehouse space into more office space and will restripe the parking lot. The proposed modification would require a 35-stall variance.

MOTION: Made by Trustee Kelly and seconded by Trustee Oggerino to adopt Resolution No. 19-0-11 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

9. RESOLUTION - A Resolution Approving and Authorizing the Village Administrator to Execute a Proposal to Manage and Administer the Promotional Application and Examination Process for the Police Sergeant Hiring Process- DMACT Services, Inc.

Chief Schaller stated, on Friday, June 28, 2019 during the regular meeting of the Board of Police Commissioners (BOPC), a proposal from DMACT Services, Inc. was presented to the Board of Police Commissioners, who voted unanimously to recommend to the Village Board that the proposal for DMACT Services, Inc. be accepted. This service will save the Village in excess of \$7,100.00.

MOTION: Made by Trustee Berglund and seconded by Trustee Oggerino to adopt Resolution No. 19-R-40 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

10. ORDINANCE - A Ordinance of the Village of Willowbrook, DuPage County, Illinois, Authorizing the Mayor and Village Clerk to Execute an Amendment to the Development Agreement Regarding the

Route 83 and Plainfield Road Tax Increment Redevelopment Project Area (PASS)

Assistant Village Administrator Mertens stated that the development of the Town Center Shopping Center is governed by a Development Agreement. This is for the public improvements within the area specifically tied to the lighted intersection. This one-year extension would provide additional time in order for the developer to complete the public improvements.

MOTION: Made by Trustee Davi and seconded by Trustee Oggerino to adopt Resolution No. 19-0-12 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

11. ORDINANCE - A Ordinance of the Village of Willowbrook, DuPage County, Illinois, Authorizing the Mayor and Village Clerk to Execute an Amendment to the Escrow Deposit Agreement with Willowbrook Town Center LLC (PASS)

Assistant Village Administrator Mertens related that this is the Escrow Agreement between Pete's Fresh Market, Willowbrook Town Center LLC. and Willowbrook Bowl. This escrow agreement is for the public improvements within the area specifically tied to the lighted intersection. This one-year extension would provide additional time in order for the developer to complete the public improvements and have funds paid out of the escrow agreement.

MOTION: Made by Trustee Davi and seconded by Trustee Berglund to adopt Resolution No. 19-0-13 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

12. RESOLUTION - A Resolution Approving the Proposal to Purchase the BEAST Evidence Management System from Porter Lee Corporation, and Authorizing the Village Administrator to Execute a Purchase Agreement in an Amount Not-To-Exceed \$10,352.00 (ADOPT)

Chief Schaller related that our property management system is antiquated, requiring repetitive duplication of the same task, and has become difficult to meet CALEA standards. He recommended that

our department purchase the new BEAST evidence Management System. This was presented at the Public Safety Committee meeting on July 8, 2019.

MOTION: Made by Trustee Oggerino and seconded by Trustee Neal to adopt Ordinance No. 19-R-41 as presented.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal and Oggerino. NAYS: None. ABSENT: None.

MOTION DECLARED CARRIED

PRIOR BUSINESS

12. TRUSTEE REPORTS

Trustee Neal had no report.

Trustee Kelly had no report.

Trustee Berglund had no report.

Trustee Davi had no report.

Trustee Oggerino had no report.

13. ATTORNEY'S REPORT

Attorney Acker had a brief report on a petition to intervene with Hinsdale, Burr Ridge and Darien in the case of Sterigenics v the Illinois Environmental Protection Agency that is coming up on July 18, 2019.

14. CLERK'S REPORT

Clerk Hansen had no report.

15. ADMINISTRATOR'S REPORT

Administrator Pabst had no report.

16. MAYOR'S REPORT

Mayor Pro Tem Mistele had no report.

17. CLOSED SESSION

Mayor Pro Tem Mistele stated that there was no need for Closed Session during tonight's meeting.

18. ADJOURNMENT

MOTION: Made by Trustee Oggerino and seconded by Trustee Berglund, to adjourn the Regular Meeting at the hour of 6:57 p.m.

ROLL CALL VOTE: AYES: Trustees Berglund, Davi, Kelly, Mistele, Neal and Oggerino. NAYS: None. ABSENT: Mayor Frank Trilla.

MOTION DECLARED CARRIED

PRESENTED, READ and APPROVED.

_____, 2019.

Mayor

Minutes transcribed by Deputy Clerk Christine Mardegan.

WARRANTS

July 22 2019

GENERAL CORPORATE FUND	-----	\$299,860.70
WATER FUND	-----	\$189,006.89
POLICE PENSION FUND	-----	\$1,540.00
RT 83/PLAINFIELD RD BUSINESS DIST TAX	-----	\$245.00
TOTAL WARRANTS	-----	\$490,652.59

Carrie Dittman, Director of Finance *C.D.*

APPROVED:
Frank A. Trilla, Mayor

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
07/15/2019	APCH	94365#	FIRST NATIONAL BANK OMAHA	PUBLIC RELATIONS	475-365	10	263.29
				SCHOOLS/CONFERENCES/TRAVEL	630-304	30	600.00
				CHECK APCHK 94365 TOTAL FOR FUND 01:			863.29
07/16/2019	APCH	94366	BANNERVILLE USA INC	COMMODITIES	670-331	30	50.00
07/23/2019	APCH	137(E)*#	INTERGOVERNMENTAL PERSONNEL	EMP DED PAY- INSURANCE	210-204	00	10,559.23
				LIFE INSURANCE - ELECTED OFFICIALS	410-141	05	67.76
				LIFE INSURANCE - COMMISSIONERS	435-148	07	18.48
				HEALTH/DENTAL/LIFE INSURANCE	455-141	10	4,832.00
				HEALTH/DENTAL/LIFE INSURANCE	510-141	15	588.89
				LIFE INSURANCE - PLAN COMMISSION	510-340	15	70.56
				LIFE INSURANCE - COMMISSIONERS	550-148	20	72.24
				HEALTH/DENTAL/LIFE INSURANCE	610-141	25	2,043.50
				HEALTH/DENTAL/LIFE INSURANCE	630-141	30	26,509.58
				HEALTH/DENTAL/LIFE INSURANCE	710-141	35	4,752.22
				HEALTH/DENTAL/LIFE INSURANCE	810-141	40	1,792.43
				CHECK APCHK 137(E) TOTAL FOR FUND 01:			51,306.89
07/23/2019	APCH	94367	AMERICAN TRAFFIC SOLUTIONS	RED LIGHT - CAMERA FEES	630-247	30	22,475.00
				RED LIGHT - MISC FEE	630-249	30	2,307.00
				CHECK APCHK 94367 TOTAL FOR FUND 01:			24,782.00
07/23/2019	APCH	94368	ANNETTE ODDO	SENIOR CITIZEN TAXI PROGRAM	475-372	10	10.00
07/23/2019	APCH	94369#	ARAMARK UNIFORMS SERVICES	PUBLIC RELATIONS	420-365	05	47.95
				UNIFORMS	710-345	35	50.97
				UNIFORMS	710-345	35	89.91
				CHECK APCHK 94369 TOTAL FOR FUND 01:			188.83
07/23/2019	APCH	94370*#	ASSOCIATED TECHNICAL SERV. LTD.	OPERATING SUPPLIES & EQUIPMENT	710-401	35	3,149.50
07/23/2019	APCH	94371	B & E AUTO REPAIR & TOWING	MAINTENANCE - VEHICLES	630-409	30	3,760.29
07/23/2019	APCH	94372	BKD, LLP	AUDIT SERVICES	620-251	25	4,000.00

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
07/23/2019	APCH	94373	BLACK GOLD SEPTIC	MAINTENANCE - PW BUILDING	725-418	35	350.00
07/23/2019	APCH	94374	CAA MARKETING	OPERATING EQUIPMENT	630-401	30	440.00
07/23/2019	APCH	94375*#	CALL ONE INC	PHONE - TELEPHONES	455-201	10	789.95
				PHONE - TELEPHONES	630-201	30	657.19
				CHECK APCHK 94375 TOTAL FOR FUND 01:			<u>1,447.14</u>
07/23/2019	APCH	94377	CAR REFLECTIONS	MAINTENANCE - VEHICLES	630-409	30	350.00
07/23/2019	APCH	94378	CENTER CLEANERS	OPERATING SUPPLIES	630-331	30	100.00
07/23/2019	APCH	94379	CHOICE OFFICE EQP & SUPPLIES IN	COPY SERVICE	455-315	10	442.69
07/23/2019	APCH	94380	CHRIST OASIS MINISTRIES	PARK PERMIT FEES	310-814	00	300.00
07/23/2019	APCH	94381	CINTAS CORPORATION NO 2	MAINTENANCE - PW BUILDING	725-418	35	74.66
				MAINTENANCE - PW BUILDING	725-418	35	74.66
				CHECK APCHK 94381 TOTAL FOR FUND 01:			<u>149.32</u>
07/23/2019	APCH	94382	CITY WIDE OF ILLINOIS	MAINTENANCE - BUILDING	466-228	10	2,847.87
				BUILDING MAINTENANCE SUPPLIES	466-351	10	330.00
				CHECK APCHK 94382 TOTAL FOR FUND 01:			<u>3,177.87</u>
07/23/2019	APCH	94383	CLARKE ENVIRONMENTAL	MOSQUITO ABATEMENT	760-259	35	6,520.00
				MOSQUITO ABATEMENT	760-259	35	3,700.00
				CHECK APCHK 94383 TOTAL FOR FUND 01:			<u>10,220.00</u>
07/23/2019	APCH	94384#	COMCAST CABLE	INTERNET/WEBSITE HOSTING	460-225	10	225.54
				INTERNET/WEBSITE HOSTING	715-225	35	106.85
				CHECK APCHK 94384 TOTAL FOR FUND 01:			<u>332.39</u>
07/23/2019	APCH	94385*#	COMED	RED LIGHT - COM ED	630-248	30	41.84
				RED LIGHT - COM ED	630-248	30	41.84
				RED LIGHT - COM ED	630-248	30	35.47

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
07/23/2019	APCH	94386	COOK COUNTY CLERK	ENERGY - STREET LIGHTS	745-207	35	40.26
				ENERGY - STREET LIGHTS	745-207	35	266.69
				CHECK APCHK 94385 TOTAL FOR FUND 01:			<u>426.10</u>
07/23/2019	APCH	94387	DISCOVERY BENEFITS SIMPLIFY	FEES/DUES/SUBSCRIPTIONS	630-307	30	10.00
07/23/2019	APCH	94387#	DISCOVERY BENEFITS SIMPLIFY	EMP DED PAY - FSA FEE	210-221	00	46.20
				HEALTH/DENTAL/LIFE INSURANCE	455-141	10	3.80
				CHECK APCHK 94387 TOTAL FOR FUND 01:			<u>50.00</u>
07/23/2019	APCH	94388	DU-COMM	RADIO DISPATCHING	675-235	30	3,294.48
				RADIO DISPATCHING	675-235	30	65,787.00
				CHECK APCHK 94388 TOTAL FOR FUND 01:			<u>69,081.48</u>
07/23/2019	APCH	94389	DUPAGE COUNTY RECORDER	FEES/DUES/SUBSCRIPTIONS	455-307	10	75.00
07/23/2019	APCH	94390	DUPAGE JUV OFCRS ASSN	FEES/DUES/SUBSCRIPTIONS	630-307	30	60.00
07/23/2019	APCH	94391	FENSKE JOHN	SUMMER PROGRAM MATERIALS & SERVICES	575-119	20	108.36
07/23/2019	APCH	94392	GATEWAY SRA	SPECIAL RECREATION ASSOC PROGRAM DUES	590-518	20	19,655.43
07/23/2019	APCH	94393	GEWALT HAMILTON ASSOCIATES INC	PLAN REVIEW - TRAFFIC CONSULTANT	520-258	15	156.60
07/23/2019	APCH	94394	GODA JONEIKIS	PARK PERMIT FEES	310-814	00	100.00
07/23/2019	APCH	94395	GUARDIAN TRACKING LLC	EDP LICENSES	640-263	30	1,563.00
07/23/2019	APCH	94398#	HOME DEPOT CREDIT SERVICES	BUILDING CONSTR & REMODEL	635-288	30	42.95
				OPERATING SUPPLIES & EQUIPMENT	710-401	35	99.93
				CHECK APCHK 94398 TOTAL FOR FUND 01:			<u>142.88</u>
07/23/2019	APCH	94399	HR SIMPLIFIED	HEALTH/DENTAL/LIFE INSURANCE	455-141	10	100.00
07/23/2019	APCH	94402	INDUSTRIAL ELECTRICAL SUPPLY	MAINTENANCE SUPPLIES	570-331	20	165.00
07/23/2019	APCH	94403	JOHN J. HANDZIK	JAIL SUPPLIES	650-343	30	29.59
07/23/2019	APCH	94404	JULIE, INC.	J.U.L.I.E.	755-332	35	1,112.77

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
07/23/2019	APCH	94405	KING CAR WASH	FUEL/MILEAGE/WASH	630-303	30	325.00
07/23/2019	APCH	94406*	LAW OFFICES STORINO RAMELLO&DURK	FEES - VILLAGE ATTORNEY	470-239	10	17,581.67
				FEES - VILLAGE ATTORNEY	470-239	10	228.00
				FEES - LABOR COUNSEL	470-242	10	433.00
				CRISIS MANAGEMENT	475-367	10	8,702.20
				CHECK APCHK 94406 TOTAL FOR FUND 01:			<u>26,944.87</u>
07/23/2019	APCH	94407	LEONARD B CANNATA	RED LIGHT - ADJUDICATOR	630-246	30	1,232.00
07/23/2019	APCH	94408	LORI RINELLA	UNIFORMS			** VOIDED **
07/23/2019	APCH	94409	MATTHEW VANDERJACK	UNIFORMS	630-345	30	174.02
07/23/2019	APCH	94412	MOTOROLA SOLUTIONS INC	PHONE - TELEPHONES	630-201	30	102.00
07/23/2019	APCH	94413	NANCY TURVILLE	FUEL/MILEAGE/WASH	630-303	30	48.06
07/23/2019	APCH	94414#	NICOR GAS	NICOR GAS (835 MIDWAY)	466-236	10	38.06
				NICOR GAS (825 MIDWAY)	570-235	20	33.62
				NICOR GAS (7760 QUINCY)	630-235	30	130.63
				NICOR GAS	725-415	35	42.97
				CHECK APCHK 94414 TOTAL FOR FUND 01:			<u>245.28</u>
07/23/2019	APCH	94415*#	NJ RYAN TREE & LANDSCAPE LLC	CONTRACTED MAINTENANCE	570-281	20	5,400.00
				CONTRACTED MAINTENANCE	570-281	20	2,100.00
				CONTRACTED MAINTENANCE	570-281	20	5,700.00
				CONTRACTED MAINTENANCE	570-281	20	3,450.00
				TREE MAINTENANCE	750-338	35	2,775.00
				TREE MAINTENANCE	750-338	35	4,575.00
				TREE MAINTENANCE	750-338	35	17,775.00
				TREE MAINTENANCE	750-338	35	4,200.00
				TREE MAINTENANCE	750-338	35	5,775.00
				CHECK APCHK 94415 TOTAL FOR FUND 01:			<u>51,750.00</u>
07/23/2019	APCH	94416	NUTOYS LEISURE PRODUCTS	MAINTENANCE - EQUIPMENT	570-411	20	131.60

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
07/23/2019	APCH	94417	OCCUPATIONAL HEALTH CENTERS	PERSONNEL RECRUITMENT	455-131	10	118.00
07/23/2019	APCH	94418	ORIENTAL TRADING	COMMODITIES	670-331	30	59.89
07/23/2019	APCH	94419	P.F. PETTIBONE & CO.	OPERATING EQUIPMENT	630-401	30	13.00
07/23/2019	APCH	94420	PARESSA FARAZANDEH	PARK PERMIT FEES	310-814	00	200.00
07/23/2019	APCH	94422	PHILLIP'S FLOWERS	PUBLIC RELATIONS	475-365	10	99.95
07/23/2019	APCH	94423	PIONEER PRESS	FEES/DUES/SUBSCRIPTIONS	630-307	30	65.00
07/23/2019	APCH	94424	POLCO	EDP LICENSES	460-263	10	4,000.00
07/23/2019	APCH	94425	PUBLIC SAFETY DIRECT INC	MAINTENANCE - VEHICLES	630-409	30	174.00
				MAINTENANCE - VEHICLES	630-409	30	311.00
				CHECK APCHK 94425 TOTAL FOR FUND 01:			<u>485.00</u>
07/23/2019	APCH	94426	RAY O'HERRON CO., INC.	UNIFORMS	630-345	30	129.95
				UNIFORMS	630-345	30	103.99
				UNIFORMS	630-345	30	24.99
				CHECK APCHK 94426 TOTAL FOR FUND 01:			<u>258.93</u>
07/23/2019	APCH	94427#	SATELLITE PHONE STORE	PHONE - TELEPHONES	455-201	10	65.76
				PHONE - TELEPHONES	630-201	30	65.76
				CHECK APCHK 94427 TOTAL FOR FUND 01:			<u>131.52</u>
07/23/2019	APCH	94428	SPORTSFIELD, INC.	BALLFIELD MAINTENANCE/SUPPLIES	570-280	20	380.00
07/23/2019	APCH	94429	STAPLES	OFFICE SUPPLIES	455-301	10	31.62
				OFFICE SUPPLIES	455-301	10	184.66
				COMMISSARY PROVISION	455-355	10	94.20
				COMMISSARY PROVISION	455-355	10	90.42
				CHECK APCHK 94429 TOTAL FOR FUND 01:			<u>400.90</u>
07/23/2019	APCH	94430	STRATEGIA CONSULTING, LLC	CRISIS MANAGEMENT	475-367	10	1,125.00
07/23/2019	APCH	94431	SUBURBAN DOOR CHECK & LOCK SERVI	BUILDING CONSTR & REMODEL	635-288	30	188.25

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
07/23/2019	APCH	94432	SWANK MOTION PICTURES INC	FAMILY SPECIAL EVENT - MOVIE NIGHT	585-151	20	463.00
07/23/2019	APCH	94433*#	TAMELING GRADING	BALLFIELD MAINTENANCE/SUPPLIES	570-280	20	4,490.00
				STREET & ROW MAINTENANCE	750-328	35	798.00
				STREET & ROW MAINTENANCE	750-328	35	2,041.00
				CHECK APCHK 94433 TOTAL FOR FUND 01:			7,329.00
07/23/2019	APCH	94434*#	TAMELING INDUSTRIES	CONTRACTED MAINTENANCE	570-281	20	72.00
				CONTRACTED MAINTENANCE	570-281	20	251.10
				STREET & ROW MAINTENANCE	750-328	35	253.80
				STREET & ROW MAINTENANCE	750-328	35	208.00
				STORM WATER IMPROVEMENTS MAINTENANCE	750-381	35	57.60
				CHECK APCHK 94434 TOTAL FOR FUND 01:			842.50
07/23/2019	APCH	94435#	TEMPERATURE ENGINEERING INC	MAINTENANCE - BUILDING	466-228	10	471.88
				MAINTENANCE - PARK BUILDINGS - HVAC	570-228	20	471.87
				MAINTENANCE - BUILDINGS - HVAC	630-228	30	471.88
				BUILDING CONSTR & REMODEL	635-288	30	295.00
				MAINTENANCE - GARAGE	725-413	35	471.87
				CHECK APCHK 94435 TOTAL FOR FUND 01:			2,182.50
07/23/2019	APCH	94436	TREE TOWNS IMAGING & COLOR GRAPH	COPY SERVICE - REIMB	810-315	40	175.95
07/23/2019	APCH	94438	UNITED STATES TREASURY	FEES/DUES/SUBSCRIPTIONS-- EIN: 36-6097	610-307	25	4.90
07/23/2019	APCH	94442	WAREHOUSE DIRECT	COPY SERVICE	630-315	30	111.09
				OPERATING SUPPLIES	630-331	30	43.88
				OPERATING SUPPLIES	630-331	30	308.89
				OPERATING SUPPLIES	630-331	30	7.94
				OPERATING SUPPLIES	630-331	30	409.27
				CHECK APCHK 94442 TOTAL FOR FUND 01:			881.07
07/23/2019	APCH	94443	WELD-ALL, INC.	MAINTENANCE - VEHICLES-REP CRCKS IN P	735-409	35	420.00
07/23/2019	APCH	94444	WEST CENTRAL MUNICIPAL CONF.	FEES/DUES/SUBSCRIPTIONS	455-307	10	150.00

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 01 GENERAL FUND							
07/23/2019	APCH	94445#	WESTERN FIRST AID & SAFETY	BUILDING MAINTENANCE SUPPLIES	466-351	10	55.44
				OPERATING SUPPLIES	630-331	30	6.60
				CHECK APCHK 94445 TOTAL FOR FUND 01:			<u>62.04</u>
07/23/2019	APCH	94446	WESTFIELD FORD	MAINTENANCE - VEHICLES	735-409	35	93.90
07/23/2019	APCH	94447	WESTOWN AUTO SUPPLY COMPANY	MAINTENANCE - VEHICLES	735-409	35	511.15
07/23/2019	APCH	94448	WILL COUNTY CLERK	FEEES/DUES/SUBSCRIPTIONS	630-307	30	10.00
				Total for fund 01 GENERAL FUND			299,860.70

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 02 WATER FUND							
07/23/2019	APCH	136(E)	DUPAGE WATER COMMISSION	PURCHASE OF WATER	420-575	50	139,458.20
07/23/2019	APCH	137(E)*#	INTERGOVERNMENTAL PERSONNEL	HEALTH/DENTAL/LIFE INSURANCE	401-141	50	4,825.13
07/23/2019	APCH	94370*#	ASSOCIATED TECHNICAL SERV. LTD.	LEAK SURVEYS	430-276	50	842.00
				OPERATING EQUIPMENT	430-401	50	3,149.50
				CHECK APCHK 94370 TOTAL FOR FUND 02:			<u>3,991.50</u>
07/23/2019	APCH	94375*#	CALL ONE INC	PHONE - TELEPHONES	401-201	50	234.64
07/23/2019	APCH	94376	CALL THE UNDERGROUND OASIS IRRIG	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	581.26
07/23/2019	APCH	94385*#	COMED	ENERGY - ELECTRIC PUMP	420-206	50	606.74
				ENERGY - ELECTRIC PUMP	420-206	50	368.88
				CHECK APCHK 94385 TOTAL FOR FUND 02:			<u>975.62</u>
07/23/2019	APCH	94396	H AND R CONSTRUCTION INC.	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	2,900.00
				WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	5,600.00
				CHECK APCHK 94396 TOTAL FOR FUND 02:			<u>8,500.00</u>
07/23/2019	APCH	94397	HINSDALE NURSERIES, INC.	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	2,423.00
07/23/2019	APCH	94400	HUNTER ASPHALT PAVING INC	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	3,650.00
				WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	5,495.85
				CHECK APCHK 94400 TOTAL FOR FUND 02:			<u>9,145.85</u>
07/23/2019	APCH	94410	METROPOLITAN INDUSTRIES INC	EDP LICENSES	417-263	50	138.00
07/23/2019	APCH	94411	MIDWEST CHLORINATING & TESTING I	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	9,375.00
07/23/2019	APCH	94415*#	NJ RYAN TREE & LANDSCAPE LLC	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	2,400.00
07/23/2019	APCH	94421	PDC LABORATORIES INC	SAMPLING ANALYSIS	420-362	50	90.00
07/23/2019	APCH	94433*#	TAMELING GRADING	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	1,729.50

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
07/23/2019	APCH	94434*#	TAMELING INDUSTRIES	WATER DISTRIBUTION REPAIRS/MAINTENANC	430-277	50	28.80
07/23/2019	APCH	94437	UNDERGROUND PIPE & VALVE, CO.	MATERIAL & SUPPLIES - DISTRIBUTION	430-476	50	2,216.00
				MATERIAL & SUPPLIES - DISTRIBUTION	430-476	50	2,752.00
				CHECK APCHK 94437 TOTAL FOR FUND 02:			<u>4,968.00</u>
07/23/2019	APCH	94439	VERIZON WIRELESS	PHONE - TELEPHONES	401-201	50	75.06
07/23/2019	APCH	94440	VIKING CHEMICAL COMPANY	CHEMICALS	420-361	50	47.03
07/23/2019	APCH	94441	VIRGINIA STOLTZ	SCHOOLS CONFERENCE TRAVEL	401-304	50	20.30
				Total for fund 02 WATER FUND			189,006.89

Check Date Bank Check # Payee Description Account Dept Amount

Fund: 07 POLICE PENSION FUND							
07/23/2019	APCH	94401	I.P.P.F.A.	FEEES DUES SUBSCRIPTIONS	401-307	62	1,540.00
Total for fund 07 POLICE PENSION FUND							1,540.00

Check Date	Bank	Check #	Payee	Description	Account	Dept	Amount
Fund: 15 RT 83/PLAINFIELD RD BUSINESS DISTRCT TAX							
07/23/2019	APCH	94406*#	LAW OFFICES STORINO RAMELLO&DURK	LEGAL FEES	401-242	15	245.00
Total for fund 15 RT 83/PLAINFIELD RD BUSINESS							245.00
TOTAL - ALL FUNDS							490,652.59

'*'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE FUND
'#'-INDICATES CHECK DISTRIBUTED TO MORE THAN ONE DEPARTMENT



Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5549

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

June 26, 2019

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Tim Halik

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

CIASTKO, LESLIE
6543 S STOUGH ST
WILLOWBROOK, IL 60527-5335

Re: Account [REDACTED]
PIN # [REDACTED]
Delinquent Water Bill

Dear Owner/Resident/Tenant,

Please be advised that your water bill is now delinquent in the amount of \$ 134.43. This amount now includes a \$25.00 fee pursuant to Section 6-8-5 of the Village of Willowbrook Code. This \$25.00 is added to all accounts delinquent 45 or more days after the billing date. This amount also includes all other penalties pursuant to Section 6-8-5 of the Village Code. Your failure to satisfy the total amount of this delinquency on or before July 20, 2019, will result in the immediate termination of your water service.

Should your water service be terminated, Section 6-8-8 of the Village Code provides that a \$70.00 non-refundable reinstatement fee be charged. Said \$70.00 reinstatement fee shall be paid in addition to all delinquent bills and all penalties thereon before water service will be reinstated.

You may pay your bill online by visiting www.willowbrookil.org and select "Pay A Bill." You will need your account number and PIN as listed above. A convenience fee will apply.

If you have any questions concerning your water bill, please contact the billing office at 630-920-2238. If you wish to arrange a hearing before the Mayor and Board of Trustees to contest the termination of your water service, please contact the Village Deputy Clerk at 630-920-2234 or in writing to 835 Midway Dr., Willowbrook, IL 60527 no later than five (5) days prior to the scheduled termination date.

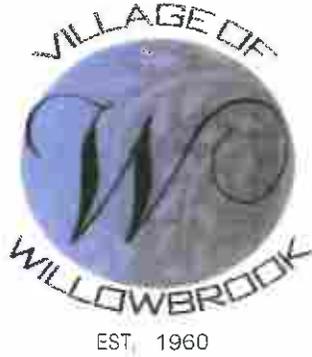
If you do not satisfy the bill or contact one of the options listed above, your water service will be automatically terminated.

Sincerely,

Village of Willowbrook



Proud Member of the
Illinois Route 66 Scenic Byway



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Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

IRWIN, DAVID
6451 RODGERS DR
WILLOWBROOK, IL 60527-5420

Re: Account # [REDACTED]
PIN # [REDACTED]
Delinquent Water Bill

Dear Owner/Resident/Tenant,

Please be advised that your water bill is now delinquent in the amount of \$ 138.87. This amount now includes a \$25.00 fee pursuant to Section 6-8-5 of the Village of Willowbrook Code. This \$25.00 is added to all accounts delinquent 45 or more days after the billing date. This amount also includes all other penalties pursuant to Section 6-8-5 of the Village Code. Your failure to satisfy the total amount of this delinquency on or before July 20, 2019, will result in the immediate termination of your water service.

Should your water service be terminated, Section 6-8-8 of the Village Code provides that a \$70.00 non-refundable reinstatement fee be charged. Said \$70.00 reinstatement fee shall be paid in addition to all delinquent bills and all penalties thereon before water service will be reinstated.

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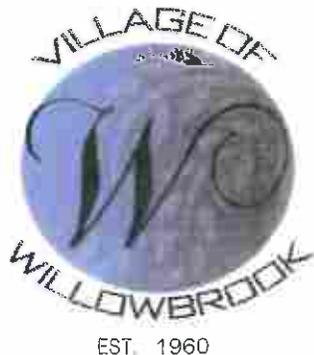
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Sincerely,

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Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

MOHAMMED, NAVEED
207 CHAUCER CT
WILLOWBROOK, IL 60527-5407

Re: Account # [REDACTED]
PIN # [REDACTED]
Delinquent Water Bill

Dear Owner/Resident/Tenant,

Please be advised that your water bill is now delinquent in the amount of \$ 147.61. This amount now includes a \$25.00 fee pursuant to Section 6-8-5 of the Village of Willowbrook Code. This \$25.00 is added to all accounts delinquent 45 or more days after the billing date. This amount also includes all other penalties pursuant to Section 6-8-5 of the Village Code. Your failure to satisfy the total amount of this delinquency on or before July 20, 2019, will result in the immediate termination of your water service.

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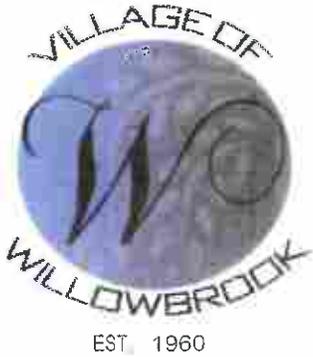
If you do not satisfy the bill or contact one of the options listed above, your water service will be automatically terminated.

Sincerely,

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Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

RAMSEY, ADAM
6805 KINGERY HWY
WILLOWBROOK, IL 60527-5154

Re: Account # [REDACTED]
PIN # [REDACTED]
Delinquent Water Bill

Dear Owner/Resident/Tenant,

Please be advised that your water bill is now delinquent in the amount of \$ 202.77. This amount now includes a \$25.00 fee pursuant to Section 6-8-5 of the Village of Willowbrook Code. This \$25.00 is added to all accounts delinquent 45 or more days after the billing date. This amount also includes all other penalties pursuant to Section 6-8-5 of the Village Code. Your failure to satisfy the total amount of this delinquency on or before July 20, 2019, will result in the immediate termination of your water service.

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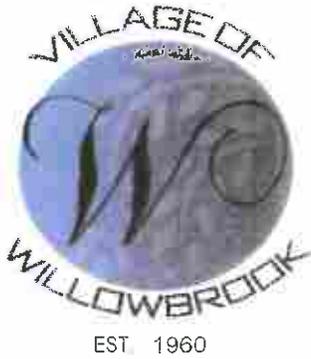
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Sincerely,

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Village Administrator

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Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman

STOYKOVA, LINA
6535 WINGATE RD
WILLOWBROOK, IL 60527

Re: Account # [REDACTED]
PIN # [REDACTED]
Delinquent Water Bill

Dear Owner/Resident/Tenant,

Please be advised that your water bill is now delinquent in the amount of \$ 242.77. This amount now includes a \$25.00 fee pursuant to Section 6-8-5 of the Village of Willowbrook Code. This \$25.00 is added to all accounts delinquent 45 or more days after the billing date. This amount also includes all other penalties pursuant to Section 6-8-5 of the Village Code. Your failure to satisfy the total amount of this delinquency on or before July 20, 2019, will result in the immediate termination of your water service.

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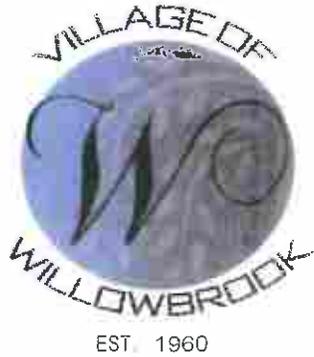
If you do not satisfy the bill or contact one of the options listed above, your water service will be automatically terminated.

Sincerely,

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Carrie Dittman

TURANO, FRANK
444 STONEGATE CT
WILLOWBROOK, IL 60527-5451

Re: Account [REDACTED]
PIN #: [REDACTED]
Delinquent Water Bill

Dear Owner/Resident/Tenant,

Please be advised that your water bill is now delinquent in the amount of \$ 122.03. This amount now includes a \$25.00 fee pursuant to Section 6-8-5 of the Village of Willowbrook Code. This \$25.00 is added to all accounts delinquent 45 or more days after the billing date. This amount also includes all other penalties pursuant to Section 6-8-5 of the Village Code. Your failure to satisfy the total amount of this delinquency on or before July 20, 2019, will result in the immediate termination of your water service.

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ZENNER, RICHARD
125 WATERFORD DR
WILLOWBROOK, IL 60527-5458

Re: Account # [REDACTED]
PIN #: [REDACTED]
Delinquent Water Bill

Dear Owner/Resident/Tenant,

Please be advised that your water bill is now delinquent in the amount of \$ 152.11. This amount now includes a \$25.00 fee pursuant to Section 6-8-5 of the Village of Willowbrook Code. This \$25.00 is added to all accounts delinquent 45 or more days after the billing date. This amount also includes all other penalties pursuant to Section 6-8-5 of the Village Code. Your failure to satisfy the total amount of this delinquency on or before July 20, 2019, will result in the immediate termination of your water service.

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Sincerely,

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Illinois Route 66 Scenic Byway

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:

Receive Plan Commission Recommendation – Public Hearing 19-02: Review and Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), Approval of Written Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), and consideration of a petition to approve a variation from Section 9-5B-3(D)2 of the Village of Willowbrook Zoning Ordinance to reduce the interior side yard setback from twenty feet (20') to fourteen and 66/100 feet (14.66') along the north property line, and consideration of other such relief, exceptions and variations from Title 9 of the Village Code. – 6350 Clarendon Hills Road and 6406 Clarendon Hills Road – “Reyes Subdivision”

AGENDA NO. **6e**

AGENDA DATE:
07/22/19

STAFF REVIEW: Ann Choi, Planning Consultant

SIGNATURE: 

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: 

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: 

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

Marc and Maureen Reyes, the current property owners of 6350 Clarendon Hills Road and 6406 Clarendon Hills Road (“applicant”), have filed an application seeking Final Subdivision Plat approval to consolidate the two lots located at 6350 Clarendon Hills Road and 6406 Clarendon Hills Road (“subject properties”) into a single lot of record, together with the following relief: a variation from Section 9-5B-3(D)2 to reduce the interior side yard setback from 20 feet to 14.66 feet along the north property line.

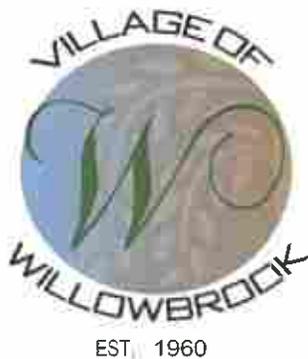
ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

The applicant wishes to consolidate the two residential lots in order to build an addition to their existing home over the lot line (between the two lots) at some future time. An existing 6” water main runs along the east-west lot line between the two residential lots which makes it infeasible for a future expansion along the southern portion of the existing residence. A new 6” water main will be relocated within a variable 15-foot and 25-foot wide drainage and utility easement that runs along the east, west and southern lot lines.

The existing single-family residence currently conforms to the minimum requirements of the zoning ordinance. However, the proposed lot consolidation of the subject properties would create a nonconformity with regards to the interior side yard setback along the north property line. The required interior side yard setback is calculated based on the width of the lot; currently the interior side yard setback is 10% of the lot width, or 10 feet. The existing single-family home is currently setback from the north property line at a distance of 14.66 feet. After the proposed lot consolidation, however, the required interior setback would increase to 20 feet. The applicant is thus requesting a 26.7% reduction in the minimum interior side yard requirement to 14.66 feet. Approval of the variation from Section 9-5B-3(D)2 would allow the existing single-family residence to be considered a legal structure with regard to the interior side yard requirement along the north property line.

The Plan Commission voted a unanimous vote of 5-0 of the members present to forward a positive recommendation to the Village Board. Their motion included four (4) recommended conditions. These recommended conditions are listed in the Staff Report dated July 17, 2019.

ACTION PROPOSED: Receive Plan Commission Recommendation.



Willowbrook

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MEMORANDUM

MEMO TO: Frank A. Trilla, Mayor
Board of Trustees

MEMO FROM: Dan Kopp, Chairman, Plan Commission

DATE: July 22, 2019

SUBJECT: **Zoning Hearing Case 19-02:** Reyes Subdivision, 6350 Clarendon Hills Road and 6406 Clarendon Hills Road, Willowbrook IL 60527. Consideration of a petition for Review and Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), Approval of Written Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), a variation from Section 9-5B-3(D)2 of the Village of Willowbrook Zoning Ordinance to reduce the interior side yard setback from twenty feet (20') to fourteen and 66/100 feet (14.66') along the north property line, and consideration of other such relief, exceptions and variations from Title 9 of the Village Code.

At the special meeting of the Plan Commission held on July 17, 2019, the above referenced application was discussed and the following motion was made:

MOTION: Made by Remkus and seconded by Walec that based on the submitted petition and testimony provided, I move that the Plan Commission finds that the proposed Reyes Subdivision Final Plat of Subdivision consolidating 6350 Clarendon Hills Road and 6406 Clarendon Hills Road into a single Lot of Record, which requires a variation from Section 9-5B-3(D)2 of the Zoning Ordinance to reduce the minimum interior side yard setback along the north property line, meets the Subdivision Regulation standards for approving such final plat and associated variations; that the Plan Commission approve and adopt the Standards for Variations outlined in the Staff Report for PC 19-02 for the July 17, 2019 Plan Commission meeting; and that the Plan Commission recommend to the Village Board approval of a variation from Section 9-5B-3(D)2 to reduce the minimum interior side yard setback along the north property line; and the Plan Commission has reviewed the Final Plat of Subdivision and recommends approval of a Final Plat of Subdivision for PC 19-02 for the July 17, 2019 Plan Commission meeting, subject to the conditionals of approval and plans listed in the Staff Report prepared for PC 19-02 for the July 17, 2019 Plan Commission meeting.

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ROLL CALL: AYES: Chairman Kopp, Commissioners Kaucky, Soukup, Remkus, and Walec;
NAYS: None.
ABSENT: Vice Chairman Wagner, Commissioner Ruffalo.

MOTION DECLARED CARRIED

Should any member of the Board have any questions regarding this matter, please do not hesitate to contact me.

DK:jp

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FINDINGS OF FACT

Standards for Variations

Section 9-14-4(E) of the Willowbrook Zoning Ordinance establishes seven (7) standards for variations that must be evaluated by the Plan Commission and Village Board. Recommendations may include conditions of approval if appropriate to mitigate any negative impacts created by the variation. A list of the Standards for Variations is provided below, along with the proposed findings to be incorporated in the Plan Commission's recommendation and the Village Board's ordinance if approved.

- (A) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.

Applicant Finding: The subject property includes the applicant's home, which they desire to continue using as their residence. Their desire is to expand the existing home at the side, onto the adjacent lot which they acquired for that purpose. The ordinance would require them to remove the northern, currently conforming, portion of the existing home as a condition of consolidating the two lots. Removal of the conforming home, just to rebuild a few feet to the south, would be economically prohibitive.

Staff Finding: The applicant demolished the existing home on the 6406 Clarendon Hills Road lot in late 2018 so that an addition could be built to the existing single-family residence on the 6350 Clarendon Hills Road lot sometime in the future. In order to accommodate this future addition, the relocation of an existing 6" water main was necessary since it ran directly between the two lots, and would run underneath any future expansion of the existing home. The applicant was required to go through the subdivision process to facilitate the relocation of the water main. The consolidation of the two lots required a variation from the zoning ordinance due to a nonconformity (interior side yard setback) that would result from the act of consolidation. The approval of the requested variation would allow the existing single-family residence to be considered a legal structure and this would allow the consolidation under the Subdivision Ordinance to be approved because it would meet all requirements under the Subdivision Ordinance. Without the approval of the variation, the consolidation of the lots could not occur. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the R-2 Single-family Residence District.

- (B) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the

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strict letter of the regulations were carried out and which is not generally applicable to property within the same district.

Applicant Finding: The location of the existing home conforms with the zoning ordinance, and matches the distance between home and lot line and from home to home in the neighborhood. Allowing the existing home to remain in its current location, rather than require the removal of the home as a condition of the required consolidation of the two lots, alleviates the unusual and unnecessary requirement of removal of a substantial portion of the home to meet the new setback based on the increased width of the lot.

Staff Finding: If the strict letter of the regulations were carried out, the applicant would be required to remove the portion of the existing residence that encroaches in the newly nonconforming interior side yard setback along the north property line. Another alternative would be to pick up the entire residence from its foundation and setting it down less than six feet to the south. The variation will allow the applicant and property owner to maintain her existing home on two lots that she currently owns, without requiring the applicant/property owner to remove the portion of the structure that encroaches in the new interior side yard setback, or relocate the entire home, both of which would be cost prohibitive.

- (C) The alleged hardship has not been created by any person presently having a proprietary interest in the premises.

Applicant Finding: The home was set in its current location long ago, prior to the current owner's (the applicant's) involvement. The current owners did not create the ordinance requirement nor the application of the ordinance in this context, the addition of land on the far side of a lot from a home located in a conforming location relative to the adjacent home.

Staff Finding: The hardship has been created by the simple act of consolidating the two residential lots. The applicant's home and lot currently conform to all bulk regulations, including the interior side yard setback, required by the R-2 zoning district (the underlying zoning district of the subject properties). The applicant merely desires to consolidate the adjacent lot, which they recently acquired, with their existing property, in order to build an addition to their existing home over the lot line (between the two lots) at some future time. An existing 6" water main that runs between the two lots makes it infeasible for a planned expansion along the southern portion of the existing residence. In the event of a potential water main rupture, the Village could not wait while the property owner makes arrangements to disassemble a connecting link bridge to bring in a backhoe to repair the break. It is therefore necessary to vacate the current easement and dedicate a new easement for the relocation of the water main. In order to

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facilitate this project, the two residential lots would first need to be consolidated through the subdivision process.

- (D) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Applicant Finding: The home, currently conforming relative to its relation to the neighboring property, will remain in its current location. No injury nor detriment will result from the existing home remaining in its present location, nor will the preservation of the existing conforming home be injurious or detrimental to the public welfare, nor injurious to other property in the neighborhood.

Staff Finding: The proposed variation will allow the applicant/property owner to maintain her existing home on two lots that she currently owns. The existing residence will maintain the same distance from the north property line after lot consolidation. The applicant is not proposing to redevelop the consolidated lot with a new building; the variation would merely allow the existing single-family residence to remain and exist in the same location as it has since it was built. The proposed variation to relieve the petitioner of the requirement to conform to the minimum requirements of the zoning ordinance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

- (E) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

Applicant Finding: The home will remain in its current location relative to its neighbor – so there will be no negative restriction on either light or air. There will be one rather than two homes, so to that extent, congestion should be reduced. No negative impact to fire nor public safety will result.

Staff Finding: The proposed variation will allow the applicant/property owner to maintain her existing home on two lots that she currently owns. The existing residence will maintain the same distance from the north property line after lot consolidation. The applicant is not proposing to redevelop the consolidated lot with a new building; the variation would merely allow the existing single-family residence to remain and exist in the same location as it has since it was built. Therefore, the proposed variation will not impair an adequate supply of light and air to the adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

- (F) The proposed variation will not alter the essential character of the locality.

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Applicant Finding: The essential character of the locality is single-family residential, which will not be altered.

Staff Finding: The existing residence will maintain the same setback distance from the north property line after lot consolidation. No building alterations are being proposed as part of this application. The proposed variation would merely allow the existing single-family residence to remain and exist in the same location as it has since it was built, and will not alter the essential character of the locality.

(G) The proposed variation is in harmony with the spirit and intent of this title, (Ord. 97-O-05, 1-27-1997).

Applicant Finding: The proposed variation is in harmony with the spirit and intent of the Code.

Staff Finding: The proposed variation is in harmony with the spirit and intent of this title. The granting of the requested variation will allow the existing single-family residence to be considered a legal structure in order for the consolidation of two adjoining residential lots.

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Village of Willowbrook Staff Report to the Village Board

Public Hearing Date:	July 17, 2019	
Village Board (Receive):	July 22, 2019	
Prepared By:	Ann Choi, Planning Consultant	
Case Title:	Reyes Subdivision (Two Residential Lot Consolidation)	
Petitioner:	Marc and Maureen Reyes 6350 South Clarendon Hills Road, Willowbrook, IL 60527	
Action Requested:	Review and Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation) and Approval of Written Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), a variation from Section 9-5B-3(D)2 of the Village of Willowbrook Zoning Ordinance to reduce the interior side yard setback from twenty feet (20') to fourteen and 66/100 feet (14.66') along the north property line, and consideration of other such relief, exceptions and variations from Title 9 of the Village Code.	
Purpose:	The consolidation of two existing residential lots into a single Lot of Record.	
Location:	6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois.	
PINs:	09-22-203-017 (Lot 2) and 09-22-203-018 (Lot 3)	
Existing Zoning:	R-2 Single-family Residential District	
Proposed Zoning:	R-2 Single-family Residential District	
Property Size:	1.289 Acres	
Surrounding Land Use:	Use	Zoning
North	Single-family Residential	R-2
South	Single-family Residential	R-1A
East	Single-family Residential, Multiple Family Residential	R-1, R-5
West	Single-family Residential	R-2

Necessary Action by By Village Board:	Receive Plan Commission Recommendation.
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Documents Attached:

- Attachment 1: Legal Description
- Attachment 2: Location Map (1 Sheet)
- Attachment 3: Engineering Drawings, bearing a revision date of 5/23/19 (3 Sheets)
- Attachment 4: Final Plat of Subdivision, bearing a revision date of 4/9/19 (1 Sheet)
- Attachment 5: Engineer's Review Letter (CBBEL), dated 5/23/ 2019, (1 Sheet)
- Attachment 6: Engineer's Estimate of Probable Cost, dated 5/17/ 2019, (1 Sheet)



Background

Introduction

Marc and Maureen Reyes, the current property owners of 6350 Clarendon Hills Road and 6406 Clarendon Hills Road (“applicant”), have filed an application seeking Final Subdivision Plat approval to consolidate the two lots located at 6350 Clarendon Hills Road and 6406 Clarendon Hills Road (“subject properties”) into a single lot of record, together with the following relief:

1. A variation from Section 9-5B-3(D)2 to reduce the interior side yard setback from 20 feet to 14.66 feet along the north property line.

This application is subject to review by the Plan Commission regarding the subdivision, including the requested zoning relief describe above.

A mailed notice has been sent to property owners within 250 feet in compliance with Section 9-15-3 of the Zoning Ordinance. The public hearing was properly noticed for the variation request in the July 1, 2019 edition of *The Chicago Sun Times* newspaper.

Description of Site and History

The subject properties are located on the west side of Clarendon Hills Road, just south of 63rd Street. The subject properties are Lots 2 and 3 in the Tudor Manor Subdivision, which was approved by the Village in 1978. The northern lot of the combined 1.289-acre subject property is currently improved with a one-story single-family home. In 2018, the single-family home located on the southern lot was demolished. Both lots compose the subject property, and the proposed consolidated lot measures approximately 200 feet by 280 feet with a total approximate area of 56,000 square feet. An existing 6-inch water main currently runs along the east-west property line between the two properties that will require relocation. The accompanying easement will need to be vacated and rededicated in accordance with current provisions as part of the subdivision process. The easement and water main relocation have been reviewed by the Village Engineer and is discussed in the Staff Analysis portion of this report.

The subject properties are located within the R-2 Single Family Residential Zoning District and currently consists of two (2) buildable lots measuring approximately 28,065 square feet (6350 Clarendon Hills Road) and approximately 28,065 square feet (6406 Clarendon Hills Road). The 6406 Clarendon Hills Road parcel is a vacant lot, previously improved with a single-family residence which was torn down in late 2018. The 6350 Clarendon Hills Road parcel is improved with an existing single-family residence. The existing parcels are depicted in **Exhibit 1** and **Exhibit 2** on the following page.

The Comprehensive Plan Land Use Plan designates the subject properties as appropriate for low density residential development. The current R-2 zoning designation is consistent with the Comprehensive Plan.

The applicant resides at 6350 Clarendon Hills Road. As previously stated, the residence at 6406 Clarendon Hills Road was demolished in late 2018 in preparation for the expansion of the existing home on 6350 Clarendon Hills Road. The applicant purchased the adjacent property at 6406 Clarendon Hills Road in 2018 for the purpose of consolidating with their lot at 6350 Clarendon Hills Road. If approved, the proposed subdivision would consolidate the two parcels into a single buildable lot with a lot area of approximately 56,000 square feet. The applicant has indicated to planning staff that an addition to their existing home is planned sometime in the future, but no architectural plans have been submitted to the Village at this time.



Exhibit 1: Map View of the subject properties

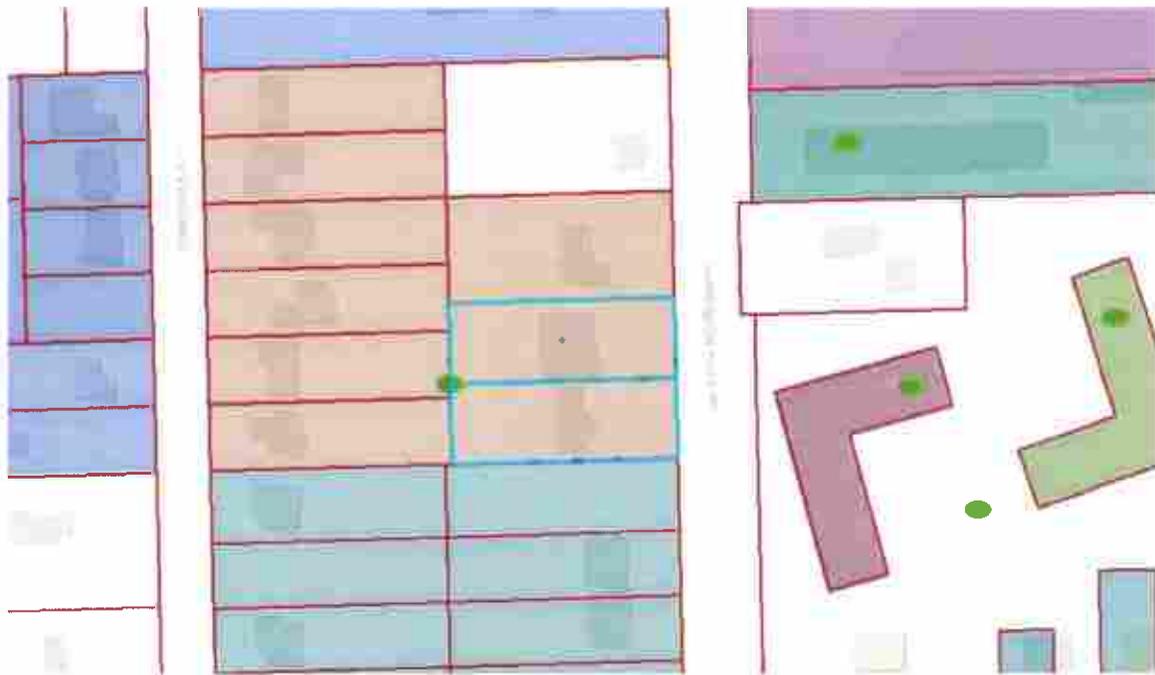


Exhibit 2: Aerial View of the subject properties



Surrounding Zones and Uses

Surrounding zoning and uses include single-family residential lots in the R-2 zoning district to the north and west, single-family residential lots in the R-1A zoning district to the south, a single-family residential lot in the R-1 zoning district and a multi-family residential lot in the R-5 zoning district to the south (“The Lawns”



condominiums), and single-family residences in the R-2 zoning district to the west. The Comprehensive Plan designates the site for “Low Density Residential (1-4 dwelling units/acre)” uses, which corresponds to the R-2 Single-family Residential Zoning District.

