

MINUTES OF THE REGULAR MEETING OF THE PLAN COMMISSION HELD ON WEDNESDAY, JANUARY 13, 2021 AT THE WILLOWBROOK POLICE DEPARTMENT, TRAINING ROOM, 7760 QUINCY STREET, WILLOWBROOK, ILLINOIS

DUE TO THE COVID19 PANDEMIC THE VILLAGE WILL BE UTILIZING A ZOOM CONFERENCE CALL FOR THIS MEETING

1. CALL TO ORDER

Chairman Kopp called the meeting to order at the hour of 7:13p.m.

2. ROLL CALL

Those physically present at VOW Police station were Chairman Kopp and Commissioner Soukup
Present Via Zoom COVID -19 Pandemic were Commissioners Remkus, Kaczmarek, Kaucky, Walec,
Vice Chairman Wagner and Building Official Roy Giuntoli

Also, present Via Zoom were Planning Consultant Anne Choi and Lisa Shemroske from the Village Hall

3. OMNIBUS VOTE AGENDA

The items on the Omnibus Vote Agenda were as follows:

- A. Waive Reading of Minutes (APPROVE)
- B. Minutes – Special Meeting, December 16,2020

MOTION: Made by Commissioner Remkus seconded by Commissioner Soukups approve the Omnibus Vote Agenda as presented.

MOTION DECLARED CARRIED

4. PLAN COMMISSION CONSIDERATION: Zoning Hearing Case 21-01; This hearing will be continued due to an incomplete application. (Applicant: Hakim Yala of Panda Express, Inc.,1683 Walnut Grove Avenue, Rosemead CA 91770.The Property owner is True North Energy, LLC, 10346 Brecksville Road Brecksville OH 44141)

- A. PUBLIC HEARING
Opened at 7:15pm
- B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation

MOTION: The following motion was to continue Zoning Hearing Case 21-01 till the February 3, 2021 Regular Plan Committee meeting made by Vice Chairman Wagner and Second by Commissioner Remkus, All in favor.

MOTION DECLARED CARRIED

5. PLAN COMMISION CONSIDERATION: Zoning Hearing Case 21-02: Consideration of a petition to approve a variation from Section 9-5B-3(D)4 to reduce the rear yard setback from thirty feet (30') to twenty-five feet (25') and approval of a variation from Section 9-5B-3(G) to increase the maximum FAR from 0.03 to 0.39 to allow construction of a 1,081 square foot addition to house an indoor swimming pool, and other such relieve from Title 9 of the Village Code necessary.

A. PUBLIC HEARING

Closed public hearing at 8:03pm

B. DISCUSSION/RECOMMENDATION

See Court Reporter Minutes for Discussion and Recommendation.

MOTION: The Plan Commission does not recommend the petition presented for Zoning Hearing Case 21-02 was made by Commissioner Remkus and second my Vice Chairman Wagner.

Roll Call Vote: AYES: Commissioner Remkus, Soukup, Kaczmarek, Kaucky, Walec, Vice Chairman Wagner, and Chairman Kopp NAYS: None

6. VISTOR'S BUSINESS.

None

7. COMMUNICATIONS

Planner Choi informed Commissioners the two items that will be discussed at the February 3,2021 Plan Commission meeting. One being for the Continued Zoning case hearing 21-01second one for Willowbrook Bowl now known at 735 Plainfield road PUD. Hinsdale Commons drive thru will be dropping off an application and hopefully will be on Agenda for March 2021 meeting.

Building Official Giuntoli permanent signal at Kingery and Plainfield should be on by the end of the month. Side entrance on Plainfield making progress.