Exhibit 3: Zoning Map (R-2 Single-family Residential)



Existing Streets and Circulation

Clarendon Hills Road is designated as a Minor Arterial and forms the eastern boundary of the site with a required right-of-way width of 100 feet.

Overview

Development Proposal

The applicant is requesting approval of a Final Plat of Subdivision for a two residential lot subdivision (lot consolidation). The applicant has also requested a waiver from the preliminary plat requirements. Because this subdivision meets the standards for a “minor subdivision”, as defined in Section 10-3-4(G) of the Subdivision Regulations, the preliminary plat may be waived by the zoning officer.

As previously stated, the property is zoned R-2. The proposed consolidated lot would meet the bulk standards of the R-2 zoning district, with the exception of the interior side yard setback. The existing single-family home located at 6350 Clarendon Hills Road currently complies with the R-2 interior side yard setback of 8.5 feet or 10% of the lot width, whichever is greater. After consolidation, however, a nonconformity would be created since the interior side yard setback would be calculated based on the new lot width of 200 feet. Thus, a variation to reduce the interior side yard setback is needed.

Staff Analysis

Compliance with Zoning Standards

The extent to which the proposed lot complies with the minimum bulk regulations for the R-2 district are provided in **Exhibit 4** on the following page. Items highlighted in **RED** are items of zoning noncompliance. Staff evaluation of the proposed Reyes Subdivision indicates that one zoning nonconformity is created with respect to the required setback. The proposed subdivision therefore requires zoning relief from the minimum interior side yard setback requirement.



Exhibit 4: R-2 Zoning District Compliance Table

R-2 Zoning District				
Item	Code Section or Ordinance	Code Requirement	Proposed	Departure
Minimum Lot Area	9-5B-3(A)	13,000 square feet	56,000 square feet	None
Minimum Lot Width	9-5B-3(B)	75'	200'	None
Minimum Lot Depth	9-5B-3(C)	150'	280'	None
Minimum Front Yard Setback	9-5B-3(D)1	40'	98.09'	None
Minimum Interior Side Yard Setback	9-5B-3(D)2	20'	14.66'	Yes
Minimum Exterior Side Yard Setback	9-5B-3(D)3	40'	n/a	n/a
Minimum Rear Yard Setback	9-5B-3(D)4	30'	109.67'	None
Maximum Lot Coverage	9-5B-3(E)	30%	Approximately 9%	None
Maximum Height	9-5B-3(F)	35' or two stories, whichever is less	30'	None
Maximum Floor Area Ratio	9-5B-3(G)	0.30	Less than 0.30	None

Compliance with Subdivision Standards

All changes to the configuration of lot lines are subject to the Title 10 Subdivision Regulations, and are subject to review and approval by the Plan Commission and Village Board. As part of that review process, lot consolidations are subject to review for compliance with both the Village's Subdivision Regulations and the Zoning Ordinance.

The proposed subdivision complies with the requirements of Section 10-4-3 Design Layout Standards – Lots:

(A) Sizes and Shapes:

1. The lot size, width, depth and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

The proposed consolidation would meet the minimum requirements for lot area, lot width and lot depth in the R-2 zoning district. The proposed lot consolidation would result in a lot area of approximately 56,000 square feet, a lot width of approximately 200 feet, and a lot depth of approximately 280 feet. The shape of the consolidated lot would be regular and measure approximately 200 feet by 280 feet. The applicant is requesting a lot consolidation to allow for a future addition to the existing single-family residence that would potentially extend over the existing lot line between the subject properties. The lot size, width, depth and shape are appropriate for the location and the type of development contemplated.

2. Lot areas and widths shall conform to at least the minimum requirements of the zoning ordinance for the district in which the subdivision is proposed.

The minimum lot area and width for the R-2 zoning district are 13,000 square feet and 75 feet, respectively. The proposed consolidation would result in a lot area of approximately 56,000 square feet and a lot width of approximately 200 feet. Therefore, the lot area and width



would conform to the minimum requirements of the zoning ordinance for the district in which the subdivision is proposed.

3. Building setback lines shall conform to at least the minimum requirements of the zoning ordinance.

The proposed lot consolidation would not conform to the minimum interior side yard setback required by the zoning ordinance, and the applicant is therefore requesting approval of a variation from Section 9-5B-3(D)2 to meet the requirements of the Subdivision Ordinance and allow for the consolidation of the subject properties. The existing single-family residence currently conforms to the minimum requirements of the zoning ordinance. However, the proposed lot consolidation of the subject properties would create a nonconformity with regards to the interior side yard setback along the north property line. The required interior side yard setback is calculated based on the width of the lot; currently the interior side yard setback is 10% of the lot width, or 10 feet. The existing single-family home is currently setback from the north property line at a distance of 14.66 feet; therefore, it complies with the existing interior side yard setback requirement. After the proposed lot consolidation, the required interior setback would increase to 20 feet. The applicant is thus requesting a 26.7% reduction in the minimum interior side yard requirement to 14.66 feet. Approval of the variation from Section 9-5B-3(D)2 would cause the existing single-family residence to become a legal structure with regard to the interior side yard requirement and therefore building setback lines would conform to at least the minimum requirements of the zoning ordinance.

4. Excessive lot depth in relation to width shall be avoided. A depth to width ratio of three to one (3:1) shall normally be considered a maximum. (Ord. 79-O-43, 11-26-1979)

The lot depth is currently approximately 280 feet and the proposed lot width would be approximately 200 feet. The proposed lot consolidation would result in a lot depth to width ratio of 1.4:1, significantly lower than the 3:1 maximum requirement.

5. Through lots having frontage on two (2) parallel streets are discouraged and shall only be permitted in circumstances where the Village Board determines that the health, safety and general welfare of the affected public will not be adversely impacted. (Ord. 05-O-17, 6-13-2005)

This requirement is not applicable since the subject properties are not currently through lots and will not become through lots after consolidation.

(B) Arrangement:

1. Every lot shall front on a street.

The proposed lot consolidation would result in a lot that fronts on Clarendon Hills Road.

2. Side lot lines shall be at right angles or radial to the street lines.

The subject properties are located on the west side of Clarendon Hills Road. As indicated in the Final Plat of Subdivision, the side lot lines will be at right angles to Clarendon Hills Road.



3. Streets and lots shall be arranged, to the extent possible, so as to assure that dwellings do not face rear or side yards of lots across streets wherever possible. Where such lot relationships are permitted to exist, through lots shall be screened from the street by berms or intensive and obscuring landscaping. (Ord. 79-O-43, 11-26-1979)

The proposed lot consolidation will not alter the orientation of the existing single-family residence. The existing single-family residence currently faces Clarendon Hills Road and will continue to face Clarendon Hills Road after subdivision occurs.

Subdivision Improvements

The applicant wishes to consolidate the two residential lots in order to build an addition to their existing home over the lot line (between the two lots) at some future time. An existing 6" water main runs along the east-west lot line between the two residential lots which makes it infeasible for a future expansion along the southern portion of the existing residence. A new 6" water main will be relocated within a variable 15-foot and 25-foot wide drainage and utility easement that runs along the east, west and southern lot lines on Lot 3 of the Tudor Manor Subdivision as depicted in **Attachment 3**. The reason for the water main relocation is that in the event of a potential water main rupture in the future, the Village could not wait while the property owner makes arrangements to disassemble a connecting link bridge to bring in a backhoe to repair the break. It is therefore necessary to vacate the current easement and dedicate a new easement for the relocation of the water main. In order to facilitate this project, the two residential lots would first need to be consolidated through the subdivision process. The relocation of the water main will not affect water service to the existing homes on Clarendon Hills Road and Tennessee Avenue, and would not involve the relocation of any existing fire hydrants.

Wetlands/Stormwater Management

The consolidation of two existing residential lots will not generate an increase of any net new impervious area. Therefore, no stormwater detention is required.

Findings of Fact

Standards for Variations

Section 9-14-4(E) of the Willowbrook Zoning Ordinance establishes seven (7) standards for variations that must be evaluated by the Plan Commission and Village Board. Recommendations may include conditions of approval if appropriate to mitigate any negative impacts created by the variance. A list of the Standards for Variations is provided below, along with the proposed findings to be incorporated in the Plan Commission's recommendation and the Village Board's ordinance if approved.

(A) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the district in which it is located.

Applicant Finding: The subject property includes the applicant's home, which they desire to continue using as their residence. Their desire is to expand the existing home at the side, onto the adjacent lot which they acquired for that purpose. The ordinance would require them to remove the northern, currently conforming, portion of the existing home as a condition of consolidating the two lots. Removal of the conforming home, just to rebuild a few feet to the south, would be economically prohibitive.

Staff Finding: The applicant demolished the existing home on the 6406 Clarendon Hills Road lot in late 2018 so that an addition could be built to the existing single-family residence on the 6350



Clarendon Hills Road lot sometime in the future. In order to accommodate this future addition, the relocation of an existing 6" water main was necessary since it ran directly between the two lots, and would run underneath any future expansion of the existing home. The applicant was required to go through the subdivision process to facilitate the relocation of the water main. The consolidation of the two lots required a variation from the zoning ordinance due to a nonconformity (interior side yard setback) that would result from the act of consolidation. The approval of the requested variation would allow the existing single-family residence to be considered a legal structure and this would allow the consolidation under the Subdivision Ordinance to be approved because it would meet all requirements under the Subdivision Ordinance. Without the approval of the variation, the consolidation of the lots could not occur. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the R-2 Single-family Residence District.

(B) The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations were carried out and which is not generally applicable to property within the same district.

Applicant Finding: The location of the existing home conforms with the zoning ordinance, and matches the distance between home and lot line and from home to home in the neighborhood. Allowing the existing home to remain in its current location, rather than require the removal of the home as a condition of the required consolidation of the two lots, alleviates the unusual and unnecessary requirement of removal of a substantial portion of the home to meet the new setback based on the increased width of the lot.

Staff Finding: If the strict letter of the regulations were carried out, the applicant would be required to remove the portion of the existing residence that encroaches in the newly nonconforming interior side yard setback along the north property line. Another alternative would be to pick up the entire residence from its foundation and setting it down less than six feet to the south. The variation will allow the applicant and property owner to maintain her existing home on two lots that she currently owns, without requiring the applicant/property owner to remove the portion of the structure that encroaches in the new interior side yard setback, or relocate the entire home, both of which would be cost prohibitive.

(C) The alleged hardship has not been created by any person presently having a proprietary interest in the premises.

Applicant Finding: The home was set in its current location long ago, prior to the current owner's (the applicant's) involvement. The current owners did not create the ordinance requirement nor the application of the ordinance in this context, the addition of land on the far side of a lot from a home located in a conforming location relative to the adjacent home.

Staff Finding: The hardship has been created by the simple act of consolidating the two residential lots. The applicant's home and lot currently conform to all bulk regulations, including the interior side yard setback, required by the R-2 zoning district (the underlying zoning district of the subject properties). The applicant merely desires to consolidate the adjacent lot, which they recently acquired, with their existing property, in order to build an addition to their existing home over the lot line (between the two lots) at some future time. An existing 6" water main that runs between the two lots makes it infeasible for a planned expansion along the southern portion of the existing residence. In the event of a potential water main rupture, the Village could not wait while the property owner makes arrangements to disassemble a connecting link bridge to bring in a backhoe



to repair the break. It is therefore necessary to vacate the current easement and dedicate a new easement for the relocation of the water main. In order to facilitate this project, the two residential lots would first need to be consolidated through the subdivision process.

(D) The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Applicant Finding: The home, currently conforming relative to its relation to the neighboring property, will remain in its current location. No injury nor detriment will result from the existing home remaining in its present location, nor will the preservation of the existing conforming home be injurious or detrimental to the public welfare, nor injurious to other property in the neighborhood.

Staff Finding: The proposed variation will allow the applicant/property owner to maintain her existing home on two lots that she currently owns. The existing residence will maintain the same distance from the north property line after lot consolidation. The applicant is not proposing to redevelop the consolidated lot with a new building; the variation would merely allow the existing single-family residence to remain and exist in the same location as it has since it was built. The proposed variation to relieve the petitioner of the requirement to conform to the minimum requirements of the zoning ordinance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

(E) The proposed variation will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

Applicant Finding: The home will remain in its current location relative to its neighbor – so there will be no negative restriction on either light or air. There will be one rather than two homes, so to that extent, congestion should be reduced. No negative impact to fire nor public safety will result.

Staff Finding: The proposed variation will allow the applicant/property owner to maintain her existing home on two lots that she currently owns. The existing residence will maintain the same distance from the north property line after lot consolidation. The applicant is not proposing to redevelop the consolidated lot with a new building; the variation would merely allow the existing single-family residence to remain and exist in the same location as it has since it was built. Therefore, the proposed variation will not impair an adequate supply of light and air to the adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

(F) The proposed variation will not alter the essential character of the locality. (Ord. 77-O-4, 2-14-1977)

Applicant Finding: The essential character of the locality is single-family residential, which will not be altered.

Staff Finding: The existing residence will maintain the same setback distance from the north property line after lot consolidation. No building alterations are being proposed as part of this application. The proposed variation would merely allow the existing single-family residence to remain and exist in the same location as it has since it was built, and will not alter the essential character of the locality.

(G) The proposed variation is in harmony with the spirit and intent of this title. (Ord. 97-O-05, 1-27-1997)



Applicant Finding: The proposed variation is in harmony with the spirit and intent of the Code.

Staff Finding: The proposed variation is in harmony with the spirit and intent of this title. The granting of the requested variation will allow the existing single-family residence to be considered a legal structure in order for the consolidation of two adjoining residential lots.

Staff Recommendation

Staff has found the application materials to be complete and the Final Plat to be in compliance with the Zoning and Subdivision Codes. Staff recommends that the Plan Commission recommend to the President and Village Board approval of a variation from Section 9-5B-3(D)2 of the Village of Willowbrook Zoning Ordinance to reduce the interior side yard setback from twenty feet (20') to fourteen and 66/100 feet (14.66') along the north property line, and a Final Plat of Subdivision in the R-2 District for the subject property legally described in **Attachment 1**, subject to the following plans and conditions listed below:

1. Final Plat of Subdivision of "Reyes Subdivision", prepared by Intech Consultants, Inc., bearing a revision date of 4/9/2019, consisting of one (1) sheet.
2. The applicant shall complete all of the water main improvements depicted on the Final Engineering Drawings, prepared by Intech Consultants, Inc., bearing a revision date of 5/23/19, consisting of three (3) sheets, prior to the issuance of a building permit for any additions to the existing single-family residence, and not more than one year after the date that the Final Plat of Subdivision is approved by the Board of Trustees.
3. The variation for the reduced side yard setback shall only apply to the existing single-family residence that exists on the property as of the date of the application, and does not apply to any other structure, including any new residence built on the property.
4. A Letter of Credit in an amount of no less than \$40,833.50 shall be submitted to the Village to guarantee the construction of all public improvements associated with the Reyes Subdivision.

Public Hearing and Recommendation

The Plan Commission conducted a public hearing on this petition at their July 17, 2019 meeting. The following members were in attendance: Chairman Dan Kopp, Commissioners Kaucky, Soukup, Remkus and Walec. There were three members of the public that came forward with public comments. The first speaker, a neighbor directly across the street, voiced some concern regarding wood chipping during the previous Saturday and Sunday evenings, and complained that it was very disruptive. She wanted to ensure that landscaping maintenance would not occur on Saturday or Sunday evenings. The second speaker asked whether the proposed consolidation would give the property owner an opportunity to build a much bigger structure on it in the future and still maintain the 14-foot setback? Planner Choi responded that the applicant was not requesting a rezoning, and that the property owner would be allowed to build up to the maximum set forth in the bulk regulations. Chairman Kopp also stated that if the existing structure were to be torn down, and a bigger structure put up, the approved variation would not apply.

A third speaker inquired about the public comment letters that were submitted to the Plan Commission. Chairman Kopp explained the letters were complaints about the tear down of the existing trees on the Reyes' properties. Maureen Reyes, applicant, explained that the trees were torn down after she consulted with an arborist and the arborist confirmed they were dead, or were near dead.



Motion

Following staff's report and the Plan Commission's discussion, the following motion by Commissioner Remkus was seconded by Commissioner Walec and approved by a unanimous roll call vote of the members present:

Based on the submitted petition and testimony provided, I move that the Plan Commission finds that the proposed Reyes Subdivision Final Plat of Subdivision consolidating 6350 Clarendon Hills Road and 6406 Clarendon Hills Road into a single Lot of Record, which requires a variation from Section 9-5B-3(D)2 of the Zoning Ordinance to reduce the minimum interior side yard setback along the north property line, meets the Subdivision Regulation standards for approving such final plat and associated variations; that the Plan Commission approve and adopt the Standards for Variations outlined in the Staff Report for PC 19-02 for the July 17, 2019 Plan Commission meeting; that the Plan Commission recommend to the Village Board approval of a variation from Section 9-5B-3(D)2 to reduce the minimum interior side yard setback along the north property line; and the Plan Commission has reviewed the Final Plat of Subdivision and recommends approval of a Final Plat of Subdivision for PC 19-02 for the July 17, 2019 Plan Commission meeting, subject to the conditionals of approval and plans listed in the Staff Report prepared for PC 19-02 for the July 17, 2019 Plan Commission meeting.



Attachment 1
Legal Description

PINS:

09-22-203-017 (Lot 2)

09-22-203-018 (Lot 3)

LOTS 2 AND 3 IN TUDOR MANOR SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 17, 1978 AS DOCUMENT R78-31342 IN DUPAGE COUNTY, ILLINOIS.



Attachment 2 Location Map (1 Sheet)





Attachment 3
Final Engineering Drawings, bearing a revision date of 5/23/2019, (3 Sheets)

FINAL ENGINEERING

6350 CLARENDON HILLS ROAD

WATERMAIN RELOCATION

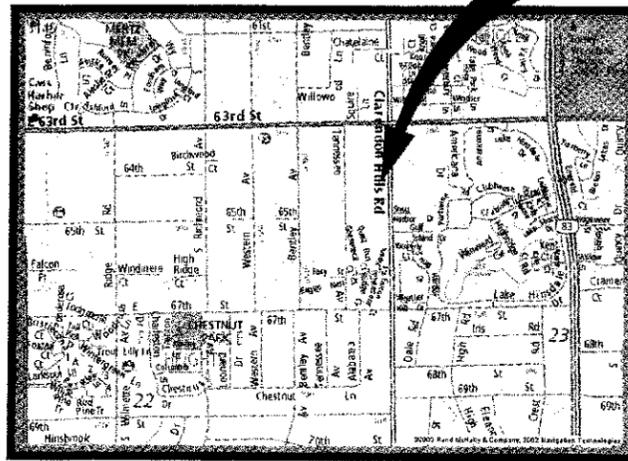
WILLOWBROOK, ILLINOIS

OWNER/DEVELOPER:

MAUREEN & MARC REYES
6350 CLARENDON HILLS ROAD
WILLOWBROOK, ILLINOIS

ENGINEER:

INTECH CONSULTANTS, INC.
1989 UNIVERSITY LANE, SUITE D
LISLE, ILLINOIS 60532-4500
PHONE NO.: 630-964-5656
E-MAIL: seifert@intechconsultants.com
ILLINOIS REGISTRATION NUMBER 184-001040



LOCATION MAP
NOT TO SCALE

BENCHMARKS

CONTROL BENCHMARKS:

BRONZE DISK LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF ROUTE 34 (CADDEN AVENUE) AND CASS AVENUE. ELEVATION 746.26 (NAVD 88)

BRASS DISK LOCATED AT THE NORTH-WEST CORNER OF THE INTERSECTION OF GARFIELD AVENUE AND EAST HINSDALE ROAD. ELEVATION 588.82 (NAVD 88)

SITE BENCHMARK:
RIM OF SANITARY STRUCTURE LOCATED NORTHEAST OF SIT. ELEVATION 735.01 (NAVD 88)

INDEX

1. COVER SHEET
2. PLAN
3. SPECIFICATIONS AND DETAILS

EXISTING	PROPOSED	
		SANITARY SEWER
		STORM SEWER
		WATERMAIN
		OVERHEAD WIRES
		INLET
		MANHOLE WITH CLOSED LID
		MANHOLE WITH OPEN LID
		FLARED END SECTION
		VALVE IN VAULT
		VALVE AND BOX
		YARD LIGHT
		POWER POLE
		PEDESTAL
		CURB & GUTTER
		SPOT ELEVATION
		CONTOUR
		TREE
		PINE
		SHRUB
		BUSHES
		CALLOUT FOR SANITARY MANHOLE
		CALLOUT FOR STORM STRUCTURE

FOR UNDERGROUND UTILITY LOCATIONS, CALL
J.U.L.I.E.
TOLL FREE
TEL. 800-892-0123

<p>INTECH CONSULTANTS, INC. 1989 UNIVERSITY LANE, SUITE D LISLE, ILLINOIS 60532 PHONE: 630-964-5656</p>	<p>ENGINEERS - SURVEYORS ILLINOIS REGISTRATION NO. 184-001040</p>
<p>MAUREEN & MARC REYES 6350 CLARENDON HILLS RD WILLOWBROOK, IL</p>	<p>6350 CLARENDON HILLS RD WATERMAIN RELOCATION</p>
<p>COVER SHEET</p>	
<p>SCALE: NONE DATE: 4-9-19 DRAWN: SJP DESIGNED: EFS PROJECT NO.: 7188 SHEET: 1 OF 3</p>	

REVIEW SET
NOT FOR CONSTRUCTION

6350 CLARENDON HILLS RD WATERMAIN RELOCATION

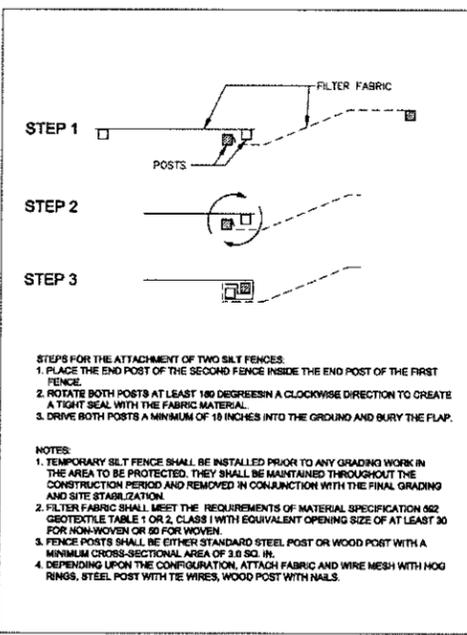
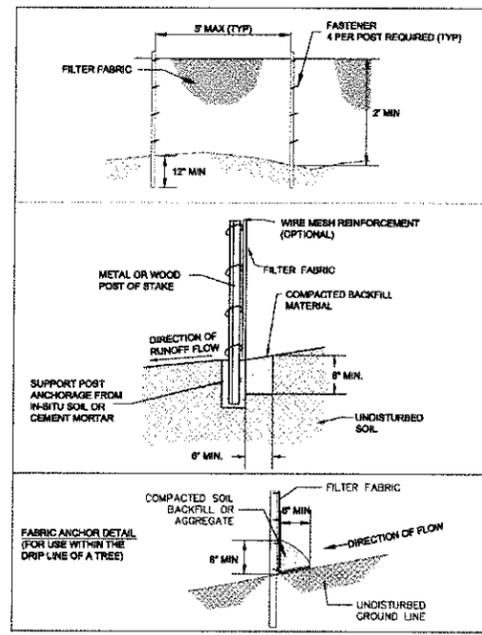
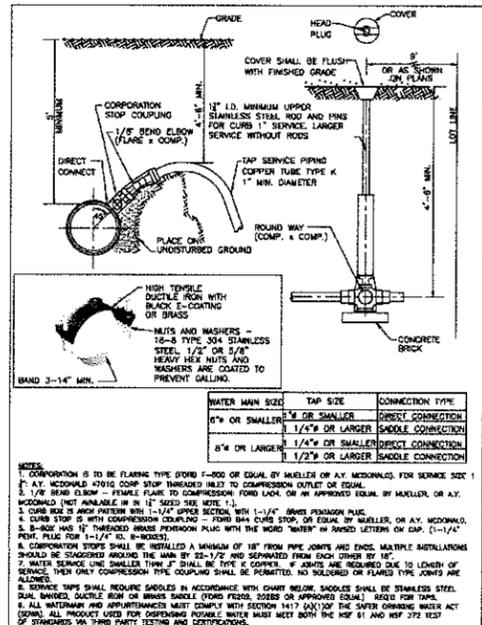
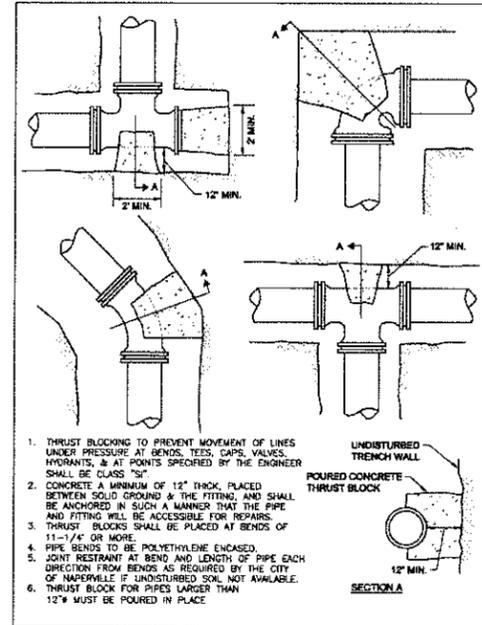
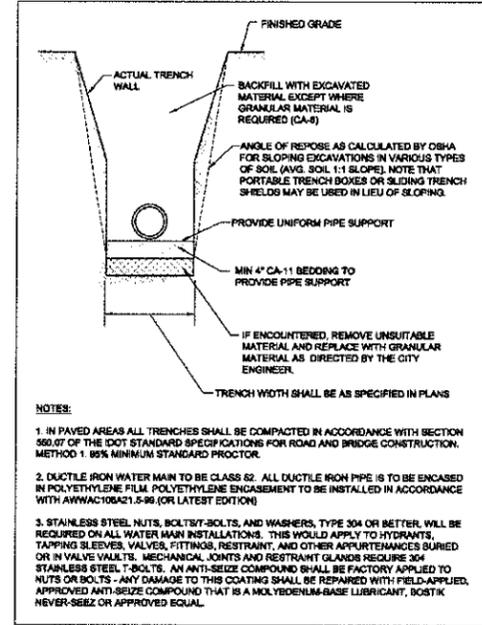
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GENERAL NOTES

- DEFINITION OF TERMS:
 - THE CONTRACTOR IS THE INDIVIDUAL, FIRM, PARTNERSHIP, OR CORPORATION CONTRACTING WITH THE OWNER FOR PERFORMANCE OF THE PRESCRIBED WORK.
 - THE OWNER IS THE INDIVIDUAL, FIRM, PARTNERSHIP, OR CORPORATION HAVING THE AUTHORITY TO AWARD THE CONTRACT FOR THE PRESCRIBED WORK.
 - THE ENGINEER WHERE SPECIFICALLY REFERRED TO IN THE SPECIAL PROVISIONS SHALL BE THE OWNER'S REPRESENTATIVE.
- ALL CONTRACTORS SHALL BE RESPONSIBLE FOR THE FOLLOWING, WHICH SHALL ALSO BE INCIDENTAL TO THE COST OF CONSTRUCTION:
 - EXAMINATION OF THE ENGINEERING PLANS AND SPECIFICATIONS AND THE EXISTING SITE CONDITIONS PRIOR TO SUBMITTING A BID, AND NOTIFYING THE ENGINEER AT ONCE OF ANY DISCREPANCIES.
 - THE OBTAINING OF ANY NECESSARY PERMITS NOT PREVIOUSLY APPLIED FOR BY THE OWNER, AND POSTING OF THE NECESSARY BONDS.
 - THE NOTIFICATION OF THE START OF CONSTRUCTION TO ALL JURISDICTIONAL AGENCIES, UTILITY COMPANIES, AND THE ENGINEER, AT LEAST TWO (2) WORKING DAYS PRIOR TO SAID START. ALL EXISTING UTILITIES MUST BE STAKED PRIOR TO CONSTRUCTION AND BE PROTECTED DURING CONSTRUCTION.
 - CALLING ATTENTION TO THE OWNER OF ANY ERRORS OR DISCREPANCIES WHICH MAY BE SUSPECTED IN LINES AND GRADES WHICH ARE ESTABLISHED BY THE OWNER. THE CONTRACTOR SHALL NOT PROCEED WITH THE WORK UNTIL THE LINES AND GRADES WHICH ARE BELIEVED TO BE IN ERROR HAVE BEEN VERIFIED OR CORRECTED BY THE OWNER. ADDITIONAL STAKING THAT MAY BE REQUIRED DUE TO CONTRACTOR NEGLIGENCE SHALL BE PAID FOR BY THE CONTRACTOR.
 - THE PROVIDING OF SAFE AND HEALTHFUL WORKING CONDITIONS THROUGHOUT THE PROSECUTION OF THE CONSTRUCTION WORK. THIS SHALL INCLUDE, BUT NOT BE LIMITED TO: THE REMOVAL OF DEBRIS, THE PROTECTING OF CONSTRUCTION HAZARDS WITH BARRICADES, AND THE KEEPING OF PUBLIC STREET PAVEMENTS CLEAN OF CONSTRUCTION DIRT AND DEBRIS.
 - THE RESTORATION TO THE ORIGINAL CONDITION OR BETTER OF ANY OFFSITE AREAS THAT ARE DAMAGED BY THE CONTRACTOR DURING CONSTRUCTION.
 - THE TESTING OF MATERIALS, IF REQUIRED BY THE OWNER AND/OR THE JURISDICTIONAL AGENCIES.
 - THE GUARANTEE OF ALL MATERIALS AND WORKMANSHIP FOR A PERIOD OF ONE (1) YEAR UPON FINAL ACCEPTANCE BY THE OWNER AND THE JURISDICTIONAL AGENCIES.
 - THE TRAFFIC CONTROL AND PROTECTION OF ALL WORK CONDUCTED WITHIN PUBLIC RIGHTS-OF-WAY, SHALL BE IN ACCORDANCE WITH THE APPLICABLE ARTICLES OF THE "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION," AND THE LATEST EDITION OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" (MUTCD) AND ILLINOIS SUPPLEMENT TO THE NATIONAL MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- THE OWNER SHALL BE RESPONSIBLE FOR THE FOLLOWING:
 - SCHEDULING THE NECESSARY PRE-CONSTRUCTION MEETING(S) WITH THE JURISDICTIONAL AGENCIES.
 - THE ENGINEER SHALL BE RESPONSIBLE FOR THE FOLLOWING:
 - TO PERIODICALLY VISIT THE CONSTRUCTION SITE IN ORDER TO BETTER CARRY OUT THE DUTIES AND RESPONSIBILITIES ASSIGNED BY THE OWNER AND UNDERTAKEN BY THE ENGINEER.
 - THE ENGINEER SHALL NOT, DURING SUCH VISITS OR AS A RESULT OF SUCH OBSERVATIONS OF THE CONTRACTOR'S WORK IN PROGRESS, SUPERVISE, DIRECT, OR HAVE CONTROL OVER THE CONTRACTOR'S WORK. NOR SHALL THE ENGINEER HAVE AUTHORITY OVER OR RESPONSIBILITY FOR THE MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES OF CONSTRUCTION SELECTED BY THE CONTRACTOR(S), FOR SAFETY PRECAUTIONS AND PROGRAMS INCIDENT TO THE WORK OF THE CONTRACTOR(S), OR FOR ANY FAILURE OF THE CONTRACTOR(S) TO COMPLY WITH LAWS, RULES, REGULATIONS, ORDINANCES, CODES OR ORDERS APPLICABLE TO THE CONTRACTOR(S) FURNISHING AND PERFORMING THEIR WORK, ACCORDINGLY, THE ENGINEER CAN NEITHER GUARANTEE THE PERFORMANCE OF THE CONSTRUCTION CONTRACTS BY THE CONTRACTOR(S) NOR ASSUME RESPONSIBILITY FOR THE CONTRACTOR(S) FAILURE TO FURNISH AND PERFORM THEIR WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

SPECIAL PROVISIONS

- UNDERGROUND IMPROVEMENTS**
 - WATER MAIN AND SERVICES**
 - MATERIAL FOR THE WATER MAIN SHALL BE DUCTILE IRON PIPE, WHICH SHALL MEET OR EXCEED THE PERFORMANCE REQUIREMENTS OF ANSIAWWA C151/A21.5-02 (OR LATEST EDITION), CLASS 52 MINIMUM THICKNESS DESIGNATION. WATER SERVICE MATERIAL SHALL BE TYPE "K" COPPER.
 - JOINTS FOR THE DUCTILE IRON PIPE SHALL BE THE PUSH-ON (BELL-TITE) TYPE, AWWA C900-99 (OR LATEST EDITION).
 - COVER OVER THE PIPE SHALL BE AS INDICATED ON THE ENGINEERING PLANS.
 - POLYETHYLENE ENCASUREMENT, CONFORMING TO AWWA C-105-82 SHALL BE PROVIDED FOR ALL DUCTILE IRON PIPE PLACED IN CORROSIVE SOILS, AS DETERMINED BY THE ENGINEER PRIOR TO CONSTRUCTION.
 - SERVICES SHALL TERMINATE AT THE VALVE BOX (SINGLE FAMILY DEVELOPMENT), OR TO WITHIN FIVE (5) FEET FROM THE FACE OF A PROPOSED BUILDING BEING SERVED. MULTI-FAMILY AND COMMERCIAL DEVELOPMENT), THE TERMINATION POINTS SHALL BE CLEARLY LOCATED WITH A BLUE, TOPPED 4-INCH X 4-INCH STAKE.
 - SIZES SHALL BE AS INDICATED ON THE ENGINEERING PLAN.
 - INCIDENTAL TO CONSTRUCTION**
 - THE UNDERGROUND CONTRACTOR SHALL:
 - ADHERE TO THE CRITERIA FOR THE SEPARATION BETWEEN WATER MAINS AND THE STORM AND SANITARY SEWER LINES AS DESCRIBED IN THE "TECHNICAL POLICY STATEMENTS", DIVISION OF PUBLIC WATER SUPPLIES, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (SEE STANDARD SPECIFICATIONS).
 - BE AWARE OF POTENTIAL CONFLICTS WITH EXISTING UTILITIES. THE CONTRACTOR SHALL EXCAVATE AROUND THE EXISTING UTILITIES TO DETERMINE THEIR EXACT LOCATION AND ELEVATION PRIOR TO THE CONSTRUCTION OF THE PROPOSED UTILITY IMPROVEMENTS.
 - BE RESPONSIBLE FOR MAINTAINING THE TOP OF ANY UTILITY TRENCH AT LEAST TWO (2) FEET AWAY FROM ANY EXISTING OR PROPOSED CURB OR PAVEMENT, IN THOSE INSTANCES WHERE THE TRENCH RUNS PARALLEL TO SAID CURB OR PAVEMENT.
 - BE RESPONSIBLE FOR THE DEWATERING OF UTILITY TRENCHES DURING CONSTRUCTION AND PROVIDING THE NECESSARY TRENCH BRACING THAT MAY BE REQUIRED TO ASSURE SAFE WORKING CONDITIONS.
 - REMOVE SOFT MATERIALS THAT MAY BE ENCOUNTERED AT THE PIPE INVERT ELEVATION TO A DEPTH OF AT LEAST ONE (1) FT. BELOW THE BOTTOM OF THE PIPE, AND BACKFILL WITH COMPACTED BEDDING MATERIAL.
 - NOT DAMAGE THE ROAD SUBGRADE WITH EXCESSIVE WATER SATURATION FROM HYDRANT FLUSHING OR FROM LEAKS IN THE WATER DISTRIBUTION SYSTEM. THE COST OF REPAIR FOR SUCH DAMAGE SHALL BE BORNE BY THE CONTRACTOR. HOSES SHOULD BE USED TO DIRECT THE WATER FROM HYDRANT FLUSHING INTO THE STORM SEWER SYSTEM (IF AVAILABLE).
 - REPAIR ANY EXISTING FIELD DRAINAGE TILE DAMAGED DURING CONSTRUCTION, AND PROPERLY REROUTE AND/OR CONNECT SAID TILE TO THE NEAREST STORM SEWER OUTLET. ALL LOCATIONS OF ENCOUNTERED FIELD DRAINAGE TILE SHALL BE PROPERLY INDICATED ON THE CONTRACTOR'S RECORD DRAWING.
 - FURNISH ONE (1) SET OF RECORD DRAWINGS TO THE ENGINEER UPON COMPLETION OF ALL SANITARY SEWER WYES (MEASURED FROM THE NEAREST DOWNSTREAM MANHOLE), HYDRANTS, VALVES, INDIVIDUAL SERVICE BOXES, AND ALL CROSSINGS WITH OTHER UTILITIES.
 - BE RESPONSIBLE FOR IMPLEMENTATION OF THE "SOIL EROSION AND SEDIMENTATION CONTROL MEASURES" AS APPLICABLE.
 - TESTING AND FINAL ACCEPTANCE**
 - WATER MAIN SHALL BE TESTED IN ACCORDANCE WITH THE LOCAL JURISDICTIONAL REQUIREMENTS PRIOR TO ITS FINAL ACCEPTANCE. THE PRESSURE AND LEAKAGE TESTS AND DISINFECTION OF THE MAINS SHALL BE AS DESCRIBED IN THE "STANDARD SPECIFICATIONS" UNLESS THE LOCAL REQUIREMENTS ARE MORE RESTRICTIVE. ALL VALVE VAULTS SHALL BE CLEAN AND FREE OF DEBRIS AND WATER, AND INDIVIDUAL SERVICE BOXES SHALL BE VISIBLE AND CLEARLY LOCATED PRIOR TO THEIR FINAL ACCEPTANCE.



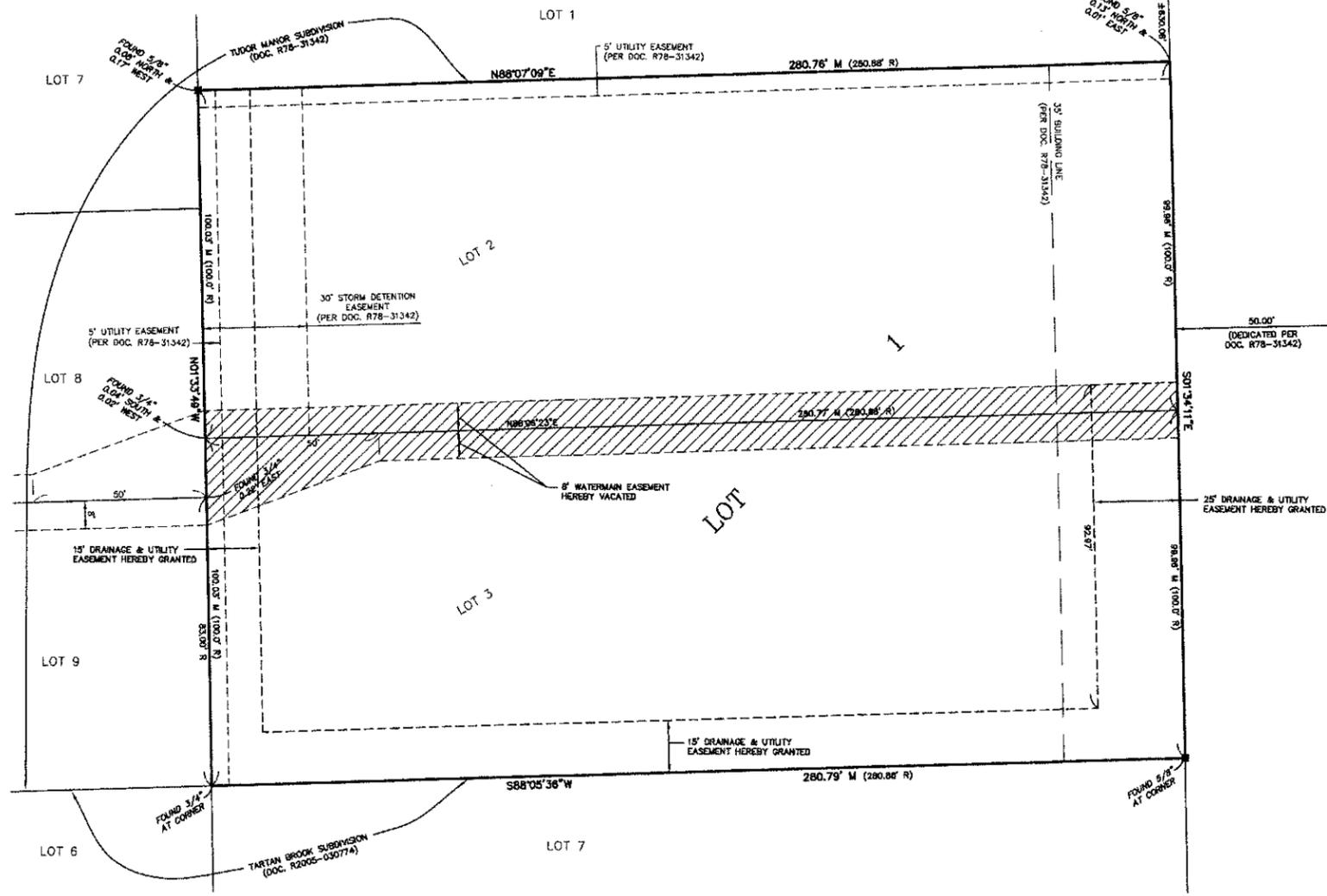


Attachment 4
Final Plat of Subdivision, bearing a revision date of 4/9/2019, (1 Sheet)

FINAL PLAT OF SUBDIVISION OF REYES SUBDIVISION TO CONSOLIDATE LOTS OF TUDOR MANOR SUBDIVISION

BEING PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38
NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

SCALE: 1" = 20'



OWNER'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE PROPERTY DESCRIBED IN THE ANNEXED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED AND SURVEYED, AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

THE UNDERSIGNED HEREBY DEDICATES FOR PUBLIC USE THE LANDS SHOWN ON THIS PLAT FOR THOROUGHFARES, STREET, ALLEYS AND PUBLIC SERVICES, AND HEREBY ALSO RESERVES AND GRANTS EASEMENTS FOR PUBLIC USE FOR PROVIDING UTILITY SERVICES, AND/OR STORMWATER DRAINAGE, DETENTION AND RETENTION FACILITIES, AS DESIGNATED AND/OR AS STATED IN THE EASEMENT PROVISIONS WHICH ARE SET FORTH HEREON.

DATED THIS _____ DAY OF _____, A.D., 20____
BY: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE

OF ILLINOIS, DO HEREBY CERTIFY THAT I AM PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE ANNEXED INSTRUMENT AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE/THEY SIGNED THE ANNEXED PLAT AS HIS/HER/THEIR OWN FREE AND VOLUNTARY ACT(S) FOR THE USES AND PURPOSES THEREIN SET FORTH.

DATED THIS _____ DAY OF _____, A.D., 20____
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

THIS _____ DAY OF _____, A.D., 20____
BY: _____
CHAIRMAN

BOARD OF TRUSTEES CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS, AT A MEETING HELD

THIS _____ DAY OF _____, A.D., 20____
BY: _____
PRESIDENT
ATTEST: _____
VILLAGE CLERK

DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT I FIND NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, NO DELINQUENT OR UNPAID CURRENT SPECIAL ASSESSMENTS, NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND SHOWN ON THIS PLAT OF SUBDIVISION AND NO DEFERRED INSTALLMENTS OF ANY OUTSTANDING UNPAID SPECIAL ASSESSMENTS WHICH HAVE NOT BEEN DIVIDED IN ACCORDANCE WITH THE PROPOSED SUBDIVISION AND DULY APPROVED BY THE COURT THAT CONFIRMED THE SPECIAL ASSESSMENT.

GIVEN UNDER MY HAND AND SEAL AT _____, DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____

COUNTY CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D., 20____

AT _____ O'CLOCK _____ M., AS DOCUMENT NUMBER _____
RECORDER OF DEEDS

FLOOD ZONE CERTIFICATE

UPON INSPECTION OF FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 174030303A, EFFECTIVE DATE DECEMBER 16, 2004, THE PARCEL SHOWN HEREON IS LOCATED IN ZONE A AREA OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN

GIVEN UNDER MY HAND AND SEAL AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____

ILLINOIS PROFESSIONAL LAND SURVEYOR #36-2587
LICENSE EXPIRATION/RENEWAL DATE 11-30-2020

VILLAGE ENGINEER'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
I, _____, VILLAGE ENGINEER OF THE VILLAGE OF WILLOWBROOK, ILLINOIS, HEREBY CERTIFY THAT THE PUBLIC IMPROVEMENTS FOR THIS SUBDIVISION AS SHOWN BY THE PLANS AND SPECIFICATIONS THEREFOR, MEET THE MINIMUM REQUIREMENTS OF SAID VILLAGE AND HAVE BEEN APPROVED BY ALL PUBLIC AUTHORITIES HAVING JURISDICTION THEREOF.

DATED AT WILLOWBROOK, DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____
VILLAGE ENGINEER

SPECIAL ASSESSMENT CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
I, _____, VILLAGE CLERK OF THE VILLAGE OF WILLOWBROOK, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPOINTED AGAINST THE TRACT OF LAND

INCLUDED IN THIS PLAT.
DATED AT WILLOWBROOK, DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____
VILLAGE CLERK

SURFACE WATER DRAINAGE CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
WE HEREBY CERTIFY THAT THE TOPOGRAPHICAL AND PROFILE STUDIES REQUIRED BY THE PLAT ACT, 765 ILCS ACT 205, AS NOW OR HEREAFTER AMENDED, HAVE BEEN FILED WITH THE VILLAGE OF WILLOWBROOK, A MUNICIPAL CORPORATION IN DUPAGE COUNTY, ILLINOIS, AND THE CERTIFICATION AS TO DRAINAGE REQUIRED BY SAID ACT MADE THEREON.

DATED THIS _____ DAY OF _____, A.D., 20____
OWNER (OR DULY AUTHORIZED ATTORNEY)

REGISTERED PROFESSIONAL ENGINEER NUMBER _____

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
THIS IS TO CERTIFY THAT I, _____, AS OWNER OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, HAVE DETERMINED TO THE BEST OF MY KNOWLEDGE THE SCHOOL DISTRICTS IN WHICH SAID SUBDIVISION IS SITUATED WITHIN.

ELEMENTARY SCHOOL DISTRICT DISTRICT 80
HIGH SCHOOL DISTRICT DISTRICT 86
DATED AT _____, ILLINOIS THIS _____ DAY OF _____, A.D., 20____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE

OF ILLINOIS, DO HEREBY CERTIFY THAT I AM PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE ANNEXED INSTRUMENT AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE/THEY SIGNED THE ANNEXED PLAT AS HIS/HER/THEIR OWN FREE AND VOLUNTARY ACT(S) FOR THE USES AND PURPOSES THEREIN SET FORTH.

DATED THIS _____ DAY OF _____, A.D., 20____
NOTARY PUBLIC
MY COMMISSION EXPIRES _____

UTILITY EASEMENT PROVISIONS

PERPETUAL EASEMENTS FOR PROVIDING UTILITY SERVICES TO THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAT AND OTHER PROPERTY ARE HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF WILLOWBROOK, TO THOSE COMPANIES OPERATING, FROM TIME TO TIME, UNDER FRANCHISE OR LICENSE FROM THE VILLAGE OF WILLOWBROOK, AND TO LIMITS OF LOCAL GOVERNMENT PROVIDING SERVICES TO THE PROPERTY, INCLUDING, BUT NOT LIMITED TO, AMBERTECH, NORTHERN ILLINOIS GAS COMPANY, COMMERCIAL TRISTAR COMPANY, THE HINDS DALE SANITARY DISTRICT, THE COUNTY OF DUPAGE DEPARTMENT OF ENVIRONMENTAL CONCERNS, AND THEIR SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, IN, OVER, UNDER, ACROSS, ALONG, THROUGH AND UPON THE AREAS BOUNDED BY THE LOT LINES AND DOTTED LINES ON THIS PLAT AND INDICATED AS PUBLIC UTILITY EASEMENT AND/OR PUBLIC UTILITY AND DRAINAGE EASEMENT, FOR THE PURPOSES OF THIS PLAT. PROVIDING UTILITY SERVICES SHALL INCLUDE THE RIGHT, BUT NOT THE OBLIGATION, FROM TIME TO TIME, TO INSTALL, CONSTRUCT, RECONSTRUCT, IMPROVE, KEEP, OPERATE, INSPECT, MAINTAIN, REPAIR, REPLACE, ENLARGE, REWIND, RELOCATE, REMOVE AND/OR INCREASE THE SIZE, NUMBER AND/OR TYPE OF FACILITIES USED IN CONNECTION WITH TRANSMISSION AND DISTRIBUTION OF GAS AND WATER, ELECTRICITY AND TELECOMMUNICATIONS AND CABLE TELEVISION SERVICES, SANITARY SEWER AND ANY OTHER FACILITIES USED IN THE TRANSMISSION, DISTRIBUTION OR TRANSPORTATION OF ANY COMMODITY IN A LIQUID OR GASEOUS STATE, INCLUDING ANY AND ALL APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE, IN, OVER, UNDER, ACROSS, ALONG, THROUGH AND UPON SUCH EASEMENT AREAS, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT, BUT NOT THE OBLIGATION, TO INSTALL REQUIRED SERVICE CONNECTIONS ON EACH LOT TO SERVE IMPROVEMENTS THEREON, OR IN ADJACENT LOTS, THE RIGHT, BUT NOT THE OBLIGATION, TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER UPON THE PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, OVER, UNDER, ACROSS, ALONG, THROUGH OR UPON SUCH EASEMENT AREAS, WITHOUT THE PRIOR WRITTEN CONSENT OR GRANT, AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE PROPERTY SHALL NOT BE ALTERED IN A MANNER AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF OR THE EXERCISE OF GRANTEE'S OTHER RIGHTS PROVIDED HEREON. EASEMENTS FOR STORM WATER DRAINAGE, DETENTION AND/OR RETENTION PURPOSES ARE GRANTED UNDER A SEPARATE PROVISION OF THIS PLAT, AND FACILITIES FOR SAID PURPOSES, AND APPURTENANCES THERETO, SHALL BE CONTROLLED BY SAID PROVISION.

DUPAGE WATER COMMISSION

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
WE HAVE NO OBJECTION TO THE VACATION OF THE EASEMENT AREA SHOWN HEREON.

DATED THIS _____ DAY OF _____, A.D., 20____
SIGNED _____
PRINTED _____

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)
THIS IS TO CERTIFY THAT I, MARK STAMAC, REGISTERED LAND SURVEYOR #35-2587, HAVE SURVEYED AND SUBSCRIBED THE FOLLOWING DESCRIBED PROPERTY:

LOTS 2 AND 3 IN TUDOR MANOR SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 17, 1979 AS DOCUMENT #78-31342, IN DUPAGE COUNTY, ILLINOIS.

AS SHOWN ON THIS SUBDIVISION PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. I FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK, A MUNICIPAL CORPORATION IN DUPAGE COUNTY, ILLINOIS RELATIVE TO PLATS AND SUBDIVISIONS HAVE BEEN COMPLIED WITH IN THE PREPARATION OF THIS PLAT.