8. ADJOURNMENT

MOTION: Made by Commissioner Remkus seconded by Vice Chairman Wagner to adjourn the meeting of the Plan Commission at the hour of 8:13 p.m. all in favor

UNANIMOUS VOICE VOTE
PRESENTED, READ, AND APPROVED,

MOTION DECLARED CARRIED

Chairman

1/13/2021

**VILLAGE OF WILLOWBROOK PROCEEDINGS BEFORE THE
PLANNING & ZONING COMMISSION OF THE VILLAGE OF
WILLOWBROOK**

ROBIN HEJNAR

VILLAGE OF WILLOWBROOK
PROCEEDINGS BEFORE THE
PLANNING & ZONING COMMISSION
OF THE VILLAGE OF WILLOWBROOK

WEDNESDAY, JANUARY 13, 2021
7:00 p.m.

RECORD OF THE PROCEEDINGS VIA ZOOM had at the meeting held before the Planning & Zoning Commission of Willowbrook, on Wednesday, the 13th day of January 2021, commencing at 7:00 p.m., as reported by Robin Hejnar, a Certified Shorthand Reporter and Registered Professional Reporter and Notary Public in and for the County of DuPage and State of Illinois.

1 APPEARANCES:

2
3 Daniel Kopp - Chairman
4 John Wagner - Vice-Chairman
5 Lisa Shemroske - Secretary
6 Commissioner Soukup - Member
7 Maciej Walec - Member
8 Catherine Kaczmarek - Member
9 Leonard Kaucky - Member
10 William Remkus - Member
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17 Staff Also Present:

18 Ann Choi - Planning Consultant
19 Roy Giuntoli - Building Official
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1 (Wherein, begins the Zoom-recorded audio
2 transcribed by Court Reporter.)

3 CHAIRMAN KOPP: Let's get started then.

4 This is the regular meeting of the Plan Commission of
5 the Village of Willowbrook. I ask -- I call this
6 meeting to order and ask the Plan Commission secretary
7 to call the role.

8 MS. SHEMROSKE: Commissioner Remkus?

9 MR. REMKUS: Here.

10 MS. SHEMROSKE: Commissioner Soukup?

11 MR. SOUKUP: Here.

12 MS. SHEMROSKE: Commissioner Kaczmarek?

13 MS. KACZMAREK: Here.

14 MS. SHEMROSKE: Commissioner Kaucky?

15 MS. KAUCKY: Here.

16 MS. SHEMROSKE: Commissioner Walec?

17 MR. WALEC: Here.

18 MS. SHEMROSKE: Vice Chairman Wagner?

19 MR. WAGNER: Here.

20 MS. SHEMROSKE: Chairman Kopp?

21 CHAIRMAN KOPP: Here.

22 MS. SHEMROSKE: Planner Ann Choi?

23 MS. CHOI: Here.

24 MS. SHEMROSKE: Building Official Roy

1 Giuntoli?

2 MR. GIUNTOLI: Present via Zoom.

3 MS. SHEMROSKE: And for the record, I'm Lisa
4 Shemroske.

5 CHAIRMAN KOPP: Next item on the agenda is
6 the omnibus vote agenda. Would any of the commissioners
7 like an item removed from the omnibus vote agenda; if
8 not, would someone make a motion to approve the omnibus
9 vote agenda?

10 MR. REMKUS: Remkus so moved.

11 CHAIRMAN KOPP: Soukup seconded here.

12 MS. SHEMROSKE: Thank you.

13 CHAIRMAN KOPP: So all in favor of the
14 omnibus vote agenda, please say, Aye.

15 ALL MEMBERS: Aye.

16 CHAIRMAN KOPP: Opposed, say Nay. So that
17 motion carries.

18 Next item, item four on the agenda, is
19 Zoning Hearing Case 21-01. The applicant for that is
20 Hakim Yala of Panda Express of Rosemead, California.
21 The property is -- the property owner is True North
22 Energy of Brecksville, Ohio.

23 Because of an incomplete application,
24 [reporter joins Zoom meeting live] we are going to

1 continue this hearing until the next regular hearing
2 on -- what date, Ann?

3 MS. CHOI: February 3rd, 2021. So I believe
4 we have to open up the hearing, continue it, and then
5 not close the hearing.

6 CHAIRMAN KOPP: Okay. So I am opening
7 Zoning Hearing Case 21-01. The applicant, as I said, is
8 Hakim Yala of Panda Express, of Rosemead, California,
9 and the property owner is True North Energy, LLC, of
10 Brecksville, Ohio.