I FURTHER CERTIFY THAT THIS SUBDIVISION LIES WITHIN THE CORPORATE LIMITS OF SAID VILLAGE OF WILLOWBROOK OR WITHIN ONE AND HALF MILES OF THE CORPORATE LIMITS OF SAID VILLAGE WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY ARTICLE 11, DIVISION 12 OF THE ILLINOIS MUNICIPAL CODE, AS NOW OR HEREAFTER AMENDED.

I FURTHER CERTIFY THAT UPON COMPLETION OF MASS GRADING, IRON PIPES AND CONCRETE MONUMENTS WILL BE SET AT ALL LOT CORNERS. FURTHERMORE, I DESIGNATE THE VILLAGE OF WILLOWBROOK OR ITS AGENTS, TO ACT AS MY AGENT FOR THE PURPOSES OF RECORDING THIS DOCUMENT.

GIVEN UNDER MY HAND AND SEAL AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____

ILLINOIS PROFESSIONAL LAND SURVEYOR #35-2587
LICENSE EXPIRATION/RENEWAL DATE 11-30-2020

LEGEND

- EASEMENT LINE
 - SUBDIVISION BOUNDARY LINE
 - CONCRETE MONUMENT SET
- AREA OF SURVEYED SITE: 56,151 S.F. = 1.2860 ACRES

INTECH CONSULTANTS, INC.

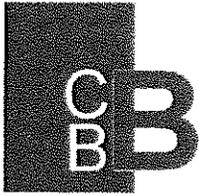
1969 UNIVERSITY LANE, SUITE D
LISLE, ILLINOIS 60532
PHONE: 630-964-5656
ILLINOIS REGISTRATION No. 184-001040

ENGINEERS - SURVEYORS
SHEET No. 1 of 1
JOB No.: 7188

REVISED: 4-9-19
PREPARED: 2-6-19



Attachment 5
Engineer's Review Letter (CBBEL), dated 5/23/ 2019, (1 Sheet)



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 W Higgins Road, Suite 600 Rosemont, Illinois 60018-4920 Tel (847) 823-0500 Fax (847) 823-0520

May 23, 2019

Village of Willowbrook
835 Midway Drive
Willowbrook, IL 60527

Attention: Ann Choi

Subject: Reyes Subdivision – 6350/6406 Clarendon Hills Rd.
First Review
(CBBEL Project No. 900144.H208)

Dear Ann:

As requested, we have reviewed the following documents associated with this project on behalf of the Village of Willowbrook:

- Final Engineering Plans prepared by Intech Consultants, Inc. and bearing a revision date of May 23, 2019
- Final Plat of Subdivision prepared by Intech Consultants, Inc. and dated April 9, 2019
- Engineer's Estimate of Probable Cost prepared by Intech Consultants, Inc. and dated May 17, 2019

In our opinion, the plans and plat are now in general compliance with Village Code and standard engineering methods. Section 10-3-5C(2) of Village Code provides for a development security in the amount of 125% of the engineer's opinion of probable construction cost. The engineer's estimate is in the amount of \$32,666.75, therefore the required development security must be in an amount no less than \$40,833.50. A copy of the engineer's estimate is attached for reference.

Please feel free to contact me at (847) 823-0500 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daniel Lynch', is written over a white background.

Daniel L. Lynch, PE CFM
Head, Municipal Engineering Department

Cc Roy Giuntoli



Attachment 6
Engineer's Estimate of Probable Cost, dated 5/17/ 2019, (2 Sheets)

ENGINEER'S OPINION OF
PROBABLE CONSTRUCTION COST

May 17, 2019

**6350 Clarendon Hills Road
Water Main Relocation**

Willowbrook, Illinois

PREPARED FOR: **Mr. & Mrs. Reyes
6350 Clarendon Hills Road
Willowbrook, Illinois**

PREPARED BY: **INTECH CONSULTANTS, INC.
1989 University Lane, Suite D
Lisle, Illinois 60532**

RECEIVED

MAY 20 2019

VILLAGE OF WILLOWBROOK
BUILDING & ZONING DIVISION

Edward F. Seifert III
5/20/19
11/30/19



LICENSED PROFESSIONAL ENGINEER
OF ILLINOIS
EDWARD F.
SEIFERT III
062-41808

6350 Clarendon Hills Road
Willowbrook, Illinois

May 17, 2019
Job # 7188

S:\DATA\7000 SURVEY\7188\Cost Estimate.xls\Cost Est -2011

ENGINEER'S OPINION OF PROBABLE
CONSTRUCTION COST

NO.	ITEM	UNIT	QUANTITY	UNIT COST	TOTAL AMOUNT
1	Topsoli Replacement, 6"	SY	150	\$4.00	\$600.00
2	Seeding, Class 2	AC	0.03	\$3,350.00	\$100.50
3	Silt Fence	LF	525	\$2.65	\$1,391.25
TOTAL GRADING					\$2,091.75

WATER MAIN					
1	6" Dia. DIP (inc. 45 degree elbows)	LF	450	\$38.50	\$17,325.00
2	6" Valve in box	EA	1	\$1,250.00	\$1,250.00
3	Temporary Line Stops	EA	2	\$5,000.00	\$10,000.00
4	1.5" Dia. Copper Service inc b-box	EA	1	\$2,000.00	\$2,000.00
TOTAL WATER MAIN					\$30,575.00

SUMMARY

GRADING	\$2,091.75
WATER MAIN	\$30,575.00
TOTAL	\$32,666.75

7/17/2019

**IN RE THE MATTER OF: REYES SUBDIVISION TWO
RESIDENTIAL LOTS CONSOLIDATION**

19-02

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF:)
)
)
Reyes Subdivision) No. 19-02
Two Residential Lots Consolidation)

REPORT OF PROCEEDINGS had at the

hearing of the above-entitled cause before the

Plan Commission of the Village of Willowbrook, at the

Village of Willowbrook Police Department, 7760 Quincy

Street, Willowbrook, Illinois, on the 17th day of July,

2019, at the hour of 7:00 p.m.

1 PRESENT:

2 MR. DANIEL KOPP, Chairperson;

3 MR. LEONARD KAUCKY, Commissioner;

4 MR. WILLIAM REMKUS, Commissioner;

5 MR. JAMES SOUKOP, Commissioner;

6 MR. MIKE WALEC, Commissioner;

7 MS. LISA SHEMROSKE, Building and Zoning Secretary.

8

9 PRESENT:

10 Mr. Roy Giuntoli, Village Building Inspector;

11 Ms. Ann Choi, Village Planning Consultant;

12 Mr. Michael Mertens, Asst. Village Administrator;

13 Mr. Matthew Holmes, Village Attorney;

14 Mr. Chuck Riforgiate, T.P.I. Building Code
Consultants;

15

16 Mr. Chris Drews, Tri-State Fire Protection Dist.;

17 Mr. Lawrence Link, Tri-State Fire Protection Dist;

18 Mr. Marc Reyes, Applicant;

19

20 Ms. Maureen Reyes, Applicant;

21

22 Mr. Matthew M. Klein, Attorney for Applicant.

23

24

25

1 CHAIRMAN KOPP: I call to order the special
2 meeting of the Plan Commission of the Village of
3 Willowbrook and ask the Plan Commission secretary to
4 call the roll.

5 SECRETARY SHEMROSKE: Commissioner Remkus.

6 COMMISSIONER REMKUS: Here.

7 SECRETARY SHEMROSKE: Commissioner Soukop.

8 COMMISSIONER SOUKOP: Here.

9 SECRETARY SHEMROSKE: Commissioner Ruffolo.

10 (No response.)

11 SECRETARY SHEMROSKE: Commissioner Kaucky.

12 COMMISSIONER KAUCKY: Here.

13 SECRETARY SHEMROSKE: Commissioner Walec.

14 COMMISSIONER WALEC: Here.

15 SECRETARY SHEMROSKE: Vice-Chairman Wagner.

16 (No response.)

17 SECRETARY SHEMROSKE: Chairman Kopp.

18 CHAIRMAN KOPP: Here.

19 SECRETARY SHEMROSKE: Assist Administrator
20 Mike Mertens.

21 MR. MERTENS: Here.

22 SECRETARY SHEMROSKE: Village Planner Ann

1 Choi.

2 MS. CHOI: Here.

3 SECRETARY SHEMROSKE: Building Official Roy
4 Giuntoli.

5 MR. GIUNTOLI: Here.

6 SECRETARY SHEMROSKE: I'm Lisa Shemroske.

7 CHAIRMAN KOPP: The first item on the Agenda
8 is the Omnibus Vote Agenda. Would any of the
9 Commissioners like an item removed from the Omnibus
10 Vote Agenda?

11 (No response.)

12 CHAIRMAN KOPP: If not, would someone make a
13 motion to approve the Omnibus Vote Agenda?

14 COMMISSIONER REMKUS: So moved.

15 COMMISSIONER WALEC: Second.

16 CHAIRMAN KOPP: All in favor say aye.

17 (A chorus of ayes.)

18 CHAIRMAN KOPP: All right. The next item on
19 the agenda is Zoning Hearing Case 19-02. The purpose
20 of this meeting and public hearing shall be to consider
21 a petition requesting a review and recommendation
22 regarding final plat for 6350 and 6406 South Clarendon

1 Hills Road in Willowbrook, Illinois, (minor subdivision
2 for two residential lot consolidation) and approval of
3 written recommendation regarding final plat for 6350
4 and 6406 South Clarendon Hills Road, a variation from
5 Section 9-5B-3(D)2 of the Village of Willowbrook Zoning
6 Ordinance to reduce the interior side yard setback from
7 20 feet to 14 and 66/100 feet along the north property
8 line and consideration of other such relief,
9 exceptions, and variations from Title 9 of the Village
10 Code as set forth.

11 The property is located at 6350 and
12 6406 South Clarendon Hills Road. The applicants for
13 this petition are Marc and Maureen Reyes of 6350 South
14 Clarendon Hills Road. Notice of this public hearing
15 was published in the July 1, 2019, edition of the
16 Chicago Sun-Times newspaper.

17 Ann, would you like to speak to this?

18 MS. CHOI: Yes. Thank you, Chairman Kopp,
19 and good evening, everyone.

20 The petitioners, Marc and Maureen
21 Reyes, are the current property owners of 6350 and 6406
22 Clarendon Hills Road, the subject properties of this

1 petition, are requesting the following in order for the
2 consolidation of the two residential lots into a single
3 lot of record: The review and recommendation regarding
4 final plat for 6350 and 6406 South Clarendon Hills
5 Road, Willowbrook, Illinois, (minor subdivision for two
6 residential lot consolidation); approval of written
7 recommendation regarding final plat for 6350 and 6406
8 South Clarendon Hills Road, Willowbrook, Illinois,
9 (minor subdivision for two residential lot
10 consolidation); a variation from Section 9-5B-3(D)2 of
11 the Village of Willowbrook Zoning Ordinance to reduce
12 the interior side yard setback from 20 feet to 14 and
13 66/100 feet along the north property line; and
14 consideration of other such relief, exceptions, and
15 variations from Title 9 of the Village Code.

16 The subject properties are zoned R-2
17 Single-Family Residence and are adjacent to properties
18 also in the R-2 Single-Family Residence District to the
19 north, R-1 and R-5 Multiple-Family District to the
20 north and east, and R-1A Single-Family Residence
21 District to the south.

22 This application is subject to review

1 by the Plan Commission regarding the subdivision
2 including the requested zoning relief.

3 The subject properties are Lots 2 and 3
4 in the Tudor Manor Subdivision, which was approved by
5 the Village in 1978. The northern lot line -- excuse
6 me. The northern lot of the combined 1.289 acre
7 subject property is currently improved with a one-story
8 single-family home. In 2018 the single-family home
9 located on the southern lot was demolished.

10 An existing six-inch water main
11 currently runs along the east-west property line
12 between the two properties that will require
13 relocation. The accompanying easement will need to be
14 vacated and rededicated in accordance with current
15 provisions as part of the subdivision process. The
16 easement and water main relocation have been reviewed
17 by the village engineer.

18 If approved, the proposed subdivision
19 would consolidate the two parcels into a single
20 buildable lot with a lot area of approximately 56,000
21 square feet. The Applicant has indicated to Planning
22 staff that an addition to their existing home is

1 planned sometime in the future, but no architectural
2 plans have been submitted to the Village at this time.

3 The existing single-family residence
4 currently conforms to the minimum requirements of the
5 zoning ordinance, however, the proposed lot
6 consolidation of the subject properties would create a
7 non-conformity with regards to the interior side yard
8 setback along the north property line. The required
9 interior side yard setback is calculated based on the
10 width of the lot. Currently the interior side yard
11 setback is 10 percent of the lot width, or 10 feet.
12 The existing single-family home is currently set back
13 from the north property line at a distance of 14.66
14 feet and complies with the existing interior side yard
15 setback requirement.

16 After the approval of lot
17 consolidation, however, the required interior setback
18 would increase to 20 feet. The Applicant is, thus,
19 requesting a 26.7 percent reduction in the minimum
20 interior side yard requirement to 14.66 feet. Approval
21 of the variation from Section 9-5B-3(D)2 would cause
22 the existing single-family residence to become a legal

1 structure with regard to the interior side yard
2 requirement and building setback lines and would
3 conform to the minimum requirements of the Zoning
4 Ordinance.

5 In order to maintain compliance with
6 the Village Zoning Code, the final plat of subdivision
7 requires this variation, and this variation shall only
8 apply to the existing structure and not any future
9 structures. Again, petitioner does not request making
10 changes to the existing single-family residence at this
11 time, but rather the variation is required to
12 facilitate the legal lot consolidation of the subject
13 property by allowing the existing single-family
14 residence to be considered a legal structure. The
15 variation would be a precondition of the subdivision.

16 Staff has the following recommended
17 conditions for this petition: No. 1, final plat of
18 subdivision of Reyes subdivision prepared by Intech
19 Consultants, Inc., bearing a revision date of April 9,
20 2019, consisting of one sheet;

21 The Applicant shall complete all of the
22 water main improvements depicted on the final

1 engineering drawings prior to the issuance of a
2 building permit for any additions to the existing
3 single-family residence, and not more than one year
4 after the date of the final plat of subdivision is
5 approved by the Board of Trustees;

6 The variation for the reduced side yard
7 setback shall only apply to the existing single-family
8 residence that exists on the property as of the date of
9 the application and does not apply to any other
10 structure, including any new residence built on the
11 property;

12 Lastly, a letter of credit in an amount
13 of no less than \$40,833.50 shall be submitted to the
14 Village to guarantee construction of all public
15 improvements associated with the Reyes subdivision.

16 Staff is supportive of the proposed
17 petition and recommends that the Plan Commission
18 approve and adopt the standards for variations outlined
19 in the staff report for P.C. 19-02 for the July 17,
20 2019, Plan Commission meeting and that the Plan
21 Commission recommend to the Village Board approval of a
22 variation from Section 9-5B-3(D)2 to reduce the minimum

1 interior side yard setback along the north property
2 line and the Plan Commission has reviewed the final
3 plat of subdivision and recommends approval of a final
4 plat of subdivision for P.C. 19-02 for the July 17,
5 2019, Plan Commission meeting, subject to the
6 conditions of approval plans listed in the staff report
7 prepared for P.C. 19-02 for the July 17, 2019, Plan
8 Commission meeting.

9 If the Plan Commission wishes to
10 forward a positive recommendation to the Board, a
11 sample motion has been provided on Page 11 of the staff
12 report, and that concludes my presentation. I am
13 available for any questions. The applicants Marc and
14 Maureen Reyes are also available to take any questions.

15 A VOICE: Can we ask --

16 CHAIRMAN KOPP: The Commission goes first.

17 Commission, any questions?

18 COMMISSIONER REMKUS: No.

19 COMMISSIONER SOUKOP: No.

20 CHAIRMAN KOPP: The Applicants, would you
21 like to say something? You don't have to, but you are
22 welcome to.

1 MS. REYES: Sure, I can talk --

2 CHAIRMAN KOPP: Okay. Anybody that speaks
3 will need to be sworn in.

4 (Witnesses sworn.)

5 MS. REYES: I do.

6 MR. KLEIN: I do.

7 MS. REYES: Do you want me to stand?

8 CHAIRMAN KOPP: So everyone can hear, if you
9 go to the dais.

10 MS. REYES: Hi. I'm Maureen Reyes. I
11 thought I would address you, I understand there is some
12 controversy on cutting down the trees, and explain
13 exactly what we have done.

14 I've lived in the area. I've lived in
15 Willowbrook since 1976. I've been here when my mother
16 and I became the first owners in the then new 301
17 building of Lake Hinsdale Village, and we've lived
18 there for a very long time.

19 When Marc and I purchased the house
20 next door, at that time it was -- the landscape was not
21 well maintained and it wasn't probably well maintained
22 for at least the two and a half years that we had lived

1 there; and then when we purchased it in the summer of
2 2018, the weeds at that point were, like, larger than
3 me. What I did was -- and the back area was heavily
4 wooded and the creek overflows through there, which has
5 been there since I lived here in '76, and it overflows
6 through there and it was rather of a swampland, as well
7 there was some ice in there and a breeding area for
8 insects. It wasn't too good.

9 What I did is I brought in an arborist
10 who I have known and worked with for 30 years, and I
11 asked him what can we do to improve the property and
12 make it really good. And so what he did was he worked
13 with me and he went through, and what was probably more
14 egregious was the fact that it wasn't maintained. And
15 at one time there was some lovely trees in there, but
16 the overgrowth had strangled the trees, and the
17 seedlings that were allowed to grow had blocked out the
18 sunlight of my other trees. So when he systematically
19 went through, the trees, in fact, were dead. So we
20 took out the dead trees to clean them up, and then
21 there were several trees that looked like they were
22 still living. And he addressed the issue to me, he

1 said, well, Mo, we could put a lot of money in these
2 trees and try to feed them and limp them along for
3 maybe a couple years, but I'll be back to take them
4 out. I said, well, that doesn't make a lot of sense to
5 put that much money in, I would rather put money into
6 new landscape and have it grow so I can see it in my
7 lifetime.

8 I do love to, not that it's really
9 relevant at all, but I do love to garden. I could live
10 out there all day, and I did win a landscape award in
11 Woodridge one year for our home there, so I really do
12 love it and am invested in it that way.

13 CHAIRMAN KOPP: Okay.

14 MS. REYES: I think that covers everything.

15 CHAIRMAN KOPP: Do the Commissioners have
16 any questions of the Applicant?

17 (No response.)

18 MR. KLEIN: Matthew Klein. I'm attorney for
19 Marc and Maureen, the Reyes. I pretty much follow what
20 staff presented; so if it's acceptable to you to just
21 adopt the staff report and that's our testimony for the
22 purpose of saving time. If you have questions for us,

1 but I think Ann's presentation was quite complete. If
2 you have questions for myself or for the applicants.

3 CHAIRMAN KOPP: It doesn't look like it.

4 At this point, is there anyone in the
5 audience that would like to speak to this matter, this
6 particular matter? There is three matters.

7 Yes, ma'am. You'll need to be sworn
8 in.

9 (Witness sworn.)

10 MS. PRICE: My name is Juliette Price. I
11 live directly across the street. I love to garden as
12 well.

13 I'm just wondering about the upkeep of
14 it. Most of last summer Saturday and Sunday nights is
15 when the wood chipping occurred, and it is really
16 disruptive, and the landscapers were there again about
17 three weekends ago on the weekend in the evening.

18 MS. REYES: Not mine.

19 MS. PRICE: Not yours?

20 MS. REYES: No, sorry. I've only had them
21 three times, and I can give you the dates.

22 MS. PRICE: Okay.

1 MS. REYES: They work during the day and
2 they are done by four o'clock and they are gone, so I
3 don't know what you heard but it is definitely not --

4 MS. PRICE: Nobody two weeks ago?

5 MS. REYES: No. I haven't had anybody
6 there -- I did two -- In fact, I know where they were.
7 One of the days they were behind me at Paulette
8 Kaczmarek's house. I know they were there, but I don't
9 know if it was at night. I know I heard the chippers
10 going. I did hear something, but I don't know where
11 they were, but we had them -- I just had my arborist
12 there on --

13 A VOICE: Monday.

14 MS. REYES: You said Monday? Yes, Monday.
15 Thank you. After I broke my arm. Thanks. You are the
16 other half of my brain.

17 I had them there during the day Monday
18 because we had to take down a couple more trees, but
19 they were gone by 3:00.

20 MS. PRICE: I know it was a Sunday night and
21 they were mowing the whole area down.

22 MS. REYES: Steve will not come at nights at

1 all. It is not our property; that I can tell you for a
2 fact.

3 MS. PRICE: I was there so . . .

4 MS. REYES: Who was on our property? Please
5 tell us.

6 MS. PRICE: It was landscapers. They had a
7 big blower and made --

8 MS. REYES: No. Now, there is a gentleman
9 who cuts the grass for our neighbor next door and our
10 house, but he doesn't chip, he doesn't blow. He was
11 there on -- he came this Friday --

12 MS. PRICE: No.

13 MS. REYES: -- and that was it.

14 CHAIRMAN KOPP: The point of this hearing is
15 actually about the zoning though.

16 MS. PRICE: Well, I guess that was my
17 concern, is that if this was going on all summer last
18 year, --

19 MS. REYES: It wasn't on our property.

20 MS. PRICE: -- I wanted to make sure the
21 landscaping wasn't going to be done Saturday and Sunday
22 nights. That's the only comment I have.

1 then the setback will change because of the size of the
2 new lot?

3 MR. KLEIN: Correct.

4 MS. NASH: I just want to understand. So
5 the setback changes because it's a larger lot, which
6 would make it 20 feet as opposed to 14 or so; is that
7 correct?

8 MR. KLEIN: Yes.

9 MS. NASH: Okay. So would that -- the
10 combination of these two lots together and that 14 feet
11 as opposed to 20 feet, is that because the lot is
12 bigger or does it give an opportunity to put a much
13 larger structure on it in the future and still have
14 that 14-foot setback?

15 Does that make sense what I'm saying?
16 I don't mean to be confusing.

17 CHAIRMAN KOPP: Yes.

18 MS. NASH: So right now my understanding is
19 you have a house on a lot and if you combine the lots
20 it doesn't abide by the current ordinance; is that
21 correct?

22 CHAIRMAN KOPP: Right.

1 MS. NASH: So you need to have the variance
2 so that it's in accordance with the variance -- with
3 the ordinance?

4 CHAIRMAN KOPP: Right.

5 MR. KLEIN: So the existing house can be
6 there.

7 MS. NASH: With a larger lot, now it's a
8 bigger property, would they be able to put a much
9 bigger structure on it and that structure is going --

10 CHAIRMAN KOPP: The variance applies to the
11 existing structure, right, Ann?

12 MS. CHOI: It does. They are not requesting
13 a new zoning. They are still zoned R-1. There is a
14 minimum -- there is a -- you are only allowed up to a
15 certain amount.

16 CHAIRMAN KOPP: But I think the short answer
17 is if they wanted to put up a castle, they would have
18 to tear the existing house down and put up a castle,
19 they would have to come back because this variance is
20 limited to the existing -- the existing home.

21 MS. REYES: The variance is on the north
22 side, between myself and the neighbor.

1 MS. NASH: Okay.

2 MS. REYES: The original -- the zoning says
3 it's eight and a half feet or 10 percent. So on the
4 north side our house is set back 14.7, which is more
5 than the eight and a half, right?

6 MS. NASH: From the north side neighbor.

7 MS. REYES: It's only the north side that's
8 affected. However, by combining the two, now our lot
9 is 200 feet wide, therefore, the 10 percent kicks in,
10 which makes it 20. So I have 5.3 feet short on the
11 north side technically by combining. So short of
12 sawing off part of the house, I have to ask for a
13 request that I can have -- you know, leave the house
14 and have that -- because they are combining the lots,
15 that variance on that side.

16 MR. KLEIN: Just like the variance.

17 MS. NASH: I was just wondering because we
18 live on Tennessee and it seems like with the Arabian
19 Knights thing, the zoning was changed, and it doesn't
20 seem like Willowbrook always -- that was unfortunate
21 that the zoning was changed in that situation. I
22 thought this would be a different situation. Thanks

1 for clarifying.

2 CHAIRMAN KOPP: Sure.

3 Anyone else in the house like to speak
4 on this matter?

5 (No response.)

6 CHAIRMAN KOPP: Any Commissioners have any
7 final questions or comments?

8 (No response.)

9 CHAIRMAN KOPP: The Applicant always gets
10 the last say if they want.

11 MR. KLEIN: Again, I think we -- staff
12 materials and our materials fully present our
13 conformance to each of the standards and variance. I
14 would ask the application and the staff report be
15 adopted so there is a record.

16 CHAIRMAN KOPP: Okay. For the record, we
17 did receive two -- the village received two letters
18 from neighbors objecting mainly -- not mainly --
19 because of the trees.

20 MR. KLEIN: The trees. I also presented a
21 photograph of the lot line where the variation is
22 located. I don't know if anyone wants to look at

1 those; but that shows, you know, the portion of the
2 house -- the north portion of the house and the
3 adjacent house to the north where the currently
4 conforming house separation is located and where the
5 portion of the Reyes house would have to be removed in
6 order to conform in the absence of variation.

7 CHAIRMAN KOPP: Right. Okay.

8 A VOICE: Excuse me, can I ask you a
9 question about the two pages you just read from, what
10 you said, because it's hard to hear you --

11 CHAIRMAN KOPP: I'm sorry.

12 A VOICE: The letters, where they were from
13 and what they said?

14 CHAIRMAN KOPP: Paulette Kaczmarek
15 complained about the tearing down of the trees, and
16 John Balsamo and Diane Balsamo complained about the
17 same thing, about --

18 A VOICE: Where do they live?

19 CHAIRMAN KOPP: I think they are the two
20 adjacent lots behind them.

21 A VOICE: On Tennessee Street?

22 COMMISSIONER REMKUS: Yes, on Tennessee.

1 side yard setback along the north property line meets
2 the subdivision regulation standards for approving such
3 final plat and associated variations; that the Plan
4 Commission approve and adopt the standards for
5 variations outlined in the staff report for P.C. 19-02
6 for the July 17, 2019, Plan Commission meeting; and
7 that the Plan Commission recommend the Village Board's
8 approval of a variation from Section 9-5B-3(D)2 to
9 reduce the minimum interior side yard setback on the
10 north property line and the Plan Commission review the
11 final plat of subdivision and recommend approval of a
12 final plat of subdivision for Case No. P.C. 19-02 for
13 the July 17, 2019, Plan Commission meeting subject to
14 conditions of approval and plans listed in the staff
15 report prepared for Case 19-02 for the July 17, 2019,
16 Plan Commission meeting.

17 Someone make that motion?

18 COMMISSIONER REMKUS: I'll make the motion.

19 COMMISSIONER WALEC: I'll second.

20 CHAIRMAN KOPP: I ask the Plan Commission
21 secretary to call the vote.

22 SECRETARY SHEMROSKE: Commissioner Remkus.

1 COMMISSIONER REMKUS: Yes.
2 SECRETARY SHEMROSKE: Commissioner Soukop.
3 COMMISSIONER SOUKOP: Yes.
4 SECRETARY SHEMROSKE: Commissioner Kaucky.
5 COMMISSIONER KAUCKY: Yes.
6 SECRETARY SHEMROSKE: Commissioner Walec.
7 COMMISSIONER WALEC: Yes.
8 SECRETARY SHEMROSKE: Chairman Kopp.
9 CHAIRMAN KOPP: Yes.
10 MR. KLEIN: Thank you.

11 (Which were all the
12 proceedings had in the
13 above-entitled cause.)
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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)
3

4

Maureen K. Nagle, a Certified Shorthand
Reporter, doing business in the City of Chicago, County
of Cook, and the State of Illinois states that she
reported in shorthand the proceedings had at the
foregoing hearing;

9

And that the foregoing is a true and correct
transcript of her shorthand notes so taken as aforesaid
and contains all the proceedings had at the said
hearing.

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MAUREEN K. NAGLE, CSR
CSR No. 084-002863

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VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:

Receive Plan Commission Recommendation – Public Hearing 19-04: Consideration of a petition for a text amendment to amend Sections 9-3-15, 9-12-2, and 9-12-4(C) of the Zoning Title of the Village of Willowbrook regarding regulation of telecommunications antennas and antenna support structures.

AGENDA NO. **6f**

AGENDA DATE:
07/22/19

STAFF REVIEW: Ann Choi, Planning Consultant

SIGNATURE: *Ann Choi*

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: *Tom Bastian B.P.*

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: *Brian Pabst*

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

Village staff proposes text amendments to the Village Zoning Code to remove outdated information and to bring it into compliance with the recently enacted state laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts. Please see below for a timeline of actions related to the petition for Zoning Case No. 19-04:

- | | |
|----------------------|--|
| May 15, 2019 | The Village of Willowbrook submits an application for the proposed text amendment. |
| June 5, 2019 | The Plan Commission held a public hearing for the petition. |
| July 17, 2019 | The Plan Commission held a second public hearing for the petition. The Plan Commission made a positive recommendation of a unanimous vote of 5-0 of the members present, to the Village Board. |

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

Pursuant to the proposed text amendment, Section 9-3-15 of the Village Zoning Code will be amended to remove references to the Director of Municipal Services, a position which no longer exists within the Village. Section 9-3-15 will also be amended to acknowledge that certain provisions contained therein are preempted by the Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq. recently adopted by the State of Illinois. The Small Wireless Facilities Deployment Act sets forth certain bulk standards for right-of-way construction of Small Wireless Antenna Facilities and permits the installation of such antennas within Commercial and Industrial districts. The Village of Willowbrook previously amended Title 4 of the Village Code to comply with the recent state law, and the proposed amendment to the Zoning Code will clarify the relevant code sections to proposed small wireless service providers. The remaining proposed amendments to Section 9-3-15 will clarify the application of the height, setback and aesthetic standards contained therein to amateur radio antennas and uses. The proposed text amendment will revise Section 9-12-2 of the Zoning Code to remove outdated language regarding setbacks for amateur radio antennas. This is an administrative correction; as Section 9-12-2 of the Zoning Code had previously been preempted by the setback requirements of Section 9-3-15. The revised language will refer amateur radio users to the correct section of the Zoning Code. Likewise, Section 9-12-4 will be amended to clarify that the limitations on height of amateur radio antennas and support structures are governed by Section 9-3-15 and not by the 15' limitation imposed on other types of accessory uses. One member of the public came out in opposition to the proposed text amendment and recommended that the Village create an entirely separate ordinance for the regulation of amateur radio antennas. The Plan Commission found the proposed text amendment to be reasonable and voted a unanimous vote of 5-0 of the members present to forward a positive recommendation to the Village Board.

ACTION PROPOSED: Receive Plan Commission Recommendation.



EST. 1960

Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5549

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

MEMORANDUM

MEMO TO: Frank A. Trilla, Mayor
Board of Trustees

MEMO FROM: Dan Kopp, Chairman, Plan Commission

DATE: July 22, 2019

SUBJECT: **Zoning Hearing Case 19-04:** Village of Willowbrook, 835 Midway Drive, Willowbrook, Illinois. Consideration of a petition for a text amendment to amend Sections 9-3-15, 9-12-2, and 9-12-4(C) of the Zoning Title of the Village of Willowbrook regarding regulation of telecommunications antennas and antenna support structures.

At the regular meeting of the Plan Commission held on July 17, 2019, the above referenced application was discussed and the following motion was made:

MOTION: Made by Kaucky and seconded by Walec that based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 5 of the Staff Report for PC Case Number 19-04 to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook. The proposed text amendments will remove outdated information, bring the zoning code into compliance with the recently enacted state laws, and clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

ROLL CALL: **AYES:** Chairman Kopp, Commissioners Kaucky, Remkus, Soukup, and Walec;
NAYS: None.
ABSENT: Vice Chairman Wagner and Commissioner Ruffalo.

MOTION DECLARED CARRIED

Should any member of the Board have any questions regarding this matter, please do not hesitate to contact me.

DK:jp

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman



Proud Member of the
Illinois Route 66 Scenic Byway



Village of Willowbrook Staff Report to the Village Board

Public Hearing Date:	June 5, 2019
Second Public Hearing Date:	July 17, 2019
Village Board (Receive):	July 22, 2019
Prepared By:	Ann Choi, Planning Consultant
Case Title:	PC 19-04: Text Amendments to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook regarding regulation of telecommunications antennas and antenna support structures.
Petitioner:	Village of Willowbrook
Action Requested by Applicant:	Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.
Code Sections to be by Amended or Added:	Title 9 – Zoning Sections: 9-3-15 Antennas and Towers for Personal Wireless Services 9-12-2 Permitted Accessory Buildings, Structures and Uses 9-12-4(C) Bulk Regulations

Necessary Action by Village Board: Receive Plan **Commission Recommendation.**



History & Discussion of Request

Village staff proposes text amendments to the Village Zoning Code to remove outdated information and to bring it into compliance with the recently enacted state laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

Pursuant to the proposed text amendment, Section 9-3-15 of the Village Zoning Code will be amended to remove references to the Director of Municipal Services, a position which no longer exists within the Village. Section 9-3-15 will also be amended to acknowledge that certain provisions contained therein are preempted by the Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq. recently adopted by the State of Illinois. The Small Wireless Facilities Deployment Act sets forth certain bulk standards for right-of-way construction of Small Wireless Antenna Facilities and permits the installation of such antennas within Commercial and Industrial districts. The Village of Willowbrook previously amended Title 4 of the Village Code to comply with the recent state law, and the proposed amendment to the Zoning Code will clarify the relevant code sections to proposed small wireless service providers. The remaining proposed amendments to Section 9-3-15 will clarify the application of the height, setback and aesthetic standards contained therein to amateur radio antennas and uses.

The proposed text amendment will revise Section 9-12-2 of the Zoning Code to remove outdated language regarding setbacks for amateur radio antennas. This is an administrative correction; as Section 9-12-2 of the Zoning Code had previously been preempted by the setback requirements of Section 9-3-15. The revised language will refer amateur radio users to the correct section of the Zoning Code. Likewise, Section 9-12-4 will be amended to clarify that the limitations on height of amateur radio antennas and support structures are governed by Section 9-3-15 and not by the 15' limitation imposed on other types of accessory uses.

Amend Sections 9-3-15, 9-12-2 and 9-12-4(C) as follows:

Pursuant to the proposed text amendment, Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Village Zoning Code will be amended to remove references to the Director of Municipal Services, a position which no longer exists within the Village. All instances of "Director of Municipal Services" will be replaced with "**Village Administrator or his/her designee**".

Amend Section 9-3-15(A) as follows:

Add to the definition of PERSONAL WIRELESS SERVICES "amateur radio communications, including shortwave, HAM, or CB Radio services," before "and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."

Existing text:

"PERSONAL WIRELESS SERVICES: Commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."

Proposed text:

"PERSONAL WIRELESS SERVICES: Commercial mobile services, common carrier wireless exchange access services, **amateur radio communications, including shortwave, HAM, or CB Radio services**, and unlicensed wireless services (i.e., telecommunications services using duly authorized devices which do not require individual licenses, but not including direct to home satellite services)."



Amend Section 9-3-15(B) as follows:

Add "to require location of towers and antennas a safe distance from adjacent property owners;" before "and to comply with the requirements of Federal Law".

Existing text:

"The purpose and intention of this section is to provide for the installation of antennas and towers for personal wireless services so as to: encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the Village; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Village is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and to comply with the requirements of Federal law."

Proposed text:

"The purpose and intention of this section is to provide for the installation of antennas and towers for personal wireless services so as to: encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the Village; encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the Village is minimal; encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; **to require location of towers and antennas a safe distance from adjacent property owners;** and to comply with the requirements of Federal law."

Amend Section 9-3-15(C) as follows:

Add "Notwithstanding the foregoing, antennas and towers used for amateur radio communications, including shortwave, CB, or HAM radio transmitting and receiving, are hereby deemed permitted accessory structures and uses in rear yards of all residential districts as described in Section 9-12-2 of the Willowbrook Municipal Code." as the last paragraph of this section.

Proposed text:

Antennas and towers for personal wireless services, complying with the requirements of this section, may be installed on lots, except parks, in the following districts:

B-1	Neighborhood Shopping District
B-2	Community Shopping District
B-3	General Business District
B-4	Highway and Service Business District
L-O-P	Limited Office Professional District
O-R	Office and Research District
L-O-R	Limited Office and Research District
M-1	Light Manufacturing District



Further, antennas for personal wireless services, complying with the requirements of this section, may be installed on lots in the R-5 Residential District, or lots owned by the Village, a unit of local government, the State, or the Federal government, in any residential district.

Antennas and towers for personal wireless services may be installed on lots with different existing principal structures and/or uses. Such antennas and towers, complying with the requirements of this section, shall not be deemed to be either principal or accessory structures or uses, but shall be permitted additional structures. Such antennas and towers, including all associated electrical and mechanical equipment, shall, however, be included for purposes of determining maximum lot coverages for the lots upon which they are located.

Notwithstanding the foregoing, antennas and towers used for amateur radio communications, including shortwave, CB, or HAM radio transmitting and receiving, are hereby deemed permitted accessory structures and uses in rear yards of all residential districts as described in Section 9-12-2 of the Willowbrook Municipal Code.

Amend Section 9-3-15(D)(2) as follows:

Add "The provisions of this paragraph shall not apply to amateur radio devices, including shortwave, HAM or CB radio antenna facilities." as the last sentence of this paragraph.

Existing text:

"Each tower shall be of a monopole type (i.e., a cylindrical, tapering metal pole without guywires) and shall have a galvanized finish or be painted a neutral color so as to minimize visual obstructiveness."

Proposed text:

"Each tower shall be of a monopole type (i.e., a cylindrical, tapering metal pole without guywires) and shall have a galvanized finish or be painted a neutral color so as to minimize visual obstructiveness. **The provisions of this paragraph shall not apply to amateur radio devices, including shortwave, HAM or CB radio antenna facilities.**"

Amend Section 9-3-15 as follows:

Add "(G) **To the extent that this section is in conflict with the Small Wireless Facilities Deployment Act, 50 ILCS 840/1 et seq. or the provisions of Section 4-6-3 of the Willowbrook Municipal Code, this section shall not apply to the deployment of small wireless facilities in Village Zoning Districts.**"

Amend Section 9-12-2 as follows:

Delete "Within 15' of lot line, not more than 2 antennae on any 1 structure" from the "Permitted Encroachment" column under the following "Permitted Use/Obstruction" category: "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Add "Subject to bulk and setback regulations set forth in Section 9-3-15 of this Title." under the "Permitted Encroachment" column in the following "Permitted Use/Obstruction" category: "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Delete "and television, receiving" from the section of the table referring to "Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving".

Add "Antenna, television, receiving" as its own category underneath same section of the table.



Existing text:

Permitted Use/Obstruction	Permitted Encroachment	F	S	R	C
Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving and television, receiving	Within 15' of lot line, not more than 2 antennae on any 1 structure	-	-	X	-

Proposed text:

Permitted Use/Obstruction	Permitted Encroachment	F	S	R	C
Antenna, shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving	Subject to bulk and setback regulations set forth in Section 9-3-15 of this Title.	-	-	X	-
Antenna, television, receiving	Within 15' of lot line, not more than 2 antennae on any 1 structure	-	-	X	-

Note:

- "X"-Denotes permitted obstruction in yard or court
- "-"-Denotes prohibited obstruction in yard or court
- "F"-Denotes in front yards and exterior side yards adjoining a street
- "S"-Denotes in interior side yards
- "R"-Denotes in rear yards
- "C"-Denotes in open court yards

Amend Section 9-12-4(C) as follows:

Add "4. The height of antenna for use in shortwave radio, transmitting and receiving, citizen band radio, transmitting and receiving, broadcast band radio, receiving shall be regulated by Section 9-3-15 of this Title."



Staff Recommendation

Staff supports the proposed text amendments. If the Plan Commission concurs, the following sample recommendation is offered for consideration.

Plan Commission Public Hearing Summary

The Plan Commission conducted a public hearing on this petition at their July 17, 2019 meeting. The following members were in attendance: Chairman Dan Kopp, Commissioners Kaucky, Soukup, Remkus and Walec. One member from the public provided public comments and was generally opposed to the proposed text amendment. He recommended that the Village propose an entirely separate ordinance to address amateur radio antennas in lieu of proposing amendments to an existing section of the code that deals with small wireless facilities.

Motion

Following staff's report and the Plan Commission's discussion, the following motion by Commissioner Remkus was seconded by Commissioner Soukup and recommended approval by a unanimous roll call vote of the members present:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 5 of the Staff Report for PC Case Number 19-04 to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook. The proposed text amendments will remove outdated information, bring the zoning code into compliance with the recently enacted state laws, and clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

7/17/2019

IN RE THE MATTER OF: AMATEUR RADIO TEXT AMENDMENT

19-04

MAUREEN K. NAGLE

1 PRESENT:

2 MR. DANIEL KOPP, Chairperson;

3 MR. LEONARD KAUCKY, Commissioner;

4 MR. WILLIAM REMKUS, Commissioner;

5 MR. JAMES SOUKOP, Commissioner;

6 MR. MIKE WALEC, Commissioner;

7 MS. LISA SHEMROSKE, Building and Zoning Secretary.

8

9 ALSO PRESENT:

10 Mr. Roy Giuntoli, Village Building Inspector;

11 Ms. Ann Choi, Village Planning Consultant;

12 Mr. Matthew G. Holmes, Village Attorney;

13 Dr. Ron Baran, Resident.

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1 CHAIRMAN KOPP: The next item on the Agenda
2 is Plan Commission Case 19-04. The purpose of this
3 public hearing is to consider a request by the Village
4 of Willowbrook to amend Section 9-3-15, 9-12-2, and
5 9-12-4(C) of the Zoning Title of the Village of
6 Willowbrook regarding regulation of telecommunications
7 antennas and antenna support structures. The Applicant
8 for this petition is the Village of Willowbrook.
9 Notice of this public hearing was published in the
10 July 1, 2019, edition of the Chicago Sun-Times.

11 MS. CHOI: Thank you, Chairman. To briefly
12 recap, this text amendment is initiated by the Village
13 again as part of the village-wide review of its current
14 Zoning Code.

15 The Plan Commission first reviewed the
16 proposed text amendment at the public hearing on
17 June 5, 2019. At the June 5, 2019, meeting, the Plan
18 Commission requested a number of follow-up items in
19 order for the petition to be recommended to the Village
20 Board. I would like to addresses the major follow-up
21 items.

22 The first one, there was a question

1 posed: Does the proposed text amendment conflict with
2 federal law? Does federal law preempt the proposed
3 text amendment.

4 The answer to that is no. PRB-1 of the
5 FCC specifically declined to define the precise
6 language that local governments should include in
7 regulation of amateur radio facilities. The Village is
8 not prohibited from reasonable height and bulk
9 requirements provided they do not preclude amateur
10 radio communication.

11 In the current language of the Village
12 Code in the proposed text amendment, amateur radio uses
13 are permitted accessory structures in residential
14 districts. In many communities, amateur radio
15 facilities are considered as special or conditional
16 use. The Village Code grants a reasonable
17 accommodation for the height of the structure by
18 allowing antenna structures to be a maximum of 20 feet
19 higher than other principal structures in residential
20 districts, except as limited by lot width and setbacks.

21 Another question at that hearing was
22 posed: What as a right can an amateur radio antenna

1 support structure be put up?

2 If no residential lots are adjacent,
3 the maximum height of an antenna structure is capped at
4 20 feet above the maximum building height for that
5 zoning district. If residential lots are adjacent, the
6 height of the antenna support structure, including the
7 antenna and the mast, would be limited by the side yard
8 and rear setbacks from the adjacent residential lot.

9 Village staff is proposing a text
10 amendment to the Zoning Ordinance to remove outdated
11 information and to bring the Zoning Code into
12 compliance with the recently enacted state and federal
13 laws and to clarify the application of certain bulk
14 regulations to the permitted accessory use of amateur
15 radio antennas in residential districts.

16 The proposed Code language was drafted
17 in response to a resident who wished to install a radio
18 tower in his backyard. This type of building permit
19 request has not come before the Village in more than 20
20 years; and because the Village has not dealt with this
21 type of case in a long time, the Village was compelled
22 to discuss an extensive review of the Zoning Ordinance

1 with respect to how to handle this type of request.
2 After reviewing the ordinance, the Village discovered
3 that the ordinance had not been updated for quite some
4 time. There have been changes to case law both at the
5 federal and state levels, and these changes have not
6 been reflected in the Village's current antenna codes.

7 Small wireless facilities are now
8 managed by the Small Wireless Facilities Deployment
9 Act, and this Act went into effect last year. It is a
10 statute regarding small antenna systems and their
11 deployment in municipalities, mostly in the
12 rights-of-way, but the statute also has an impact on
13 industrial and commercial areas.

14 The proposed text amendments will amend
15 9-3-15 to modify language with respect to the Director
16 of Municipal Services, which is no longer a position
17 within the Village of Willowbrook. This is a minor
18 clerical change.

19 The proposed text amendment will revise
20 Section 9-12-2 of the Zoning Code to remove outdated
21 language regarding setbacks for amateur radio antennas.
22 This is an administrative correction and will refer

1 amateur radio users to the correct section of the Code
2 regarding the setback requirements. This will ensure
3 that the different sections of the Code involving
4 amateur radio antennas interact correctly with each
5 other.

6 Lastly, Section 9-12-4 will be amended
7 to clarify that the limitations on heights of amateur
8 radio antennas and support structures are governed by
9 Sections 9-3-15 and not by the 15-foot limitation
10 imposed on other types of accessory uses.

11 The proposed text amendments would not
12 be changing the way the law in Willowbrook is applied.
13 The bulk standards will remain the same. The Village
14 of Willowbrook is merely proposing to clarify portions
15 of the Code that were ambiguous and confusing. The
16 proposed Code language for the text amendments are
17 included in their entirety on Pages 2 to 5 of the staff
18 report.

19 Staff supports the proposed text
20 amendments. If this Planning Commission concurs, the
21 following recommendation is offered for consideration:
22 Based on the submitted petition and testimony

1 presented, I move that the Plan Commission recommend to
2 the Village Board approval of the text amendments
3 presented on Pages 1 through 5 of the staff report for
4 P.C. Case No. 19-04 to amend Sections 9-3-15, 9-12-2,
5 and 9-12-4(C) of the Zoning Title of the Village of
6 Willowbrook. The proposed text amendments will remove
7 outdated information and bring the Zoning Code into
8 compliance with recently enacted state laws and clarify
9 the application of certain bulk regulations to the
10 permitted accessory use of amateur radio antennas in
11 residential districts.

12 That concludes my presentation.

13 CHAIRMAN KOPP: So if someone wants an
14 antenna, what is the maximum height as a right that it
15 can be?

16 MS. CHOI: As a right depending on what
17 zoning district --

18 CHAIRMAN KOPP: Per your -- this ordinance,
19 the amended ordinance.

20 MS. CHOI: As a right, you can be 20 feet
21 above the maximum height allowed unless you are more
22 restricted by your rear yard and side yard setbacks

1 from your neighbor.

2 CHAIRMAN KOPP: Okay.

3 MS. CHOI: If that's makes sense.

4 CHAIRMAN KOPP: It's a maximum of 20 feet
5 above -- it's a maximum of 20 feet?

6 MS. CHOI: Depending on how far you are from
7 your neighbor.

8 CHAIRMAN KOPP: If you have ten acres, you
9 could do 20 feet above?

10 MS. CHOI: Yes. If you would like to go
11 above that, you would have to come into the village and
12 request a variation.

13 CHAIRMAN KOPP: Any other questions?
14 Commissioners have any other questions?

15 (No response.)

16 CHAIRMAN KOPP: You'll need to be sworn in,
17 sir.

18 DR. BARAN: Ron Baran, B-a-r-a-n.

19 (Witness sworn.)

20 DR. BARAN: I do.

21 I supplied some additional information
22 to the Commissioners. I don't have a great deal to say

1 more than that. I wonder if there is any questions
2 that any of you have about the information I submitted?

3 COMMISSIONER KAUCKY: No.

4 CHAIRMAN KOPP: I don't think so.

5 COMMISSIONER KAUCKY: No.

6 DR. BARAN: Okay. Well, of course, I
7 disagree with the interpretation here and I wonder why
8 we ping-pong through three different ordinances when I
9 would suggest wouldn't it be better if we just had a
10 nice clean ordinance instead of being referred to this
11 ordinance and then referred to this ordinance? Would
12 that be a possible thing to do, to have a nice clean
13 ordinance?

14 I found a spot for you, by the way.

15 CHAIRMAN KOPP: I will defer to Ann.

16 DR. BARAN: Would there be anything wrong
17 with doing it that way instead of pinging around -- I
18 know that Matt spent a lot of time going through all of
19 this.

20 MR. HOLMES: There is nothing wrong with
21 doing one ordinance. The attempt here was, because
22 antennas were referred to in various sections of the

1 Zoning Code, to refer all things to one section of the
2 Code.

3 Communities do these different ways. I
4 probably have looked at 50 different zoning ordinances
5 with respect to amateur radio antennas in the last six
6 months. They are kind of all over the board. Some of
7 them do it in one place, some of them do it in one
8 sentence, some of them do it in a huge paragraph or a
9 whole separate section. There is nothing wrong with
10 it; it is just a matter of doing it one way or the
11 other.

12 This was the minimum amendment required
13 to clarify and clean up what was already in the Code.
14 If the Village directed us to draft a brand new
15 ordinance, new chapter, it would be acceptable to do;
16 it's just not what we have done in this case.

17 DR. BARAN: Have you had any input from any
18 amateur radio operators?

19 MR. HOLMES: Only you.

20 DR. BARAN: Apparently I didn't make much of
21 an impression. That was a question.

22 MR. HOLMES: No, it wasn't.

1 DR. BARAN: I have nothing more. Thanks.

2 CHAIRMAN KOPP: Would anyone else in the
3 audience like to speak to this matter?

4 (No response.)

5 CHAIRMAN KOPP: Any other questions?

6 (No response.)

7 CHAIRMAN KOPP: All right. I will now close
8 the public hearing for Case 19-04.

9 I think it's reasonable to have height
10 limitations of antennas, and I think it's also
11 reasonable to have a limitation that the antenna is not
12 going to -- if it were to fall, it's not going to
13 extend beyond a person's property line. So, to me,
14 this seems like a reasonable ordinance, and the
15 Applicant can always try to get a variation.

16 Someone make a motion that based on the
17 submitted petition and testimony presented I move that
18 the Plan Commission recommend to the Village Board
19 approval of the text amendments presented on Pages 1 to
20 5 of the staff report for P.C. Case No. 19-04 and then
21 Sections 9-3-15, 9-12-2, and 9-12-4(C) of the Zoning
22 Title of the Village of Willowbrook. The proposed text

1 amendments will remove outdated information, bring the
2 Zoning Code into compliance with the recent -- with the
3 recent enacted state laws, and clarify the application
4 of certain bulk regulations to the permitted accessory
5 use of amateur radio antennas in residential districts.

6 COMMISSIONER KAUCKY: So moved.

7 COMMISSIONER SOUKOP: Second.

8 CHAIRMAN KOPP: I ask the Plan Commission
9 secretary to call the vote.

10 SECRETARY SHEMROSKE: Commissioner Remkus.

11 COMMISSIONER REMKUS: Yes.

12 SECRETARY SHEMROSKE: Commissioner Soukop.

13 COMMISSIONER SOUKOP: Yes.

14 SECRETARY SHEMROSKE: Commissioner Kaucky.

15 COMMISSIONER KAUCKY: Yes.

16 SECRETARY SHEMROSKE: Commissioner Walec.

17 COMMISSIONER WALEC: Yes.

18 SECRETARY SHEMROSKE: Chairman Kopp.

19 CHAIRMAN KOPP: Yes.

20 (Which were all the
21 proceedings had in the
22 above-entitled cause.)