11 What's the address of the property, Ann?

12 MS. CHOI: I'm sorry, it's 7505 Kingery. It
13 is right across the street from the Potbelly. So it's
14 that Shell Gas Station.

15 CHAIRMAN KOPP: Do you think we need to do
16 it by motion, or can I just continue it?

17 MS. CHOI: I think we do everything by
18 motion, so I would say --

19 CHAIRMAN KOPP: Okay. Will someone make a
20 motion to continue Zoning Hearing Case 21-01 to the next
21 regular meeting of the Plan Commission on February 3rd?

22 MR. WAGNER: Wagner, so moved.

23 MR. REMKUS: Remkus second.

24 CHAIRMAN KOPP: All in favor say, Aye.

1 ALL MEMBERS: Aye.

2 CHAIRMAN KOPP: Opposed, say Nay.

3 Okay. So that hearing is continued.

4 Next item on the agenda, No. 5, the purpose
5 is public hearing for Zoning Hearing Case No. 21-02.

6 The purpose of this public hearing shall be to consider
7 a petition for approval of a variation from Section
8 9-5B-3(D)4 to reduce the rear yard setback from 30 feet
9 to 25 feet, and approval of a variation from Section
10 9-5B-3(G) to increase the maximum floor area ratio from
11 0.30 to 0.39 to allow construction of a 1,081 square
12 foot addition to house an indoor pool, and such other
13 relief from Title 9 of the Village Code as necessary,
14 and the property with and address of 6401 Meadow Lane,
15 Willowbrook, Illinois.

16 The applicant for this petition is Pete
17 Baftiri, and the property owner is Jain Bhagwan of 5S541
18 Radcliffe Road, Naperville, Illinois 60563. A copy of
19 this notice was published in the December 24, 2020,
20 Edition of the Doings Newspaper.

21 Ann, would you like to make your report?

22 MS. CHOI: Yes. Thank you, Chairman; and
23 good evening, Commissioners.

24 The petitioner, Pete Baftiri, of A&E Luxury

1 Homes, on behalf of the property owners at 6401 Meadow
2 Lane, the subject property of this petition are
3 requesting the following:

4 For the construction of a 26-and-a-half foot
5 by 42-foot, 10-inch addition off the rear exterior wall
6 of the existing residence. The addition is proposed to
7 a maximum height of 21 feet, and would house an indoor
8 swimming pool for therapeutic purposes to serve its
9 elderly residents.

10 The construction of the addition of the size
11 desired would encroach, approximately, 5.54 feet into
12 the required rear yard setback of the property, and
13 increase the allowable floor area. As such, the
14 applicant has applied for the following two variations.

15 Again, as you stated, approval of a
16 variation from Section 9-5B-3(D)4 to reduce the rear
17 yard setback from 30 feet to 24.46 feet. The public
18 hearing notice actually stated 25 feet, but it is
19 actually 24.46 feet. I just wanted to highlight that.

20 And the second variation is approval of a
21 variation from Section 9-5B-3(G) to increase the maximum
22 FAR from 0.30 to 0.39 to allow for the construction of a
23 1,081 square foot addition.

24 The subject property is zoned R2

1 single-family residence, and are adjacent to properties
2 also in the R2 single-family residence to the north,
3 south, east and west.

4 This application is subject to review by the
5 Plan Commission regarding the requested zoning relief,
6 and some background, this parcel was platted back in
7 1978 as part of the Gallagher and Henry Waterford Unit
8 No. 2 Subdivision.

9 The existing single-family resident
10 currently -- residents currently conform to the minimum
11 requirements of the zoning ordinance. However, the
12 proposed addition would add just under 1,100 square feet
13 of floor area, thereby increasing that FAR by
14 130 percent. The required rear yard setback is
15 currently 30 feet, and the proposed addition would
16 encroach into this area by 5-and-a-half feet.