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS.

3

4 Maureen K. Nagle, a Certified Shorthand
5 Reporter, doing business in the City of Chicago, County
6 of Cook, and the State of Illinois states that she
7 reported in shorthand the proceedings had at the
8 foregoing hearing;

9 And that the foregoing is a true and correct
10 transcript of her shorthand notes so taken as aforesaid
11 and contains all the proceedings had at the said
12 hearing.

13

14

15

MAUREEN K. NAGLE, CSR
CSR No. 084-002863

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VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE: Receive Plan Commission Recommendation – Public Hearing 19-05: Consideration of a petition for a text amendment to amend Section 9-9-7, entitled “Fire and Explosion Hazard Standards,” of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois.	AGENDA NO. 6g AGENDA DATE: 07/22/19
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STAFF REVIEW: Ann Choi, Planning Consultant	SIGNATURE: 
LEGAL REVIEW: Tom Bastian, Village Attorney	SIGNATURE: 
RECOMMENDED BY: Brian Pabst, Village Administrator	SIGNATURE: 
REVIEWED & APPROVED BY COMMITTEE: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)
 Please see below for a timeline of actions related to the petition for Zoning Case No. 19-05:

May 15, 2019	The Village of Willowbrook submits an application for the proposed text amendment.
June 5, 2019	The Plan Commission held a public hearing for the petition.
July 17, 2019	The Plan Commission held a second public hearing for the petition. The Plan Commission made a positive recommendation of a unanimous vote of 5-0 of the members present, to the Village Board.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

The Village of Willowbrook has identified various sections of the Zoning Ordinance, specifically the Fire and Explosions Hazard standards that require clarification. This section was originally drafted in 1975 and amended in 1997. The current language is somewhat ambiguous and outdated, and these proposed amendments will eliminate inconsistencies, widen the scope of potential uses that would require a special use, reference the latest version of the International Fire Code, the ICC IFC-2018 (IFC), and require certain users to file inventory reports of hazardous substances. The Plan Commission has considered the proposed text amendment under Zoning Case No. 19-05 in conjunction with two additional text amendments as part of a Village-wide review of its current zoning code during the public hearing on July 17, 2019.

During the July 17, 2019 public hearing, Planner Choi requested several modifications to the proposed text amendment as it was presented in the staff report for the July 17, 2019 Plan Commission meeting. These modifications included adding definitions to Section 9-9-7(B), eliminating language requiring business to apply for permits that the federal and state environmental agencies do not require, and reordering the classes of flammable liquids in the order of least volatile to most volatile.

Additionally, various members of the public provided comments and urged the Village to enact regulations that are stricter than what state and federal laws currently impose to protect the community.

The Plan Commission found the proposed text amendment and modifications to be reasonable and voted a unanimous vote of 5-0 of the members present to forward a positive recommendation to the Village Board.

ACTION PROPOSED: July 22, 2019: Receive Plan Commission Recommendation.



EST. 1960

Willowbrook

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Willowbrook, IL 60527-5549

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MEMORANDUM

MEMO TO: Frank A. Trilla, Mayor
Board of Trustees

MEMO FROM: Dan Kopp, Chairman, Plan Commission

DATE: July 22, 2019

SUBJECT: **Zoning Hearing Case 19-05:** Village of Willowbrook, 835 Midway Drive, Willowbrook, Illinois. Consideration of a petition for a text amendment to amend Section 9-9-7, entitled "Fire and Explosion Hazards Standards," of Title 9, entitled "Zoning Title of the Village," of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois.

At the special meeting of the Plan Commission held on July 17, 2019, the above referenced application was discussed and the following motion was made:

MOTION: Made by Remkus and seconded by Soukup that based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 11 of the Staff Report for PC Case Number 19-05 to amend Section 9-9-7 of the Zoning Title of the Village of Willowbrook regarding fire and explosion hazard standards, with the following changes: Add the definitions of Volatility, Vapor Pressure, Boiling Point and Flashpoint to Section 9-9-7(B); revise the language to the proposed Section 9-9-7(D)3 to eliminate a requirement for the RCRA permit and replace with language requiring copies of any permit required by the EPA/IEPA to be provided to the Village; and revise Tables IV(a) and IV(b) so that the above ground storage of flammable liquid classes are ordered from the least volatile to most volatile class.

ROLL CALL: AYES: Chairman Kopp, Commissioners Kaucky, Soukup, Remkus, and Walec;
NAYS: None.
ABSENT: Vice Chairman Wagner, Commissioner Ruffalo.

MOTION DECLARED CARRIED

Should any member of the Board have any questions regarding this matter, please do not hesitate to contact me.

DK:jp

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman



Proud Member of the
Illinois Route 66 Scenic Byway



Village of Willowbrook

Staff Report to the Village Board

Public Hearing Date: June 5, 2019

Second Public Hearing Date: July 17, 2019

Village Board (Receive): July 22, 2019

Prepared By: Ann Choi, Planning Consultant

Case Title: PC 19-05: Text Amendments to amend Section 9-9-7 of Title 9 - Zoning Title of the Village of Willowbrook Municipal Code regarding fire and explosion hazard standards.

Petitioner: Village of Willowbrook

Action Requested by Applicant: Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.

Code Sections to be by Amended or Added: Title 9 – Zoning Sections:
9-9-7 FIRE AND EXPLOSION HAZARD STANDARDS

Documents Attached:

- Attachment 1:** Section 9-9-7 (current version of the Village of Willowbrook Municipal Code)
- Attachment 2:** EPCRA Sections 311-312 (3 Pages)
- Attachment 3:** Appendix A To Part 355—The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities (6 Pages)
- Attachment 4:** Appendix B To Part 355—The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities (6 Pages)

Necessary Action by Village Board: Receive Plan ~~Commission~~ Recommendation.



History & Discussion of Request

The Village of Willowbrook has identified various sections of the Zoning Ordinance, specifically the Fire and Explosions Hazard standards of the M-1 Light Manufacturing Zoning District that require clarification. This section was originally drafted in 1975 and amended in 1997. The current language is somewhat ambiguous and outdated, and these proposed amendments will eliminate inconsistencies, widen the scope of potential uses that would require a special use, reference the latest version of the International Fire Code, the ICC IFC-2018 (IFC), and require certain users to file inventory reports of hazardous substances.

Follow-up Items from June 5, 2019 Plan Commission Meeting

The Plan Commission posed a number of questions at the June 5, 2019 Plan Commission meeting and requested responses for review and discussion for the July 17, 2019 Plan Commission. These questions are outlined below:

1. Will the proposed text amendment affect any residents who have propane on their property for household use (for example: lawnmower)?

Staff Response: No. The proposed Section 9-9-7(D), which talks about the special use requirement, only applies to the M-1 zoning district so it would not apply to any residents.

2. What theoretical problems exist with the current code?

Staff Response: The current code is outdated as the last update was in 1997, and that update applied to only certain portions of the code. Some portions have not been updated since 1975. The current code does not refer to the latest version of the International Fire Code. The latest version is ICC IFC-2018 (IFC).

Under the current code, a special use only required when a facility is involved in all three of the following activities: manufacturing, storage, utilization of materials or products which decompose by detonation. The amended code would require a special use involving one of the following activities: manufacturing, processing, generation, storage, or utilization of any materials listed in the proposed Section 9-9-7(C)3.

The current code, as the title indicates, is limited to operations, activities and uses that present fire and explosion hazards, but does not address the scope of hazardous materials conditions (storage and use) that could be present in many of Willowbrook's current facilities in the M-1 light manufacturing district. Additionally, the charts listed under Section 9-9-7(C)4 do not have a clear reference back to any known source and it is unknown how the temperature ranges were determined.

3. What triggers a special use requirement?

Staff Response:

- Manufacturing
- Processing
- Generation
- Utilization
- Storage
- Or any combination thereof



Of any materials or products identified under the proposed Section 9-9-7(C)3, except for materials used for the following on-site activities: yard maintenance, custodial services, forklift operations, or other ancillary purposes as authorized by the Building Official.

4. Do you have to request a special use simply to have propane storage for vehicles on-site?

Staff Response: No. Propane for forklift operations would be excluded from requiring a special use.

5. How many businesses would be directly impacted by the proposed text amendments?

Staff Response: Since a special use permit cannot be applied retroactively, the number of existing businesses that would be impacted is zero.

However, an operational permit would affect any business having the following:

- Hazardous or flammable materials or processes
- High Fire Loads
- Materials or processes that have unique fire management characteristics

The purpose of an operational permit is to assist facilities in correctly reporting chemicals, their quantities, locations, and hazards for the benefit of alerting emergency response agencies to chemical hazards at a facility should an emergency occur. Having properly informed emergency responders allows a more effective and well-organized response and can limit liability and injuries during a response effort due to one or more of the above stated issues.

6. Are the proposed text amendments adopting the standards that are already set by the federal government or the EPA?

Staff Response: Yes, the proposed amendments reference current federal and EPA standards.

7. Are the proposed text amendments creating new reporting requirements that the EPA doesn't require?

Staff Response: The special use permit would not create new reporting requirements. The operational permit would create new reporting requirements. The Operational Permit would be reviewed and approved under the building code amendments.

8. Have we compared this to ordinances that are acceptable in other communities right now? Is this far off of what everyone else is doing? Is Willowbrook far more restrictive in what's being written or being proposed than in neighboring communities?

Staff Response: Other communities have adopted IFC 2018 such as Naperville, Barrington, Addison, Tinley Park, and Orland Park. Every community has their own needs, assesses their own community needs differently, and therefore there is no straightforward comparison of each community's codes.



Proposed Amendments

The following sections are to be amended. New language is highlighted in the color red. Language to be eliminated is indicated with a strikethrough. The italicized blue text provides an explanation for the change and is intended for informational purposes only. (The blue text is not part of the actual text amendment).

Amend Section 9-9-7 as follows:

9-9-7: ~~FIRE AND EXPLOSION HAZARD~~ HAZARDOUS MATERIALS STANDARDS:

(The title of the section is changed to broaden the scope of materials to include all hazardous materials.)

(A) Required Performance Level: All operations, activities and uses shall be conducted so as to comply with the performance standards governing ~~fire and explosion hazards~~ hazardous materials prescribed below.

(B) **Definitions.** The following terms as used in Section 9-9-7 shall have the meaning **respectively** ascribed to them in this section, unless the context **otherwise** requires.

BOILING POINT: The temperature at which the vapor pressure equals **atmospheric** pressure, such that the pressure of the atmosphere can no longer hold the liquid in a liquid state and bubbles begin to form. In general, a low boiling point (Class 1A) indicates a high vapor pressure and, possibly, an **increased** fire hazard.

CHEMICAL: An **element**, chemical compound or mixture of elements or compounds or both.

CONTAINER: A vessel of 60 gallons or less in capacity used for **transporting** or storing hazardous materials. Pipes, piping systems, engines and engine fuel tanks are not considered to be containers.

CYLINDER: A pressure vessel designed for pressures higher than 40 psia (275.6 kPa) and **having** a circular cross section. It does not **include** a portable tank, multiunit tank car tank, cargo tank or tank car.

ENVIRONMENTALLY DAMAGING SUBSTANCES: Any substance spilled or **released** into the **environment** in sufficient quantity so as to cause actual or **potential** human health problems if not dealt with by remedial action, or to contaminate air, land or water.

EXPLOSION: An effect produced by the sudden violent expansion of gases, which may be **accompanied** by a shock wave or disruption, or both, of enclosing materials or structures. An explosion could result from chemical changes such as rapid **oxidation**, deflagration, or detonation, decomposition of molecules and run-away polymerization (usually detonation)

FACILITY: Any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or air craft or any site where hazardous materials or environmentally damaging substances have been deposited, stored, disposed of, placed or otherwise came to be located.

FLAMMABLE GAS: A material which is a gas at 68°F or less at 14.7 pounds per square inch **atmosphere** (psia) (101 kPa) of pressure [a material that has a boiling point of 68°F or less at 14.7 psia (101 kPa)] which:



1. Is ignitable at 14.7 psia (101 kPa) when in a mixture of 13 percent or less by volume with air; or
2. Has a flammable range at 14.7 psia (101 kPa) with air of not less than 12 percent, regardless of the lower limit.

The limits specified shall be determined at 14.7 psia (101 kPa) of pressure and a temperature of 68°F in accordance with ASTM E681.

FLAMMABLE LIQUEFIED GAS: A liquefied compressed gas which, under a charged pressure, is partially liquid at a temperature of 68°F (20°C) and which is flammable.

FLAMMABLE LIQUID: A liquid having a closed cup flash point below 100°F. Flammable liquids are further categorized into a group known as Class I liquids. The Class I category is subdivided as follows:

Class IA. Liquids having a flash point below 73°F and having a boiling point below 100°F.

Class IB. Liquids having a flash point below 73°F and having a boiling point at or above 100°F.

Class IC. Liquids having a flash point at or above 73°F and below 100°F.

The category of flammable liquids does not include compressed gases or cryogenic fluids.

FLAMMABLE MATERIAL: A material capable of being readily ignited from common sources of heat or at a temperature of 600°F or less.

FLAMMABLE SOLID: A solid, other than a blasting agent or explosive, that is capable of causing fire through friction, absorption of moisture, spontaneous chemical change or retained heat from manufacturing or processing, or which has an ignition temperature below 212°F or which burns so vigorously and persistently when ignited as to create a serious hazard. A chemical shall be considered a flammable solid as determined in accordance with the test method of CPSC 16 CFR Part 1500.44, if it ignites and burns with a self-sustained flame at a rate greater than 0.0866 inch per second along its major axis.

FLASHPOINT: The minimum temperature at which the vapor concentration near the surface of the liquid is high enough to form an ignitable mixture. Any liquid with a flashpoint less than 100oF (Class 1A) is considered to be a flammable liquid. A liquid with a flashpoint between 100oF and 200oF is combustible. In general, the relative hazard of a flammable liquid increase as the flashpoint decreases.

HAZARDOUS MATERIALS: Substances or materials in quantity and forms that may pose an unreasonable risk to health, safety or property when stored, transported or used in commerce. Such materials include but are not limited to: explosives, blasting agents, poisons, flammable and combustible liquids, flammable and non-flammable gases, corrosives, oxidizers, organic peroxides, flammable solids, radioactive materials, etiological agents. Hazardous materials also include hazardous substances and hazardous wastes.

HAZARDOUS SUBSTANCES: Any substance designated under the Clean Water Act and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 USC Sec. 9601 et seq.), as now or hereafter amended, as posing a threat to the waterways and the environment when released.



HAZARDOUS WASTE: Discarded material under Resource Conservation and Recovery Act (RCRA) (42 USC Sec. 6901 et seq.) regulated by the United States Environmental Protection Agency because of public health and safety concerns.

RELEASE: Any spilling, leaking, pumping, pouring, emitting, escaping, emptying, discharging, injecting, leaching, dumping, disposing, **exploding** or burning of hazardous materials or environmentally **damaging** substances into or on any land, air, water, well, stream, sewer, or pipe such that **hazardous** materials or any constituent or environmentally damaging substances thereof, that may enter the environment.

RESPONSIBLE PARTY or **PARTIES** include the following:

1. The owner and operator of a facility or vessel from which there is a fire or release or threatened release of **hazardous materials** or environmentally **damaging** substances;
2. Any person who at the time of disposal, transport, storage, or **treatment** of hazardous materials or environmentally damaging substances owned or operated the facility or vehicle used for such disposal, transport, treatment or storage from which there was a fire, release or threatened release of hazardous materials or environmentally damaging substances;
3. Any person who by contract, **agreement** or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous materials or environmentally damaging substances owned, controlled or **possessed** by such person at a facility **owned** and operated by another party or entity from which there is fire, release or **threatened** release of such hazardous materials or environmentally damaging substances;
4. Any **person** who accepts or **accepted** any hazardous materials or environmentally damaging substances for transport to **disposal, storage** or treatment sites from which there is a **fire**, release or threatened release of hazardous **materials** or environmentally damaging substances;
5. In the case of an abandoned facility or vehicle any person owning or **operating** the **abandoned** facility or any person who owned or operated or otherwise **controlled** activities at the **abandoned** facility **immediately** prior to abandonment;
6. In the case of a land trust owning or **operating** a facility or vehicle the person owning the beneficial interest in the land trust.

TANK: A vessel containing more than 60 gallons.

VAPOR PRESSURE: A measure of a liquid's volatility. A high vapor pressure usually is an indication of a volatile liquid, or one that readily vaporizes.

VOLATILITY: The tendency or ability of a liquid to vaporize.

(Definitions from the IFC 2018 and Occupational Safety and Health Administration "OHS" have been added to provide clarity and ease for users who may not have access to the IFC 2018 Manual).

~~(B)~~ (C) General Requirements:

1. ~~Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation are permitted only in accordance with the regulations of each zoning district. Such materials shall include, but are not limited to: all primary explosives such as lead azide, lead~~



~~styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid, propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, chlorates and hydrogen peroxide in concentrations greater than thirty five percent (35%); and nuclear fuels, fissionable materials and products and reactor elements such as uranium 235 and plutonium 239. (Hazardous materials are listed in greater detail under the proposed Section 9-9-7(C)4 below. Reference to unstable organic compounds has been deleted because these materials are regulated by the IFC.)~~

Safe hazardous materials storage required. Hazardous materials shall be stored in such a way that products which, when mixed, react violently or evolve toxic fumes, vapors or gases, or that, in combination, become hazardous by reason of toxicity, oxidizing power, flammability or other properties are not in close proximity. These materials shall be handled, stored, utilized or manufactured in accordance with the **International Fire Code ("IFC")**, as adopted by the Village, and shall be stored separately, segregated by distance, partitions, or other methods as required by the IFC.

2. ~~Where materials or products which decompose by detonation are permitted, these materials shall be handled, stored, utilized or manufactured in accordance with the National Fire Codes published by the National Fire Protection Association. (Ord. 75 O 3, 3 10 1975)~~

Unlawful releases prohibited. No person shall cause, threaten, or allow the **release** of hazardous materials, unless such release is in accordance with an appropriate permit granted by the Illinois Environmental Protection Agency ("IEPA") or other State or Federal **agency having** primary authority over the release, as permitted by the IEPA, and such release is in such a place and manner as will not create a hazard to human health, property, or the environment. Any prohibited release is hereby declared a public nuisance. Any violation of this section shall be subject to the **general** penalty provisions of the Willowbrook Municipal Code and/or **revocation** of any special use permit issued.

3. Activities involving the manufacturing, processing, generation, storage or utilization, or any combination thereof, of the following materials or products are permitted only in accordance with the regulations of each zoning district. Such materials or products shall include, but are not limited to, the following:
 - a. Any material or product which contains a chemical compound, mixture or device, the primary or common purpose of which is to function by explosion including any material or product determined to be within the scope of the **United States Code (USC) Title 18: Chapter 40** or any material or product classified as an explosive **by the International Fire Code ("IFC")**, as adopted by the Village, other than consumer fireworks, 1.4G (Class C, Common) by the hazardous materials regulations of the **Department of Transportation ("DOT") 49 CFR, Parts 100-185.**



- b. Nuclear fuels, fissionable materials and products and reactor elements such as uranium 235 and plutonium 239. *(These materials are not addressed by the IFC 2018.)*
 - c. Any materials or products that constitute a physical or health hazard as identified by the IFC, as adopted by the Village, as High-Hazard Group H occupancies.
 - d. Any chemicals governed by the Environmental Protection Agency ("EPA"), and regulated by the IEPA.
4. Liability for costs. Each responsible party or parties shall be liable to the Village of Willowbrook for all costs incurred by the Village resulting from a fire, release or threatened release involving hazardous materials. This section shall not limit any fines or penalties resulting from a successful prosecution for violation of the Willowbrook Municipal Code.

(E) (D) Standards In The M-1 Light Manufacturing District:

1. ~~Uses involving the manufacture, storage and utilization of materials and products which decompose by detonation may be allowed only as a special use.~~
The use of a facility, building or structure, or a portion thereof, that involves the manufacturing, processing, generation, storage or utilization, or any combination thereof, of any of the materials or products identified under Section 9-9-7(C)3 shall be allowed only as a special use.

Exceptions: Hazardous materials that are utilized for the following on-site activities: yard and building maintenance, custodial services, forklift operations, and other ancillary purposes as authorized by the Building Official.

(The "or" and "or any combination thereof" eliminates any ambiguity, making special uses mandatory, not optional, that involve one or more of the categories listed. The text amendment broadens the scope of those uses which would require a special use. Exceptions have been added to allow businesses that use certain materials for daily on-site maintenance activities to be excluded from the special use requirement. These materials would still be regulated by the IFC 2018.)

2. ~~The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.~~
The use of a facility, building or structure, or a portion thereof, that involves the manufacturing, processing, generation, storage or utilization, or any combination thereof, of materials or products that constitute a physical or health hazard as identified in the IFC, as adopted by the Village, as High-Hazard Group H occupancies shall require you to make an application for a Village of Willowbrook issued Operational Permit for the purpose of assisting facilities in correctly reporting chemicals, their quantities, locations, and hazards for the benefit of alerting



emergency response agencies to chemical hazards at a facility should an emergency occur. Having properly informed emergency responders allows a more effective and well-organized response and can limit liability and injuries during a response effort due to one or more of the following issues:

- a. Hazardous or flammable materials or processes
- b. High fire loads
- c. Materials or processes that have unique fire management characteristics, as determined by the authority having jurisdiction over the matter.

Exceptions: Hazardous materials that are utilized for the following on-site activities: yard and building maintenance, custodial services, forklift operations, and other ancillary purposes as authorized by the Building Official.

- ~~2. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided that said materials or products are stored, manufactured or utilized in fire resistant and fire protected buildings or spaces. Said materials or products shall be stored so that they are set back at least one hundred feet (100') from all lot lines. (This section has been deleted because it is already covered in the IFC 2018.)~~
3. The use of a facility, building or structure, or a portion thereof, that involves the manufacturing, processing, generation, utilization or storage, or any combination thereof, of materials or products in quantities that equal or exceed the thresholds in amounts that have been determined by the Federal Emergency Planning and Community Right to Know Act ("EPCRA") Sections 311-312 under the following categories: Extremely Hazardous Substances (EHSs) (40 CFR part 355 Appendix A and Appendix B), gasoline (all grade combined) at a retail gas station, diesel fuel (all grades combined) at a retail gas station, and all other hazardous chemicals, shall, prior to commencement of operations at or exceeding the thresholds, obtain a Resource Conservation and Recovery Act ("RCRA") permit and provide a copy of said permit to the Village and complete and file Tier II reports required by the Federal EPCRA or Toxic Release Inventory ("TRI") and provide copies of the same to the Village.

(This section is amended to broaden the scope of uses that must comply with Table IV(b) in the new Section 9-9-7(D), and requires a Resource Conservation and Recovery Act ("RCRA") permit for facilities that store, utilize or manufacture flammable liquids at or above the thresholds set by the EPA. The Village of Willowbrook will use the thresholds set by the EPA and the Emergency Planning and Community Right to Know Act ("EPCRA") Hazardous Chemical Inventory Reporting Requirements, included for reference only, as Attachments 2, 3 and 4, of this report. The EPA periodically makes updates to these documents; therefore, facilities shall use the most updated thresholds found on the EPA's website. The proposed text amendment also requires these facilities to file Tier II reports required by the EPCRA or Toxic Release Inventory ("TRI") and provide copies of the same to the Village. Tier II reports serve as an inventory of hazardous chemicals for certain users, and would assist emergency responders in identifying which facilities store potentially dangerous substances on site.)



The use of a facility, building or structure, or a portion thereof, that involves the manufacturing, processing, generation, utilization or storage, or any combination thereof, of hazardous materials or products that require a permit or reporting by the United States Environmental Protection Agency ("EPA") or the Illinois Environmental Protection Agency ("IEPA"), shall, prior to commencement of operations, provide a copy of any permit(s) or report(s) required by the EPA or IEPA to the Village.

(The reason for this change is that the Village's intent was not to impose any requirements beyond what the federal or state government requires but the modified amendment would require businesses to provide to the Village a copy of any permits that are required by the EPA/IEPA in regards to hazardous materials.)

4. The ~~storage, utilization or manufacture~~ manufacturing, processing, generation, storage or utilization, or any combination thereof, of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with table IV of this section, except that the storage of finished products in original sealed containers as defined in this section of fifty five (55) gallons or less shall be ~~unrestricted~~ permitted.

(The text amendment introduces new activities and clarifies that if any of the categories listed are present, it will be subject to the standards listed in Table IV. The text amendment revises the 55 gallon maximum to permit the storage of finished products in original sealed "containers". Containers, as defined by the IFC 2018, have a maximum capacity of 60 gallons or less. The text amendment also replaces the term "unrestricted" with the term "permitted" because the Village would still defer to the IFC 2018 to determine how these materials shall be handled, stored, etc.)

TABLE IV
 TOTAL CAPACITY OF FLAMMABLE
 MATERIALS PERMITTED, GALLONS

(a) Industries engaged in storage for resale:

	<u>Above Ground</u>	<u>Below Ground</u>
Materials having a closed cup flash point over 187°F but less than 350°F Class IA	Prohibited	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F Class IB	Prohibited	100,000
Materials having a closed cup flash point of less than 105°F Class IC	Prohibited	<u>100,000</u>
Total	-	300,000



(Table IV(a) defines the maximum quantities (in gallons) of certain for resale materials that are permitted to be stored above ground and below ground. The text amendment gives the Village additional oversight in regulating these potentially hazardous materials by requiring that they comply with Table IV. The IFC 2018 does not specifically limit the quantities of above ground or below ground storage of hazardous materials. The IFC 2018 regulates the use, handling and storage of these materials in indoor and outdoor environments.)

(b) Industries engaged in utilization ~~and~~ or manufacture, or a combination thereof, of flammable materials where storage is an ancillary use:

	<u>Above Ground</u>	<u>Below Ground</u>
Materials having a closed cup flash point over 187°F but less than 350°F— Class IA	50,000	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F— Class IB	25,000	100,000
Materials having a closed cup flash point of less than 105°F— Class IC	<u>Prohibited</u>	<u>100,000</u>
Total	75,000	300,000

~~When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure permitted shall not exceed thirty (30) times the quantities listed above. (Ord. 97 O 05, 1 27 1997)~~

(Table IV(b) defines the maximum quantities (in gallons) of certain materials that are permitted to be stored above ground and below ground where storage is an ancillary use. The text amendment clarifies that if any (or a combination thereof) of the categories listed are present, it will be subject to the standards listed in Table IV(b). Tables IV(a) and IV(b) should be revised so that the order of classes from top to bottom reads as follows: Class 1C, Class 1B and lastly Class 1A. These would align with the temperature ranges from least volatile to most volatile class of flammable liquids.)

Staff Recommendation

The last update to Section 9-9-7 was in 1997, and that update applied to only certain portions of the code. Some portions have not been updated since 1975 and is outdated as it has not been updated in over 20 years. The proposed text amendment will clarify some inconsistencies in the current code, refer to the latest version of the International Fire Code ICC IFC-2018, broadens the scope of those uses which would require a special use, and includes exceptions to allow businesses that use certain materials for daily on-site maintenance activities to be excluded from the special use requirement. Staff supports the proposed text amendment.



Plan Commission Public Hearing Summary

The Plan Commission conducted a public hearing on this petition at their July 17, 2019 meeting. The following members were in attendance: Chairman Dan Kopp, Commissioners Kaucky, Soukup, Remkus and Walec.

Staff requested to modify the proposed text amendment as it was presented in the staff report for the July 17, 2019 Plan Commission meeting to incorporate the following changes:

1. Include the following definitions under the proposed Section 9-9-7(B):

VOLATILITY is the tendency or ability of a liquid to vaporize.

VAPOR PRESSURE is a measure of a liquid's volatility. A high vapor pressure usually is an indication of a volatile liquid, or one that readily vaporizes.

BOILING POINT is the temperature at which the vapor pressure equals atmospheric pressure, such that the pressure of the atmosphere can no longer hold the liquid in a liquid state and bubbles begin to form. In general, a low boiling point (Class 1A) indicates a high vapor pressure and, possibly, an increased fire hazard.

FLASHPOINT is the minimum temperature at which the vapor concentration near the surface of the liquid is high enough to form an ignitable mixture. Any liquid with a flashpoint less than 100oF (Class 1A) is considered to be a flammable liquid. A liquid with a flashpoint between 100oF and 200oF is combustible. In general, the relative hazard of a flammable liquid increase as the flashpoint decreases.

2. Revise Section 9-9-7(D)3 to read:

The use of a facility, building or structure, or a portion thereof, that involves the manufacturing, processing, generation, utilization or storage, or any combination thereof, of hazardous materials or products that require a permit or reporting by the United States Environmental Protection Agency ("EPA") or the Illinois Environmental Protection Agency ("IEPA"), shall, prior to commencement of operations, provide a copy of any permit(s) or report(s) required by the EPA or IEPA to the Village.

3. Revise Tables IV(a) and IV(b) so that the order of classes from top to bottom reads as follows: Class 1C, Class 1B and lastly Class 1A. These would align with the temperature ranges from least volatile to most volatile class of flammable liquids. The maximum number of gallons shall remain the same as the current code. See revised tables on the following page:



(a) Industries engaged in storage for resale:

	<u>Above Ground</u>	Below Ground
Materials having a closed cup flash point over 187°F but less than 350°F Class IC	Prohibited	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F Class IB	Prohibited	100,000
Materials having a closed cup flash point of less than 105°F Class IA	Prohibited	<u>100,000</u>
Total	-	300,000

(b) Industries engaged in utilization and or manufacture, or a combination thereof, of flammable materials where storage is an ancillary use:

	<u>Above Ground</u>	Below Ground
Materials having a closed cup flash point over 187°F but less than 350°F Class IC	50,000	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F Class IB	25,000	100,000
Materials having a closed cup flash point of less than 105°F Class IA	<u>Prohibited</u>	<u>100,000</u>
Total	75,000	300,000

Additionally, various members of the public provided comments and urged the Village to enact regulations that are stricter than what state and federal laws currently impose to protect the community. The Plan Commission acknowledged the concerns of the residents and communities and assured the audience that the proposed text amendment would be a vast improvement to the current code and should be thought of as a first step to addressing the problems with the current code.



Motion

Following staff's report and the Plan Commission's discussion, the following motion by Commissioner Remkus was seconded by Commissioner Soukup and approved by a unanimous roll call vote of the members present:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 11 of the Staff Report for PC Case Number 19-05 to amend Section 9-9-7 of the Zoning Title of the Village of Willowbrook regarding fire and explosion hazard standards, with the following changes: Add the definitions of Volatility, Vapor Pressure, Boiling Point and Flashpoint to Section 9-9-7(B); revise the language to the proposed Section 9-9-7(D)3 to eliminate a requirement for the RCRA permit and replace with language requiring copies of any permit required by the EPA/IEPA to be provided to the Village; and revise Tables IV(a) and IV(b) so that the above ground storage of flammable liquid classes are ordered from the least volatile to most volatile class.



Attachment 1
Current Version of Section 9-9-7
(2 pages)

9-9-7: FIRE AND EXPLOSION HAZARD STANDARDS:

(A) Required Performance Level: All operations, activities and uses shall be conducted so as to comply with the performance standards governing fire and explosion hazards prescribed below.

(B) General Requirements:

1. Activities involving the storage, utilization or manufacture of materials or products which decompose by detonation are permitted only in accordance with the regulations of each zoning district. Such materials shall include, but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid, propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, chlorates and hydrogen peroxide in concentrations greater than thirty five percent (35%); and nuclear fuels, fissionable materials and products and reactor elements such as uranium 235 and plutonium 239.
2. Where materials or products which decompose by detonation are permitted, these materials shall be handled, stored, utilized or manufactured in accordance with the National Fire Codes published by the National Fire Protection Association. (Ord. 75-O-3, 3-10-1975)

(C) Standards In The M-1 Light Manufacturing District:

1. Uses involving the manufacture, storage and utilization of materials and products which decompose by detonation may be allowed only as a special use.
2. The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
3. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided that said materials or products are stored, manufactured or utilized in fire-resistant and fire-protected buildings or spaces. Said materials or products shall be stored so that they are set back at least one hundred feet (100') from all lot lines.
4. The storage, utilization or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with table IV of this section, except that the storage of finished products in original sealed containers of fifty five (55) gallons or less shall be unrestricted.

TABLE IV
TOTAL CAPACITY OF FLAMMABLE
MATERIALS PERMITTED, GALLONS

(a) Industries engaged in storage for resale:

	<u>Above Ground</u>	Below Ground
Materials having a closed cup flash point over 187°F but less than 350°F	Prohibited	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F	Prohibited	100,000
Materials having a closed cup flash point of less than 105°F	Prohibited	<u>100,000</u>
Total		300,000

(b) Industries engaged in utilization and manufacture of flammable materials where storage is an ancillary use:

	<u>Above Ground</u>	Below Ground
Materials having a closed cup flash point over 187°F but less than 350°F	50,000	100,000
Materials having a closed cup flash point from and including 105°F to and including 187°F	25,000	100,000
Materials having a closed cup flash point of less than 105°F	<u>Prohibited</u>	<u>100,000</u>
Total	75,000	300,000

When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet at standard temperature and pressure permitted shall not exceed thirty (30) times the quantities listed above. (Ord. 97-O-05, 1-27-1997)



Attachment 2
EPCRA Sections 311-312, Facilities That Are Covered
(3 pages)

We've made some changes to EPA.gov. If the information you are looking for is not here, you may be able to find it on the EPA Web Archive or the January 19, 2017 Web Snapshot.



EPCRA Sections 311-312

Emergency Planning and Community Right-to-Know Act (EPCRA) Hazardous Chemical Inventory Reporting Requirements

For any hazardous chemical used or stored in the workplace, facilities must maintain a material safety data sheet (MSDS) (or Safety Data Sheet, SDS). Facilities must submit MSDSs (or SDSs), or a list of hazardous chemicals, to their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and local fire department.

Facilities must also submit an annual inventory of these chemicals by March 1 of each year to their SERC, LEPC and local fire department. The information submitted by facilities must be made available to the public.

- [What facilities are covered?](#)
- [What is a hazardous chemical?](#)
- [What are facilities required to do?](#)
- [How do I submit a Tier I or Tier II Inventory Report?](#)
- [Where can I find more information on these requirements?](#)

What facilities are covered?

Any facility that is required to maintain MSDSs (or SDSs) under the Occupational Safety and Health Administration (OSHA) regulations for hazardous chemicals stored or used in the work place.

Facilities with chemicals in quantities that equal or exceed the following thresholds must report:

- For Extremely Hazardous Substances (EHSs)(40 CFR part 355 [Appendix A](#) and [Appendix B](#) (PDF)), either 500 pounds or the Threshold Planning Quantity (TPQ), whichever is lower.
- For gasoline (all grades combined) at a retail gas station, the threshold level is 75,000 gallons (or approximately 283,900 liters), if the tank(s) was stored entirely underground and was in compliance at all times during the preceding calendar year with all applicable Underground Storage Tank (UST) requirements at 40 CFR part 280 or requirements of the State UST program approved by the Agency under 40 CFR part 281.
- For diesel fuel (all grades combined) at a retail gas station, the threshold level is 100,000 gallons (or approximately 378,500 liters), if the tank(s) was

stored entirely underground and the tank(s) was in compliance at all times during the preceding calendar year with all applicable UST requirements at 40 CFR part 280 or requirements of the State UST program approved by the Agency under 40 CFR part 281.

- For all other hazardous chemicals: 10,000 pounds.

What is a hazardous chemical?

Hazardous chemicals are substances for which a facility must maintain a MSDS (or SDS) under the OSHA (Occupational Safety and Health Administration) Hazard Communication Standard, which lists the criteria used to identify a hazardous chemical. MSDSs (or SDSs) are detailed information sheets that provide data on health hazards and physical hazards of chemicals along with associated protective measures. Over 500,000 products have MSDSs (SDSs) which are normally obtained from the chemical manufacturer.

What are facilities required to do?

- Under Section 311 of the Emergency Planning and Community Right-to-Know Act (EPCRA), facilities must submit the MSDSs (or SDSs) of hazardous chemicals present on-site at or above the reporting threshold to their SERC, LEPC, and local fire department. Facilities may choose to submit a list of the hazardous chemicals grouped into hazard categories instead. This is a one-time submittal. New facilities have three months after becoming subject to the OSHA regulations to submit their MSDSs (or SDSs) or the list of the hazardous chemicals to their SERC, LEPC, and the fire department.
- Facilities that need to submit MSDSs (or SDSs) or the list of hazardous chemicals under Section 311, also need to submit an annual inventory report for the same chemicals (EPCRA (Emergency Planning and Community Right-to-Know Act) Section 312). This inventory report must be submitted to the SERC, LEPC and local fire department by March 1 of each year.

How do I submit a Tier I or Tier II Inventory Report?

Facilities covered by these requirements must submit an emergency and hazardous chemical inventory form to their SERC, LEPC and the local fire department annually. Facilities provide either a Tier I or Tier II form. Most states require the Tier II form. Tier II forms require basic facility identification information, employee contact information for both emergencies and non-emergencies, and information about chemicals stored or used at the facility. EPA recently revised the Tier II form to include additional data elements which would be useful of local planners and responders.

The following is a list of some of the information required on the inventory form:

- The chemical name or the common name as indicated on the MSDS (or SDS)
- An estimate of the maximum amount of the chemical present at any time during the preceding calendar year and the average daily amount

- A brief description of the manner of storage of the chemical
- The location of the chemical at the facility
- An indication of whether the owner of the facility elects to withhold location information from disclosure to the public

Tier I Forms and Instructions

Tier II Forms and Instructions

Tier II Reporting Requirements by State and Tier2 Submit Software

Where can I find more information on these requirements?

For more information, see 40 CFR part 370 and EPCRA Amendments and Guidance.

LAST UPDATED ON APRIL 4, 2018



Attachment 3
Appendix A To Part 355
The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities
(6 pages)

Pl. 355, App. A

40 CFR Ch. I (7-1-13 Edition)

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, EHS, or CERCLA hazardous substance.

Reportable quantity means, for any CERCLA hazardous substance, the quantity established in Table 302.4 of 40 CFR 302.4, for such substance. For any EHS, reportable quantity means the quantity established in Appendices A and B of this part for such substance. Unless and until superseded by regulations establishing a reportable quantity for newly listed EHSs or CERCLA hazardous substances, a weight of 1 pound shall be the reportable quantity.

SERC means the State Emergency Response Commission for the State in which the facility is located except where the facility is located in Indian Country, in which case, SERC means the Emergency Response Commission for the Tribe under whose jurisdiction

the facility is located. In the absence of a SERC for a State or Indian Tribe, the Governor or the chief executive officer of the tribe, respectively, shall be the SERC. Where there is a cooperative agreement between a State and a Tribe, the SERC shall be the entity identified in the agreement.

Solution means any aqueous or organic solutions, slurries, viscous solutions, suspensions, emulsions, or pastes.

State means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, any other territory or possession over which the United States has jurisdiction and Indian Country.

Threshold planning quantity means, for a substance listed in Appendices A and B of this part, the quantity listed in the column "threshold planning quantity" for that substance.

[73 FR 65462, Nov. 3, 2008, as amended at 73 FR 76960, Dec. 18, 2008; 77 FR 16688, Mar. 22, 2012]

APPENDIX A TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
75-86-5	Acetone Cyanohydrin		10	1,000
1752-30-3	Acetone Thiosemicarbazide		1,000	1,000/10,000
107-02-8	Acrolein		1	500
79-06-1	Acrylamide	f	5,000	1,000/10,000
107-13-1	Acrylonitrile	f	100	10,000
814-68-6	Acrylyl Chloride	d	100	100
111-69-3	Adiponitrile	f	1,000	1,000
116-06-3	Aldicarb	b	1	100/10,000
309-00-2	Aldrin		1	500/10,000
107-18-6	Allyl Alcohol		100	1,000
107-11-9	Allylamine		500	500
20859-73-8	Aluminum Phosphide	a	100	500
54-62-6	Aminopterin		500	500/10,000
78-53-5	Amiton		500	500
3734-97-2	Amiton Oxalate		100	100/10,000
7664-41-7	Ammonia	f	100	500
300-62-9	Amphetamine		1,000	1,000
62-53-3	Aniline	f	5,000	1,000
88-05-1	Aniline, 2,4,6-Trimethyl-		500	500
7783-70-2	Antimony Pentafluoride		500	500
1397-94-0	Antimycin A	b	1,000	1,000/10,000
86-88-4	ANTU		100	500/10,000
1309-28-2	Arsenic Pentoxide		1	100/10,000
1327-53-3	Arsenous Oxide	d	1	100/10,000
7784-34-1	Arsenous Trichloride		1	500
7784-42-1	Arsine		100	100
2642-71-9	Azinphos-Ethyl		100	100/10,000
86-50-0	Azinphos-Methyl		1	10/10,000
98-87-3	Benzal Chloride		5,000	500

Environmental Protection Agency

Pt. 355, App. A

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
98-16-8	Benzenamine, 3-(Trifluoromethyl)-		500	500
100-14-1	Benzene, 1-(Chloromethyl)-4-Nitro-		500	500/10,000
98-05-5	Benzenearsonic Acid		10	10/10,000
3615-21-2	Benzimidazole, 4,5-Dichloro-2-(Trifluoromethyl)-	c	500	500/10,000
98-07-7	Benzotrichloride		10	100
100-44-7	Benzyl Chloride		100	500
140-29-4	Benzyl Cyanide	d	500	500
15271-41-7	Bicyclo[2.2.1]Heptane-2-Carbonitrile, 5-Chloro-6-(((Methylamino)Carbonyl)Oxy)imino)-, (1s-(1-alpha,2-beta,4-alpha,5-alpha,6E))-		500	500/10,000
534-07-6	Bis(Chloromethyl) Ketone		10	10/10,000
4044-65-9	Bitoscanate		500	500/10,000
10294-34-5	Boron Trichloride		500	500
7637-07-2	Boron Trifluoride		500	500
353-42-4	Boron Trifluoride Compound With Methyl Ether (1:1)		1,000	1,000
28772-56-7	Bromadiolone		100	100/10,000
7726-95-6	Bromine	f	500	500
1306-19-0	Cadmium Oxide		100	100/10,000
2223-93-0	Cadmium Stearate	b	1,000	1,000/10,000
7778-44-1	Calcium Arsenate		1	500/10,000
8001-35-2	Campechlor		1	500/10,000
56-25-7	Cantharidin		100	100/10,000
51-83-2	Carbachol Chloride		500	500/10,000
26419-73-8	Carbamic Acid, Methyl-, O-(((2,4-Dimethyl-1, 3-Dithiolan-2-yl)Methylene)Amino)-		100	100/10,000
1563-66-2	Carbofuran		10	10/10,000
75-15-0	Carbon Disulfide	f	100	10,000
786-19-6	Carbophenothion		500	500
57-74-9	Chlordane		1	1,000
470-90-6	Chlorfenvinfos		500	500
7782-50-5	Chlorine		10	100
24934-91-6	Chlormephos		500	500
999-81-5	Chlormequat Chloride	d	100	100/10,000
79-11-8	Chloroacetic Acid		100	100/10,000
107-07-3	Chloroethanol		500	500
627-11-2	Chloroethyl Chloroformate		1,000	1,000
67-66-3	Chloroform	f	10	10,000
542-88-1	Chloromethyl Ether	d	10	100
107-30-2	Chloromethyl Methyl Ether	b	10	100
3691-35-8	Chlorophacinone		100	100/10,000
1982-47-4	Chloroxuron		500	500/10,000
21923-23-9	Chlorthiophos	d	500	500
10025-73-7	Chromic Chloride		1	1/10,000
62207-76-5	Cobalt, ((2,2'-(1,2-Ethenediylbis (Nitro)methylidene)) Bis(6-Fluorophenolato))(2-)-N,N',O,O'-		100	100/10,000
10210-68-1	Cobalt Carbonyl	d	10	10/10,000
64-86-8	Colchicine	d	10	10/10,000
56-72-4	Coumaphos		10	100/10,000
5836-29-3	Coumatetrail		500	500/10,000
95-48-7	Cresol, o-		100	1,000/10,000
535-89-7	Crimidine		100	100/10,000
4170-30-3	Crotonaldehyde		100	1,000
123-73-9	Crotonaldehyde, (E)-		100	1,000
506-68-3	Cyanogen Bromide		1,000	500/10,000
506-78-5	Cyanogen Iodide		1,000	1,000/10,000
2636-26-2	Cyanophos		1,000	1,000
675-14-9	Cyanuric Fluoride		100	100
66-81-9	Cycloheximide		100	100/10,000
108-91-8	Cyclohexylamine	f	10,000	10,000
17702-41-9	Decaborane(14)		500	500/10,000
8065-48-3	Demeton		500	500
919-86-8	Demeton-S-Methyl		500	500
10311-84-9	Dialifor		100	100/10,000
19287-45-7	Diborane		100	100
111-44-4	Dichloroethyl ether		10	10,000
149-74-6	Dichloromethylphenylsilane		1,000	1,000
62-73-7	Dichlorvos		10	1,000
141-66-2	Dicrotophos		100	100
1464-53-5	Diepoxybutane		10	500
814-49-3	Diethyl Chlorophosphate	d	500	500
71-63-6	Digitoxin	b	100	100/10,000

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
2238-07-5	Diglycidyl Ether		1,000	1,000
20830-75-5	Digoxin	d	10	10/10,000
115-26-4	Dimetox		500	500
60-51-5	Dimethoate		10	500/10,000
2524-03-0	Dimethyl Phosphorochloridothioate		500	500
77-78-1	Dimethyl sulfate		100	500
75-78-5	Dimethyldichlorosilane	d	500	500
57-14-7	Dimethylhydrazine		10	1,000
99-98-9	Dimethyl-p-Phenylenediamine		10	10/10,000
644-64-4	Dimetilan		1	500/10,000
534-52-1	Dinitroresol		10	10/10,000
88-85-7	Dinoseb		1,000	100/10,000
1420-07-1	Dinoterb		500	500/10,000
78-34-2	Dioxathion		500	500
82-66-6	Diphacinone		10	10/10,000
152-16-9	Diphosphoramidate, Octamethyl-		100	100
296-04-4	Disulfoton		1	500
514-73-8	Dithiazanine Iodide		500	500/10,000
541-53-7	Dithioburet		100	100/10,000
316-42-7	Emetine, Dihydrochloride	d	1	1/10,000
115-29-7	Endosulfan		1	10/10,000
2778-04-3	Endothion		500	500/10,000
72-20-8	Endrin		1	500/10,000
106-89-8	Epichlorohydrin	f	100	1,000
2104-64-5	EPN		100	100/10,000
50-14-6	Ergocalciferol	b	1,000	1,000/10,000
379-79-3	Ergotamine Tartrate		500	500/10,000
1622-32-8	Ethanesulfonyl Chloride, 2-Chloro-		500	500
10140-87-1	Ethanol, 1,2-Dichloro-, Acetate		1,000	1,000
563-12-2	Ethion		10	1,000
13194-48-4	Ethoprophos		1,000	1,000
538-07-8	Ethylbis(2-Chloroethyl)Amine	d	500	500
371-62-0	Ethylene Fluorohydrin	b, d	10	10
75-21-8	Ethylene Oxide	f	10	1,000
107-15-3	Ethylenediamine		5,000	10,000
151-56-4	Ethyleneimine		1	500
542-90-5	Ethylthiocyanate		10,000	10,000
22224-92-6	Fenamiphos		10	10/10,000
115-90-2	Fensulfthion	d	500	500
4301-50-2	Fluometil		100	100/10,000
7782-41-4	Fluorone	e	10	500
640-19-7	Fluoroacetamide		100	100/10,000
144-49-0	Fluoroacetic Acid		10	10/10,000
359-06-8	Fluoroacetyl Chloride	b	10	10
51-21-8	Fluorouracil		500	500/10,000
944-22-9	Fonofos		500	500
50-00-0	Formaldehyde	f	100	500
107-16-4	Formaldehyde Cyanohydrin	d	1,000	1,000
23422-53-9	Formetanate Hydrochloride	d	100	500/10,000
2540-82-1	Formothion		100	100
17702-57-7	Formparanate		100	100/10,000
21548-32-3	Fosthietan		500	500
3878-19-1	Fuberidazole		100	100/10,000
110-00-9	Furan		100	500
13450-90-3	Gallium Trichloride		500	500/10,000
77-47-4	Hexachlorocyclopentadiene	d	10	100
4835-11-4	Hexamethylenediamine, N,N'-Diethyl-		500	500
302-01-2	Hydrazine		1	1,000
74-90-8	Hydrocyanic Acid		10	100
7647-01-0	Hydrogen Chloride (gas only)	f	5,000	500
7664-39-3	Hydrogen Fluoride		100	100
772-84-1	Hydrogen Peroxide (Conc > 52%)	f	1,000	1,000
7783-07-5	Hydrogen Selenide		10	10
7783-06-4	Hydrogen Sulfide	f	100	500
123-31-9	Hydroquinone	f	100	500/10,000
13463-40-6	Iron, Pentacarbonyl-		100	100
297-78-9	Isobenzan		100	100/10,000
78-82-0	Isobutyronitrile	d	1,000	1,000
102-36-3	Isoocyanic Acid, 3,4-Dichlorophenyl Ester		500	500/10,000
465-73-6	Isodrin		1	100/10,000
55-91-4	Isocluorophate	b	100	100

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[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
4098-71-9	Isophorone Diisocyanate	g	500	500
108-23-6	Isopropyl Chloroformate		1,000	1,000
119-38-0	Isopropylmethyl-pyrazoly Dimethylcarbamate		100	500
78-97-7	Lactonitrile		1,000	1,000
21609-90-5	Leptophos		500	500/10,000
541-25-3	Lewisite	b, d	10	10
58-89-9	Lindane		1	1,000/10,000
7580-67-8	Lithium Hydride	a	100	100
109-77-3	Malononitrile		1,000	500/10,000
12108-13-3	Manganese, Tricarbonyl Methylcyclopentadienyl	d	100	100
51-75-2	Mechlorethamine	b	10	10
950-10-7	Mephsolan		500	500
1600-27-7	Mercuric Acetate		500	500/10,000
7487-94-7	Mercuric Chloride		500	500/10,000
21908-53-2	Mercuric Oxide		500	500/10,000
10476-95-6	Methacrolein Diacetate		1,000	1,000
760-93-0	Methacrylic Anhydride		500	500
126-98-7	Methacrylonitrile	d	1,000	500
920-46-7	Methacryloyl Chloride		100	100
30674-80-7	Methacryloyloxyethyl Isocyanate	d	100	100
10265-92-6	Methamidophos		100	100/10,000
558-25-8	Methanesulfonyl Fluoride		1,000	1,000
950-37-8	Methidathion		500	500/10,000
2032-65-7	Methiocarb		10	500/10,000
16752-77-5	Melhomyl	d	100	500/10,000
151-38-2	Methoxyethylmercuric Acetate		500	500/10,000
80-63-7	Methyl 2-Chloroacrylate		500	500
74-83-9	Methyl Bromide	f	1,000	1,000
79-22-1	Methyl Chloroformate	d	1,000	500
60-34-4	Methyl Hydrazine		10	500
624-83-9	Methyl Isocyanate		10	500
556-61-6	Methyl Isothiocyanate	a	500	500
74-93-1	Methyl Mercaptan	f	100	500
3735-23-7	Methyl Phenkapton		500	500
676-97-1	Methyl Phosphonic Dichloride	a	100	100
556-64-9	Methyl Thiocyanate		10,000	10,000
78-94-4	Methyl Vinyl Ketone		10	10
502-39-6	Methylmercuric Dicyanamide		500	500/10,000
75-79-6	Methyltrichlorosilane	d	500	500
1129-41-5	Metolcarb		1,000	100/10,000
7786-34-7	Mevinphos		10	500
315-18-4	Mexacarbate	d	1,000	500/10,000
50-07-7	Mitomycin C		10	500/10,000
6923-22-4	Monocrotophos		10	10/10,000
2763-96-4	Muscimol		1,000	500/10,000
505-60-2	Mustard Gas	d	500	500
13463-39-3	Nickel Carbonyl		10	1
54-11-5	Nicotine	b	100	100
65-90-5	Nicotine Sulfate		100	100/10,000
7697-37-2	Nitric Acid		1,000	1,000
10102-43-9	Nitric Oxide	b	10	100
98-95-3	Nitrobenzene	f	1,000	10,000
1122-60-7	Nitrocyclohexane		500	500
10102-44-0	Nitrogen Dioxide		10	100
62-75-9	Nitrosodimethylamine	d	10	1,000
991-42-4	Norbormide		100	100/10,000
	Organorhodium Complex (PMN-82-147)		10	10/10,000
630-60-4	Ouabain	b	100	100/10,000
23135-22-0	Oxamyl		100	100/10,000
78-71-7	Oxetane, 3,3-Bis(Chloromethyl)-		500	500
2497-07-6	Oxydisulfoton	d	500	500
10028-15-6	Ozone		100	100
1910-42-5	Paraquat Dichloride		10	10/10,000
2074-60-2	Paraquat Methosulfate		10	10/10,000
56-38-2	Parathion	b	10	100
298-00-0	Parathion-Methyl	b	100	100/10,000
12002-03-8	Paris Green		1	500/10,000
19624-22-7	Pentaborane		500	500
2570-26-5	Pentadecylamine		100	100/10,000
79-21-0	Peracetic Acid		500	500
594-42-3	Perchloromethylmercaptan		100	500

[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
106-95-2	Phenol		1,000	500/10,000
4418-66-0	Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-		100	100/10,000
64-00-6	Phenol, 3-(1-Methylethyl)-, Methylcarbamate		10	500/10,000
58-36-6	Phenoxarsine, 10,10'-Oxydi-		500	500/10,000
696-28-6	Phenyl Dichloroarsine	d	1	500
59-88-1	Phenylhydrazine Hydrochloride		1,000	1,000/10,000
62-38-4	Phenylmercury Acetate		100	500/10,000
2097-19-0	Phenylsilatrane	d	100	100/10,000
103-85-5	Phenylthiourea		100	100/10,000
298-02-2	Phorate		10	10
4104-14-7	Phosacetim		100	100/10,000
947-02-4	Phosfolan		100	100/10,000
75-44-5	Phosgene	f	10	10
13171-21-6	Phosphamidon		100	100
7803-51-2	Phosphine		100	500
2703-13-1	Phosphonothioic Acid, Methyl-, O-Ethyl O-(4-(Methylthio) Phenyl) Ester.		500	500
50782-69-9	Phosphonothioic Acid, Methyl-, S-(2-(Bis(1-Methylethyl)Amino)Ethyl) O-Ethyl Ester.		100	100
2665-30-7	Phosphonothioic Acid, Methyl-, O-(4-Nitrophenyl) O-Phenyl Ester.		500	500
3254-63-5	Phosphoric Acid, Dimethyl 4-(Methylthio)Phenyl Ester.		500	500
2587-90-8	Phosphorothioic Acid, O,O-Dimethyl-S-(2-Methylthio) Ethyl Ester.	b, c	500	500
7723-14-0	Phosphorus	a, d	1	100
10025-87-3	Phosphorus Oxychloride		1,000	500
10026-13-8	Phosphorus Pentachloride	a	500	500
7719-12-2	Phosphorus Trichloride		1,000	1,000
57-47-6	Physostigmine		100	100/10,000
57-64-7	Physostigmine, Salicylate (1:1)		100	100/10,000
124-87-8	Picrotoxin		500	500/10,000
110-89-4	Piperidine		1,000	1,000
23505-41-1	Pirimifos-Ethyl		1,000	1,000
10124-50-2	Potassium Arsenite		1	500/10,000
151-50-8	Potassium Cyanide	a	10	100
506-61-6	Potassium Silver Cyanide	a	1	500
2631-37-0	Promecarb	d	1,000	500/10,000
106-96-7	Propargyl Bromide		10	10
57-57-8	Propiolactone, Beta-		10	500
107-12-0	Propionitrile		10	500
542-76-7	Propionitrile, 3-Chloro-		1,000	1,000
70-69-9	Propiophenone, 4-Amino-	c	100	100/10,000
109-61-5	Propyl Chloroformate		500	500
75-56-9	Propylene Oxide	f	100	10,000
75-55-8	Propyleneimine		1	10,000
2275-18-5	Prothoate		100	100/10,000
129-00-0	Pyrene	b	5,000	1,000/10,000
140-76-1	Pyridine, 2-Methyl-5-Vinyl-		500	500
504-24-5	Pyridine, 4-Amino-	d	1,000	500/10,000
1124-33-0	Pyridine, 4-Nitro-1-Oxide		500	500/10,000
53558-25-1	Pyriminil	d	100	100/10,000
14167-18-1	Salcomine		500	500/10,000
107-44-8	Sarin	d	10	10
7783-00-8	Selenious Acid		10	1,000/10,000
7791-23-3	Selenium Oxychloride		500	500
563-41-7	Semicarbazide Hydrochloride		1,000	1,000/10,000
3037-72-7	Silane, (4-Aminobutyl)Diethoxymethyl-		1,000	1,000
7631-89-2	Sodium Arsenate		1	1,000/10,000
7784-46-5	Sodium Arsenite		1	500/10,000
26628-22-8	Sodium Azide (Na(N ₃))	a	1,000	500
124-65-2	Sodium Cacodylate		100	100/10,000
143-33-9	Sodium Cyanide (Na(CN))	a	10	100
62-74-8	Sodium Fluoroacetate		10	10/10,000
13410-01-0	Sodium Selenate		100	100/10,000
10102-18-8	Sodium Selenite	d	100	100/10,000
10102-20-2	Sodium Tellurite		500	500/10,000
900-95-8	Stannane, Acetoxytriphenyl-	c	500	500/10,000
57-24-9	Strychnine	b	10	100/10,000
60-41-3	Strychnine Sulfate		10	100/10,000
3689-24-5	Sulfotep		100	500

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[Alphabetical Order]

CAS No.	Chemical name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
3569-57-1	Sulfoxide, 3-Chloropropyl Octyl		500	500
7446-09-5	Sulfur Dioxide	f	500	500
7783-60-0	Sulfur Tetrafluoride		100	100
7446-11-9	Sulfur Trioxide	a	100	100
7664-93-9	Sulfuric Acid		1,000	1,000
77-81-6	Tabun	b, d	10	10
7783-80-4	Tellurium Hexafluoride	e	100	100
107-49-3	TEPP		10	100
13071-79-9	Terbufos	d	100	100
78-00-2	Tetraethyllead	b	10	100
597-64-8	Tetraethyltin	b	100	100
75-74-1	Tetramethyllead	b, f	100	100
509-14-8	Tetranitromethane		10	500
10031-59-1	Thallium Sulfate	d	100	100/10,000
6533-73-9	Thalious Carbonate	b, d	100	100/10,000
7791-12-0	Thalious Chloride	b, d	100	100/10,000
2757-18-8	Thalious Malonate	b, d	100	100/10,000
7446-18-6	Thalious Sulfate		100	100/10,000
2231-57-4	Thiocarbazine		1,000	1,000/10,000
39196-18-4	Thiofanox		100	100/10,000
297-97-2	Thionazin		100	500
108-98-5	Thiophenol		100	500
79-19-6	Thiosemicarbazide		100	100/10,000
5344-82-1	Thiourea, (2-Chlorophenyl)-		100	100/10,000
614-78-8	Thiourea, (2-Methylphenyl)-		500	500/10,000
7550-45-0	Titanium Tetrachloride		1,000	100
584-84-9	Toluene 2,4-Diisocyanate		100	500
91-08-7	Toluene 2,6-Diisocyanate		100	100
110-57-6	Trans-1,4-Dichlorobutene		500	500
1031-47-6	Triamphos		500	500/10,000
24017-47-8	Triazofos		500	500
76-02-8	Trichloroacetyl Chloride		500	500
115-21-9	Trichloroethylsilane	d	500	500
327-98-0	Trichloronate	e	500	500
98-13-5	Trichlorophenylsilane	d	500	500
1558-25-4	Trichloro(Chloromethyl)Silane		100	100
27137-85-5	Trichloro(Dichlorophenyl) Silane		500	500
998-30-1	Triethoxysilane		500	500
75-77-4	Trimethylchlorosilane		1,000	1,000
824-11-3	Trimethylpropane Phosphite	d	100	100/10,000
1066-45-1	Trimethyltin Chloride		500	500/10,000
639-58-7	Triphenyltin Chloride		500	500/10,000
555-77-1	Tris(2-Chloroethyl)Amine	d	100	100
2001-95-8	Valinomycin	b	1,000	1,000/10,000
1314-62-1	Vanadium Pentoxide		1,000	100/10,000
108-05-4	Vinyl Acetate Monomer	f	5,000	1,000
81-81-2	Warfarin		100	500/10,000
129-06-6	Warfarin Sodium	d	100	100/10,000
28347-13-9	Xylylene Dichloride		100	100/10,000
58270-08-9	Zinc, Dichloro(4,4-Dimethyl-5(((Methylamino)Carbonyl)Oxy)Imino)Pentanenitrile-, (T-4)-		100	100/10,000
1314-84-7	Zinc Phosphide	a	100	500

* Only the statutory or final RQ is shown. For more information, see 40 CFR 355.61.

Notes:

- a. This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.
- b. The calculated TPQ changed after technical review as described in a technical support document for the final rule, April 22, 1987.
- c. Chemicals added by final rule, April 22, 1987.
- d. Revised TPQ based on new or re-evaluated toxicity data, April 22, 1987.
- e. The TPQ was revised due to calculation error, April 22, 1987.
- f. Chemicals on the original list that do not meet toxicity criteria but because of their acute lethality, high production volume and known risk are considered chemicals of concern ("Other chemicals"), November 17, 1986 and February 15, 1990.
- g. The TPQ was recalculated (September 8, 2003) since it was mistakenly calculated in the April 22, 1987 final rule under the wrong assumption that this chemical is a reactive solid, when in fact it is a liquid. RQ for this chemical was adjusted on September 11, 2006.



Attachment 4
Appendix B To Part 355
The List Of Extremely Hazardous Substances And Their Threshold Planning Quantities
(6 pages)

APPENDIX B TO PART 355—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
0	Organorhodium Complex (PMN-82-147)		10	10/10,000
50-00-0	Formaldehyde	f	100	500
50-07-7	Mitomycin C		10	500/10,000
50-14-6	Ergocalciferol	b	1,000	1,000/10,000
51-21-8	Fluorouracil		500	500/10,000
51-75-2	Mechlorethamine	b	10	10
51-83-2	Carbachol Chloride		500	500/10,000
54-11-5	Nicotine	b	100	100
54-62-6	Aminopterin		500	500/10,000
55-91-4	Isotluorophate	b	100	100
56-25-7	Cantharidin		100	100/10,000
56-38-2	Parathion	b	10	100
56-72-4	Coumaphos		10	100/10,000
57-14-7	Dimethylhydrazine		10	1,000
57-24-9	Strychnine	b	10	100/10,000
57-47-6	Physostigmine		100	100/10,000
57-57-8	Propiolactone, Beta-		10	500
57-64-7	Physostigmine, Salicylate (1:1)		100	100/10,000
57-74-9	Chlordane		1	1,000
58-36-6	Phenoxarsine, 10,10'-Oxydi-		500	500/10,000
58-89-9	Lindane		1	1,000/10,000
59-89-1	Phenylhydrazine Hydrochloride		1,000	1,000/10,000
60-34-4	Methyl Hydrazine		10	500
60-41-3	Strychnine sulfate		10	100/10,000
60-51-5	Dimethoate		10	500/10,000
62-38-4	Phenylmercury Acetate		100	500/10,000
62-53-3	Aniline	f	5,000	1,000
62-73-7	Dichlorvos		10	1,000
62-74-8	Sodium Fluoroacetate		10	10/10,000
62-75-9	Nitrosodimethylamine	d	10	1,000
64-00-6	Phenol, 3-(1-Methylethyl)-, Methylcarbamate		10	500/10,000
64-86-8	Colchicine	d	10	10/10,000
65-30-5	Nicotine sulfate		100	100/10,000
66-81-9	Cycloheximide	f	100	100/10,000
67-66-3	Chloroform	f	10	10,000
70-69-9	Propiophenone, 4-Amino-	c	100	100/10,000
71-63-6	Digitoxin	b	100	100/10,000
72-20-8	Endrin		1	500/10,000
74-83-9	Methyl Bromide	f	1,000	1,000
74-90-8	Hydrocyanic Acid		10	100
74-93-1	Methyl Mercaptan	f	100	500
75-15-0	Carbon Disulfide	f	100	10,000
75-21-8	Ethylene Oxide	f	10	1,000
75-44-5	Phosgene	f	10	10
75-55-8	Propyleneimine		1	10,000
75-56-9	Propylene Oxide	f	100	10,000
75-74-1	Tetramethyllead	b, f	100	100
75-77-4	Trimethylchlorosilane		1,000	1,000
75-78-5	Dimethyldichlorosilane	d	500	500
75-79-6	Methyltrichlorosilane	d	500	500
75-86-5	Acetone Cyanohydrin		10	1,000
76-02-8	Trichloroacetyl Chloride		500	500
77-47-4	Hexachlorocyclopentadiene	d	10	100
77-78-1	Dimethyl Sulfate		100	500
77-81-6	Tabun	b, d	10	10
78-00-2	Tetraethyllead	b	10	100
78-34-2	Dioxathion		500	500
78-53-5	Amiton		500	500
78-71-7	Oxetane, 3,3-Bis(Chloromethyl)-		500	500
78-82-0	Isobutyronitrile	d	1,000	1,000
78-94-4	Methyl Vinyl Ketone		10	10
78-97-7	Lactonitrile		1,000	1,000
79-06-1	Acrylamide	f	5,000	1,000/10,000
79-11-8	Chloroacetic Acid		100	100/10,000
79-19-6	Thiosemicarbazide		100	100/10,000
79-21-0	Peracetic Acid		500	500
79-22-1	Methyl Chloroformate	d	1,000	500
80-63-7	Methyl 2-Chloroacrylate		500	500

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[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
81-81-2	Warfarin		100	500/10,000
82-66-6	Diphacinone		10	10/10,000
86-50-0	Azinphos-Methyl		1	10/10,000
86-88-4	ANTU		100	500/10,000
88-05-1	Aniline, 2,4,6-Trimethyl		500	500
88-85-7	Dinoseb		1,000	100/10,000
91-08-7	Toluene 2,6-Diisocyanate		100	100
95-48-7	Cresol, o		100	1,000/10,000
98-05-5	Benzene arsonic Acid		10	10/10,000
98-07-7	Benzotrichloride		10	100
98-13-5	Trichlorophenylsilane	d	500	500
98-16-8	Benzenamine, 3-(Trifluoromethyl)-		500	500
98-87-3	Benzal Chloride		5,000	500
98-95-3	Nitrobenzene	f	1,000	10,000
99-98-9	Dimethyl-p-Phenylenediamine		10	10/10,000
100-14-1	Benzene, 1-(Chloromethyl)-4-Nitro		500	500/10,000
100-44-7	Benzyl Chloride		100	500
102-36-3	Isocyanic Acid, 3,4-Dichlorophenyl Ester		500	500/10,000
103-85-5	Phenylthiourea		100	100/10,000
106-89-8	Epichlorohydrin	f	100	1,000
106-96-7	Propargyl Bromide		10	10
107-02-8	Acrolein		1	500
107-07-3	Chloroethanol		500	500
107-11-9	Allylamine		500	500
107-12-0	Propionitrile		10	500
107-13-1	Acrylonitrile	f	100	10,000
107-15-3	Ethylenediamine		5,000	10,000
107-16-4	Formaldehyde Cyanohydrin	d	1,000	1,000
107-18-6	Allyl Alcohol		100	1,000
107-30-2	Chloromethyl Methyl Ether	b	10	100
107-44-8	Sarin	d	10	10
107-49-3	TEPP		10	100
108-05-4	Vinyl Acetate Monomer	f	5,000	1,000
108-23-6	Isopropyl Chloroformate		1,000	1,000
108-91-8	Cyclohexylamine	f	10,000	10,000
108-95-2	Phenol		1,000	500/10,000
108-98-5	Thiophenol		100	500
109-61-5	Propyl Chloroformate		500	500
109-77-3	Malononitrile		1,000	500/10,000
110-00-9	Furan		100	500
110-57-6	Trans-1,4-Dichlorobutene		500	500
110-89-4	Piperidine		1,000	1,000
111-44-4	Dichloroethyl Ether		10	10,000
111-69-3	Adiponitrile	f	1,000	1,000
115-21-9	Trichloroethylsilane	d	500	500
115-26-4	Dimetox		500	500
115-29-7	Endosulfan		1	10/10,000
115-90-2	Fensulfthion	d	500	500
116-06-3	Aldicarb	b	1	100/10,000
119-38-0	Isopropylmethyl-pyrazolyl Dimethylcarbamate		100	500
123-31-9	Hydroquinone	f	100	500/10,000
123-73-9	Crotonaldehyde, (E)-		100	1,000
124-65-2	Sodium Cacodylate		100	100/10,000
124-87-8	Picrotoxin		500	500/10,000
126-98-7	Methacrylonitrile	d	1,000	500
129-00-0	Pyrene	b	5,000	1,000/10,000
129-06-6	Warfarin Sodium	d	100	100/10,000
140-29-4	Benzyl Cyanide	d	500	500
140-76-1	Pyridine, 2-Methyl-5-Vinyl-		500	500
141-66-2	Dicrotophos		100	100
143-33-9	Sodium Cyanide (Na(CN))	a	10	100
144-49-0	Fluoroacetic Acid		10	10/10,000
149-74-6	Dichloromethylphenylsilane		1,000	1,000
151-38-2	Methoxyethylmercuric Acetate		500	500/10,000
151-50-8	Potassium Cyanide	a	10	100
151-56-4	Ethyleneimine		1	500
152-16-9	Diphosphoramidate, Octamethyl-		100	100
297-78-9	Isobenzan		100	100/10,000
297-97-2	Thionazin		100	500
298-00-0	Parathion-Methyl	b	100	100/10,000
298-02-2	Phorate		10	10

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
298-04-4	Disulfoton		1	500
300-62-9	Amphetamine		1,000	1,000
302-01-2	Hydrazine		1	1,000
309-00-2	Aldrin		1	500/10,000
315-18-4	Mexacarbate		1,000	500/10,000
316-42-7	Emetine, Dihydrochloride	d	1	1/10,000
327-98-0	Trichloronate	e	500	500
353-42-4	Boron Trifluoride Compound With Methyl Ether (1:1)		1,000	1,000
359-06-8	Fluoroacetyl Chloride	b	10	10
371-62-0	Ethylene Fluorohydrin	b, d	10	10
379-79-3	Ergotamine Tartrate		500	500/10,000
465-73-6	Isodrin		1	100/10,000
470-90-6	Chlorfenvinfos		500	500
502-39-6	Methylmercuric Dicyanamide		500	500/10,000
504-24-5	Pyridine, 4-Amino-	d	1,000	500/10,000
505-60-2	Mustard Gas	a	500	500
506-61-6	Potassium Silver Cyanide	a	1	500
506-68-3	Cyanogen Bromide		1,000	500/10,000
506-78-5	Cyanogen Iodide		1,000	1,000/10,000
509-14-8	Tetranitromethane		10	500
514-73-8	Dithiazanine Iodide		500	500/10,000
534-07-6	Bis(Chloromethyl) Ketone		10	10/10,000
534-52-1	Dinitrocresol		10	10/10,000
535-89-7	Crimidine		100	100/10,000
538-07-8	Ethylbis(2-Chloroethyl)Amine	d	500	500
541-25-3	Lewisite	b, d	10	10
541-53-7	Dithiobiuret		100	100/10,000
542-76-7	Propionitrile, 3-Chloro-		1,000	1,000
542-88-1	Chloromethyl Ether	d	10	100
542-90-5	Ethylthiocyanate		10,000	10,000
555-77-1	Tris(2-Chloroethyl)Amine	d	100	100
556-61-6	Methyl Isothiocyanate	a	500	500
556-64-9	Methyl Thiocyanate		10,000	10,000
558-25-8	Methanesulfonyl Fluoride		1,000	1,000
563-12-2	Ethion		10	1,000
563-41-7	Semicarbazide Hydrochloride		1,000	1,000/10,000
584-84-9	Toluene 2,4-Disocyanate		100	500
594-42-3	Perchloromethylmercaptan		100	500
597-64-8	Tetraethyltin	b	100	100
614-78-8	Thiourea, (2-Methylphenyl)-		500	500/10,000
624-83-9	Methyl Isocyanate		10	500
627-11-2	Chloroethyl Chloroformate		1,000	1,000
630-60-4	Ouabain	b	100	100/10,000
639-58-7	Triphenyltin Chloride		500	500/10,000
640-19-7	Fluoroacetamide		100	100/10,000
644-64-4	Dimetilan		1	500/10,000
675-14-9	Cyanuric Fluoride		100	100
676-97-1	Methyl Phosphonic Dichloride	a	100	100
696-28-6	Phenyl Dichloroarsine	d	1	500
760-93-0	Methacrylic Anhydride		500	500
786-19-6	Carbophenothion		500	500
814-49-3	Diethyl Chlorophosphate	d	500	500
814-68-6	Acrylyl Chloride	d	100	100
824-11-3	Trimethylpropane Phosphite	d	100	100/10,000
900-95-8	Stannane, Acetoxytriphenyl-	c	500	500/10,000
919-86-8	Demeton-S-Methyl		500	500
920-46-7	Methacryloyl Chloride		100	100
944-22-9	Fonofos		500	500
947-02-4	Phosclan		100	100/10,000
950-10-7	Mephosfolan		500	500
950-37-8	Methidathion		500	500/10,000
991-42-4	Norbormide		100	100/10,000
998-30-1	Triethoxysilane		500	500
999-81-5	Chlomequat Chloride	d	100	100/10,000
1031-47-6	Triamphos		500	500/10,000
1066-45-1	Trimethyltin Chloride		500	500/10,000
1122-60-7	Nitrocyclohexane		500	500
1124-33-0	Pyridine, 4-Nitro-,1-Oxide		500	500/10,000
1129-41-5	Metolcarb		1,000	100/10,000
1303-28-2	Arsenic Pentoxide		1	100/10,000
1306-19-0	Cadmium Oxide		100	100/10,000

Environmental Protection Agency

Pt. 355, App. B

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
1314-62-1	Vanadium Pentoxide		1,000	100/10,000
1314-84-7	Zinc Phosphide	a	100	500
1327-53-3	Arsenous Oxide	d	1	100/10,000
1397-94-0	Antimycin A	b	1,000	1,000/10,000
1420-07-1	Dinoterb		500	500/10,000
1464-53-5	Diepoxybutane		10	500
1558-25-4	Trichloro(Chloromethyl)Silane		100	100
1563-66-2	Carbofuran		10	10/10,000
1600-27-7	Mercuric Acetate		500	500/10,000
1622-32-8	Ethanesulfonyl Chloride, 2-Chloro-		500	500
1752-30-3	Acetone Thiosemicarbazide		1,000	1,000/10,000
1910-42-5	Paraquat Dichloride		10	10/10,000
1982-47-4	Chloroxuron		500	500/10,000
2001-95-8	Valinomycin	b	1,000	1,000/10,000
2032-65-7	Methiocarb		10	500/10,000
2074-50-2	Paraquat Methosulfate		10	10/10,000
2097-19-0	Phenylsilatrane	d	100	100/10,000
2104-64-5	EPN		100	100/10,000
2223-93-0	Cadmium Stearate	b	1,000	1,000/10,000
2231-57-4	Thiocarbazine		1,000	1,000/10,000
2238-07-5	Diglycidyl Ether		1,000	1,000
2275-18-5	Prothoate		100	100/10,000
2497-07-6	Oxydisulfoton	d	500	500
2524-03-0	Dimethyl Phosphorochlorodithioate		500	500
2540-82-1	Formothion		100	100
2570-26-5	Pentadecylamine		100	100/10,000
2587-90-8	Phosphorothioic Acid, O,O-Dimethyl-S-(2-Methylthio) Ethyl Ester.	b, c	500	500
2631-37-0	Promecarb	d	1,000	500/10,000
2636-26-2	Cyanophos		1,000	1,000
2642-71-9	Azinphos-Ethyl		100	100/10,000
2665-30-7	Phosphonothioic Acid, Methyl-, O-(4-Nitrophenyl) O-Phenyl Ester.		500	500
2703-13-1	Phosphonothioic Acid, Methyl-, O-Ethyl O-(4-(Methylthio)Phenyl) Ester.		500	500
2757-18-8	Thalious Malonate	b, d	100	100/10,000
2763-96-4	Muscimol		1,000	500/10,000
2778-04-3	Endothion		500	500/10,000
3037-72-7	Silane, (4-Aminobutyl)Diethoxymethyl-		1,000	1,000
3254-63-5	Phosphoric Acid, Dimethyl 4-(Methylthio)Phenyl Ester.		500	500
3569-57-1	Sulfoxide, 3-Chloropropyl Octyl		500	500
3615-21-2	Benzimidazole, 4,5-Dichloro-2-(Trifluoromethyl)-	c	500	500/10,000
3689-24-5	Sulfotep		100	500
3691-35-8	Chlorophacinone		100	100/10,000
3734-97-2	Amiton Oxalate		100	100/10,000
3735-23-7	Methyl Phenkapton		500	500
3878-19-1	Fuberidazole		100	100/10,000
4044-65-9	Bitoscanate		500	500/10,000
4098-71-9	Isophorone Diisocyanate	g	500	500
4104-14-7	Phosacetim		100	100/10,000
4170-30-3	Crotonaldehyde		100	1,000
4301-50-2	Fluometil		100	100/10,000
4418-66-0	Phenol, 2,2'-Thiobis(4-Chloro-6-Methyl)-		100	100/10,000
4835-11-4	Hexamethylenediamine, N,N'-Dibutyl-		500	500
5344-82-1	Thiourea, [2-Chlorophenyl]-		100	100/10,000
5836-29-3	Coumatetratyl		500	500/10,000
6533-73-9	Thalious Carbonate	b, d	100	100/10,000
6923-22-4	Monocrotophos		10	10/10,000
7446-09-5	Sulfur Dioxide	f	500	500
7446-11-9	Sulfur Trioxide	a	100	100
7446-18-6	Thalious Sulfate		100	100/10,000
7487-94-7	Mercuric Chloride		500	500/10,000
7550-45-0	Titanium Tetrachloride		1,000	100
7580-67-8	Lithium Hydride	a	100	100
7631-89-2	Sodium Arsenate		1	1,000/10,000
7637-07-2	Boron Trifluoride		500	500
7647-01-0	Hydrogen Chloride (gas only)	f	5,000	500
7664-39-3	Hydrogen Fluoride		100	100
7664-41-7	Ammonia	f	100	500
7664-93-9	Sulfuric Acid		1,000	1,000

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
7697-37-2	Nitric Acid		1,000	1,000
7719-12-2	Phosphorus Trichloride		1,000	1,000
7722-84-1	Hydrogen Peroxide (Conc >52%)	f	1,000	1,000
7723-14-0	Phosphorus	a, d	1	100
7726-95-6	Bromine	f	500	500
7778-44-1	Calcium Arsenate	f	1	500/10,000
7782-41-4	Fluorine	e	10	500
7782-50-5	Chlorine		10	100
7783-00-8	Selenious Acid		10	1,000/10,000
7783-06-4	Hydrogen Sulfide	f	100	500
7783-07-5	Hydrogen Selenide		10	10
7783-60-0	Sulfur Tetrafluoride		100	100
7783-70-2	Antimony Pentafluoride		500	500
7783-80-4	Tellurium Hexafluoride	e	100	100
7784-34-1	Arsenous Trichloride		1	500
7784-42-1	Arsine		100	100
7784-46-5	Sodium Arsenite		1	500/10,000
7786-34-7	Mevinphos		10	500
7791-12-0	Thallous Chloride	b, d	100	100/10,000
7791-23-3	Selenium Oxychloride		500	500
7803-51-2	Phosphine		100	500
8001-35-2	Camphechlor		1	500/10,000
8065-48-3	Demeton		500	500
10025-73-7	Chromic Chloride		1	1/10,000
10025-87-3	Phosphorus Oxychloride		1,000	500
10026-13-8	Phosphorus Pentachloride	a	500	500
10028-15-6	Ozone		100	100
10031-59-1	Thallium Sulfate	d	100	100/10,000
10102-18-8	Sodium Selenite	d	100	100/10,000
10102-20-2	Sodium Tellurite		500	500/10,000
10102-43-9	Nitric Oxide	b	10	100
10102-44-0	Nitrogen Dioxide		10	100
10124-50-2	Potassium Arsenite		1	500/10,000
10140-87-1	Ethanol, 1,2-Dichloro-, Acetate		1,000	1,000
10210-68-1	Cobalt Carbonyl	d	10	10/10,000
10265-92-6	Methamidophos		100	100/10,000
10294-34-5	Boron Trichloride		500	500
10311-84-9	Diallifor		100	100/10,000
10476-95-6	Methacrolein Diacetate		1,000	1,000
12002-03-8	Paris Green		1	500/10,000
12108-13-3	Manganese, Tricarbonyl Methylcyclopentadienyl	d	100	100
13071-79-9	Terbufosh	d	100	100
13171-21-6	Phosphamidon		100	100
13194-48-4	Ethoprophos		1,000	1,000
13410-01-0	Sodium Selenate		100	100/10,000
13450-90-3	Gallium Trichloride		500	500/10,000
13463-39-3	Nickel Carbonyl		10	1
13463-40-6	Iron, Pentacarbonyl-		100	100
14167-18-1	Salcomine		500	500/10,000
15271-41-7	Bicyclo[2.2.1]heptane-2-Carbonitrile, 5-Chloro-6-(((Methylamino)Carbonyl)Oxy)Imino-, (1s-(1-alpha,2-beta,4-alpha,5-alpha,6E))-		500	500/10,000
16752-77-5	Methylol	d	100	500/10,000
17702-41-9	Decaborane(14)		500	500/10,000
17702-57-7	Formparanate		100	100/10,000
19267-45-7	Diborane		100	100
19624-22-7	Pentaborane		500	500
20830-75-5	Digoxin	d	10	10/10,000
20859-73-8	Aluminum Phosphide	a	100	500
21548-32-3	Fosthietan		500	500
21609-90-5	Leptophos		500	500/10,000
21908-53-2	Mercuric Oxide		500	500/10,000
21923-23-9	Chlorthiophos	d	500	500
22224-92-6	Fenamiphos		10	10/10,000
23135-22-0	Oxamyl		100	100/10,000
23422-53-9	Formetanate Hydrochloride	d	100	500/10,000
23505-41-1	Pirimifos-Ethyl		1,000	1,000
24017-47-8	Triazofos		500	500
24934-91-6	Chlormephos		500	500
26419-73-8	Carbamic Acid, Methyl-, O-((2,4-Dimethyl-1, 3-Dithiolan-2-yl)Methylene)Amino)-		100	100/10,000

[CAS Number Order]

CAS No.	Chemical name	Notes	Reportable quantity* (pounds)	Threshold planning quantity (pounds)
26628-22-8	Sodium Azide (Na(N ₃))	a	1,000	500
27137-85-5	Trichloro(Dichlorophenyl)Silane		500	500
28347-13-9	Xylylene Dichloride		100	100/10,000
28772-56-7	Bromadiolone		100	100/10,000
30674-90-7	Methacryloyloxyethyl isocyanateh		100	100
39196-18-4	Thiofanox		100	100/10,000
50782-69-9	Phosphonothioic Acid, Methyl-, S-(2-(Bis(1-Methylethyl)Amino)Ethyl) O-Ethyl Ester.		100	100
53558-25-1	Pyriminil	d	100	100/10,000
58270-08-9	Zinc, Dichloro(4,4-Dimethyl-5(((Methylamino Carbonyl)Oxy)imino)Pentanenitrile)-, (T-4)-.		100	100/10,000
62207-76-5	Cobalt, ((2,2'-(1,2-Ethanediyibis (Nitrilomethylidyne)) Bis(6-Fluorophenolato)) (2-)-N,N',O,O)-.		100	100/10,000

* Only the statutory or final RQ is shown. For more information, see 40 CFR 355.61.

Notes:

- a. This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.
- b. The calculated TPQ changed after technical review as described in a technical support document for the final rule, April 22, 1987.
- c. Chemicals added by final rule, April 22, 1987.
- d. Revised TPQ based on new or re-evaluated toxicity data, April 22, 1987.
- e. The TPQ was revised due to calculation error, April 22, 1987.
- f. Chemicals on the original list that do not meet toxicity criteria but because of their acute lethality, high production volume and known risk are considered chemicals of concern ("Other chemicals"). (November 17, 1986, and February 15, 1990.)
- g. The TPQ was recalculated (September 8, 2003) since it was mistakenly calculated in the April 22, 1987, final rule under the wrong assumption that this chemical is a reactive solid, when in fact it is a liquid. RQ for this chemical was adjusted on September 11, 2006.

PART 370—HAZARDOUS CHEMICAL REPORTING: COMMUNITY RIGHT-TO-KNOW

Subpart A—General Information

Sec.

- 370.1 What is the purpose of this part?
- 370.2 Who do "you," "I," and "your" refer to in this part?
- 370.3 Which section contains the definitions of the key words used in this part?

Subpart B—Who Must Comply

- 370.10 Who must comply with the hazardous chemical reporting requirements of this part?
- 370.11 [Reserved]
- 370.12 What hazardous chemicals must I report under this part?
- 370.13 What substances are exempt from these reporting requirements?
- 370.14 How do I report mixtures containing hazardous chemicals?

Subpart C—Reporting Requirements

- 370.20 What are the reporting requirements of this part?

HOW TO COMPLY WITH MSDS REPORTING

- 370.30 What information must I provide and what format must I use?
- 370.31 Do I have to update the information?
- 370.32 To whom must I submit the information?

- 370.33 When must I submit the information?

HOW TO COMPLY WITH INVENTORY REPORTING

- 370.40 What information must I provide and what format must I use?
- 370.41 What is Tier I inventory information?
- 370.42 What is Tier II inventory information?
- 370.43 What codes are used to report Tier I and Tier II inventory information?
- 370.44 To whom must I submit the inventory information?
- 370.45 When must I submit the inventory information?

Subpart D—Community Access to Information

- 370.60 How does a person obtain MSDS information about a specific facility?
- 370.61 How does a person obtain inventory information about a specific facility?
- 370.62 What information may a State or local official request from a facility?
- 370.63 What responsibilities do the SERC and the LEPC have to make requested information available?
- 370.64 What information can I claim as trade secret or confidential?
- 370.65 Must I allow the local fire department to inspect my facility and must I provide specific location information about hazardous chemicals at my facility?
- 370.66 How are key words in this part defined?

7/17/2019

**IN RE THE MATTER OF: FIRE AND EXPLOSION HAZARD
STANDARDS**

19-05

MAUREEN K. NAGLE

BEFORE THE PLAN COMMISSION
VILLAGE OF WILLOWBROOK, ILLINOIS

IN RE THE MATTER OF:)
)
)
FIRE AND EXPLOSION HAZARD) No. 19-05
)
STANDARDS)

CONTINUED REPORT OF PROCEEDINGS had at

the hearing of the above-entitled cause before the

Plan Commission of the Village of Willowbrook, at the

Village of Willowbrook Police Department, 7760 Quincy

Street, Willowbrook, Illinois, on the 17th day of July,

2019, at the hour of 7:41 p.m.

1 PRESENT:

2 MR. DANIEL KOPP, Chairperson;

3 MR. LEONARD KAUCKY, Commissioner;

4 MR. WILLIAM REMKUS, Commissioner;

5 MR. JAMES SOUKOP, Commissioner;

6 MR. MIKE WALEC, Commissioner;

7 MS. LISA SHEMROSKE, Building and Zoning Secretary.

8

9 PRESENT:

10 Mr. Roy Giuntoli, Village Building Inspector;

11 Ms. Ann Choi, Village Planning Consultant;

12 Mr. Michael Mertens, Asst. Village Administrator;

13 Mr. Matthew Holmes, Village Attorney;

14 Mr. Chuck Riforgiate, T.P.I. Building Code
Consultants;

15

16 Mr. Chris Drews, Tri-State Fire Protection Dist.;

17

18 Mr. Lawrence Link, Tri-State Fire Protection Dist.

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1 CHAIRMAN KOPP: All right. The next item on
2 the Agenda is 19-05. The purpose of this public
3 hearing is to consider a request by the Village of
4 Willowbrook as petitioner to amend Section 9-9-7 of
5 Title 9 Zoning Title of the Village of Willowbrook
6 Municipal Code. The Applicant for this petition is the
7 Village of Willowbrook. Notice of this public hearing
8 was published in the July 1, 2019, edition of the
9 Chicago Sun-Times newspaper.

10 MS. CHOI: Planner Choi again. Thank you,
11 Chairman.

12 To briefly recap, this text amendment
13 is initiated by the Village as part of the village-wide
14 review of its Zoning Code. These proposed text
15 amendments are the result of numerous consultations
16 with, and our joint effort between, the Tri-State Fire
17 Protection District, T.P.I. Building Code Consultants,
18 our village administrators, and the building and
19 planning departments, also our village attorneys.

20 To give a brief outline of the timeline
21 for the petition, the Plan Commission first reviewed
22 the proposed text amendment at the public hearing on

1 June 5, 2019, and that public hearing was continued to
2 this meeting.

3 Tonight the Plan Commission will be
4 able to listen to any public testimony, pose any
5 additional questions to village staff, and then make a
6 motion to approve a recommendation to the Village
7 Board.

8 At the June 5, 2019, meeting, the Plan
9 Commission requested a number of follow-up items in
10 order for the petition to be recommended to the Village
11 Board. Tonight I hope to address each of the major
12 follow-up items during my presentation. They are the
13 Special Use requirement for everyday household usage by
14 residents or for daily on-site maintenance of
15 commercial/industrial businesses, theoretical problems
16 that exist with the current code, what triggers a
17 Special Use, and the number of existing businesses
18 directly impacted by the proposed text amendment.

19 Village staff is proposing text
20 amendments to Section 9-9-7, Fire and Explosive --
21 Explosion Hazard Standards. This section of the Zoning
22 Code was originally drafted in 1975 and amended again

1 in 1997, more than 20 years ago. The current Code does
2 not refer to the latest version of the International
3 Fire Code. The latest version is ICC IFC-2018, which
4 we refer to as the IFC.

5 The proposed Code language was drafted
6 to clarify some inconsistencies in the current Code.
7 First, the title would be changed from Fire and
8 Explosion Hazard Standards to Hazardous Material
9 Standards to broaden the scope of materials to include
10 all hazardous materials.

11 Under Section 9-9-7(A), the new
12 proposed section, all references to fire and explosion
13 hazards will be replaced with hazardous materials.

14 Under the new proposed Section
15 9-9-7(B), definitions from the IFC-2018 have also been
16 added to provide clarity and ease for users who do not
17 have access to the IFC-2018 manual.

18 Section 9-9-7(C), hazardous materials
19 are listed in greater detail under the proposed
20 section. Reference to unstable organic compounds have
21 been deleted because these materials are regulated by
22 the IFC. Nuclear fuels and fissionable materials are

1 included, as these materials are not addressed by the
2 IFC.

3 Under Section 9-9-7(D)1 as it's
4 currently written, a Special Use would only be required
5 if a proposed use involved all three of the following
6 activities: Manufacturing, storage, and utilization of
7 materials and products which decompose by detonation.
8 If a proposed use involves only one or two of these
9 activities, a Special Use would not be required. The
10 Village would like to amend Section 9-9-7(C)1 to become
11 Section 9-9-7(D)1 to replace the and with or and also
12 include or any combination thereof to widen the scope
13 of potential activities that would require a Special
14 Use. The or and or any combination thereof eliminates
15 any ambiguity, making Special Uses mandatory, not
16 optional, for any of the categories listed.

17 Exemptions have been added to allow
18 businesses that use certain materials for daily on-site
19 maintenance activities to be excluded from the Special
20 Use requirement. These materials would still be
21 regulated by the IFC.

22 Under the new Section 9-9-7(D)2, the

1 Village will be introducing a requirement for an
2 operational permit for the purpose of assisting
3 facilities in correctly reporting chemicals, their
4 quantities, locations, and hazards for the benefit of
5 alerting emergency response agencies to chemical
6 hazards should an emergency occur. This permit will be
7 part of the Building Code amendments and will be
8 reviewed and approved by the Village Board.

9 Under Section 9-9-7(D)3, staff would
10 like to further revise Section 9-9-7(D)3 to read --
11 There is also a handout for the commissioners, it's
12 19-05. At the bottom you can see the modification to
13 the proposed changes in the staff report. This will
14 read, under No. 3: The use of a facility, building, or
15 structure, or a portion thereof, that involves the
16 manufacturing, processing, generation, utilization, or
17 storage, or any combination thereof, of hazardous
18 materials or products that require a permit or
19 reporting by the United States Environmental Protection
20 Agency, the EPA, or Illinois Environmental Protection
21 Agency, IEPA, shall, prior to commencement of
22 operations, provide a copy of any permits or reports

1 required by the EPA or IEPA to the Village.

2 The reason for this change is the
3 Village's intent was not to impose any requirements
4 beyond what the federal government requires, but the
5 modified amendment would require that businesses
6 provide a copy of any permits that are required by
7 these agencies in regards to hazardous materials.
8 These permits would be provided to the Village.

9 Under the proposed Section 9-9-7(D)4,
10 the text amendment introduces new activities and
11 clarifies that if any of the categories listed are
12 present, it would be subject to the standards listed in
13 Table IV. The text amendment revises the 55-gallon
14 maximum to permit the storage of finished products in
15 original sealed containers. Containers, as defined by
16 the IFC, have a maximum capacity of 60 gallons or less.
17 The text amendment also replaces the term unrestricted
18 with the term permitted because the Village would still
19 defer to the IFC to determine how these materials shall
20 be handled, stored, et cetera.

21 Table IV(a) defines the maximum
22 quantities in gallons for certain for sale -- for

1 resale materials that are permitted to be stored above
2 ground and below ground. The text amendment gives the
3 Village additional oversight in regulating these
4 potentially hazardous materials by requiring that they
5 comply with Table IV. The IFC does not specifically
6 limit the quantities of above-ground or below-ground
7 storage of hazardous materials. It regulates the use,
8 handling, and storage of these materials in indoor and
9 outdoor environments.

10 Table IV(b) defines the maximum
11 quantities in gallons of certain materials that are
12 permitted to be stored above ground and below ground
13 where storage is an ancillary use. The text amendment
14 clarifies that if any, or a combination thereof, of the
15 categories listed are present, it would be subject to
16 the standards listed in Table IV(b).

17 The text amendment replaces the current
18 Code's temperature ranges with the flammable liquid
19 class ranges. A Class 1A liquid is more volatile than
20 a Class 1B, and a Class 1B liquid is more volatile than
21 a Class 1C.

22 Staff would like to point out to the

1 Plan Commission that the proposed text amendments would
2 not be retroactive and the requirement for requiring a
3 Special Use would only apply to businesses going
4 forward or existing businesses that would change their
5 operations.

6 The proposed Code language for the text
7 amendments are included in their entirety on Pages 2
8 through 11 of the staff report.

9 Before I conclude, I would like to
10 point out a few corrections that need to be addressed.
11 Again, if we can refer to the handouts I've provided,
12 it will be easier to follow.

13 Under Section 9-9-7(D), I would like to
14 add four new definitions: Volatility, vapor pressure,
15 boiling point, and flash point.

16 On Page 9 of the staff report under
17 No. 3, as I've discussed earlier, the Village would
18 like to strike out the requirement to require a
19 Resource Conservation Recovery Act permit and Tier II
20 reports as currently worded. The proposed wording is
21 as follows: The use of a facility, building, or
22 structure, or a portion thereof, that involves the

1 manufacture, processing, generation, utilization, or
2 storage, or any combination thereof, of hazardous
3 products -- materials or products that require a permit
4 or reporting by the United States Environmental
5 Protection Agency or the Illinois Environmental
6 Protection Agency shall, prior to commencement of
7 operations, provide a copy of any permit or reports
8 required by the EPA or IEPA to the Village. As
9 discussed previously, the Village's intent was not to
10 impose any requirements beyond what the federal
11 government requires, but to require that these
12 businesses provide a copy of any permits to the
13 Village.

14 Then, lastly, on Page 10 of the staff
15 report, Tables IV(a) and IV(b) should be revised so
16 that the order of classes from top to bottom reads as
17 follows: Class 1C, then Class 1B, then lastly Class
18 1A. These would align with the temperature ranges from
19 the least volatile to most volatile class of flammable
20 liquids.

21 Staff supports the proposed text
22 amendment; and if the Plan Commission concurs, the

1 following sample recommendation is offered for
2 consideration: Based on the submitted petition and
3 testimony presented, I move that the Plan Commission
4 recommend to the Village Board approval of the text
5 amendment presented on Pages 1 through 11 of staff
6 report for P.C. Case No. 19-05 to amend Section 9-9-7
7 of the Zoning Title of the Village of Willowbrook
8 regarding Fire and Explosion Hazardous Standards with
9 the following changes: Add the definition of
10 volatility, vapor pressure, boiling point, and flash
11 point to Section 9-9-7(B); revise the language to
12 proposed Section 9-9-7(D)3 to eliminate a requirement
13 for the RCRA permit and replace with language requiring
14 copies of any permit required by the EPA/IEPA to be
15 provided to the Village; and revise Table IV(a) and
16 IV(b) so that the above ground storage of flammable
17 liquids classes are ordered from the least volatile to
18 most volatile classes.

19 This concludes my report. I'm
20 available for any questions. We also have
21 representatives from Tri-State Fire Protection
22 District, T.P.I. Building Code Consultants, and

1 additional village staff to answer any questions.

2 Thank you.

3 CHAIRMAN KOPP: Commissioners, do you have
4 any questions?

5 COMMISSIONER WALEC: I have one. The
6 permits from the EPA and the IEPA, are those only going
7 to be for new businesses or are they also going to be
8 for businesses that currently have these permits?

9 MS. CHOI: I believe those businesses would
10 have to comply with state and federal law.

11 COMMISSIONER WALEC: Will they provide the
12 Village with copies of these?

13 MS. CHOI: When we introduce Operational
14 permits, they would have to be provided to the Village.

15 CHAIRMAN KOPP: Are those public anyway?
16 Can someone review a database on IEPA or EPA permits?

17 MR. MERTENS: The public sector would
18 require --

19 CHAIRMAN KOPP: There would be a repository
20 here as well?

21 MR. MERTENS: So it's consistent with the
22 filing.

1 CHAIRMAN KOPP: I think you did a great job
2 of addressing the main issues that we raised last
3 month. To the extent that you address these issues in
4 Zoning, I think you guys have done a great job.

5 Does anyone in the audience like to ask
6 questions or speak?

7 MS. ZYNANTIUS: Do I have to state my name?
8 Nerinza Zynantius, N-e-r-i-n-z-a Z-y-n-a-n-t-i-u-s.

9 I'm a resident of Darien, but obviously
10 what is happening here is affecting me and my family as
11 well. So the first thing I would like to know is who
12 decided to stick to the federal regulations of
13 staffing? Whose decision was it on this Board, is it
14 the Village; who decided to keep it at federal levels
15 and not make it higher? Is that the decision of this
16 Board?

17 CHAIRMAN KOPP: Well, any decision is
18 ultimately the Board of Trustees, not us, the Plan
19 Commission; but I don't know if we can have more
20 stringent requirements.

21 MS. ZYNANTIUS: Have you looked into having
22 stricter requirements?

1 CHAIRMAN KOPP: I'll have to defer to the
2 village officials.

3 MR. HOLMES: I believe that we were
4 preempted by federal law on imposing restrictions that
5 are greater than the federal general standard. The
6 persons -- the parties that drafted this actually --
7 They are the consultants that worked on this. Maybe we
8 should direct the question to them. I actually wasn't
9 the attorney that drafted this ordinance.

10 MR. MERTENS: I believe the simple answer is
11 that we do not believe that we can override federal law
12 and make standards tougher than federal law. So
13 these -- this specific request is looking at future
14 developments and separating the three different
15 criteria so they are individually required to get
16 Special Use permits. So existing uses that you are
17 referring to, this text amendment would not apply to.

18 MS. ZYNANTIUS: This is my first meeting, so
19 excuse me naivete, if I have any; but I would highly
20 suggest -- I work in a corporation where we have to
21 take compliance consistently, compliance tests, and we
22 have to pass in order to keep working there. Just

1 because somebody says something to do something, I
2 wouldn't go on I believe. I would make sure that if
3 you are the last line of defense for a group of
4 community members, that you do everything possible to
5 ensure our safety. So instead of I believe or I think
6 so, please make sure that you do know every single
7 corner of all the laws to be able to protect this
8 community. That's all I have to say.

9 MR. MERTENS: Appreciate it.

10 CHAIRMAN KOPP: Just so people understand,
11 this is a zoning board and we cannot do anything to
12 someone that's already in operation. We are not going
13 to be a magic -- be able to be a magic bullet here for
14 any existing problems in the community through zoning.
15 There is other -- there is perhaps other ways to
16 address it, but we are trying to deal with this -- with
17 bad situations happening in the future with new
18 occupants, but we can't go back -- we can't go back in
19 time and prevent somebody who was validly operating
20 zoning wise from operating.

21 Anyone else?

22 (Witness sworn.)

1 MS. DONNELL: Yes. Marge Donnell. My
2 question to you is: Any of the changes or
3 modifications to any of the laws that were discussed
4 today pertaining to hazardous materials, are you saying
5 that none of those will apply to any present business
6 entity in Willowbrook?

7 CHAIRMAN KOPP: Correct, if they are
8 operating under the current Zoning Ordinance. I'm not
9 talking about environmental laws and all that kind of
10 stuff. They have to comply with those. But we
11 can't -- they are grandfathered in.

12 MS. DONNELL: So you talk about Special Use
13 permits. They wouldn't apply to any present company?

14 CHAIRMAN KOPP: Correct.

15 MS. CHOI: Unless they change their -- the
16 model of what they were doing and they fit those
17 categories.

18 MS. DONNELL: When you say they change the
19 model, does that include any construction work being
20 done on the facility?

21 CHAIRMAN KOPP: Significant construction.

22 MS. DONNELL: Is that 33 percent or 25

1 percent; do you know what that level is?

2 MR. MERTENS: Usually 50 percent.

3 MS. DONNELL: Thank you.

4 CHAIRMAN KOPP: I can tell you all as well
5 that the prior ordinance was very limited in the
6 materials that it regulated. It was mainly
7 flammable-type liquids, and it's now much broader.
8 Again, unfortunately, we are only looking at the
9 future, but this is much better. This ordinance is
10 much better than what's currently in place.

11 By the way, our existing ordinance is
12 very similar to surrounding ordinances so we are --
13 municipalities' ordinances. So we are kind of -- we
14 are trying to be very progressive and get to stay on
15 top of this, address things in the future.

16 Yes, ma'am.

17 MS. NASH: I have a question. Carolyn Nash,
18 N-a-s-h.

19 So when I hear you say in your
20 presentation about that you are not putting any further
21 requirements beyond that Illinois EPA and that USEPA, I
22 really do think you need to check that out because

1 there are other areas in this country that have had --
2 that have more stringent requirements, and I've lived
3 in them. I've lived in seven states. Unfortunately,
4 maybe we are going beyond what is required in the
5 immediate area here, but Illinois is shameful in how
6 their environmental concerns.

7 If you look, I believe, at the current
8 ordinance for flash point, there are companies that are
9 not -- have chemicals currently that, you know, are
10 against that ordinance. I don't know much about what
11 you said, I didn't come here, you know, knowing --
12 reading that and understanding all of that; but when I
13 hear about the storage, so you mean to tell me if a
14 company is storing a bunch of, I'm going to say,
15 ethylene oxide or ethylene glycol or gasoline or
16 whatever they are storing, going forward, because they
17 have a permit, that can never change? It doesn't make
18 sense.

19 I think Willowbrook really needs to
20 aggressively look at every area, and I'm not
21 pinpointing one company, but every area where they can
22 protect the residents here because this state and this

1 county and, unfortunately, this village, unbeknownst to
2 them, did not protect the residents here. I really,
3 you know, I don't like to hear the USEPA, Illinois EPA.

4 I can tell you that one of the
5 chemicals that is in our community was used quite a bit
6 in the State of New Jersey where I used to live; and
7 they have changed -- it's modeling, it's not been
8 tested, but they have gone forward and removed those
9 risks.

10 You know, I don't understand, maybe I'm
11 wrong, but if you pass the smoking ordinance or
12 something like that, like an older business would have
13 to comply with that. Maybe I'm ignorant to it, but
14 please don't -- Aggressively look at your ordinances.
15 Find an attorney with a fine-tooth comb to go over
16 those things and make sure that this community is
17 protected.

18 I appreciate the work that you've all
19 done. This is a small village that should not have to
20 be dealing with this. But let me tell you I live down
21 the street where a house blew up, and that gas station
22 is functioning now with a \$50,000 fine, and the

1 residents in that home are still fighting to get their
2 home repaired. That's what happened here. That
3 business in Westmont, I believe, caused chaos on my
4 street. I had LaGrange Park firefighters in my home
5 assessing if my home was going to blow up, and they got
6 a \$50,000 slap on the wrist, you know, and they are
7 functioning and my neighbor is not in their home. So I
8 know you didn't cause that, but it just shows you the
9 Illinois EPA and the USEPA did not do what was
10 appropriate, the resources that were used, Tri-State,
11 all these other fire companies, and they are in
12 business.

13 And, I'm sorry, I don't mean to -- I
14 don't even know, but please look at every ordinance.
15 They should not be -- we should not have combustible
16 storage of cannisters and cannisters, you know, right
17 by schools. If there is anyway that that can be
18 addressed, the Illinois EPA and the USEPA has failed
19 us; and there are other states that are leading the
20 way, there are other communities that are leading the
21 way, and I've lived in communities like that. This
22 community needs to look at every avenue before this

1 happens again.

2 (Applause.)

3 COMMISSIONER REMKUS: That's kind of what we
4 are trying to do. We are a planning and zoning
5 commission; and, you know, we can't go back and prevent
6 people from doing what they were allowed to do under
7 zoning conditions at that time. We can only go
8 forward, and we can work as hard as we can to try to
9 protect and to prevent things like this from being able
10 to happen in our community.

11 MS. NASH: I appreciate that.

12 COMMISSIONER REMKUS: This is what we are
13 trying to do. This is what she has worked so hard on
14 and with the people from Tri-State and everything. We
15 had a workshop on all this to try to do this to try to
16 make things better and try to make our things tougher.

17 MS. NASH: I appreciate that but, you know
18 what, the Illinois EPA has failed us. Please do what
19 you can. You have home rule now. Do what you can so
20 that somebody else doesn't move in here --

21 COMMISSIONER REMKUS: That's what we are
22 trying to do.

1 MS. NASH: I understand, but you are using
2 the standards of the Illinois EPA and the USEPA, and
3 they are garbage.

4 COMMISSIONER REMKUS: You know the problem
5 with the EPA --

6 MS. NASH: I'm not trying to yell at you. I
7 appreciate the hard work you have done.

8 COMMISSIONER REMKUS: The turnover at the
9 EPA is so much because they don't hire the proper
10 people, the people come and go because they don't pay
11 enough.

12 MS. NASH: Right. We can make a difference
13 here. Let's make a difference here. Thank you.

14 COMMISSIONER REMKUS: We are trying.

15 MS. NASH: I appreciate it.

16 CHAIRMAN KOPP: So you understand --

17 MS. NASH: I'm not trying to yell at you.
18 I'm just saying if we go by the USEPA and the Illinois
19 EPA standards, find out if we can do more strict
20 standards. I've lived where they have more strict
21 standards and --

22 A VOICE: She's right.

1 MS. NASH: -- I'm just saying I've lived on
2 the East Coast where they don't poison people --

3 CHAIRMAN KOPP: I don't think anybody here
4 disagrees with you.

5 MS. NASH: And I'm not trying to yell at
6 you.

7 CHAIRMAN KOPP: I must live very near you
8 because I had the mayor in my basement after that
9 explosion.

10 MS. NASH: And I'm not blaming you. I'm
11 pointing out the hypocrisy of the Illinois EPA in that
12 situation.

13 CHAIRMAN KOPP: I'm pretty sure we all agree
14 with you a hundred percent. Unfortunately, and I'm not
15 trying to pass the buck, this is the wrong venue. We
16 are Zoning. All this Board does is we recommend
17 changes to the Zoning Code, and what you are talking
18 about are ordinances that the Village can enact about
19 health and safety or the state or the county. We just
20 have a very limited purview of what we can do, and we
21 are extremely limited because we can't do things
22 retroactively by law.

1 MS. NASH: And I'm very ignorant to the
2 whole thing; but when we are talking about storage of
3 chemicals, is that not zoning?

4 CHAIRMAN KOPP: It is zoning. What we are
5 saying is we changed it. What this ordinance would
6 do --

7 MS. NASH: I'm not trying to yell at you.

8 CHAIRMAN KOPP: If someone is going to have
9 a brick -- a new business that's going to be storing
10 chemicals, and it's much more expansive now, meaning
11 they have to come to us to get permission to get what's
12 called a Special Use permit to do it. So they have to
13 come before us and explain why they should be able to
14 do that. They didn't have to do that before. There
15 were very few categories where they have to do that, so
16 we are broadening those categories significantly.

17 And I can't say how we are going to --
18 what our recommendation is going to be, but we are all
19 very sensitive to this issue now. Before they used to
20 just be able to come in and do it, as we say, as a
21 right. Now they have to come in and get permission
22 from the Village. I think this is the most this Board

1 can do. There is other ordinances and other parts of
2 government that can address this, but we are doing the
3 most we can with our limited jurisdiction.

4 COMMISSIONER REMKUS: You know, I love your
5 passion for coming and saying because this is what we
6 do. We want to hear from the public and we want to
7 hear that.

8 Also, I'd like to say, you know, this
9 village is -- we are volunteers and we don't get paid
10 to do any of this, and sometimes you take a lot of
11 abuse up here, but that's okay. The one thing, we need
12 more volunteers; and our committees and everything are
13 only as good as the volunteers that serve on these
14 committees. So I would really love, with your passion,
15 for you to put your name in, if you are a Willowbrook
16 resident, put your name in to the mayor that you would
17 like to serve on one of the committees.

18 CHAIRMAN KOPP: This lady had her hand up --

19 A VOICE: No. No.

20 MR. GIUNTOLI: May I respond to one thing
21 she said?

22 CHAIRMAN KOPP: Sure.

1 MR. GIUNTOLI: Ma'am, part of this ordinance
2 is also to add Operational permits for companies in
3 town, which will allow us to -- from going forward to
4 better monitor any of the products that they have in
5 their building. So we'll ultimately blanket certain
6 zoning districts with information stating they need to
7 come to us and let us know what kind of chemical and
8 the quantities that they have in their facility. Once
9 a year they would have to apply for this permit. They
10 would have to revise any documentation for any changes.
11 We would be able to monitor them. This Operations
12 permit does also include annual inspections from --
13 will be from the building department over and above
14 what Tri-State Fire Protection District does already.
15 So this ordinance is pecking away at exactly what you
16 are asking for, more control over what's going on in
17 the businesses.

18 Now, this permit is retroactive. We
19 are going to be able to go to existing facilities and
20 obtain that information so we get -- we have a
21 knowledge of what's going on in the buildings, contact
22 information for people that are -- who need to be

1 contacted in case of an emergency, quantities, NSDS
2 sheets. This Operational permit is really, really
3 going to start working on what your concerns are.
4 Again, it's in its infancy, staff are still working on
5 creating this program, but we are working on it, and it
6 will be in place very soon. That is retroactive, kind
7 of what you are asking.

8 MR. LINK: I wouldn't interrupt except I can
9 maybe add more to what Roy is talking about. Again,
10 I'm from the fire department. These operational
11 permits are giving us the opportunity to find out about
12 things that are in buildings that we never knew before.
13 So the EPA requires businesses, and I can't give you a
14 number of what the chemical is or how many gallons of
15 whatever because every chemical is different. There is
16 a list of chemicals, and there is a list of how much of
17 this chemical you can have up to the point where you
18 have to report it to the fire department and you have
19 to report it to the local emergency planning committee,
20 which would be Willowbrook.

21 So by having this Operational permit,
22 we can go into these businesses, look and see what they

1 have, and determine whether or not they should be
2 submitting Tier II reports. Because the way the law is
3 written, they are supposed to provide them to us for
4 the previous year, but they oftentimes don't. And it's
5 not necessarily that they are scoff laws; they don't
6 know. We are going to get into these businesses now
7 with the help of the Operational permit and determine
8 what's going on in these buildings and so --

9 MS. NASH: Without warning?

10 MR. LINK: I'm sorry?

11 MS. NASH: Without warning or do you have
12 to, like, notify the companies?

13 MR. LINK: Well, we would notify them we are
14 coming in for an inspection. That's not the point of
15 it. The point of it is to find out what they are doing
16 and what are the materials that they use, which in a
17 lot of the cases up till this point we just don't know.
18 And we've had that, not just in this community, but in
19 all of our communities. We've come across businesses
20 that surprise us, and some of those companies did not
21 provide the information they were supposed to. They
22 are now. This Operational permit is going to get us in

1 there and help us tremendously. Thank you.

2 MS. DONNELL: I have a clarifying question.
3 Martha Donnell again.

4 Operational permit and Special Use
5 permit, two separate issues, correct?

6 CHAIRMAN KOPP: Yes.

7 MS. DONNELL: Special Use permit, I want to
8 talk about the elephant in the room, and I'm going to
9 just name it, Sterigenics, are they required to get a
10 Special Use permit?

11 CHAIRMAN KOPP: No. So Special Use permit
12 is a zoning creature. So, for example, if someone
13 wants to have a drive-thru restaurant in certain
14 districts, they have to get a Special Use permit, or if
15 they want to have -- There is hundreds of examples. So
16 anything that is a little bit unusual, they come --
17 they have to get a Special Use permit from the Village,
18 and so we are adding to that category these people that
19 are using these chemicals.

20 MS. DONNELL: And they are one of the people
21 using those chemicals?

22 CHAIRMAN KOPP: Yeah, but we are talking

1 about zoning. So this is -- you can't go -- we can't
2 be retroactive. We can't tell them -- when they are in
3 a building that is zoned for what they are doing,
4 assuming they are doing what they say they are doing,
5 we can't -- we can't take that away from them. Just
6 like someone couldn't take your house and say, well,
7 your house isn't zoned for residential anymore, it's
8 now retail, and you can't live there anymore. They are
9 grandfathered in.

10 MS. DONNELL: Has there been research into
11 that to see if there is any hazardous chemical or when
12 new laws are enacted whether you are able to then
13 change and require a company to obtain a special
14 permit?

15 CHAIRMAN KOPP: That's in the U.S.
16 Constitution. You can't -- you can't take legal rights
17 away from someone.

18 MS. DONNELL: I understand that. I
19 understand you can't take legal rights away from
20 someone. I'm asking if -- you are not taking a legal
21 right away if you are asking someone to obtain a permit
22 now for something --

1 CHAIRMAN KOPP: But a Special Use permit --

2 THE WITNESS: -- that previously didn't
3 require it.

4 CHAIRMAN KOPP: It's unfortunate these
5 things have the same name because they are completely
6 different. A Special Use permit is something that's
7 granted one time to allow somebody to perform a certain
8 use, and it's governed by the Zoning Ordinance.

9 Again, the example we see a lot is
10 drive-thru. If you want to have a drive-thru in your
11 restaurant, you have to get a Special Use permit, and
12 then they come and they come before us and we look at
13 the traffic patterns or whatever and we recommend to
14 the Board, and the Board -- the Village Board, and they
15 decide whether they get it or not. And that's a
16 one-time thing; and once they have it, they have it for
17 life -- or the life of the business.

18 Roy is talking about something
19 different. He's talking about almost like a license
20 kind of thing.

21 MS. DONNELL: The Operational permit?

22 CHAIRMAN KOPP: Yes.

1 MS. DONNELL: And they will be required to
2 have that?

3 CHAIRMAN KOPP: Yes.

4 MS. DONNELL: And is that something for
5 every company that needs an Operational permit, is
6 there going to be a public hearing on that or is that
7 just going to be administrative?

8 MR. GIUNTOLI: Administrative. Staff will
9 be handling it.

10 MS. DONNELL: All right. Thank you.

11 CHAIRMAN KOPP: Yes, ma'am.

12 MS. TANOUYE: Urszula Tanouye, U-r-s-z-u-l-a
13 T-a-n-o-u-y-e. I have a question that goes back to gas
14 explosion and Special Use permits being retroactive.
15 So, for example, the IFC is based on safety of
16 chemicals, yes, and if, for example, we had a gas
17 station that leaked things into a sewer and it was
18 later found in a study that this kind of container that
19 they use at that particular gas station tends to break
20 down over time and a better container that was
21 developed later would prevent that kind of leakage and
22 would prevent that kind of damage and that was entered

1 into, would not that gas station be required to change
2 their underground containers for the safety of
3 everybody down the street because of the tendency to
4 leak?

5 CHAIRMAN KOPP: That's what environmental
6 laws are, but we don't do environmental laws. We just
7 do zoning. You couldn't tell them -- Gas stations are
8 often special uses. So we couldn't tell them you can't
9 be -- They got the gas station, so our job is done.
10 Then it's up to all the other laws to deal with gas
11 stations, to make sure that they are operating safely,
12 but we can't. We are done once they got the zoning.

13 MS. TANOUYE: So you wouldn't be able to
14 update that space to say that you cannot operate here
15 for the residents' safety unless you change this?

16 CHAIRMAN KOPP: No, we can't in the Zoning
17 Ordinance.

18 MS. TANOUYE: Who would be able to do that?

19 CHAIRMAN KOPP: Certainly the USEPA or the
20 IEPA. I don't know -- I'm not an environmental lawyer.
21 I don't know if the Village could have more restrictive
22 environmental provisions than the state or the federal

1 government.

2 MS. TANOUYE: So you would allow that entire
3 street of residents to have that risk --

4 CHAIRMAN KOPP: I don't have that power.
5 You are giving me way too much power. All I can do is
6 address zoning.

7 I'm sitting with you folks. I live
8 very close to the gas station that blew up. I'm almost
9 around the corner from that house -- that huge house
10 that hasn't been inhabited -- I don't know if that's
11 the one that you are talking about -- the huge house
12 that hasn't been inhabited for a year now. I have
13 family members that have cancer, rare forms of cancer,
14 and we are wondering what's going on. I want to solve
15 this problem as much as anybody, but we -- the five or
16 six of us here don't have the authority to do what you
17 all want us to do.

18 MS. TANOUYE: I'm just finding it kind of
19 hard to believe that you can't control the structures
20 in the village to those limits, to those fire safety
21 limits, to hold them to fire codes, something that is
22 international, just because the business was there

1 before.

2 MS. CHOI: Larry.

3 MR. LINK: I would like to address that. If
4 it puts you at ease at all, there were about five
5 things that went terribly wrong for that situation to
6 occur. The only one of those things that hasn't been
7 addressed is too much rain. Other than that,
8 everything else has been addressed.

9 MS. TANOUYE: Were there structural things
10 that had to be done to fix those issues?

11 MR. LINK: Yes.

12 THE WITNESS: Would that fall under the
13 Village's purview to say this structure is wrong and
14 you have to change --

15 MR. LINK: The State Fire Marshal had a lot
16 to do with the tanks. The Salt Creek Reclamation
17 District had a lot to do with the actual sewer system.
18 There were a few things that took place, and they have
19 been addressed. The tanks were changed -- I can't talk
20 about everything because it's still in litigation
21 but --

22 MS. TANOUYE: But you were able to require

1 those changes?

2 MR. LINK: We are not from Westmont, --

3 THE WITNESS: But there was some local --

4 MR. LINK: -- but the explosion occurred in
5 our fire district, and so we kind of took care of most
6 of the issues. The only thing I can tell you, if I
7 lived near there, I would feel pretty safe right now.

8 A VOICE: If I could speak, I think
9 Urszula's point is broader too, is that zoning
10 obviously exists for a reason, zoning boards exist for
11 a reason, and it's to address the local municipality's
12 needs within the confines of the Constitution and
13 federal and state laws. And I think what the community
14 is really needing is to know that this body and the
15 Willowbrook Village Board are dealing with this in the
16 most progressive way possible and not just resting on
17 sort of like the way it's always been viewed and been
18 done.

19 You know, if it wasn't up to the
20 individual villages and cities and municipalities to
21 decide what's best for their community, then the Zoning
22 Board wouldn't be necessary, it's like go to the IEPA.

1 You guys exist for a reason. Every municipality has
2 their own for that reason, to address the needs of that
3 community. I understand like we are not, you know,
4 environmentalists to save the world with environmental
5 regulations, and no one is asking you to do that. But
6 those problems inform the need for zoning ordinances to
7 begin with, otherwise, you wouldn't even exist, you
8 know.

9 So I think it's like the request is to
10 be as creative and as willing to put yourselves out on
11 a limb to the extent -- and I know many of you, I'm
12 sure, feel that way and are personally affected. I
13 don't want to speak for Urszula, but I think that's one
14 thing that the community is wanting to feel like is
15 happening and that it's happening as quickly as
16 possible.

17 COMMISSIONER REMKUS: That's what we are
18 trying to do. That's why this whole thing came up.

19 A VOICE: Right. Yeah.

20 COMMISSIONER REMKUS: This is a result of
21 that. We are working on it. We can only move so fast
22 as the law allows us to move and the public hearings we

1 have to hold and the workshops that we attend to learn
2 more so we do a better job. That's the best we can do.
3 I mean I don't know what else, you know, you want from
4 us. We are trying our damndest to do this and, you
5 know, we have to stay within the law too. We are going
6 to do everything we possibly can. This is a step one.
7 There will be other steps along the line. We can only
8 ask for your support and, you know, your help.

9 CHAIRMAN KOPP: It's not even necessarily
10 step one because we are not the best avenue to solve
11 this problem.

12 A VOICE: No one is saying that. I think
13 that's a little -- No one thinks that. No one thinks
14 that.

15 CHAIRMAN KOPP: I was getting a lot of
16 disappointment that we weren't. We cannot stop an
17 existing business. This Board -- or this Commission
18 cannot stop an existing business. What we can try to
19 do is stop another one from coming in, and that's what
20 this does.

21 All right. Anything else?

22 (No response.)

1 CHAIRMAN KOPP: Any Commissioners have any
2 questions or anything?

3 (No response.)

4 CHAIRMAN KOPP: All right. I'm going to
5 close this public hearing and ask the --

6 A VOICE: Was there a vote on the last item?

7 A VOICE: Yeah, did you make a motion?

8 CHAIRMAN KOPP: We are doing that right now.

9 A VOICE: Okay.

10 CHAIRMAN KOPP: Will someone make a motion
11 based on the submitted petition and testimony presented
12 I move that the Plan Commission recommend to the
13 Village Board approval of the text amendments presented
14 on Pages 1 to 11 of the staff report, P.C. Case No.
15 19-05, to amend Section 9-9-7 of the Zoning Title of
16 the Village of Willowbrook regarding Fire and Explosion
17 Hazard Standards with the following changes: Add the
18 definitions of volatility, vapor pressure, boiling
19 point, and flash point in Section 9-9-7(B); revise the
20 language to proposed Section 9-9-7(C) to eliminate a
21 requirement for the RCRA permit and replace the
22 language requiring copies of any permit required by the

1 EPA/IEPA to be provided to the Village; and revise
2 Table IV(b) so that the above-ground storage of
3 flammable liquid classes are ordered from the least
4 volatile to most volatile class.

5 COMMISSIONER REMKUS: So moved.

6 COMMISSIONER WALEC: Second.

7 COMMISSIONER SOUKOP: Second.

8 CHAIRMAN KOPP: Plan Commission secretary
9 call the vote.

10 SECRETARY SHEMROSKE: Commissioner Remkus.

11 COMMISSIONER REMKUS: Yes.

12 SECRETARY SHEMROSKE: Commissioner Soukop.

13 COMMISSIONER SOUKOP: Yes.

14 SECRETARY SHEMROSKE: Commissioner Kaucky.

15 COMMISSIONER KAUCKY: Yes.

16 SECRETARY SHEMROSKE: Commissioner Walec.

17 COMMISSIONER WALEC: Yes.

18 SECRETARY SHEMROSKE: Chairman Kopp.

19 CHAIRMAN KOPP: Yes.

20 (Which were all the
21 proceedings had in the
22 above-entitled cause.)

1 STATE OF ILLINOIS)
) SS.
 2 COUNTY OF C O O K)
 3

4 Maureen K. Nagle, a Certified Shorthand
 5 Reporter, doing business in the City of Chicago, County
 6 of Cook, and the State of Illinois states that she
 7 reported in shorthand the proceedings had at the
 8 foregoing hearing;

9 And that the foregoing is a true and correct
 10 transcript of her shorthand notes so taken as aforesaid
 11 and contains all the proceedings had at the said
 12 hearing.

13
 14
 15
 16 MAUREEN K. NAGLE, CSR
 CSR No. 084-002863

17
 18
 19
 20
 21
 22

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF WILLOWBROOK AND THE VILLAGE OF DOWNERS GROVE FOR THE OPERATION AND MAINTENANCE OF A PEER JURY PROGRAM FOR RESTORATIVE JUVENILE JUSTICE

AGENDA NO. 7**AGENDA DATE:** 07/22/19**STAFF REVIEW:** Robert Schaller, Chief of Police**SIGNATURE:****LEGAL REVIEW:** Tom Bastian, Village Attorney**SIGNATURE:****RECOMMENDED BY:** Brian Pabst, Village Administrator**SIGNATURE:****REVIEWED & APPROVED BY PSC:**YES NO N/A **ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)**

The Willowbrook Police Department is participating in the Downers Grove Regional Peer Jury program. A Peer Jury is an alternative to court for first-time juvenile offenders of non-serious offenses, such as theft, vandalism, disorderly conduct, tobacco possession or underage drinking. The jury is comprised of high-school aged student volunteers. Juveniles must agree to the peer jury process and provide an admission of guilt to participate in the program. This cooperative effort includes Burr Ridge, Clarendon Hills, Darien, Downers Grove, Hinsdale, Oak Brook, & Willowbrook. The Downers Grove Regional Peer Jury was sworn in by DuPage County State's Attorney Robert Berlin on October 16, 2018. The Peer Jury's purpose is to provide a means for the young offender to account for their own behavior to a group of peers and repair the harm caused to the victim and to the surrounding community. Peer Jury does not determine guilt or innocence. Peer Jurors attempt to understand why the offender committed the offense and then determine the consequences to help the offender be accountable for their actions and further develop the offender into an upstanding member of the community. Peer Jurors sign an oath of confidentiality and are required to recuse themselves from any case in which they know or could know the offender. All juveniles appearing before the Peer Jury are treated with dignity and respect.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC. The Peer Jury Program was discussed and approved at the July 8, 2019 public Safety Committee.

ACTION PROPOSED:

Adopt the Resolution.

RESOLUTION NO. 19-R-

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE
OF WILLOWBROOK AND THE VILLAGE OF DOWNERS GROVE FOR THE
OPERATION AND MAINTENANCE OF A PEER JURY PROGRAM FOR
RESTORATIVE JUVENILE JUSTICE**

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes unites of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, the provisions of the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) authorizes and encourages intergovernmental cooperation; and

WHEREAS, the Village of Willowbrook (“Willowbrook”) and the Village of Downers Grove (“Downers Grove”) are units of government within the meaning of the Constitution of the State of Illinois, 1970, Article VII, Section 10, having the power and authority to enter into intergovernmental agreements; and

WHEREAS, the Corporate Authorities of the Willowbrook and Downers Grove have determined that there is a need to provide a peer jury program in each village and that it is necessary, proper and in the best interest of each Village and their respective residents to enter into an Intergovernmental Agreement to provide and maintain a peer jury program to enhance restorative justice programs; and

WHEREAS, Willowbrook and Downers Grove desire to memorialize their respective obligations and responsibilities with regard to the peer jury program by entering into an Intergovernmental Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION 1. The preambles to this Resolution are hereby incorporated as part of this Resolution.

SECTION 2. The Corporate Authorities of the Village of Willowbrook hereby approve an Intergovernmental Agreement regarding a peer jury program in the Villages of Willowbrook and Downers Grove, a copy of which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 3. The Mayor is hereby authorized and directed to execute, and the Village Clerk to attest to the Intergovernmental Agreement on behalf of the Village of Willowbrook.

SECTION 4. This Resolution shall be in full force and effect upon its passage, as required by law.

ADOPTED AND APPROVED by the Mayor and Board of Trustees of the Village of Willowbrook on this 22nd day of July, 2019.

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy Hansen, Village Clerk

ROLL CALL VOTE: AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

EXHIBIT "A"

**Intergovernmental Agreement Between
the Villages of Willowbrook and Downers Grove**

**INTERGOVERNMENTAL AGREEMENT REGARDING
THE PEER JURY PROGRAM BETWEEN
THE VILLAGE OF DOWNERS GROVE AND THE VILLAGE OF WILLOWBROOK**

THIS INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made this 22 day of July, 2019, by and among the Village of Downers Grove, an Illinois municipal corporation (hereinafter referred to as "Downers Grove"), and the Village of Willowbrook, an Illinois municipal corporation (hereinafter referred to as "Willowbrook"). Downers Grove and Willowbrook are herein jointly referred to as the "Parties".

Section 1. Recitals Incorporated. The foregoing recitals shall be and are hereby adopted as findings of fact as if said recitals were fully set forth within this Section 1.

Section 2. Effective Date. This Agreement shall become effective August 1, 2019, and shall remain in effect unless terminated in accordance with the provisions of this Agreement.

Section 3. Services. Downers Grove, located at 801 Burlington Avenue, Downers Grove, IL shall provide a fully operational peer jury program that will be accessible to Willowbrook for the adjudication of juvenile cases. Specifically, Downers Grove shall provide the following services:

- a. Maintain and train a jury pool consisting of area students;
- b. Provide a jury at each hearing;
- c. Assemble and distribute case information to the jury at each hearing;
- d. Schedule all hearings (both initial and return) at minimum once monthly;
- e. Provide a final case summary to each participating municipality;
- f. Administer and preside over all hearings;
- g. Provide security and bailiff services at all hearings;
- h. Maintain relationships with community service organizations to facilitate community service assignments;

Section 4. Participating Municipality Responsibilities. In order to participate in the peer jury program, Willowbrook shall be responsible for:

- a. Determining which cases to forward to the peer jury program;
- b. Communicating with the offenders regarding case status;
- c. Contacting Downers Grove to schedule a hearing;
- d. Preparing and submitting to Downers Grove case summaries prior to the hearing date;
- e. Providing the agreed upon number of jurors from the participating municipality's jurisdiction;
- f. Collecting and remitting to Downers Grove the \$100 case fee prior to the scheduling of a hearing or submitting a deposit with the Village of Downers Grove to cover the cost of the case fee.

Section 5. Fees. Downers Grove will track all costs associated with the operating the peer jury program. Net costs of the peer jury program (total cost minus the case fee revenue) will be shared by all participating municipalities on a cost per case basis. Each participating municipality will be responsible for paying its pro rata share of the peer jury program cost based upon the number of cases submitted to the peer jury program. Downers Grove will invoice each participating municipality for its pro rata share of the peer jury program. Payment in full shall be due thirty (30) days after invoicing.

Section 6. Termination. Either party may terminate this Agreement by providing at least thirty (30) days written notice to the other Party.

Section 7. Notices. Written notices required pursuant to this Agreement and all other correspondence between the parties shall be directed to the following and shall be deemed received when hand-delivered or three (3) days after being sent by certified mail, return receipt requested:

Downers Grove: Village Manager
801 Burlington Avenue
Downers Grove, IL 60515

With a copy to: Village Attorney
801 Burlington Avenue
Downers Grove, IL 60515

Willowbrook: Village Administrator

Brian Pabst

Section 8. Entire Agreement. The Agreement contains the entire agreement of the parties relating to the subject matter hereof, and except as provided herein, may not be modified or amended except by written agreement of the Parties.

Section 9. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Illinois, and venue shall be in the County of DuPage.

Section 10. Severability. If any part of this Agreement shall be held invalid for any reason, the remainder of this agreement shall remain valid to the maximum extent possible.

IN WITNESS WHEREOF, the Parties have executed this Agreement by the signatures of their respective officers as reflected on the dates set forth below.

Village of Downers Grove

By: _____
Village Manager

ATTEST:

Village Clerk

Village of Willowbrook

By: _____
Village Administrator

ATTEST:

Village Clerk

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE: A RESOLUTION APPOINTING A DELEGATE AND ALTERNATE DELEGATE TO THE INTERGOVERNMENTAL RISK MANAGEMENT AGENCY	AGENDA NO. 8. AGENDA DATE: <u>07/22/19</u>
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STAFF REVIEW: Mike Mertens, Asst. Village Administrator	SIGNATURE: <u>M. Mertens</u>
LEGAL REVIEW: Tom Bastian, Village Attorney	SIGNATURE: <u>Tom Bastian</u>
RECOMMENDED BY: Brian Pabst, Village Administrator	SIGNATURE: <u>Brian Pabst</u>
REVIEWED & APPROVED BY COMMITTEE: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

The Village of Willowbrook is represented on the Intergovernmental Risk Management Agency ("IRMA") Board of Directors through an appointed delegate and alternate delegate. The IRMA Board meets on a quarterly basis to review and discuss relevant risk management related matters affecting municipalities. The designated alternate delegate would attend meetings in an event that the primary delegate could not. The appointment to serve on the IRMA Board of Directors is made by Resolution adopted by the Village Board.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

One of the duties assigned to the position of Assistant Village Administrator within the Administration Department is that of Risk Management. Therefore, Michael Mertens will serve as the primary delegate to IRMA. The duties of this position were previously performed by Jeffery Monteleone. Carrie Dittman will remain as the designated alternate delegate to IRMA.

ACTION PROPOSED: Adopt the attached Resolution

RESOLUTION NO. 19-R-_____

**A RESOLUTION APPOINTING A DELEGATE AND ALTERNATE
DELEGATE TO THE INTERGOVERNMENTAL RISK MANAGEMENT
AGENCY**

WHEREAS, the Village of Willowbrook adopted the Contract and By-Laws of the Intergovernmental Risk Management Agency by Ordinance and thereby became a member of said cooperative; and

WHEREAS, said contract provides that member units of local governmental shall, by majority vote of its corporate authorities, select one (1) person to represent that body on the Board of Directors of said Intergovernmental Agency.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois that Michael Mertens, Assistant Village Administrator of the Village of Willowbrook, is hereby appointed to represent the Village of Willowbrook on the Board of Directors of said Intergovernmental Risk Management Agency commencing July 22, 2019.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

BE IT FURTHER RESOLVED that the Village Clerk shall serve a certified copy of this Resolution on the Intergovernmental Risk Management Agency.

ADOPTED and APPROVED this 22nd day of July, 2019.

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy Hansen, Village Clerk

ROLL CALL VOTE:

AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE: A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE VILLAGE OF WILLOWBROOK, A FIRST AMENDMENT TO AN AGREEMENT FOR SCAVENGER SERVICES	AGENDA NO. 9. AGENDA DATE: <u>07/22/19</u>
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STAFF REVIEW: Mike Mertens, Asst. Village Administrator	SIGNATURE: <u>M. Mertens</u>
LEGAL REVIEW: Tom Bastian, Village Attorney	SIGNATURE: <u>Tom Bastian / Mm</u>
RECOMMENDED BY: Brian Pabst, Village Administrator	SIGNATURE: <u>Brian Pabst</u>
REVIEWED & APPROVED BY COMMITTEE: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>	

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

Staff advised the Municipal Services Committee on May 13, 2019 that the contract with Republic Services for scavenger services is set to expire on December 31st 2019. The Municipal Services Committee discussed the option of a short-term contract extension with Republic Services that would move the contract expiration date into the summer of 2020. The Committee requested staff review the future scavenger contract criteria options (levels of service, stickers, recycling, term, etc.). These options will be presented back to the Committee for their consideration. A new request for proposal (RFP) for residential scavenger services is to be issued in the Fall of 2019 with an award and implementation in the summer of 2020.

Republic Services is agreeable to a short-term contract extension. The Short-Term Extension is summarized as follows:

- 1) A contract extension through the end of July 2020. This time frame would move the Village away from dealing with any summer holiday conflicts should a change in vendor occur due to the RFP process.
- 2) Republic Services would request shifting from three days of service pickups, currently Monday, Tuesday & Wednesday, and moving to a one-day Village-wide pick up, on Thursdays, starting in January 2020.
- 3) The short-term extension would include a new recycling processing fee of \$1.62. Republic Services would adjust their short-term 2020 rates down so the net effect to the residents would be a 3% increase, which is the same yearly rate increase as our current contract.

This item was recommended for formal Village Board consideration at the Jul 8, 2019 Municipal Services Committee.

ACTION PROPOSED: Adopt the attached Resolution

RESOLUTION NO. 19-R-_____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE VILLAGE OF WILLOWBROOK, A FIRST AMENDMENT TO AN AGREEMENT FOR SCAVENGER SERVICES

WHEREAS, the Village of Willowbrook currently contracts with Allied Waste Systems of North America, LLC (“Allied”) to provide single-family scavenger services within the Village of Willowbrook;

WHEREAS, the Contract with Allied will expire on December 31, 2019; and

WHEREAS, the Corporate Authorities of the Village have determined that it is in the best interest of the Village to approve a First Amendment to its Contract with Allied, which First Amendment will extend the term of the Contract for an additional six (6) months, through July 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, that the First Amendment to Contract for Scavenger Services by and between the Village of Willowbrook and Allied Waste Systems of North America, LLC is hereby approved upon these terms and conditions set forth in the First Amendment to Agreement for Scavenger Services. A copy of said Agreement is attached hereto as Exhibit “A” and made a part hereof.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

BE IT FURTHER RESOLVED that the Village Mayor is authorized to execute said First Amendment on behalf of the Village of Willowbrook and the Village Clerk is directed to attest to said signature.

ADOPTED and APPROVED this 22nd day of July, 2019:

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Village Clerk

ROLL CALL VOTE: AYES: _____

 NAYS: _____

 ABSTENTIONS: _____

 ABSENT: _____

“EXHIBIT A”

First Amendment to Contract for Scavenger Services

FIRST AMENDMENT TO AGREEMENT FOR SCAVENGER SERVICES

WHEREAS, on October 26, 2015, the Village of Willowbrook (the "Village") and Allied Waste Systems of North America, LLC d/b/a Republic Services // Allied Services of Melrose Park, a Delaware corporation, authorized to transact business in the State of Illinois (the "Contractor") entered into an Agreement whereby Contractor agreed to provide single-family scavenger services within the corporate limits of the Village; and

WHEREAS, said Agreement commenced on January 1, 2015 and will terminate on December 31, 2019; and

WHEREAS, pursuant to Section 1, Paragraph B of the Agreement provides that upon the mutual agreement of the Village and Contractor, the term of the Agreement may be extended for a period not to exceed four (4) years from the termination or expiration of the Agreement; and

WHEREAS, Village and Contractor have agreed to extend the term of the Agreement through July, 2020, and have also agreed to modify certain other terms, conditions and provisions of the Agreement as hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises herein contained and other good and valuable consideration, the sufficiency of which is hereby acknowledged by the Parties the Village and Contractor hereby agree that the Agreement by and between the Village and Contractor dated October 26, 2015, shall be modified as follows:

1. Section I entitled "General", Paragraph A, shall be amended by deleting "December 31, 2019" and inserting, in lieu thereof, "July 31, 2020". All other provisions of Section I, Paragraph A of the Agreement shall remain in full force and effect and not amended by this First Amendment.

2. Section II entitled “Service and Rates”, Paragraph A entitled “Garbage Collection”, subparagraph 1, shall be amended by amending the first paragraph of II(A)(1) in its entirety to read as follows: Commencing September 1, 2019, the Contractor shall provide regular collection services on Thursday of each week to each single family residence within the geographical area depicted on “Exhibit A” attached hereto and made a part hereof.

The remainder of Section II, paragraph (A)(1) shall remain in full force and effect and not amended by this First Amendment.

3. Section II entitled “Service and Rates” shall be further amended by adding the following at the end of Section II, Paragraph A(6):

Proposed Rates Effective January 1, 2020 Through July 31, 2020:

Single-Family Rates Per Unit, Per Month	
Curbside Collection – 35 gallon	\$19.82
Curbside Collection – 65 gallon	\$21.04
Curbside Collection – 95 gallon	\$21.87
Curbside Collection Senior – 35 gallon	\$15.51
Annual Amnesty Day Collection	N/C
Village Facilities Collection	N/C
Special Events Collection Service	N/C
Leaf Collection	N/C
Special Event Services	N/C
Recycling Processing Fee	\$1.62

4. Section II entitled "Service and Rates" shall be amended by deleting "until December 31, 2019" from the second paragraph of Section II(A)(7) and inserting "through July 31, 2020".

5. Effectiveness of Amendment. All terms and conditions of the Agreement between the Village and Contractor shall remain in full force and effect except as specifically amended by this First Amendment.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment as of the dates hereinafter set forth.

Dated this _____ day of _____, 2019.

VILLAGE OF WILLOWBROOK

\By: _____
Frank A. Trilla, Mayor

ATTEST:

By: _____
Leroy Hansen, Village Clerk

ALLIED WASTE SYSTEMS OF NORTH
AMERICA, LLC D/B/A REPUBLIC SERVICES //
ALLIED WASTE SERVICES OF MELROSE
PARK

By: _____

Printed Name

Its: _____

ATTEST:

By: _____

Printed Name

Its: _____



June 14, 2019

5050 W. Lake Street Malrose Park, IL 60160
708-945-7050 www.republicservices.com

Mr. Mike Mertens
Assistant Village Manager
Village of Willowbrook, IL 60527

Dear Mr. Mertens:

On behalf of Republic Services, I would like to once again, thank you for this opportunity to continue our dialogue regarding a possible extension to our current collection services agreement.

Current Collection Program:

- Refuse: Volume based contractor provided containers, 35/65/95-gallon. One (1) bulk item included, no sticker required. Solid waste stickers are required for additional bulk items and additional refuse.
- Recycling: Unlimited recycling with a company provided recycling cart.
- Yard Waste: Collected in biodegradable yard waste bags or designated cans with pre-paid stickers attached. Optional 35/65/95- gallon carts available for an additional monthly fee.
- Collection services provided to Village facilities at no cost.

Current Rates through December 31, 2019

Single-Family Rates Per Unit, Per Month			
Curbside Collection – 35- gallon			\$20.82
Curbside Collection – 65 -gallon			\$22.07
Curbside Collection – 95- gallon			\$22.81
Curbside Collection Senior – 35- gallon			\$16.63
Sticker – Refuse / Yard Waste, each			\$3.00
Annual Amnesty Day Collection			N/C
Village Facilities Collection			N/C
Special Events Collection Service			N/C
Leaf Collection			N/C
Special Event Services			N/C

Proposed Rate Adjustment for Collection Program: (Extension thru 07/31/2020)

- All current program services remain the same
- Effective 09/01/19, all service to be provided one day per week, Thursday
- Partial year contract excludes annual amnesty day and event services reduced to three events
- Republic Services must be notified of August 2020 service provider bid decision prior to September 30, 2019.

Proposed Rates effective January 1, 2020 through July 31, 2020

Single-Family Rates Per Unit, Per Month		
Curbside Collection – 35- gallon		\$19.82*
Curbside Collection – 65 -gallon		\$21.04*
Curbside Collection – 95- gallon		\$21.87*
Curbside Collection Senior – 35- gallon		\$15.51*
Sticker – Refuse / Yard Waste, each		\$3.00
Annual Amnesty Day Collection		N/C
Village Facilities Collection		N/C
Special Events Collection Service		N/C
Leaf Collection		N/C
Special Event Services		N/C
Recycling Processing Fee		\$1.62**

* Annual CPI Rate Adjustment for Curbside Collection Rates Only:
(2021 @ 3.00%), (2022 @ 3.00%), (2023 @ 3.00%)

Note:

**Recycling Processing Fee - \$01.62 not to exceed a 40% correction after the initial 12-months

(Example: +40% = \$2.26 / -40% = \$.98)

As always, Republic Services values the opportunity to provide service to the Village and its residents. We look forward to continuing our partnership with the Village for years to come.

Sincerely,

John Clifford

John Clifford
Manager Municipal Sales
Republic Services

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:

A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES TO PREPARE A STORMWATER MASTER PLAN FOR THE EXECUTIVE PLAZA IN THE VILLAGE OF WILLOWBROOK BY AND BETWEEN CHRISTOPHER B. BURKE ENGINEERING, LTD. AND THE VILLAGE OF WILLOWBROOK

AGENDA NO. 10.

AGENDA DATE:

07/22/19

STAFF REVIEW: Mike Mertens, Asst. Village Administrator

SIGNATURE: Mike Mertens

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: Tom Bastian

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: Brian Pabst

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

Staff advised the Municipal Services Committee on May 13, 2019 about on-going drainage / flooding concerns within the Executive Plaza area during very heavy rain events. The Executive Plaza office and light industrial area was developed in the 1970s. At that time the drainage design standards included secondary overflow storage in the public streets and in private parking lots within the Executive Plaza area. The stormwater overflow into the streets can cause street closures for up to a week until the stormwater system can release the overflow into the downstream system. The street flooding, up to 2-1/2 feet at times, can cause business closures and affects life safety responses within the area during these flooding events. The business owners within the area would like the Village to review the system and try to incorporate enhancements to alleviate the overflow drainage.

Dan Lynch from Christopher B. Burke Engineering attended the Municipal Service Committee on July 8, 2019 to review the proposal and discuss the drainage system within the Executive Plaza Area. George Guidarelli, Vice President, Hygieneering, Inc., 7575 Plaza Court, Willowbrook, IL 60527 also attended the meeting to highlight the on-going drainage concerns for his business as well as the other business park members and customers. The Stormwater Master Plan for Executive Plaza would review the area to determine solutions for the flooding events, the amount of land needed for stormwater management as well as cost estimates for the possible solutions.

Christopher B. Burke Engineering has provided a professional engineering service proposal to review the stormwater master plan for the Executive Plaza drainage area. The proposal for this service has a cost of \$48,400.00. Our current Village Budget does not have dollars allocated for this type of engineering review. Staff would recommend that we utilize either the Hotel Tax Fund or shift budgeted funds from the Small Area Master Plan project currently budgeted for \$45,000 but not yet initiated.

This item was recommended for formal Village Board consideration at the Jul 8, 2019 Municipal Services Committee.

ACTION PROPOSED: Adopt the attached Resolution

RESOLUTION NO. 19-R-_____

A RESOLUTION TO APPROVE AND AUTHORIZE THE EXECUTION OF AN AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES TO PREPARE A STORMWATER MASTER PLAN FOR THE EXECUTIVE PLAZA IN THE VILLAGE OF WILLOWBROOK BY AND BETWEEN CHRISTOPHER B. BURKE ENGINEERING, LTD. AND THE VILLAGE OF WILLOWBROOK

WHEREAS, the Corporate Authorities of the Village of Willowbrook (the "Village") have determined that it is in the best interest of the Village to enter into a professional services agreement for professional engineering services related to the preparation and completion of a Stormwater Master Plan for the Executive Plaza area located within the Village of Willowbrook; and

WHEREAS, the Village has a past satisfactory relationship with Christopher B. Burke Engineering, Ltd. for the provision of professional engineering services; and

WHEREAS, the Village desires to retain Christopher B. Burke Engineering, Ltd. to provide professional engineering services to the Village including preparation of a Stormwater Master Plan for the Executive Plaza area within the Village.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, that a certain Proposal and Agreement by and between the Village of Willowbrook and Christopher B. Burke Engineering, Ltd. to develop and provide a Stormwater Master Plan, be and is hereby approved and the Mayor and Village Clerk be and the same are hereby authorized to execute and attest, all on behalf of the Village of Willowbrook, that certain Professional Services Agreement, attached hereto as Exhibit "A" and made a part hereof.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

ADOPTED and APPROVED this 22nd day of July, 2019.

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy Hansen, Village Clerk

ROLL CALL VOTE: AYES: _____

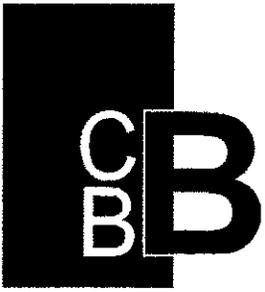
NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

EXHIBIT "A"

**Christopher B. Burke Engineering, Ltd.
Professional Services Agreement**



CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX (847) 823-0520

June 12, 2019

Village of Willowbrook
835 Midway Drive
Willowbrook, IL 60527

Attention: Michael Mertens

Subject: Proposal for Professional Engineering Services
Village of Willowbrook Stormwater Master Plan
for Executive Plaza Drainage Area

Dear Mr. Mertens:

Christopher B. Burke Engineering, Ltd. (CBBEL) is pleased to provide this proposal for professional engineering services related to the preparation of a Stormwater Master Plan (SMP) for the Executive Plaza area. Included in this proposal is our Understanding of the Assignment, Scope of Services, and Estimated Fee.

UNDERSTANDING OF THE ASSIGNMENT

It is our understanding that the Village of Willowbrook (Village) would like a SMP prepared for the Village's drainage system of the 200-acre area tributary to Executive Plaza.

CBBEL completed a study of the same area in 1993. We understand some of the undeveloped area has been developed since 1993 and other improvements have taken place such as raising Madison Street and the building at the southwest corner of Madison Street and Executive Drive. We also understand that heavy rains have continued to plague the area with long draindown times from significant street flooding.

CBBEL will create a new hydrologic and hydraulic model of the tributary area. We will use all available data including aerial topography, previous survey data of storm sewers and overland flow paths, information from our modeling efforts from nearly 26 years ago and as-built plans of developments completed in the study area since 1993. The SMP will include all the latest information available to establish our existing conditions model. We will run several recent storm events, such as the October 2017 event, to be sure our model reflects the flooding levels and draindown times experienced.

Based on the results of the modeling, we will look at various alternatives to help alleviate the flooding. The alternatives may vary from creating storage to rerouting flows. We will look at several alternatives that may provide varying degrees of benefits. We will create a stormwater table summarizing the alternatives and benefits. A conceptual cost estimate will be provided for each alternative along with a summary report.

We have assumed that no survey information will be needed for this study.

We are recommending the following Scope of Services for the Village's SMP.

SCOPE OF SERVICES

CBBEL has identified the tasks that will lead to a successful completion of the SMP:

Task 1 – Data Collection & Analysis: CBBEL will collect, review and analyze the following data for use in the initial phases of the drainage analysis. A GIS database will be developed using the spatially oriented data.

- DuPage County 1-foot aerial topographic mapping and LIDAR data
- Village GIS mapping and database information
- CBBEL 1993 Stormwater Study
- As-built surveys of development constructed in the area since 1993
- Historic rainfall data from the Village that resulted in flooding will be reviewed and analyzed
- Storm sewer televising tapes
- Relevant DuPage County, FEMA and IDNR-OWR data for the Village, including draft floodplain maps

Task 2 – Existing Conditions Hydrologic and Hydraulic Analysis: The hydrologic and hydraulic modeling is the backbone of the technical analysis in the study. To evaluate the Village's current drainage system, existing storm event level of service and protection, we will utilize the XP-SWMM hydrologic and hydraulic models. We will utilize all available information, including previous modeling, gathered as part of Task 1 for the existing conditions modeling. DuPage County 1-foot topography as well as the Village's as-built storm sewer data will be used to delineate subbasins throughout the study area. NRCS hydrologic methods will be utilized to calculate a unique runoff curve number and time of concentration for each subbasin. We will input these subbasins and storm sewer network into XP-SWMM modeling software.

Once the model is developed for the study area, we will calibrate the model to historical storm events, where possible, and the results will be compared with historic flooding information. CBBEL will analyze both the free outfall condition and tailwater conditions to determine the effect on the sewer system. Design storm events will be utilized to run a critical duration analysis for each drainage problem area to determine the level of service and protection for the existing stormwater conveyance system.

Our detailed hydrologic and hydraulic analysis will identify the cause of flooding in the study area, whether it is limitations in capacity of the local sewers, the trunk system or overland flow routes. The model results will identify the existing level of service and guide the design of the proposed stormwater improvement projects.

Task 3 – Proposed Conditions XP-SWMM Analysis: Based on our experiences with similar projects, CBBEL will develop proposed drainage improvement projects to reduce the risk of future flooding. This will include all of the identified drainage problem locations where existing detention basins are in the vicinity, these will be specifically analyzed to determine if they can be expanded to provide drainage benefits. Similarly, if Village owned property is located within the drainage basin (or property that could be acquired by the Village) it will be evaluated to see if it can provide floodwater storage that would benefit drainage at the flood problem area.

A range of projects will be investigated for the study area to determine what would be necessary to provide varying levels of flood protection for each area. This could include new storm sewers, stormwater storage basins, overland flow paths, green infrastructure, and other drainage improvements.

Task 4 – Concept Plan Preparation: We will prepare a concept plan for each of the proposed drainage improvement alternatives. The concept plan will be based on the hydrologic and hydraulic model results and will utilize the DuPage County aerial topography, aerial photos, site visits and available utility information from the Village. It is envisioned that each concept plan will be on an 11x17 exhibit.

Task 5 – Engineer’s Estimate of Probable Cost: We will prepare an engineer’s estimate of probable cost for the concept plans. The cost estimates will be broken down into unit costs and quantities for the different pay items. The unit costs will be based on recent bid openings where possible. The engineer’s estimate of probable cost will include design engineering, permitting and construction engineering costs.

Task 6 – Benefit Analysis: The benefits of a particular drainage improvement project can be measured in a variety of ways including; reduction in street flooding (duration and elevation), flood protection provided to structures, reduction in property flooding, and other metrics. We envision the metric used to quantify benefits in this study will be roadway inundation reduction and properties benefited. We will work with the Village to determine any additional benefits to be quantified. CBBEL will complete a benefits analysis for the various projects. The benefits will be based on the design level service event(s).

Task 7 – Stormwater Project Summary Matrix: A GIS database is a key foundational component of the SMP. This also helps create clear exhibits that can be easily understood by a non-technical audience. The benefits and costs for each project area must also be clearly presented in a way that allows a decision of what project should be completed. The matrix will include:

- Project costs
- Number of structures protected
- Reduction in roadway inundation
- Level of protection provided (10-year, 100-year, etc.)
- Number of properties protected
- If easements or land acquisition is required.

- Utility conflicts that require significant relocation
- Permitting challenges

The matrix will allow for easy comparison of projects for the Village. We will work with the Village on the ranking system within the matrix, and we understand that priority shall be given to projects based on the benefits for the design level service event.

Task 8 – Plan Report: We will summarize the SMP in a written report. The report will include the following:

- plan purpose,
- past flooding events within the Village and floodplain maps,
- comprehensive summary of flooding reports from Village staff,
- existing drainage problem areas and evaluation of level of service,
- procedure for developing drainage projects and summary of drainage projects,
- project matrix with separate sections for each drainage problem area and associated projects with exhibit, costs, benefit/cost ratio.

Task 9 – Village Meetings: In addition to the meetings outlined above, additional meetings will be required with the Village to finalize the SMP.

FEE ESTIMATE

<i>TASK</i>	<i>DESCRIPTION</i>	<i>FEE</i>
1	Data Collection & Analysis	\$ 2,600
2	Existing Conditions Hydrologic and Hydraulic Analysis	\$ 8,500
3	Proposed Conditions XP-SWMM Analysis	\$12,000
4	Concept Plan Preparation	\$ 6,000
5	Engineer's Estimate of Probable Cost	\$ 4,000
6	Benefit Analysis	\$ 5,000
7	Stormwater Project Summary Matrix	\$ 1,500
8	Plan Report	\$ 7,000
9	Village Meetings	\$ 1,800
	TOTAL	\$48,400

We will bill you at the hourly rates specified on the attached Schedule of Charges and establish our contract in accordance with the attached General Terms and Conditions. Direct costs for blueprints, photocopying, mailing, mileage, overnight delivery, permit fees, data collection fees, messenger services and report compilation are not included in the fee estimate. These General Terms and Conditions are expressly incorporated into and are an integral part of this contract for professional services. It should be emphasized that any requested meetings or additional services are not included in the preceding fee estimate and will be billed at the attached hourly rates.

Please sign and return one copy of this agreement as an indication of acceptance and notice to proceed. Please feel free to contact us anytime.

Sincerely,

Handwritten signature of Christopher B. Burke in black ink, followed by the word "for" in a smaller font.

Christopher B. Burke, PhD, PE, D.WRE, Dist.M.ASCE
President

Encl. Schedule of Charges
General Terms and Conditions

THIS PROPOSAL, SCHEDULE OF CHARGES AND GENERAL TERMS AND CONDITIONS
ACCEPTED FOR VILLAGE OF WILLOWBROOK:

BY: _____
TITLE: _____
DATE: _____

TTB/sll
N:\PROPOSALS\ADMIN\2019\Willowbrook_SMP for Executive Plaza Drainage Area_061119.docx

CHRISTOPHER B. BURKE ENGINEERING, LTD.
STANDARD CHARGES FOR PROFESSIONAL SERVICES
JANUARY, 2019

<u>Personnel</u>	Charges* (\$/Hr)
Principal	265
Engineer VI	241
Engineer V	200
Engineer IV	163
Engineer III	146
Engineer I/II	116
Survey V	220
Survey IV	188
Survey III	165
Survey II	121
Survey I	96
Engineering Technician V	190
Engineering Technician IV	155
Engineering Technician III	140
Engineering Technician I/II	65
CAD Manager	170
Assistant CAD Manager	147
CAD II	130
GIS Specialist III	142
GIS Specialist I/II	90
Landscape Architect	163
Environmental Resource Specialist V	208
Environmental Resource Specialist IV	163
Environmental Resource Specialist III	134
Environmental Resource Specialist I/II	90
Environmental Resource Technician	110
Administrative	100
Engineering Intern	61
Information Technician III	125
Information Technician I/II	112
 <u>Direct Costs</u>	
Outside Copies, Blueprints, Messenger, Delivery Services, Mileage	Cost + 12%

*Charges include overhead and profit

Christopher B. Burke Engineering, Ltd. reserves the right to increase these rates and costs by 5% after December 31, 2019.

CHRISTOPHER B. BURKE ENGINEERING, LTD.
GENERAL TERMS AND CONDITIONS

1. Relationship Between Engineer and Client: Christopher B. Burke Engineering, Ltd. (Engineer) shall serve as Client's professional engineer consultant in those phases of the Project to which this Agreement applies. This relationship is that of a buyer and seller of professional services and as such the Engineer is an independent contractor in the performance of this Agreement and it is understood that the parties have not entered into any joint venture or partnership with the other. The Engineer shall not be considered to be the agent of the Client. Nothing contained in this Agreement shall create a contractual relationship with a cause of action in favor of a third party against either the Client or Engineer.

Furthermore, causes of action between the parties to this Agreement pertaining to acts of failures to act shall be deemed to have accrued and the applicable statute of limitations shall commence to run not later than the date of substantial completion.

2. Responsibility of the Engineer: Engineer will strive to perform services under this Agreement in accordance with generally accepted and currently recognized engineering practices and principles, and in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document, or otherwise.

Notwithstanding anything to the contrary which may be contained in this Agreement or any other material incorporated herein by reference, or in any Agreement between the Client and any other party concerning the Project, the Engineer shall not have control or be in charge of and shall not be responsible for the means, methods, techniques, sequences or procedures of construction, or the safety, safety precautions or programs of the Client, the construction contractor, other contractors or subcontractors performing any of the work or providing any of the services on the Project. Nor shall the Engineer be responsible for the acts or omissions of the Client, or for the failure of the Client, any architect, engineer, consultant, contractor or subcontractor to carry out their respective responsibilities in accordance with the Project documents, this Agreement or any other agreement concerning the Project. Any provision which purports to amend this provision shall be without effect unless it contains a reference that the content of this condition is expressly amended for the purposes described in such amendment and is signed by the Engineer.

3. Changes: Client reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments, and Engineer and Client shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes, if commercially possible.
4. Suspension of Services: Client may, at any time, by written order to Engineer (Suspension of Services Order) require Engineer to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the costs associated with the services affected by such order. Client, however, shall pay all costs incurred by the suspension, including all costs necessary to maintain continuity and for the

resumptions of the services upon expiration of the Suspension of Services Order. Engineer will not be obligated to provide the same personnel employed prior to suspension, when the services are resumed, in the event that the period of suspension is greater than thirty (30) days.

5. Termination: This Agreement may be terminated by either party upon thirty (30) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by Client, under the same terms, whenever Client shall determine that termination is in its best interests. Cost of termination, including salaries, overhead and fee, incurred by Engineer either before or after the termination date shall be reimbursed by Client.
6. Documents Delivered to Client: Drawings, specifications, reports, and any other Project Documents prepared by Engineer in connection with any or all of the services furnished hereunder shall be delivered to the Client for the use of the Client. Engineer shall have the right to retain originals of all Project Documents and drawings for its files. Furthermore, it is understood and agreed that the Project Documents such as, but not limited to reports, calculations, drawings, and specifications prepared for the Project, whether in hard copy or machine readable form, are instruments of professional service intended for one-time use in the construction of this Project. These Project Documents are and shall remain the property of the Engineer. The Client may retain copies, including copies stored on magnetic tape or disk, for information and reference in connection with the occupancy and use of the Project.

When and if record drawings are to be provided by the Engineer, Client understands that information used in the preparation of record drawings is provided by others and Engineer is not responsible for accuracy, completeness, nor sufficiency of such information. Client also understands that the level of detail illustrated by record drawings will generally be the same as the level of detail illustrated by the design drawing used for project construction. If additional detail is requested by the Client to be included on the record drawings, then the Client understands and agrees that the Engineer will be due additional compensation for additional services.

It is also understood and agreed that because of the possibility that information and data delivered in machine readable form may be altered, whether inadvertently or otherwise, the Engineer reserves the right to retain the original tapes/disks and to remove from copies provided to the Client all identification reflecting the involvement of the Engineer in their preparation. The Engineer also reserves the right to retain hard copy originals of all Project Documentation delivered to the Client in machine readable form, which originals shall be referred to and shall govern in the event of any inconsistency between the two.

The Client understands that the automated conversion of information and data from the system and format used by the Engineer to an alternate system or format cannot be accomplished without the introduction of inexactitudes, anomalies, and errors. In the event Project Documentation provided to the Client in machine readable form is so converted, the Client agrees to assume all risks associated therewith and, to the fullest

extent permitted by law, to hold harmless and indemnify the Engineer from and against all claims, liabilities, losses, damages, and costs, including but not limited to attorney's fees, arising therefrom or in connection therewith.

The Client recognizes that changes or modifications to the Engineer's instruments of professional service introduced by anyone other than the Engineer may result in adverse consequences which the Engineer can neither predict nor control. Therefore, and in consideration of the Engineer's agreement to deliver its instruments of professional service in machine readable form, the Client agrees, to the fullest extent permitted by law, to hold harmless and indemnify the Engineer from and against all claims, liabilities, losses, damages, and costs, including but not limited to attorney's fees, arising out of or in any way connected with the modification, misinterpretation, misuse, or reuse by others of the machine readable information and data provided by the Engineer under this Agreement. The foregoing indemnification applies, without limitation, to any use of the Project Documentation on other projects, for additions to this Project, or for completion of this Project by others, excepting only such use as may be authorized, in writing, by the Engineer.

7. Reuse of Documents: All Project Documents including but not limited to reports, opinions of probable costs, drawings and specifications furnished by Engineer pursuant to this Agreement are intended for use on the Project only. They cannot be used by Client or others on extensions of the Project or any other project. Any reuse, without specific written verification or adaptation by Engineer, shall be at Client's sole risk, and Client shall indemnify and hold harmless Engineer from all claims, damages, losses, and expenses including attorney's fees arising out of or resulting therefrom.

The Engineer shall have the right to include representations of the design of the Project, including photographs of the exterior and interior, among the Engineer's promotional and professional materials. The Engineer's materials shall not include the Client's confidential and proprietary information if the Client has previously advised the Engineer in writing of the specific information considered by the Client to be confidential and proprietary.

8. Standard of Practice: The Engineer will strive to conduct services under this agreement in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions as of the date of this Agreement.
9. Compliance With Laws: The Engineer will strive to exercise usual and customary professional care in his/her efforts to comply with those laws, codes, ordinance and regulations which are in effect as of the date of this Agreement.

With specific respect to prescribed requirements of the Americans with Disabilities Act of 1990 or certified state or local accessibility regulations (ADA), Client understands ADA is a civil rights legislation and that interpretation of ADA is a legal issue and not a design issue and, accordingly, retention of legal counsel (by Client) for purposes of interpretation is advisable. As such and with respect to ADA, Client agrees to waive any action against Engineer, and to indemnify and defend Engineer against any claim arising from Engineer's alleged failure to meet ADA requirements prescribed.

Further to the law and code compliance, the Client understands that the Engineer will strive to provide designs in accordance with the prevailing Standards of Practice as previously set forth, but that the Engineer does not warrant that any reviewing agency having jurisdiction will not for its own purposes comment, request changes and/or additions to such designs. In the event such design requests are made by a reviewing agency, but which do not exist in the form of a written regulation, ordinance or other similar document as published by the reviewing agency, then such design changes (at substantial variance from the intended design developed by the Engineer), if effected and incorporated into the project documents by the Engineer, shall be considered as Supplementary Task(s) to the Engineer's Scope of Service and compensated for accordingly.

10. Indemnification: Engineer shall indemnify and hold harmless Client up to the amount of this contract fee (for services) from loss or expense, including reasonable attorney's fees for claims for personal injury (including death) or property damage to the extent caused by the sole negligent act, error or omission of Engineer.

Client shall indemnify and hold harmless Engineer under this Agreement, from loss or expense, including reasonable attorney's fees, for claims for personal injuries (including death) or property damage arising out of the sole negligent act, error omission of Client.

In the event of joint or concurrent negligence of Engineer and Client, each shall bear that portion of the loss or expense that its share of the joint or concurrent negligence bears to the total negligence (including that of third parties), which caused the personal injury or property damage.

Engineer shall not be liable for special, incidental or consequential damages, including, but not limited to loss of profits, revenue, use of capital, claims of customers, cost of purchased or replacement power, or for any other loss of any nature, whether based on contract, tort, negligence, strict liability or otherwise, by reasons of the services rendered under this Agreement.

11. Opinions of Probable Cost: Since Engineer has no control over the cost of labor, materials or equipment, or over the Contractor(s) method of determining process, or over competitive bidding or market conditions, his/her opinions of probable Project Construction Cost provided for herein are to be made on the basis of his/her experience and qualifications and represent his/her judgement as a design professional familiar with the construction industry, but Engineer cannot and does not guarantee that proposal, bids or the Construction Cost will not vary from opinions of probable construction cost prepared by him/her. If prior to the Bidding or Negotiating Phase, Client wishes greater accuracy as to the Construction Cost, the Client shall employ an independent cost estimator Consultant for the purpose of obtaining a second construction cost opinion independent from Engineer.
12. Governing Law & Dispute Resolutions: This Agreement shall be governed by and construed in accordance with Articles previously set forth by (Item 9 of) this Agreement, together with the laws of the **State of Illinois**.

Any claim, dispute or other matter in question arising out of or related to this Agreement, which can not be mutually resolved by the parties of this Agreement, shall be subject to mediation as a condition precedent to arbitration (if arbitration is agreed upon by the parties of this Agreement) or the institution of legal or equitable proceedings by either party. If such matter relates to or is the subject of a lien arising out of the Engineer's services, the Engineer may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by arbitration.

The Client and Engineer shall endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be in accordance with the Construction Industry Mediation Rules of the American Arbitration Association currently in effect. Requests for mediation shall be filed in writing with the other party to this Agreement and with the American Arbitration Association. The request may be made concurrently with the filing of a demand for arbitration but, in such event, mediation shall proceed in advance of arbitration or legal or equitable proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order.

The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

13. Successors and Assigns: The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns: provided, however, that neither party shall assign this Agreement in whole or in part without the prior written approval of the other.
14. Waiver of Contract Breach: The waiver of one party of any breach of this Agreement or the failure of one party to enforce at any time, or for any period of time, any of the provisions hereof, shall be limited to the particular instance, shall not operate or be deemed to waive any future breaches of this Agreement and shall not be construed to be a waiver of any provision, except for the particular instance.
15. Entire Understanding of Agreement: This Agreement represents and incorporates the entire understanding of the parties hereto, and each party acknowledges that there are no warranties, representations, covenants or understandings of any kind, matter or description whatsoever, made by either party to the other except as expressly set forth herein. Client and the Engineer hereby agree that any purchase orders, invoices, confirmations, acknowledgments or other similar documents executed or delivered with respect to the subject matter hereof that conflict with the terms of the Agreement shall be null, void & without effect to the extent they conflict with the terms of this Agreement.
16. Amendment: This Agreement shall not be subject to amendment unless another instrument is duly executed by duly authorized representatives of each of the parties and entitled "Amendment of Agreement".

17. **Severability of Invalid Provisions:** If any provision of the Agreement shall be held to contravene or to be invalid under the laws of any particular state, county or jurisdiction where used, such contravention shall not invalidate the entire Agreement, but it shall be construed as if not containing the particular provisions held to be invalid in the particular state, country or jurisdiction and the rights or obligations of the parties hereto shall be construed and enforced accordingly.
18. **Force Majeure:** Neither Client nor Engineer shall be liable for any fault or delay caused by any contingency beyond their control including but not limited to acts of God, wars, strikes, walkouts, fires, natural calamities, or demands or requirements of governmental agencies.
19. **Subcontracts:** Engineer may subcontract portions of the work, but each subcontractor must be approved by Client in writing.
20. **Access and Permits:** Client shall arrange for Engineer to enter upon public and private property and obtain all necessary approvals and permits required from all governmental authorities having jurisdiction over the Project. Client shall pay costs (including Engineer's employee salaries, overhead and fee) incident to any effort by Engineer toward assisting Client in such access, permits or approvals, if Engineer perform such services.
21. **Designation of Authorized Representative:** Each party (to this Agreement) shall designate one or more persons to act with authority in its behalf in respect to appropriate aspects of the Project. The persons designated shall review and respond promptly to all communications received from the other party.
22. **Notices:** Any notice or designation required to be given to either party hereto shall be in writing, and unless receipt of such notice is expressly required by the terms hereof shall be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed, and addressed to the party to whom such notice is directed at such party's place of business or such other address as either party shall hereafter furnish to the other party by written notice as herein provided.
23. **Limit of Liability:** The Client and the Engineer have discussed the risks, rewards, and benefits of the project and the Engineer's total fee for services. In recognition of the relative risks and benefits of the Project to both the Client and the Engineer, the risks have been allocated such that the Client agrees that to the fullest extent permitted by law, the Engineer's total aggregate liability to the Client for any and all injuries, claims, costs, losses, expenses, damages of any nature whatsoever or claim expenses arising out of this Agreement from any cause or causes, including attorney's fees and costs, and expert witness fees and costs, shall not exceed the total Engineer's fee for professional engineering services rendered on this project as made part of this Agreement. Such causes included but are not limited to the Engineer's negligence, errors, omissions, strict liability or breach of contract. It is intended that this limitation apply to any and all liability or cause of action however alleged or arising, unless otherwise prohibited by law.

24. Client's Responsibilities: The Client agrees to provide full information regarding requirements for and about the Project, including a program which shall set forth the Client's objectives, schedule, constraints, criteria, special equipment, systems and site requirements.

The Client agrees to furnish and pay for all legal, accounting and insurance counseling services as may be necessary at any time for the Project, including auditing services which the Client may require to verify the Contractor's Application for Payment or to ascertain how or for what purpose the Contractor has used the money paid by or on behalf of the Client.

The Client agrees to require the Contractor, to the fullest extent permitted by law, to indemnify, hold harmless, and defend the Engineer, its consultants, and the employees and agents of any of them from and against any and all claims, suits, demands, liabilities, losses, damages, and costs ("Losses"), including but not limited to costs of defense, arising in whole or in part out of the negligence of the Contractor, its subcontractors, the officers, employees, agents, and subcontractors of any of them, or anyone for whose acts any of them may be liable, regardless of whether or not such Losses are caused in part by a party indemnified hereunder. Specifically excluded from the foregoing are Losses arising out of the preparation or approval of maps, drawings, opinions, reports, surveys, change orders, designs, or specifications, and the giving of or failure to give directions by the Engineer, its consultants, and the agents and employees of any of them, provided such giving or failure to give is the primary cause of Loss. The Client also agrees to require the Contractor to provide to the Engineer the required certificate of insurance.

The Client further agrees to require the Contractor to name the Engineer, its agents and consultants as additional insureds on the Contractor's policy or policies of comprehensive or commercial general liability insurance. Such insurance shall include products and completed operations and contractual liability coverages, shall be primary and noncontributing with any insurance maintained by the Engineer or its agents and consultants, and shall provide that the Engineer be given thirty days, unqualified written notice prior to any cancellation thereof.

In the event the foregoing requirements, or any of them, are not established by the Client and met by the Contractor, the Client agrees to indemnify and hold harmless the Engineer, its employees, agents, and consultants from and against any and all Losses which would have been indemnified and insured against by the Contractor, but were not.

When Contract Documents prepared under the Scope of Services of this contract require insurance(s) to be provided, obtained and/or otherwise maintained by the Contractor, the Client agrees to be wholly responsible for setting forth any and all such insurance requirements. Furthermore, any document provided for Client review by the Engineer under this Contract related to such insurance(s) shall be considered as sample insurance requirements and not the recommendation of the Engineer. Client agrees to have their own risk management department review any and all insurance requirements for adequacy and to determine specific types of insurance(s) required for the project. Client further agrees that decisions concerning types and amounts of insurance are

specific to the project and shall be the product of the Client. As such, any and all insurance requirements made part of Contract Documents prepared by the Engineer are not to be considered the Engineer's recommendation, and the Client shall make the final decision regarding insurance requirements.

25. Information Provided by Others: The Engineer shall indicate to the Client the information needed for rendering of the services of this Agreement. The Client shall provide to the Engineer such information as is available to the Client and the Client's consultants and contractors, and the Engineer shall be entitled to rely upon the accuracy and completeness thereof. The Client recognizes that it is impossible for the Engineer to assure the accuracy, completeness and sufficiency of such information, either because it is impossible to verify, or because of errors or omissions which may have occurred in assembling the information the Client is providing. Accordingly, the Client agrees, to the fullest extent permitted by law, to indemnify and hold the Engineer and the Engineer's subconsultants harmless from any claim, liability or cost (including reasonable attorneys' fees and cost of defense) for injury or loss arising or allegedly arising from errors, omissions or inaccuracies in documents or other information provided by the Client to the Engineer.

26. Payment: Client shall be invoiced once each month for work performed during the preceding period. Client agrees to pay each invoice within thirty (30) days of its receipt. The client further agrees to pay interest on all amounts invoiced and not paid or objected to for valid cause within said thirty (30) day period at the rate of eighteen (18) percent per annum (or the maximum interest rate permitted under applicable law, whichever is the lesser) until paid. Client further agrees to pay Engineer's cost of collection of all amounts due and unpaid after sixty (60) days, including court costs and reasonable attorney's fees, as well as costs attributed to suspension of services accordingly and as follows:

Collection Costs. In the event legal action is necessary to enforce the payment provisions of this Agreement, the Engineer shall be entitled to collect from the Client any judgement or settlement sums due, reasonable attorneys' fees, court costs and expenses incurred by the Engineer in connection therewith and, in addition, the reasonable value of the Engineer's time and expenses spent in connection with such collection action, computed at the Engineer's prevailing fee schedule and expense policies.

Suspension of Services. If the Client fails to make payments when due or otherwise is in breach of this Agreement, the Engineer may suspend performance of services upon five (5) calendar days' notice to the Client. The Engineer shall have no liability whatsoever to the Client for any costs or damages as a result of such suspension caused by any breach of this Agreement by the Client. Client will reimburse Engineer for all associated costs as previously set forth in (Item 4 of) this Agreement.

27. When construction observation tasks are part of the service to be performed by the Engineer under this Agreement, the Client will include the following clause in the construction contract documents and Client agrees not to modify or delete it:

Kotecki Waiver. Contractor (and any subcontractor into whose subcontract this clause is incorporated) agrees to assume the entire liability for all personal injury claims suffered by its own employees, including without limitation claims under the Illinois Structural Work Act, asserted by persons allegedly injured on the Project; waives any limitation of liability defense based upon the Worker's Compensation Act, court interpretations of said Act or otherwise; and to the fullest extent permitted by law, agrees to indemnify and hold harmless and defend Owner and Engineer and their agents, employees and consultants (the "Indemnitees") from and against all such loss, expense, damage or injury, including reasonable attorneys' fees, that the Indemnitees may sustain as a result of such claims, except to the extent that Illinois law prohibits indemnity for the Indemnitees' own negligence. The Owner and Engineer are designated and recognized as explicit third party beneficiaries of the Kotecki Waiver within the general contract and all subcontracts entered into in furtherance of the general contract.

28. Job Site Safety/Supervision & Construction Observation: The Engineer shall neither have control over or charge of, nor be responsible for, the construction means, methods, techniques, sequences of procedures, or for safety precautions and programs in connection with the Work since they are solely the Contractor's rights and responsibilities. The Client agrees that the Contractor shall supervise and direct the work efficiently with his/her best skill and attention; and that the Contractor shall be solely responsible for the means, methods, techniques, sequences and procedures of construction and safety at the job site. The Client agrees and warrants that this intent shall be carried out in the Client's contract with the Contractor. The Client further agrees that the Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the work; and that the Contractor shall take all necessary precautions for the safety of, and shall provide the necessary protection to prevent damage, injury or loss to all employees on the subject site and all other persons who may be affected thereby. The Engineer shall have no authority to stop the work of the Contractor or the work of any subcontractor on the project.

When construction observation services are included in the Scope of Services, the Engineer shall visit the site at intervals appropriate to the stage of the Contractor's operation, or as otherwise agreed to by the Client and the Engineer to: 1) become generally familiar with and to keep the Client informed about the progress and quality of the Work; 2) to strive to bring to the Client's attention defects and deficiencies in the Work and; 3) to determine in general if the Work is being performed in a manner indicating that the Work, when fully completed, will be in accordance with the Contract Documents. However, the Engineer shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. If the Client desires more extensive project observation, the Client shall request that such services be provided by the Engineer as Additional and Supplemental Construction Observation Services in accordance with the terms of this Agreement.

The Engineer shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the Work, or any agents or employees of any of them. The Engineer does not guarantee the performance of the

Contractor and shall not be responsible for the Contractor's failure to perform its Work in accordance with the Contract Documents or any applicable laws, codes, rules or regulations.

When municipal review services are included in the Scope of Services, the Engineer (acting on behalf of the municipality), when acting in good faith in the discharge of its duties, shall not thereby render itself liable personally and is, to the maximum extent permitted by law, relieved from all liability for any damage that may accrue to persons or property by reason of any act or omission in the discharge of its duties. Any suit brought against the Engineer which involve the acts or omissions performed by it in the enforcement of any provisions of the Client's rules, regulation and/or ordinance shall be defended by the Client until final termination of the proceedings. The Engineer shall be entitled to all defenses and municipal immunities that are, or would be, available to the Client.

29. Insurance and Indemnification: The Engineer and the Client understand and agree that the Client will contractually require the Contractor to defend and indemnify the Engineer and/or any subconsultants from any claims arising from the Work. The Engineer and the Client further understand and agree that the Client will contractually require the Contractor to procure commercial general liability insurance naming the Engineer as an additional named insured with respect to the work. The Contractor shall provide to the Client certificates of insurance evidencing that the contractually required insurance coverage has been procured. However, the Contractor's failure to provide the Client with the requisite certificates of insurance shall not constitute a waiver of this provision by the Engineer.

The Client and Engineer waive all rights against each other and against the Contractor and consultants, agents and employees of each of them for damages to the extent covered by property insurance during construction. The Client and Engineer each shall require similar waivers from the Contractor, consultants, agents and persons or entities awarded separate contracts administered under the Client's own forces.

30. Hazardous Materials/Pollutants: Unless otherwise provided by this Agreement, the Engineer and Engineer's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials/pollutants in any form at the Project site, including but not limited to mold/mildew, asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic/hazardous/pollutant type substances.

Furthermore, Client understands that the presence of mold/mildew and the like are results of prolonged or repeated exposure to moisture and the lack of corrective action. Client also understands that corrective action is a operation, maintenance and repair activity for which the Engineer is not responsible.

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:

AN ORDINANCE AMENDING SECTION 4-2-11 ENTITLED "PERMIT FEES:" AND SECTION 4-2-48 ENTITLED "FIRE CODE ADOPTED:" OF CHAPTER 2 ENTITLED "BUILDING CODE" OF TITLE 4 ENTITLED "MUNICIPAL SERVICES" OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF WILLOWBROOK

AGENDA NO. 11.

AGENDA DATE: 7/22/19

STAFF REVIEW: Roy Giuntoli, Building Official

SIGNATURE: Roy Giuntoli / [Signature]

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: Tom Bastian / [Signature]

RECOMMENDED BY: Mike Mertens, Assistant Village Administrator

SIGNATURE: M. Mertens / [Signature]

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

BACKGROUND

The Village of Willowbrook utilizes TPI Building Consultants, Inc (TPI) for our Village building plan review and building inspection services. Representatives from TPI worked with the Village of Lombard on the development of a Hazardous Materials Reporting and Operational Permit System. Staff would recommend that the Village of Willowbrook consider a similar program for our community. As a comparison the Village of Lombard issued 30 Operational Permits in 2018 for a community of 43,745 people. Staff would recommend amending our code and establishing a yearly Operational Permit with the associated reporting and fee requirements. Section 430 ILCS 45 / Illinois Chemical Safety Act allows for the establishment of an orderly system to assure that responsible parties are adequately prepared to respond to the release of chemical substances into the environment and improves the ability of State and Local authorities to respond to such releases.

The Village of Willowbrook's Fire Code would be modified to require that any firm that maintains, stores, or handles hazardous materials, or conduct processes which produce conditions hazardous to life and property, apply for and be issued an Operational Permit with associated fees. This would allow the Village to gather information on the identified chemicals so that the requirements for the use and storage of hazardous materials, as defined by the International Fire Code, can be met. The Village of Willowbrook's Fire Code would require an Operational Permit to be issued and renewed annually for those occupancies that exceed the allowable quantities of identified hazardous materials at their facility.

This situation would require firms to make application for a Village issued Operational Permit for the sole purpose of making preparations to manage a heightened safety risk in your facility due to one or more of the following issues:

- Hazardous or flammable materials or processes
- High Fire Loads
- Materials or processes that have unique fire management characteristics

This item was presented to the Law and Ordinance Committee on July 2, 2019 and recommended for formal Village Board consideration.

ACTION PROPOSED: Pass the Ordinance.

ORDINANCE NO. 19-0-___

AN ORDINANCE AMENDING SECTION 4-2-11 ENTITLED "PERMIT FEES:" AND SECTION 4-2-48 ENTITLED "FIRE CODE ADOPTED:" OF CHAPTER 2 ENTITLED "BUILDING CODE" OF TITLE 4 ENTITLED "MUNICIPAL SERVICES" OF THE VILLAGE CODE OF ORDINANCES OF THE VILLAGE OF WILLOWBROOK

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, that the Village Code of the Village of Willowbrook be amended as follows:

SECTION ONE. Section 4-2-11 entitled "Permit Fees:" of Chapter 2 entitled "Building Code:" of Title 4 entitled "Municipal Services" as amended is hereby further amended in its entirety to read as follows:

"4-2-11: PERMIT FEES: The permit fees applicable to all development, building or construction within the village shall be those fees and charges as set forth herein.

(A) Building Permit Fees:

1. Single-Family Residential Structures:

(a) Building Architectural Plan Examination and review fee (In-House):

(1) Initial: Four hundred fifty dollars (\$450.00)

(2) In situations where the building plans are required to be subjected to additional reviews, an additional examination and review fee of Two hundred seventy-five dollars (\$275.00) shall be charged for each additional examination and review.

(b) Grading plan examination and review fee:

(1) Five hundred dollars (\$500.00).

(2) Grading plan examination and review fee: In situations where the grading plan plans are required to be subjected to additional reviews, an additional examination and review fee of two hundred fifty dollars (\$250.00) shall be charged for each additional examination and review.

(c) Building Permit Fee, Residential:

(1) Interior habitable areas, including, but not limited to, all floors including basement, crawl space, attic, etc. All residential building permit fees shall be incorporated within a cubical content fee calculated as follows: Eight cents (\$0.08) per cubic foot.

(2) Exterior roofed over and open areas that are contiguous with the SFR structure, including, but not limited to, porches, entry ways, etc.: All residential building

permit fees shall be incorporated within a cubical content fee calculated as follows: Two cents (\$0.02) per cubic foot.

(d) Alterations, remodeling and repairs not requiring architectural plans or detailed drawings: One hundred and twenty-five dollars (\$125.00).

(e) Foundation Only Permit Fee:

(1) A fee of sixty cents (\$0.60) per square foot based on foundation lot coverage dimensions (in conjunction with a new single-family residence building permit).

(2) Plan examination and review fee: Three hundred dollars (\$300.00)

(3) In situations where the 'foundation only' plans are required to be subjected to additional reviews, an additional examination and review fee of one hundred seventy-five dollars (\$175.00) shall be charged for each additional examination and review.

(f) Outside Agency Reviews: The plan review for Single-Family Residential structures, including additions thereto, may be performed by a 3rd party plan review agency. All fees and charges related to the performance of this service shall be borne by the permittee.

(g) Permit Applications: All New Single-Family Residential Structure permit applications shall be accompanied by a cash deposit of one thousand dollars (\$1000.00).

(h) Should a permit be issued, the deposit shall be credited to the entire building permit fee. Should the Building Official or his/her designee determine not to issue the requested permit, or should the permit not be issued for any other reason, the entire deposit shall be retained by the Village as liquidated damages for the purpose of compensating the Village for costs incurred in the examination and review of the building permit application.

2. Multi-Family/Nonresidential Buildings, Including Parking Garages and Parking Decks:

(a) Permit Applications: All permit applications shall be accompanied by a cash deposit of an amount in accordance with the following table to secure the payment of all costs incurred by the village in processing and reviewing such applications:

Gross Floor Area Of Proposed Structure <u>(In Square Feet):</u>	<u>Required Plan Review Cash Deposit Amount:</u>
(1) 1 to 1000	\$1,000.00
(2) 1,001 to 5,000	\$2,500.00
(3) 5,001 to 20,000	\$5,000.00
(4) 20,001 to 100,000	\$7,500.00
(5) 100,001 to 200,000	\$10,000.00
(6) Over 200,000	\$12,500.00

Should a permit be issued, the deposit shall be credited to the entire building permit fee. Should the Building Official or his/her designee determine not to issue the requested permit, or should the permit not be issued for any other reason, the entire deposit shall be retained by the village as liquidated damages for the purpose of compensating the village for costs incurred in the examination and review of the building permit application.

- (b) Multi-Family/Nonresidential Buildings Building plan examination and review fee shall be determined based on the project. Minimum fees apply (In-House):

<u>(Square Feet):</u>	<u>Review Fee:</u>
(1) 1 to 1000	\$750.00
(2) 1,001 to 5,000	\$1,750.00
(3) 5,001 to 20,000	\$3,500.00
(4) 20,001 to 100,000	\$7,000.00
(5) 100,001 to 200,000	\$9,000.00
(6) Over 200,000	\$11,000.00

- (c) Additional [In-House] Reviews: In situations where plans are required to be subjected to additional reviews, an additional examination and review fee of one half (1/2) of the amount listed in (A)(2)(b)(1) shall be charged for each additional examination and review.
- (d) Outside Agency Reviews: The plan review for multi-family and nonresidential buildings, including additions thereto, may be performed by a 3rd party plan review agency. All fees and charges related to the performance of this service shall be borne by the permittee.
- (e) Building Permit Fees, Cubical Content: All commercial building permit fees shall be incorporated within a cubical content fee calculated as follows:
- (1) First 100,000 cubic feet: \$0.10 per cubic foot
 - (2) Each cubic foot in excess of 100,000 cubic feet up to and including 200,000 cubic feet: \$0.0775 per cubic foot
 - (3) Each cubic foot in excess of 200,000 cubic feet up to and including 500,000 cubic feet: \$0.055 per cubic foot
 - (4) Each cubic foot in excess of 500,000 cubic feet: \$0.0325 per cubic foot
- (f) Building Permit Fees, Mechanical Content (where Applicable):
- (1) Electrical permit fee add 0.25 x building permit fee calculated in Section (A)(2)(e).
 - (2) Plumbing permit fee add 0.25 x building permit fee calculated in Section (A)(2)(e).
 - (3) Mechanical permit fee add 0.25 x building permit fee calculated in Section (A)(2)(e).
- (g) Multi-Family and Nonresidential Uses: For new construction, a minimum building permit and inspection fee of three thousand dollars (\$3,000.00) shall apply.
- (h) Foundation Only Permit:
- (1) A fee of eighty cents (\$0.80) per square foot based on foundation lot coverage dimensions (in conjunction with a building permit).
 - (2) Plan examination and review fee: Four hundred dollars \$400.00).
 - (3) In situations where the foundation only plans are required to be subjected to additional reviews, an additional examination and review fee of two hundred dollars \$200.00 shall be charged for each additional examination and review.
- (i) Multi-Family and Nonresidential Uses:
- (1) Building Permit fees for alterations, conversions, remodeling, structural repairs, tenant completions, Build-Outs, etc., (Whereas a "Certificate of

Occupancy” Issued after Final Construction Inspection is Approved by all Parties, shall be charged as follows: shall be charged as follows: Each cubic foot: \$0.055 per cubic foot

- (2) Building Permit fees for alterations, Vanilla Boxes (No Build-out Plan(s) (Whereas a “Certificate of Completion” Issued after Final Construction Inspection is Approved by all Parties, shall be charged as follows: Each cubic foot: \$0.0325 per cubic foot

3. Off Street Parking, Parking Lots & Driveways:

(a) Resurfacing or Reconstruction: The resurfacing or reconstruction of any private roadway, parking area, driveway, etc., or the modification of the surface of any watercourse or ponding area shall require a permit.

(b) Multi-Family and Nonresidential/Commercial Uses:

(1) Newly Constructed: A permit fee of seven cents (\$0.07) per square foot of pavement surface.

(2) All permit applications for an existing parking lot overlay or reconstruction shall be accompanied by a proposed striping plan which indicates the size, layout and number of regular and disabled/accessible parking spaces and the location of all required above grade signs designating parking spaces which are reserved for disabled individuals and the indicated fines signage. The fee for such permit shall be in accordance with the following: Three hundred fifty dollars (\$350.00)

(3) Commercial Sealcoating: The sealcoating and restriping of any parking area shall require a permit signed by the Building Official. The fee for such permit shall be one hundred dollars \$100.00. The permit application for sealcoating shall be accompanied by a proposed striping plan which indicates the size, layout and number of both regular and disabled accessible/handicapped parking spaces and the location of all required above grade signs designating parking spaces which are reserved for disabled individuals.

(c) Residential (Single Family, Attached & Detached):

(1) Newly Constructed Driveways:

(a) Without a Culvert: One Hundred twenty-five Dollars (\$125.00).

(b) With a Culvert: One Hundred Fifty Dollars (\$150.00).

(2) Existing, Re-Constructed/Re-Surfaced Driveways:

(a) Without a Culvert: One Hundred Dollars (\$100.00).

(b) With a Culvert: One Hundred Fifty Dollars (\$125.00).

4. Accessory Structures: (Including but not limited to: Garages, Shed, Gazebos, etc.)

(a) In Single-Family Residential, building permit fee:

(1) Structures equal to or under 60 Square Feet: Thirty-five dollars (\$35.00)

(2) Structures greater than 60 square feet and under 125 Square Feet: Seven cents (\$0.07) per cubic foot of cubical content.

(a) With a Minimum fee of: Fifty dollars (\$50.00)

(3) Structures greater than 126 Square Feet and under 200 Square Feet: Seven cents (\$0.07) per cubic foot of cubical content.

(a) With a Minimum fee of: Seventy-five dollars (\$75.00)

(4) Structures greater than 200 Square Feet: Seven cents (\$0.07) per cubic foot of cubical content.

- (a) With a Minimum fee of: One hundred and seventy-five dollars (\$175.00)
 - (b) In Non-Residential & Multi-Family, building permit fee:
 - (1) Per 4-2-11(A)(2)
 - (a) With a Minimum fee of: Three hundred and fifty dollars (\$350.00)
- 5. All Attached or Detached Decks:
 - (a) Single-Family, Attached/Detached (Townhouses, Duplexes): Fifty dollars (\$50.00).
 - (b) MFR New or Rehab (Condo Unit), Per Unit: Fifty dollars (\$50.00).
 - (c) MFR (Common Area): Seventy-five dollars (\$75.00).
 - (d) Non-Res / Commercial: one hundred dollars (\$100.00).
- 6. Miscellaneous Flatwork (Concrete, paver, etc.), Patios, Service Walks, Stoops/Steps, etc.:
 - (a) Single-Family, Attached/Detached (Townhouses, Duplexes): Walkways, Stoops only (Public or Private/Service): Fifty dollars (\$50.00).
 - (b) SFR, Patios only (Concrete, Pavers, etc.) Sixty dollars (\$60.00).
 - (c) SFR, Patios & Walk on one Permit. Eighty-five dollars (\$85.00).
 - (d) MFR/Non-Residential, Patios & walks (Condo Unit) (Concrete, Pavers, etc.) Fifty dollars (\$50.00).
 - (e) Multi-Family Residential (Common Area)/Non-Residential: Patios, Walkways, Stoops - Concrete, Pavers, etc.: Seventy-five dollars (\$75.00).
- 7. Private Street Re-Construction:
 - (a) Single Family Residential: One Hundred Fifty dollars (\$150.00).
 - (b) Multi-Family Residential: Two Hundred Fifty dollars (\$250.00).
 - (c) Non- Residential / Commercial: Three Hundred Fifty dollars (\$350.00).
- 8. Exterior Structural Alterations:
 - (a) Residential districts: A permit fee of six cents (\$0.06) per cubic foot of cubical content of the area which is the subject of the alteration.
 - (1) A minimum fee of two hundred fifty dollars (\$250.00) shall apply.
 - (b) Nonresidential districts: A permit fee of eight cents (\$0.08) per cubic foot of cubical content of the area which is the subject of the alteration.
 - (1) A minimum fee of five hundred fifty dollars (\$500.00) shall apply.
- 9. Existing Structure Moving:
 - (a) Single Family Residential "House" Moving: One Thousand dollars (\$1000.00) shall apply.
 - (b) Single Family Residential "Garage" Moving: One hundred dollars (\$100.00) (New Section) shall apply.
 - (c) Single Family Residential "Shed" Moving: twenty-five dollars (\$25.00) (New Section) shall apply.
- 10. Fences:
 - (a) Residential R1-R4 districts: Fifty dollars (\$50.00).
 - (b) Residential R5 districts: Seventy-five dollars (\$75.00).
 - (c) Commercial Districts: One hundred twenty-five dollars (\$125.00).
- 11. Satellite Earth Stations:
 - (a) Residential R1-R4 districts: One hundred dollars (\$100.00).
 - (b) Residential R5 districts: One hundred fifty dollars (\$150.00).
 - (c) Commercial Districts: Two hundred dollars (\$200.00). (No Change)
- 12. Personal Communication Services (PCS) Antennas:
 - (a) Freestanding Tower Mounted Devices:

- (1) Residential, Amateur Radio Antenna/Equipment: Two hundred dollars (\$200.00).
 - (2) Non-Residential/Commercial Installations: Four thousand five hundred dollars (\$4,500.00).
 - (b) Building Mounted Devices:
 - (1) Residential, Amateur Radio Antenna/Equipment: One hundred fifty dollars (\$150.00).
 - (2) Non-Residential/Commercial Installations: Three thousand seven hundred fifty dollars (\$3,750.00).
 - (c) Alterations, modifications, additions to existing PCS equipment:
 - (1) Residential, Amateur Radio Antenna/Equipment: One hundred dollars (\$100.00).
 - (2) Non-Residential/Commercial Installations: Six hundred twenty-five dollars (\$625.00).
- 13. Swimming Pools:
 - (a) Swimming pools having sides which are equal to or more than four feet (4') above surrounding grade: one hundred fifty dollars (\$150.00).
 - (b) Swimming pools having sides less than four feet (4') above surrounding grade, including all pools constructed in ground:
 - (1) Residential: Three hundred dollars (\$300.00).
 - (2) Commercial: Five hundred dollars (\$500.00).
 - (c) Mechanical Installations related to a Pool:
 - (1) Electric w/ pool (Single-Family Residential): Fifty dollars (\$50.00).
 - (2) Electric w/ pool (Multifamily/Non-Residential): One hundred twenty-five dollars (\$125.00).
 - (3) Plumbing w/ pool (Single-Family Residential): Fifty dollars (\$50.00).
 - (4) Plumbing w/ pool (Multifamily/Non-Residential): One hundred twenty-five dollars (\$125.00).
 - (5) Fuel Gas w/ pool (Single-Family Residential): Fifty dollars (\$50.00).
 - (6) Fuel Gas w/ pool (Multifamily/Non-Residential): One hundred twenty-five dollars (\$125.00).
 - (d) Temporary Inflatable Pool: Fifty dollars (\$50.00).
- 14. Reroofing/Tear Offs Fees:
 - (a) All permit application shall be accompanied by an affidavit indicating the exact number of roofing layers that are currently on the residence. Alternately, the proposal can indicate "Tear-off All Existing".
 - (b) New Roof:
 - (1) Single-Family Residential (Detached/Attached), per residence: Seventy-five dollars (\$75.00).
 - (2) Single-Family Residential, Accessory Structure: Twenty-five dollars (\$25.00).
 - (3) Multi-Family Residential: Two hundred dollars (\$200.00).
 - (4) Non-Residential/Commercial: three hundred dollars (\$300.00).
 - (c) Re-Roof:
 - (1) Single-Family Residential (Detached/Attached), per residence: Fifty dollars (\$50.00).
 - (2) Single-Family Residential, Accessory Structure: Fifteen dollars (\$15.00).
 - (3) Multi-Family Residential (Per Building): One hundred Fifty dollars (\$150.00).

- (4) Non-Residential/Commercial (Per Building): Two hundred fifty dollars (\$250.00).
- 15. Remove & Replace Fenestration (windows, doors, skylights, etc.) Fees:
 - (a) Single-Family Residential (Detached / Attached):
 - (1) One through five (1-5) openings: Fifty dollars (\$50.00).
 - (2) Over six (6) openings: Seventy-five dollars (\$75.00).
 - (b) Multi-Family Residential:
 - (1) Condominiums: Fifty dollars (\$50.00).
 - (2) Common Area: One hundred dollars (\$100.00).
 - (3) If above no's 1 and 2 are over six (6) windows, add Twenty-five dollars (\$25.00).
 - (c) Commercial:
 - (1) One through five (1-5) openings: One hundred dollars (\$100.00).
 - (2) Over six (6) openings: One hundred fifty dollars (\$150.00).
- 16. Plus, all applicable Review & Inspection Fees

(B) Plumbing Permit Fees:

- 1. Residential; Single-Family (Attached/detached), Townhouse, Condominium:
 - (a) Fourteen dollars (\$14.00) per fixture.
 - (b) One hundred twenty dollars (\$120.00) minimum.
- 2. Commercial, Multi-Family (Building):
 - (a) Twenty-four dollars (\$24.00) per fixture.
 - (b) One hundred eighty dollars (\$180.00) minimum.
- 3. Minor Plumbing Alterations:
 - (a) Residential: Seventy-five dollars (\$75.00).
 - (b) Commercial: One hundred twenty-five dollars (\$125.00)
- 4. Lawn Sprinkling Systems:
 - (a) Residential: One hundred dollars (\$100.00)
 - (b) Multi-Family Residential: One hundred twenty-five dollars (\$125.00)
 - (c) Commercial: One hundred fifty dollars (\$150.00)
- 5. Water Heater/Boiler, New, Each:
 - (a) Residential/Multi-Family Residential: Seventy-five dollars (\$75.00)
 - (b) Commercial/Non-Residential: One hundred twenty-five dollars (\$125.00)
- 6. Water Heater/Boiler, Replacement, Each:
 - (a) Residential/Multi-Family Residential: Sixty dollars (\$60.00)
 - (b) Commercial/Non-Residential: Seventy-five dollars (\$75.00)
- 7. Water Service Connection (Per Building, each) Fee: See Title 6-8-2 for applicable fee schedule,
- 8. Water Service Disconnection (Per Building, each):
 - (a) Residential, Single-family attached / detached: One hundred twenty-five dollars (\$125.00)
 - (b) Multi-Family Residential: One hundred fifty dollars (\$150.00)
 - (c) Commercial: Two hundred dollars (\$200.00)
- 9. Plus, all applicable Review & Inspection Fees

(C) Electrical Permit Fees:

1. Residential (Single-Family, Duplex, Townhouse, Condominium (per unit))
 - (a) New Service:
 - (1) Each 200 Amp: One hundred Seventy-five dollars \$175.00.
 - (2) Plus \$12.00 per Circuit.
 - (3) Plus \$17.00 per Motor/Fan.
 - (b) Existing Service Upgrade
 - (1) From under 200 Amps up to 200 Amps: One hundred dollars \$100.00.
 - (2) From 200 Amps up to 400 Amps: One hundred twenty-five dollars \$125.00.
 - (3) From under 200 Amps up to 400 Amps: One hundred fifty dollars \$150.00.
 - (c) Remodels, Alterations, etc.:
 - (1) Minimum Fee: Seventy-five dollars \$75.00.
2. Commercial, Multi-Family Residential:
 - (a) New Service:
 - (1) Each 200 Amp, up to 1000 Amp: Two hundred fifty dollars \$250.00.
 - (2) Excess Services: Fees for services in excess of one thousand (1,000) amperes shall be computed on the basis of the rating of the service disconnects installed prorated according to the schedule above and shall include feeders, risers and all wiring and equipment up to the branch circuit distribution panels or motor power panels or control centers.
 - (3) Plus \$18.00 per Circuit.
 - (4) Plus \$20.00 per Motor/Fan.
 - (b) Existing Service Upgrade
 - (1) Each 200 Amps: One hundred seventy-five dollars (\$175.00).
 - (2) Plus \$18.00 per Circuit.
 - (c) Remodels, Alterations, Build-Outs, etc. (Commercial & Multi-Family Res. Common Area): Minimum Fee: One hundred twenty-five dollars (\$125.00).
3. Back-up Generators:
 - (a) Residential: Seventy-five dollars (\$75.00).
 - (b) Commercial: One hundred twenty-five dollars (\$125.00).
4. Electric Vehicle Charging Stations:
 - (a) Residential: Seventy-five dollars (\$75.00).
 - (b) Commercial
 - (1) First Controller Unit: One hundred twenty-five dollars (\$125.00).
 - (2) Each Controller Unit after first: twenty-five dollars (\$25.00).
5. Temporary Electrical Services:
 - (a) Residential: Seventy-five dollars (\$75.00).
 - (b) Commercial: One hundred twenty-five dollars (\$125.00).
6. Low Voltage Electrical Systems: Fee for the installation of low voltage electrical systems, including but not limited to, burglar alarms, fire alarms, camera, computer systems shall be:
 - (a) Residential (Single-Family, Duplex, Townhouse, Condominium (per unit): Sixty dollars (\$60.00)
 - (b) Multi-Family Residential, Common Area: Seventy-five dollars (\$75.00)
 - (c) Commercial:
 - (1) Single Condominium Unit: One hundred dollars (\$100.00).

- (2) Entire Building and/or Common Areas: One hundred twenty-five dollars (\$125.00).
- 7. Solar Photovoltaic Systems:
 - (a) Residential (Single-Family, Duplex, Townhouse, Condominium (per unit): Fifty dollars (\$50.00).
 - (b) Multi-Family Residential - Common Area: One Hundred fifty dollars (\$150.00).
 - (c) Commercial, Multi-Family Residential - Common Area: Two-Hundred fifty dollars (\$250.00).
- 8. Plus, all applicable Review & Inspection Fees

(D) Heating, Ventilation, Air Conditioning (HVAC) Permit Fees:

- 1. Residential (Single-Family, Duplex, Townhouse, Condominium (per unit)):
 - (a) Each new Air conditioner condenser: One hundred dollars (\$100.00).
 - (b) Each new forced air furnace / boiler: One hundred dollars (\$100.00).
 - (c) Each replaced Air conditioner condenser: Seventy-five dollars (\$75.00).
 - (d) Each replaced forced air furnace / boiler: Seventy-five dollars (\$75.00).
- 2. Commercial, Non-Residential Condominium Unit:
 - (a) Each new Air conditioner condenser: One hundred dollars (\$125.00).
 - (b) Each new forced air furnace / boiler: One hundred dollars twenty-five (\$125.00).
 - (c) Each replaced Air conditioner condenser: One hundred dollars (\$100.00).
 - (d) Each replaced forced air furnace / boiler: One hundred dollars (\$100.00).
- 3. Commercial:
 - (a) Each New Roof Top Unit (RTU): Two hundred dollars (\$200.00).
 - (b) Each replaced Roof Top Unit (RTU): One hundred dollars twenty-five (\$125.00).
- 4. Plus, all applicable Review & Inspection Fees

(E) Sign Permit Fees: The fee to be charged for permits issued for the erection, construction or alteration of any sign, or advertising structure, marquee, canopy or awning, as defined in this subsection:

- 1. Non-Illuminated Signs:
 - (a) Flat fee, per sign: Ninety dollars (\$90.00)
 - (b) Plus, one dollar and seventy-five cents (\$1.75) per square foot of gross surface area of each face thereof.
- 2. Illuminated Signs:
 - (a) Flat fee, per sign: One hundred seventy-five dollars (\$175.00)
 - (b) Plus, six dollars (\$6.00) per square foot of gross surface area of each face thereof.
- 3. Marquees, Canopies and Awnings:
 - (a) Flat fee, per sign: Ninety dollars (\$90.00)
 - (b) Plus, one dollar and seventy-five cents (\$1.75) per square foot of gross surface area of each face thereof.
- 4. Existing Freestanding Sign Panel Change:
 - (a) Non-Illuminated:
 - (1) Flat fee, per sign: Fifty dollars (\$50.00)
 - (2) Plus, fifty cents (\$0.50) per square foot of gross surface area of each face thereof.

- (b) Illuminated:
 - (1) Flat fee, per sign: Seventy-five dollars (\$75.00).
 - (2) Plus, one dollar and fifty cents (\$1.50) per square foot of gross surface area of each face thereof.
 - 5. Temporary Signs, as regulated under the provisions of the Zoning Ordinance: Sixty dollars (\$60.00) per each two (2) week period, (eight (8) weeks maximum per calendar year).
 - 6. Plus, all applicable Review Fees:
 - (a) Building Mounted: Ninety dollars (\$90.00)
 - (b) Free-Standing: One hundred eighty dollars (\$180.00)
 - (c) Temporary, per application: Twenty-five dollars (\$25.00)
 - (d) Each subsequent re-review fee shall be 50% of the initial review.
 - 7. Plus, all applicable Inspection Fees.
- (F) Conveyance Systems Permit Fees:
- 1. Review fee:
 - (a) Five (5) floors or less: Four hundred fifty dollars (\$450.00)
 - (b) Over five (5) floors: Six hundred dollars (\$600.00)
 - 2. Initial Inspection/Re-Inspection fees, newly Installed:
 - (a) Initial (immediately after installation) One hundred fifty dollars (\$150.00)
 - (b) Re-Inspection, each: One hundred dollars (\$100.00)
 - 3. Elevator, Escalators, Lifts (moves personnel):
 - (a) Five (5) floors or less: Five hundred dollars (\$500.00)
 - (b) Each additional floor over 5: One hundred dollars (\$100.00)
 - (c) Hand operated, 5 floors or less: One hundred fifty (\$150.00)
 - (d) Semiannual Inspection (per conveyance):
 - (1) First: One hundred seventy-five dollars (\$175.00)
 - (2) Re-inspection: One hundred seventy-five dollars (\$175.00), per re-inspection.
 - 4. Dumbwaiter, conveyor, miscellaneous conveyance system fees (moves material):
 - (a) Five (5) floors or less: Five hundred dollars (\$500.00)
 - (b) Each additional floor over Five (5): Fifty dollars (\$50.00)
 - (c) Hand operated, Five (5) floors or less: (\$40.00)
 - (d) Semiannual Inspection (per conveyance):
 - (1) First: One hundred Twenty-five dollars (\$125.00)
 - (2) Re-inspection: One hundred dollars (\$100.00), per re-inspection
 - 5. Modernization, modification: One hundred fifty dollars (\$150.00)
 - 6. Plus, all applicable Review & Inspection Fees:
- (G) Miscellaneous Permit Fees:
- 1. Final Inspections for "Certificate of Occupancy" (CO):
 - (a) Single-Family Residential:
 - (1) Architectural (Construction Final): Two hundred dollars (\$200.00).
 - (2) Civil Engineering (As-Built/Final Topography Review & Site Visit): One hundred seventy-five dollars (\$175.00)
 - (b) Multi-Family Architectural (Construction Final): One hundred dollars (\$100.00) Per dwelling unit.
 - (c) Commercial/Nonresidential:

- (1) Architectural (Construction Final):
 - (a) Individual Unit / Tenant Build-out: Two hundred dollars (\$200.00).
 - (b) New Building: Three hundred dollars (\$300.00).
- (2) Civil Engineering (As-Built/Final Topography Review & Site Visit): Two Hundred fifty dollars (\$250.00).
2. Commercial Re-Occupancy Final Inspection for Certificate of Occupancy (CO):
 - (a) Equal to or under one thousand (1,000) square feet: Two hundred dollars (\$200.00).
 - (b) Over one thousand (1,000) square feet: Two hundred fifty dollars (\$250.00).
3. Final Inspections for Certificate of Completion (CC) (including but not limited to: remodel, rehab, flatwork, windows, accessory structures, fences, etc.):
 - (a) Single-family Residential & Multi Family Residential (Condo Unit): Forty dollars (\$40.00).
 - (b) Commercial/Nonresidential & Multi Family Res. (Common Area): Sixty dollars (\$60.00).
4. Temporary Occupancy Permits (TCO), fee per certificate issuance (predetermined time limits will apply, one-month term typical, 6 months maximum (weather based)):
 - (a) Residential, Per Dwelling Unit: One hundred twenty-five dollars (\$125.00).
 - (b) Nonresidential: Two hundred fifty dollars (\$250.00).
 - (c) It shall be the Temporary Occupancy Permit holder's responsibility to renew permit *prior* to expiration.
5. Operational Permit Inspections:
 - (a) Annual Inspection: One hundred dollars (\$100.00)
 - (b) Re-inspection: Seventy-five dollars (\$75.00), per re-inspection
6. National Pollutant Discharge Elimination System (NPDES) Inspections:
 - (a) Two hundred fifty dollars (\$250.00) each.
 - (b) Inspections may be performed by a 3rd party agency. All fees and charges related to the performance of this service shall be borne by the permittee.
7. Reinspection Fees:
 - (a) If an inspection is scheduled and the Inspector determines that the job has not progressed to a point where an Inspection can be made properly and is deemed "Not Approved", or access is not possible to perform the inspection, a one hundred dollar (\$100.00) reinspection fee, per discipline (including but not limited to: Rough/Final, Building/Framing, Electrical, Plumbing, Civil Engineering, Right-of-Way, Water, etc.), will be charged. No further inspections shall be made until such time as the reinspection fee has been paid.
 - (b) It shall be the "Permit Holder's" responsibility to pay all outstanding fees prior to the rescheduling of all subsequent inspections.
8. Work without benefit of a Permit:
 - (a) When work requiring a permit has been started prior to the issuance of such permit, the permit fee shall be "double" the amount of the standard permit fee. However, in no instance shall the fee for a permit issued under these circumstances exceed the standard permit fee by an amount in excess of:
 - (b) Residential districts: Two hundred fifty dollars (\$250.00).
 - (c) Nonresidential districts, Commercial projects associated with Multifamily Residential properties: Seven hundred fifty dollars (\$750.00).

9. Change of Contractor: There shall be a charge of thirty-five dollars (\$35.00), along with the resubmittal of all necessary applications, bonds, and certificates, etc. for approval whenever a contractor is changed after the building permit has been issued.
10. Demolition/Wrecking:
 - (a) Residential:
 - (1) Principal Dwellings: One thousand five hundred dollars (\$1,500.00).
 - (2) Detached Garage Structures: One hundred seventy-five dollars (\$175.00).
 - (3) Other Accessory Structures: Fifty dollars (\$50.00).
 - (b) Nonresidential/Multi-Family:
 - (1) Principal Structures: Three thousand dollars (\$3,000.00).
 - (2) Detached Garage Structures: One hundred seventy-five dollars (\$175.00).
 - (3) Other Accessory Structures: Fifty dollars (\$50.00).
 - (c) Interior Demolition:
 - (1) Residential districts: Three hundred dollars (\$300.00), in conjunction with a building permit.
 - (2) Nonresidential districts: Six hundred dollars (\$600.00), in conjunction with a building permit.
 - (d) In-Ground Pools:
 - (1) Residential districts: One hundred dollars (\$100.00).
 - (2) Nonresidential districts: One hundred fifty dollars (\$150.00).
 - (e) Underground storage tanks / vessels (Not gasoline/service station related):
 - (1) Residential districts: One hundred dollars (\$100.00).
 - (2) Nonresidential districts: One hundred fifty dollars (\$150.00).
11. Accessory Structure / Temp Use (Commercial/Nonresidential) Review Fee:
 - (a) Outdoor sales / tents, etc.: One hundred fifty dollars (\$150.00).
 - (b) Outdoor seating, per year: Fifty dollars (\$50.00).
12. Foundation Stabilization:
 - (a) Residential districts: One hundred dollars (\$100.00).
 - (b) Nonresidential districts: One hundred fifty dollars (\$150.00).
13. Grading/Fill Permits:
 - (a) Residential districts: One hundred dollars (\$100.00).
 - (b) Nonresidential districts: One hundred fifty dollars (\$150.00).
 - (c) Pond / Stream Bank Stabilization: One hundred dollars (\$100.00).
14. Minimum Permit Fee for any Permit (Not Otherwise Specified Above):
 - (a) Residential districts, Attached/Detached (Townhouses, Duplexes, Condo Unit): One hundred dollars (\$100.00).
 - (b) Residential districts, Including Multifamily Residential Common Areas: One hundred twenty-five dollars (\$125.00).
 - (c) Nonresidential districts: One hundred fifty dollars (\$150.00).
15. Construction Water:
 - (a) Residential: Two hundred dollars (\$200.00).
 - (b) Commercial: Three hundred dollars (\$300.00).
16. Water Tap Final Inspection:
 - (a) Residential:
 - (1) Initial: One hundred twenty-five dollars (\$125.00).
 - (2) Re-inspection: Seventy-five dollars (\$75.00).
 - (b) Commercial / Non-Residential:

- (1) Initial: Two hundred fifty dollars (\$250.00).
- (2) Re-inspection: One hundred fifty dollars (\$150.00).
- 17. Public Right-of-Way and/or Easement Work: One hundred dollars (\$100.00).
- 18. Photometric Plan review:
 - (a) Residential: One hundred dollars (\$100.00).
 - (b) Commercial: One hundred fifty dollars (\$150.00)
- 19. Site Development Plans:
 - (a) An examination and review fee for the following categories of plans to be determined as follows:
 - (1) Site Plans:
 - (a) Six hundred dollars (\$600.00) per acre
 - (b) With a minimum fee of one thousand two hundred and fifty dollars (\$1,250.00).
 - (2) Landscape Plans, Including Tree Preservation Plans, Screening Plans, Etc.:
 - (a) Six hundred dollars (\$600.00) per acre
 - (b) With a minimum fee of one thousand two hundred and fifty dollars (\$1,250.00).
 - (3) Photometric Plans, Including Site Lighting Plans:
 - (a) Three hundred dollars (\$300.00) per acre,
 - (b) With a minimum fee of Six hundred dollars (\$600.00).
 - (4) Grading Plans, Not Including the Installation of Utilities or Any Other Site Improvements:
 - (a) Three hundred dollars (\$300.00) per acre,
 - (b) With a minimum fee of six hundred dollars (\$600.00) per acre.
 - (5) Utility Extension Plans, Including Water Mains, Sanitary Sewers or Storm Sewers:
 - (a) Two dollars and fifty cents (\$2.50) per lineal foot of pipe,
 - (b) With a minimum fee of Six hundred dollars (\$600.00).
 - (6) Site Engineering Plans:
 - (a) One thousand two hundred and fifty dollars (\$1,250.00) per acre.
 - (b) with a minimum fee of two thousand five hundred dollars (\$2,500.00).
 - (b) 2nd and subsequent plan reviews shall be assessed based upon 50% of the initial fee.
 - (c) All site development plan review submittals shall be accompanied by a fee calculated under the assumption that two (2) reviews will be performed.
- 20. Commercial Underground Gasoline Pumps:
 - (a) Install New U/G Tanks, Per tank: Six hundred dollars (\$600.00)
 - (b) Install New Gasoline Disp. Pumps, per: Three hundred dollars (\$300.00)
 - (c) Alterations to Existing Gasoline Disp. Pumps, per: Two hundred dollars (\$200.00)
 - (d) Alt's to Existing Gasoline Disp. Pump Base, per Island: Two hundred dollars (\$200.00)
 - (e) Alteration or replacement of underground gasoline pump lines: Two hundred fifty dollars (\$250.00).
 - (f) Removal & Replacement of Existing U/G Tanks: Two thousand dollars (\$2,000.00).
 - (g) Removal of U/G Tanks, per: Three hundred dollars (\$300.00)
- 21. Plus, all Applicable Bonds (See 4-2-7 for Fees Schedule)
- 22. Plus, all applicable Review & Inspection Fees"

SECTION TWO. That Section 4-2-28 entitled “Fire Code Adopted” of Chapter 2 entitled “Building Code” of Title 4 entitled “Municipal Services” of the Village Code of the Village of Willowbrook, as amended, is hereby further amended to read as follows:

Section 105.1.2 Types of Permits. Operational Permit. Delete in its entirety and in lieu thereof substitute with the following new Section 105.1.2:

Section 105.1.2 Types of Permits. Operational Permit. An operational permit allows an applicant to conduct an operation(s) for which a permit is required by Section 105.6 in accordance with the schedule as outlined in the fee ordinances. A permit fee shall be charged annually for each type of operational permit in accordance with the schedule as outlined in the fee ordinances (see Operational Permit / Product Description and Fee Table below). A permit shall constitute authority to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property.

Operational Permit / Product Description and Fee Table				
	Description	Permit Required (Yes or No)	Administrative Permit Fee	IFC Code Reference
A	<p>Compressed Gases. Section 105.6.8: An operational permit is required: Compressed gas. Storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of amounts listed in Table 105.6.8 Exception: Vehicles equipped for and using compressed gas as a fuel to propel the vehicle.</p>	Yes	\$150.00	105.6.8
B	<p>Cryogenic Fluids. Section 105.6.10: An operational permit is required: To produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amount listed in Table 105.6.10</p>	Yes	\$150.00	105.6.10

C	Hazardous Materials. Section 105.6.20: An operational permit is required to: Store, transport onsite, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20	Yes	\$150.00	105.6.20
D	Flammable and Combustible Liquids. Section 5701.4: An operational permit is required:	-	-	-
D 1	To use or operate a pipeline for the transportation with facilities or flammable or combustible liquids. This requirement shall not apply to the offsite transportation (DOTn) (see section 3501.1.2) nor does it apply to piping systems (see section 3503.6)	Yes	\$150.00	5701.4
D 2	To store, handle or use of Class I liquids in excess of 5 gallons (19L) in a building or in excess of 10 gallons (37.9L) outside of a building, except that a permit is not required for the following:	Yes	\$150.00	5701.4
D 2.1	The storage or use of Class I liquids in the fuel tanks of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant unless such storage, in the opinion of the Fire Official would cause an unsafe condition.	No	-	-
D 2.2	The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.	No	-	-
D 3	To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95L) in a building or in excess of 60 gallons (227L) outside a building, except for fuel oil used in connection with oil-burning equipment.	Yes	\$150.00	5701.4
D 4	To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by means other than the approved, stationary on-site pumps normally used for dispensing purposes.	Yes	\$150.00	5701.4

D 5	To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.	Yes	\$150.00	5701.4
D 6	To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible tank.	Yes	\$150.00	5701.4
D 7	To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than for which the tank was designed and constructed.	Yes	\$150.00	5701.4
D 8	To manufacture, process, blend, or refine flammable or combustible liquids.	Yes	\$150.00	5701.4
E	Inspection Fees:		See 4-2-11(G)(5)	

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SECTION TWO. This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication, in pamphlet form, in the manner provided by law.

PASSED and APPROVED this 22nd day of July 2019.

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy Hansen,
Village Clerk

ROLL CALL VOTE: AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____

VILLAGE OF WILLOWBROOK

BOARD MEETING AGENDA ITEM - HISTORY/COMMENTARY

ITEM TITLE:

AGENDA NO. 12

An Ordinance amending Section 9-2-2, entitled "Definitions," of Chapter 2, entitled "Definitions," of Title 9, entitled "Zoning Title of the Village," of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois.

AGENDA DATE:
07/22/19

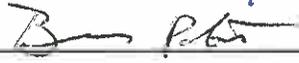
STAFF REVIEW: Ann Choi, Planning Consultant

SIGNATURE: 

LEGAL REVIEW: Tom Bastian, Village Attorney

SIGNATURE: 

RECOMMENDED BY: Brian Pabst, Village Administrator

SIGNATURE: 

REVIEWED & APPROVED BY COMMITTEE: YES NO N/A

ITEM HISTORY (PREVIOUS VILLAGE BOARD REVIEWS, ACTIONS RELATED TO THIS ITEM, OTHER HISTORY)

The purpose of the proposed text amendment is to remove outdated and confusing language in the current definition of building height and to clarify how building height is calculated. The proposed text amendment also clarifies the type of roof structures that would be included in the building height calculation. The Plan Commission has considered the proposed text amendment under Zoning Case No. 19-06 in conjunction with two additional text amendments as part of a Village-wide review of its current zoning code during the public hearing on July 17, 2019.

ITEM COMMENTARY (BACKGROUND, DISCUSSION, RECOMMENDATIONS, ETC.)

The proposed text amendment was initiated by the Village of Willowbrook and originated when Village staff discovered that the current definition of building height was only reasonable when applied to single-family residential structures. When applied to large commercial or industrial buildings with large roof surface areas, these building types would essentially be allowed to have roof structures with unlimited height, if said roof structures exceeded one-third of the area of the roof of the building. The proposed definition defines roof structures to include (but are not limited to) the following: parapet walls not exceeding three feet (3') in height from the roof surface, roof tanks, bulkheads, chimneys and similar roof structures. With the exception of parapet walls, these roof structures are permitted to exceed the maximum height limit of the relevant zoning district by 25% or 10 feet (10'), whichever is greater. Lastly, the proposed text amendment will further revise Section 9-2-2 of the Zoning Title to eliminate "penthouse" from the definition of building height.

During the July 17, 2019 public hearing, Planner Choi requested to modify the proposed text amendment as it was presented in the staff report for the July 17, 2019 Plan Commission meeting. Chairman Kopp questioned why Staff would prohibit parapet walls from exceeding three feet (3') in height, why parapet walls would be deleted in the fourth sentence, and questioned if the intent of the current definition of building height was to limit the height of parapet walls. Planner Choi explained that the third and fourth sentences of the proposed text amendment were ambiguous. Lawrence Link, Director of Fire Prevention Bureau, also added that from a life safety perspective, emergency responders are required to put a ladder up over parapet walls, and that lower parapet walls are preferred in the event of an emergency. The Plan Commission voted a unanimous vote of 5-0 of the members present to forward a positive recommendation to the Village Board. The Board will receive and vote on this item on July 22, 2019.

ACTION PROPOSED: July 22, 2019: Receive Plan Commission Recommendation.
July 22, 2019: Consideration of Attached Ordinance.

ORDINANCE NO. 19-0-___

**AN ORDINANCE AMENDING SECTION 9-2-2, ENTITLED “DEFINITIONS,”
OF CHAPTER 2, ENTITLED “DEFINITIONS,” OF TITLE 9, ENTITLED
“ZONING TITLE OF THE VILLAGE,” OF THE WILLOWBROOK MUNICIPAL
CODE OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS**

WHEREAS, on or about June 15, 2019, the Village of Willowbrook, as applicant, filed an application for a certain text amendment to the Zoning Title of the Village of the Willowbrook Municipal Code relating to the definition of “building height”; and

WHEREAS, Notice of Public Hearing on said text amendment to the Zoning Title of the Village of the Willowbrook Municipal Code was published in the Chicago Sun-Times on or about July 1, 2019, all as required by the statutes of the State of Illinois and the ordinances of the Village of Willowbrook; and

WHEREAS, a public hearing was conducted by the Plan Commission of the Village of Willowbrook on July 17, 2019, pursuant to said Notice, all as required by the statutes of the State of Illinois and the ordinances of the Village of Willowbrook; and

WHEREAS, at said public hearing, the applicant provided testimony in support of the proposed text amendment to the Zoning Title of the Village of the Willowbrook Municipal Code, and all interested parties had an opportunity to be heard; and

WHEREAS, at said public hearing, the Plan Commission recommended that the Mayor and Board of Trustees of the Village of Willowbrook (the “Corporate Authorities”) approve the proposed text amendment; and

WHEREAS, the Corporate Authorities of the Village find that it is in the best interest of the Village of Willowbrook and its residents to amend the Zoning Title of the Village of the Willowbrook Municipal Code, as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois, as follows:

SECTION ONE. That the foregoing recital clauses to this Ordinance are adopted as the findings of the Corporate Authorities of the Village of Willowbrook and are incorporated herein by specific reference.

SECTION TWO. That Section 9-2-2, entitled "Definitions," of Chapter 2, entitled "Definitions," of Title 9, entitled "Zoning Title of the Village," of the Willowbrook Municipal Code of the Village of Willowbrook be and is hereby amended by deleting the term "Building Height" as set forth therein and inserting therefore the following in the appropriate alphabetical location:

BUILDING HEIGHT: The height in feet shall be taken as the vertical distance from the average grade adjacent to the building to the highest point of the building. In determining height, parapet walls not exceeding three feet (3') in height from the roof surface, roof tanks, bulkheads, chimneys and similar roof structures shall not be included in calculating building height. Parapet walls shall not exceed three feet (3') from the roof surface. Roof tanks, bulkheads, chimneys and similar roof structures shall not exceed the greater of ten feet (10') or twenty-five percent (25%) of the maximum height of a structure in the relevant zoning district.

SECTION THREE. That the remaining terms and provisions of the Zoning Title of the Village of the Willowbrook Municipal Code of the Village of Willowbrook remain in full force and effect and are not amended, altered or modified except as set forth in this Ordinance.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SECTION FOUR. This Ordinance shall be in full force and effect upon its passage and approval in the manner provided by law.

PASSED and APPROVED this 22nd day of July, 2019.

APPROVED:

Frank A. Trilla, Mayor

ATTEST:

Leroy Hansen, Village Clerk

ROLL CALL VOTE: AYES: _____

NAYS: _____

ABSTENTIONS: _____

ABSENT: _____



EST. 1960

Willowbrook

835 Midway Drive
Willowbrook, IL 60527-5549

Phone: (630) 323-8215 Fax: (630) 323-0787 www.willowbrookil.org

MEMORANDUM

MEMO TO: Frank A. Trilla, Mayor
Board of Trustees

MEMO FROM: Dan Kopp, Chairman, Plan Commission

DATE: July 22, 2019

SUBJECT: **Zoning Hearing Case 19-06:** (Village of Willowbrook, 835 Midway Drive, Willowbrook, Illinois) Consideration of a petition for a text amendment to amend Section 9-2-2, entitled "Definitions," of Chapter 2, entitled "Definitions," of Title 9, entitled "Zoning Title of the Village," of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois.

At the special meeting of the Plan Commission held on July 17, 2019, the above referenced application was discussed and the following motion was made:

MOTION: Made by Remkus and seconded by Walec that based on the submitted petition and testimony provided, I move that the Plan Commission recommend to the Village Board approval of the text amendment presented on Page 2 of the Staff Report, including the proposed change to eliminate "parapet walls" from the fourth sentence of the definition, for PC Case Number 19-06 to amend Section 9-2-2, entitled "Definitions," of Chapter 2, entitled "Definitions," of Title 9, entitled "Zoning Title of the Village," of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois.

ROLL CALL: AYES: Chairman Kopp, Commissioners Kaucky, Soukup, Remkus, and Walec;
NAYS: None.
ABSENT: Vice Chairman Wagner, Commissioner Ruffalo.

MOTION DECLARED CARRIED

Should any member of the Board have any questions regarding this matter, please do not hesitate to contact me.

DK:jp

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman



Proud Member of the
Illinois Route 66 Scenic Byway



Village of Willowbrook

Staff Report to the Village Board

Public Hearing Date:	July 17, 2019
Village Board (Receive):	July 22, 2019
Village Board (Vote):	July 22, 2019
Prepared By:	Ann Choi, Planning Consultant
Case Title:	PC 19-06: Text Amendment to amend Section 9-2-2 of the Zoning Title of the Village of Willowbrook regarding the Definition of Building Height.
Petitioner:	Village of Willowbrook
Action Requested by Applicant:	Consideration and recommendation of text amendments to the Zoning Ordinance of the Village of Willowbrook.
Code Sections to be by Amended or Added:	Title 9 – Zoning Section: 9-2-2 Definitions

Necessary Action by Village Board:	Receive Plan Commission Recommendation. Consideration of Attached Ordinance.
---	---



History & Discussion of Request

The purpose of the proposed text amendment is to remove outdated and confusing language in the current definition of building height and to clarify how building height is calculated. The proposed text amendment also clarifies the type of roof structures that would be included in the building height calculation. The Plan Commission will be considering the proposed text amendment under Zoning Case No. 19-06 in conjunction with two additional text amendments as part of a Village-wide review of its current zoning code during the public hearing on July 17, 2019.

The proposed text amendment originated when Village staff discovered that the current definition of building height was only reasonable when applied to single-family residential structures. When applied to large commercial or industrial buildings with large roof surface areas, these building types would essentially be allowed to have roof structures with unlimited height, if said roof structures exceeded one-third of the area of the roof of the building. The proposed definition proposed to define roof structures to include (but are not limited to) the following: parapet walls not exceeding three feet (3') in height from the roof surface, roof tanks, bulkheads, chimneys and similar roof structures. These roof structures are permitted to exceed the maximum height limit of the relevant zoning district by 25% or 10 feet (10'), whichever is greater. Lastly, the proposed text amendment will further revise Section 9-2-2 of the Zoning Title to eliminate "penthouse" from the definition of building height.

Amend Sections 9-2-2 as follows:

Existing text:

BUILDING HEIGHT: The height in feet shall be taken as the vertical distance from the average grade adjacent to the building to the highest point of the building. In determining height, parapet walls not exceeding three feet (3') in height from the roof surface, penthouse, roof tanks, bulkheads, chimneys and similar roof structures shall not be included unless the aggregate area of such structures exceeds one-third (1/3) of the area of the roof of the building.

Amendments:

BUILDING HEIGHT: The height in feet shall be taken as the vertical distance from the average grade adjacent to the building to the highest point of the building. In determining height, parapet walls not exceeding three feet (3') in height from the roof surface, ~~penthouse~~, roof tanks, bulkheads, chimneys and similar roof structures shall not be included unless the aggregate area of such structures exceeds one-third (1/3) of the area of the roof of the building **in calculating building height. Parapet walls shall not exceed three feet (3') from the roof surface. Parapet walls, roof tanks, bulkheads, chimneys and similar roof structures shall not exceed the greater of ten feet (10') or twenty-five percent (25%) of the maximum height of a structure in the relevant zoning district.**

New Text:

BUILDING HEIGHT: The height in feet shall be taken as the vertical distance from the average grade adjacent to the building to the highest point of the building. In determining height, parapet walls not exceeding three feet (3') in height from the roof surface, roof tanks, bulkheads, chimneys and similar roof structures shall not be included in calculating building height. Parapet walls shall not exceed three feet (3') from the roof surface. Parapet walls, roof tanks, bulkheads, chimneys and similar roof structures shall not exceed the greater of ten feet (10') or twenty-five percent (25%) of the maximum height of a structure in the relevant zoning district.



Staff Recommendation

Staff recognizes that the current definition of building height is logical when applied to single family residences or buildings with a small roof surface area; when applied to large commercial or industrial buildings, these building types may be allowed to have roof structures with unlimited height. The proposed text amendment would remove outdated and confusing language. Therefore, staff supports the proposed text amendment.

Plan Commission Public Hearing Summary and Recommendation

The Plan Commission conducted a public hearing on this petition at their July 17, 2019 meeting. The following members were in attendance: Chairman Dan Kopp, Commissioners Kaucky, Soukup, Remkus and Walec.

Staff requested to modify the proposed text amendment as it was presented in the staff report for the July 17, 2019 Plan Commission meeting to omit the phrase “parapet walls” from the fourth sentence to read:

“The height in feet shall be taken as the vertical distance from the average grade adjacent to the building to the highest point of the building. In determining height, parapet walls not exceeding three feet (3’) in height from the roof surface, roof tanks, bulkheads, chimneys and similar roof structures shall not be included in calculating building height. Parapet walls shall not exceed three feet (3’) from the roof surface. Roof tanks, bulkheads, chimneys and similar roof structures shall not exceed the greater of ten feet (10’) or twenty-five percent (25%) of the maximum height of a structure in the relevant zoning district.”

Chairman Kopp questioned why Staff would prohibit parapet walls from exceeding three feet (3’) in height, why parapet walls would be deleted in the fourth sentence, and questioned if the intent of the current definition of building height was to limit the height of parapet walls. Staff explained that the third and fourth sentences of the proposed text amendment were ambiguous. Lawrence Link, Director of Fire Prevention Bureau, also added that from a life safety perspective, emergency responders are required to put a ladder up over parapet walls, and that lower parapet walls are preferred in the event of an emergency.

There were two members of the public that came forward with comments. One speaker advised the Plan Commission to err on the side of caution during a discussion between Staff and Chairman Kopp about deleting the third sentence in the proposed text amendment. A second speaker pointed out that variation applications for building height would only apply to new construction and questioned if a flood of variations requests should be the main concern. She also advised the Village and the Plan Commission to err on the side of caution since limiting the parapet wall height would give the Village more oversight in the ability to see what various businesses or buildings are doing on their roof.

Motion

Following staff’s report and the Plan Commission’s discussion, the following motion by Commissioner Remkus was seconded by Commissioner Walec and approved by a unanimous roll call vote of the members present:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendment presented on Page 2 of the Staff Report, including the proposed change to eliminate “parapet walls” from the fourth sentence of the definition, for PC Case Number 19-06 to amend Section 9-2-2, entitled “Definitions,” of Chapter 2, entitled “Definitions,” of Title 9, entitled “Zoning Title of the Village,” of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois.

7/17/2019

**IN RE THE MATTER OF: Definition of Building Height Text
Amendment**

19-06

MAUREEN K. NAGLE

1 PRESENT:

2 MR. DANIEL KOPP, Chairperson;

3 MR. LEONARD KAUCKY, Commissioner;

4 MR. WILLIAM REMKUS, Commissioner;

5 MR. JAMES SOUKOP, Commissioner;

6 MR. MIKE WALEC, Commissioner;

7 MS. LISA SHEMROSKE, Building and Zoning Secretary.

8

9 PRESENT:

10 Mr. Roy Giuntoli, Village Building Inspector;

11 Ms. Ann Choi, Village Planning Consultant;

12 Mr. Michael Mertens, Asst. Village Administrator;

13 Mr. Matthew Holmes, Village Attorney;

14 Mr. Chuck Riforgiate, T.P.I. Building Code
Consultants;

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16 Mr. Chris Drews, Tri-State Fire Protection Dist.;

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18 Mr. Lawrence Link, Tri-State Fire Protection Dist.

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1 CHAIRMAN KOPP: The next item on the agenda
2 is Plan Commission Hearing Case No. 19-06. The purpose
3 of this public hearing is to consider a request by the
4 Village of Willowbrook as petitioner to amend
5 Section 9-2-2 of the Zoning Title of the Village of
6 Willowbrook Municipal Code. The Applicant for this
7 petition is the Village of Willowbrook. A copy of
8 this -- notice of this public hearing was published in
9 the July 1, 2019, edition of the Chicago Sun-Times
10 newspaper.

11 Ann will speak to this matter.

12 MS. CHOI: Thank you, again, Chairman. This
13 text amendment is initiated by the Village as part of
14 the village-wide review of its current Zoning Code.
15 The purpose of this text amendment was to remove
16 outdated and confusing language, specifically the
17 current definition of building height in Section 9-2-2
18 of the Village of Willowbrook Municipal Code.

19 The current definition of building
20 height is: The height and feet shall be taken as a
21 vertical distance from the average grade adjacent to
22 the building to the highest point of the building. In

1 determining height, parapet walls not exceeding three
2 feet in height from the roof surface, penthouse, roof
3 tanks, bulkheads, chimneys, and similar roof structures
4 shall not be included unless the aggregate area of such
5 structures exceeds one-third of the area of the roof of
6 the building.

7 The current definition only considers
8 the height of these structures if the aggregate area of
9 those roof structures exceeds one-third of the total
10 roof surface area. For a building which has a roof
11 surface area of 60,000 square feet, for instance, the
12 total area of the roof structures combined would need
13 to exceed 20,000 square feet for the height of the roof
14 structures to be considered in the overall height of
15 the building.

16 Village staff recognizes that the
17 current definition is logical when applied to
18 single-family residences or buildings with a small roof
19 surface area. When applied to large commercial or
20 industrial buildings, these building types may be
21 allowed only to have these structures with unlimited
22 height.

1 Therefore, staff has proposed the
2 following definition of building height with an
3 additional change, an additional change to the staff
4 report, and I distributed a handout to the Plan
5 Commissioners. This change will be to omit the phrase
6 parapet wall from the fourth sentence, and the final
7 proposed definition shall read: The height and feet
8 shall be taken as a vertical distance from the average
9 grade adjacent to the building to the highest point of
10 the building. In determining height, parapet walls not
11 exceeding three feet in height from the roof surface,
12 roof tanks, bulkheads, chimneys, and similar roof
13 structures shall not be included in calculating
14 building height. Parapet walls shall not exceed three
15 feet from the roof surface. Roof tanks, bulkheads,
16 chimneys, and similar other structures shall not exceed
17 the greater of 10 feet or 25 percent of the maximum
18 height of the structure in the relevant zoning
19 district.

20 The maximum height in any zoning
21 district is 40 feet, which is the M-1 Light
22 Manufacturing District. Roof structures would be

1 permitted 10 feet beyond the roof surface according to
2 the proposed definition.

3 Anyone proposing roof structures above
4 this maximum height limit would need to request a
5 variation from the Village and go through the public
6 hearing process.

7 Staff supports the proposed text
8 amendment. If the Plan Commission concurs, the
9 following sample recommendation is offered for
10 consideration: Based on the submitted petition and
11 testimony presented, I move that the Plan Commission
12 recommend to the Village Board approval of the text
13 amendment presented on Page 2 of the staff report
14 including the proposed changes to eliminate parapet
15 wall from the fourth sentence of the definition for
16 P.C. Case No. 19-06 to amend Section 9-2-2 entitled
17 Definitions of Chapter 2 entitled Definitions of Title
18 9 entitled Zoning Title of the Village of the
19 Willowbrook Municipal Code of the Village of
20 Willowbrook, DuPage County, Illinois.

21 That concludes my presentation. I'm
22 available for any questions.

1 CHAIRMAN KOPP: So there is a sentence in
2 here -- new sentence: Parapet walls shall not exceed
3 three feet from the roof surface. So I understood that
4 if they are three feet or less they don't count, but
5 this is like a prohibition. Was that intended so that
6 someone couldn't have a parapet wall that was four feet
7 from the roof surface that still gets counted as the
8 building height?

9 MS. CHOI: If a parapet wall is greater than
10 three feet, they would need to come in for a variation.

11 CHAIRMAN KOPP: Okay. Even if -- even if
12 they were -- if they met the other -- the next
13 sentence?

14 MS. CHOI: Well, the way that it was worded
15 in the staff report was sort of ambiguous because it
16 stated that parapet walls shall not exceed three feet,
17 and then in the next sentence it stated it should not
18 exceed greater of 10 feet or 25 percent. So those were
19 in conflict with each other, which is why we struck out
20 parapet walls from the fourth sentence.

21 CHAIRMAN KOPP: What's the tallest structure
22 we can have in Willowbrook?

1 MS. CHOI: The maximum height is in the M-1
2 Zoning District, so that would be 40 feet, and then any
3 roof structures should be permitted up to 50 feet.

4 CHAIRMAN KOPP: Okay. So I'm -- we had
5 talked about this before. Do people -- I wish the
6 Commissioner Vice-Chairman Wagner was here. Those
7 parapets that were 40 feet high and if they would fit
8 within that last sentence, wouldn't we let them go to
9 parapet that is four foot wide because if parapet walls
10 can't exceed three feet, why are they in the last
11 sentence?

12 MS. CHOI: It's been struck out from the
13 last sentence in the proposed change.

14 CHAIRMAN KOPP: Maybe I'm looking at the
15 wrong --

16 MS. CHOI: Chairman Kopp, it's the sheet
17 that says 19-06.

18 CHAIRMAN KOPP: No, it's the very first word
19 in the last sentence: Parapet walls, roof tanks,
20 bulkheads, and chimneys.

21 MS. CHOI: The modified definition shows
22 that it's struck out.

1 CHAIRMAN KOPP: Oh. Okay. I mean I don't
2 know if this is good or not. Do we care if we are
3 limiting parapet walls to three feet?

4 COMMISSIONER WALEC: I don't know.

5 CHAIRMAN KOPP: I know staff recommends that
6 we do this.

7 MS. CHOI: This was vetted by our village
8 attorney, so we would recommend striking that language
9 out.

10 CHAIRMAN KOPP: No, but I mean this is more
11 of an aesthetic thing to just have the -- if someone
12 asks to have the variance to have a parapet wall over
13 three feet.

14 MR. MERTENS: I believe that was consistent
15 in the past rules. We did not change that, the three
16 feet.

17 CHAIRMAN KOPP: They just weren't counted in
18 the height.

19 MS. CHOI: That's correct.

20 CHAIRMAN KOPP: This is an outright
21 prohibition now. You could have had a parapet wall,
22 but it was to be included in the height of the

1 building.

2 MR. HOLMES: That's correct.

3 CHAIRMAN KOPP: You could have had a 30-foot
4 building and it was included. I don't know if that was
5 the intent. I just don't know. Is this -- was that
6 considered?

7 Again, Roy, I don't know if you know,
8 do people build parapets that are --

9 MR. GIUNTOLI: Well, typically they are not
10 very much taller than three feet. I guess I don't
11 understand the reason why we would say you can't have
12 it be three feet. Like I said, somebody could want to
13 put a four foot wall, and it does seem interesting that
14 they would have to come in for a variance for that.

15 So that center paragraph -- sentence,
16 parapet walls shall not exceed a height of three feet
17 from the roof surface is what you are questioning?

18 CHAIRMAN KOPP: Yeah. I'm wondering why
19 that sentence is there and if that sentence was deleted
20 and parapet walls would go back into the last sentence?

21 MS. CHOI: If that third sentence is
22 deleted, then: Parapet walls shall not exceed the

1 greater of 10 feet or 25 percent of maximum height of a
2 structure in relevant zoning district.

3 CHAIRMAN KOPP: Right.

4 MS. CHOI: I don't have a problem with that.

5 CHAIRMAN KOPP: Okay.

6 COMMISSIONER WALEC: It's in the second
7 sentence.

8 CHAIRMAN KOPP: I'm -- I just really don't
9 feel qualified to really opine on this because I just
10 don't know if this is an issue or not. But I hate to
11 have people come in for variances, especially for
12 something that they didn't have to do now, to make it
13 more restrictive.

14 So, yeah, I would -- I think I would
15 prefer to strike the third sentence and add parapet
16 walls back into the fourth sentence.

17 Would anyone in the audience like to
18 speak to this?

19 Yes, sir. You need to be sworn in.

20 (Witness sworn.)

21 A VOICE: I do.

22 I would just urge you to error on the

1 side of caution on this one. It has already been
2 reviewed by the attorney. I think three feet is very
3 normal from what I've seen throughout the area, and
4 maybe there is a reason not to have above three feet
5 for safety.

6 CHAIRMAN KOPP: Well, it seemed like the
7 higher it is would be safer. If it's a parapet, it's
8 like a barrier.

9 A VOICE: On top of though, right?

10 CHAIRMAN KOPP: Right.

11 A VOICE: Could be a safety issue or water
12 issue. I think it's very rare he'd be involved.

13 CHAIRMAN KOPP: I think he was involved
14 because there was some ambiguities about the definition
15 of building height. I don't know that he was giving an
16 opinion about the aesthetics or the safety.

17 Anyone else in the audience like to
18 speak to this matter?

19 A VOICE: More of a question. It seemed
20 like their concern was -- I'll stand.

21 CHAIRMAN KOPP: You need to be sworn in too.

22 (Witness sworn.)

1 A VOICE: Yes.

2 It seemed like your concern was about
3 people coming in for a variance all of a sudden.
4 Wouldn't anything that's already in existence be a
5 legal non-conforming and variances would apply to
6 buildings?

7 CHAIRMAN KOPP: Yes.

8 A VOICE: They wouldn't all of a sudden get
9 flooded with applications for variances. It would only
10 be new construction.

11 CHAIRMAN KOPP: Right.

12 A VOICE: How much of a concern is that in
13 this forum today?

14 CHAIRMAN KOPP: Well, because the way the
15 ordinance is now written, they wouldn't have -- if they
16 were zoned as a right to do something, they could have
17 a parapet that was greater than three feet. So no one
18 has really explained why we are limiting that now. Why
19 are we making it harder for somebody to build something
20 and having them come back for a variance and no one has
21 really explained why? I'm guessing this is almost a
22 mistake is my guess, this maximum.

1 Yes, ma'am.

2 (Witness sworn.)

3 A VOICE: I do.

4 I would just urge this body to -- I
5 think error on the side of safety and, you know, look
6 at the history of Willowbrook and entities of
7 Willowbrook. If there is something that is going to
8 prohibit legally to see structures on the roof, you
9 might want to error on the side of caution of keeping
10 those limits as low as possible so that there is more
11 oversight in the ability to see what various businesses
12 or buildings have going on on their roof if this is
13 something that would obstruct the ability to see and
14 the higher would enable people to see.

15 CHAIRMAN KOPP: That's an excellent point,
16 but usually people have the exact opposite concern and
17 like to screen all the equipment on an industrial roof
18 so that people don't see it.

19 I mean I don't know if --

20 (Witness sworn.)

21 MR. LINK: I do.

22 Larry Link, Tri-State Fire Protection

1 District. A higher-than-usual parapet wall can make it
2 difficult for us to access roofs when there is a fire.
3 So a lot of times what we have to do is on the roof of
4 a building, so if a parapet wall is very high, then we
5 have to bring the ladder up to the parapet and bring
6 another ladder to come down from the parapet. As far
7 as aesthetics or anything, you know, who cares; but
8 from a firefighter safety standpoint, we prefer the
9 parapet walls not to be that high.

10 CHAIRMAN KOPP: Well, I wish you had spoken
11 first. You know, whether it was intentional or not,
12 I've gone 180 degrees and this first gentleman was
13 apparently right. I will retract all of my comments.
14 I'm going to be in favor of this.

15 Any other comments?

16 (No response.)

17 CHAIRMAN KOPP: So I'm going to close this
18 public hearing and ask -- Will someone make a motion
19 that based on the submitted petition and testimony
20 presented, I move that the Plan Commission recommend to
21 the Village Board approval of the text amendment
22 presented on Page 2 of the staff report including the

1 proposed change to eliminate parapet walls from the
2 fourth sentence of the definition for P.C. Case No.
3 19-06 to amend Section 9-2-2 entitled Definitions of
4 Chapter 2 entitled Definitions, of Title 9, entitled
5 Zoning Title of the Village, of the Willowbrook
6 Municipal Code of the Village of Willowbrook, DuPage
7 County, Illinois?

8 Someone make that motion?

9 COMMISSIONER REMKUS: I'll make it.

10 COMMISSIONER WALEC: I'll second.

11 CHAIRMAN KOPP: I ask the Plan Commission
12 secretary to take the vote.

13 SECRETARY SHEMROSKE: Commissioner Remkus.

14 COMMISSIONER REMKUS: Yes.

15 SECRETARY SHEMROSKE: Commissioner Soukop.

16 COMMISSIONER SOUKOP: Yes.

17 SECRETARY SHEMROSKE: Commissioner Kaucky.

18 COMMISSIONER KAUCKY: Yes.

19 SECRETARY SHEMROSKE: Commissioner Walec.

20 COMMISSIONER WALEC: Yes.

21 SECRETARY SHEMROSKE: Chairman Kopp.

22 CHAIRMAN KOPP: Yes.

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(Which were all the
proceedings had in the
above-entitled cause.)

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF C O O K)

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Maureen K. Nagle, a Certified Shorthand Reporter, doing business in the City of Chicago, County of Cook, and the State of Illinois states that she reported in shorthand the proceedings had at the foregoing hearing;

And that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid and contains all the proceedings had at the said hearing.

MAUREEN K. NAGLE, CSR
CSR No. 084-002863

MINUTES OF THE SPECIAL MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, JULY 17, 2019, AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS.

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:02pm.

2. ROLL CALL

Those present at roll call were Commissioners Remkus, Soukup, Kaucky, Walec and Chairman Kopp. Absent: Commissioner Ruffalo and Vice Chairman Wagner.

Also present were Planning Consultant Ann Choi, Building Official Roy Giuntoli, and Recording Secretary Lisa Shemroske.

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Regular Meeting June 5, 2019

MOTION: Made by Commissioner Remkus and seconded by Commissioner Walec to approve the Omnibus Vote Agenda as presented.

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-02: Marc and Maureen Reyes, 6350 S. Madison Street, Willowbrook, Illinois. Review and Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation) and Approval of Written Recommendation Regarding Final Plat for 6350 and 6406 South Clarendon Hills Road, Willowbrook, Illinois (minor subdivision for two residential lot consolidation), a variation from Section 9-5B-3(D)2 of the Village of Willowbrook Zoning Ordinance to reduce the interior side yard setback from twenty feet (20') to fourteen and 66/100 feet (14.66') along the north property line, and consideration of other such relief, exceptions, and variations from Title 9 of the Village Code.

- A. PUBLIC HEARING
- B. DISCUSSION/RECOMMENDATION

See Court Reporter's Minutes for Discussion and Recommendation.

MOTION: The following motion was made by Chairman Kopp:

Based on the submitted petition and testimony provided, I move that the Plan Commission finds that the proposed Reyes Subdivision Final Plat of Subdivision consolidating 6350 Clarendon Hills Road and 6406 Clarendon Hills Road into a single Lot of Record, which requires a variation from Section 9-5B-3(D)2 of the Zoning Ordinance to reduce the minimum interior side yard setback along the north property line, meets the Subdivision Regulation standards for approving such final plat and associated variations; that the Plan Commission approve and adopt the Standards for Variations outlined in the Staff Report for PC 19-02 for the July 17, 2019 Plan

Commission meeting; that the Plan Commission recommend to the Village Board approval of a variation from Section 9-5B-3(D)2 to reduce the minimum interior side yard setback along the north property line; and the Plan Commission has reviewed the Final Plat of Subdivision and recommends approval of a Final Plat of Subdivision for PC 19-02 for the July 17, 2019 Plan Commission meeting, subject to the conditionals of approval and plans listed in the Staff Report prepared for PC 19-02 for the July 17, 2019 Plan Commission meeting.

Motion Approved by Commissioner Remkus and second by Commissioner Walec and approved 5-0 roll call vote of the member present.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Kaucky, Walec and Chairman Kopp.
NAYS: None. ABSENT: Commissioner Ruffalo and Vice Chairman Wagner.

Public Hearing Ended at 7:24pm.

MOTION DECLARED CARRIED

5. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-06: Petition for a text amendment to amend Section 9-2-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code.

- A. PUBLIC HEARING
- B. DISCUSSION /RECOMMENDATION

See Court Reporter’s Minutes for Discussion and Recommendation.

MOTION: The following motion was made by Chairman Kopp:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendment presented on Page 2 of the Staff Report, including the proposed change to eliminate “parapet walls” from the fourth sentence of the definition, for PC Case Number 19-06 to amend Section 9-2-2, entitled “Definitions,” of Chapter 2, entitled “Definitions,” of Title 9, entitled “Zoning Title of the Village,” of the Willowbrook Municipal Code of the Village of Willowbrook, DuPage County, Illinois.

Motion Approved by Commissioner Remkus and seconded by Commissioner Walec and approved 5-0 roll call vote of the members present.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Kaucky, Walec and Chairman Kopp.
NAYS: None. ABSENT: Commissioner Ruffalo and Vice Chairman Wagner.

Public Hearing Ended at 7:42pm.

MOTION DECLARED CARRIED

- 6. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-05: Petition for a text amendment to amend Section 9-9-7 of Title 9 – Zoning Title of the Village of Willowbrook.
 - A. PUBLIC HEARING
 - B. DISCUSSIONS/RECOMMENDATION

See Court Reporter’s Minutes for Discussion and Recommendation.

MOTION: The following motion was made by Chairman Kopp:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 11 of the Staff Report for PC Case Number 19-05 to amend Section 9-9-7 of the Zoning Title of the Village of Willowbrook regarding fire and explosion hazard standards, with the following changes: Add the definitions of Volatility, Vapor Pressure, Boiling Point and Flashpoint to Section 9-9-7(B); revise the language to the proposed Section 9-9-7(D)3 to eliminate a requirement for the RCRA permit and replace with language requiring copies of any permit required by the EPA/IEPA to be provided to the Village; and revise Tables IV(a) and IV(b) so that the above ground storage of flammable liquid classes are ordered from the least volatile to most volatile class.

Motion Approved by Commissioner Remkus and seconded by Commissioner Soukup and approved 5-0 roll call vote of the members present:

ROLL CALL: AYES: Commissioners Remkus, Soukup, Kaucky, Walec and Chairman Kopp.
NAYS: None. ABSENT: Commissioner Ruffalo and Vice Chairman Wagner.

Public Hearing ended at 7:58pm.

MOTION DECLARED CARRIED

- 7. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 19-04: Petition for a text amendment to amend Section 9-3-15, Section 9-12-2, and Section 9-12-4(C) of the Zoning Title of the Village of Willowbrook to remove outdated information and to bring the Zoning Code into compliance with the recently enacted State and Federal laws. The proposed amendments to the Zoning Code will also clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.
 - A. PUBLIC HEARING
 - B. DISCUSSION/RECOMMENDATION

See Court Reporter’s Minutes for Discussion and Recommendation.

MOTION: The following motion was made by Chairman Kopp:

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 1 to 5 of the Staff Report for PC Case Number 19-04 to amend Sections 9-3-15, 9-12-2 and 9-12-4(C) of the Zoning Title of the Village of Willowbrook. The proposed text amendments will remove outdated information, bring the zoning code into compliance with the recently enacted state laws, and clarify the application of certain bulk regulations to the permitted accessory use of amateur radio antennas in residential districts.

Motion Approved by Commissioner Kaucky and seconded by Commissioner Soukup and approved 5-0 roll call vote of the members present.

ROLL CALL: AYES: Commissioners Remkus, Soukup, Kaucky, Walec and Chairman Kopp.
NAYS: None. ABSENT: Commissioner Ruffalo and Vice Chairman Wagner.

Public Hearing ended at 8:38pm.

MOTION DECLARED CARRIED

8. VISITOR'S BUSINESS:

None.

9. COMMUNICATIONS:

Planner Choi indicated there is an application for a special use amendment and associated variations to install a Trash Enclosure for Holmes Elementary School as applicant. This will be scheduled for the August 7, 2019 Plan Commission Meeting.

10. ADJOURNMENT

MOTION: Made by Commissioner Soukup and seconded by Commissioner Walec to adjourn the meeting of the Plan Commission at the hour of 8:41pm.

MOTION DECLARED CARRIED

PRESENTED, READ AND APPROVED
August 7, 2019

Chairman

Minutes transcribed by Building and Zoning Secretary Lisa J Shemroske.