17 It should also be noted that the current lot
18 depth does not conform to the current zoning regulations
19 since this subdivision was platted in 1978. If the
20 subject property was platted to today's standards, the
21 variation request for reduced rear yard setback would
22 likely be unnecessary. However, the variation request
23 for increased FAR would still be necessary.

24 Staff included the following recommended

1 conditions for this petition:

2 The applicant shall revise the site plan
3 included as attachment five of the staff report to
4 reflect the correct variation to reduce the rear yard
5 from 25 feet to 24.46 feet. I believe this has already
6 been revised.

7 The variations granted shall only apply to
8 the proposed addition to accommodate an indoor swimming
9 pool. The proposed addition shall not be used as
10 habitable space or for non-recreational purposes,
11 including, but not limited to bedrooms, living rooms,
12 kitchens, et cetera.

13 The variations shall be null and void of
14 construction if the proposed use is not commenced, and a
15 certificate of completion is not granted within
16 12 months of the date of any approval of the variation
17 by the Village Board.

18 I did want to note that I received three
19 letters -- actually, two letters and an email from
20 neighbors, which the Plan Commission have now received
21 by email, at least two of them. These letters include
22 16 signatures in opposition to the petition; and I can
23 read these letters now, to include as part of the
24 transcript or during public comment, whichever you

1 prefer, Chairman Kopp; and I just want to say that these
2 letters highlight the concerns over existing water
3 drainage problems in the area that might be exacerbated
4 by increased impervious area.

5 CHAIRMAN KOPP: Why don't we -- why don't
6 you go ahead and read the letters now.

7 MS. CHOI: Okay. They're quite lengthy, so
8 bear with me.

9 "To the Plan Commission of the Village of
10 Willowbrook:

11 We, the adjacent neighboring property owners
12 of the subject property offer the following concerns for
13 consideration in review of proposal of the following
14 Case No. PC21-02.

15 A petition for approval of a variation from
16 Section 9-5B-3 (D) 4 to reduce the rear yard setback from
17 30 feet to 25 feet," which is now 24.46 feet, "and
18 approval of a variation from Section 9-5B-3 (G) to
19 increase the maximum FAR from 0.30 to 0.39 to allow
20 construction of a 1,081 square foot addition to house an
21 indoor swimming pool at the property located at 6401
22 Meadow Lane.

23 The design plans prepared by Agama Design
24 Architecture do not adequately depict or address how

1 storm water will be controlled, or the potential impact
2 to neighboring properties. The impervious area of the
3 rear yard will be greatly reduced, impacting the natural
4 drainage flow. Drainage flow is a very real concern of
5 the adjacent property owners.

6 The plans depict graphically what seems to
7 be a gutter with no vertical leaders indicated on the
8 pitched gable sides of the elevations of the proposed
9 addition. Without indication of where the storm water
10 is running, we assume the storm water will sheet flow on
11 the existing grading, thereby increasing the flow rate
12 of the storm water on the existing grading.

13 In review of the proposed engineering plans,
14 the notation that all existing grading is to remain can
15 not be accurate. The proposed addition crosses the site
16 contour line of spot elevation 719.54 feet to
17 716.51 feet in the northeastern corner of the site.
18 Northeastern corner of the site is the lowest point of
19 the site, and holds the most storm water runoff
20 currently.

21 As indicated on the engineering plans, a
22 storm water manhole is located in the southeast corner
23 of the site. However, all storm water runoff is being
24 directed to the northeast corner. Although the proposed

1 addition shows the grade to be flat, this is not
2 accurate, nor are the engineering plans and design plans
3 coordinated to provide same information.

4 We request that consideration of this
5 petition be continued to allow adequate time for the
6 applicant/property owner to properly study and then
7 present to the Plan Commission the impact of the
8 proposed variation upon storm water drainage and what
9 types of remedial measures, if any, might adequately
10 prevent or mitigate the issue.

11 In terms of whether the proposed variation
12 will alleviate some demonstratable and unusual hardship
13 posed by the COVID-19 outbreak, we suggest that the Plan
14 Commission take a fresh look at this factor after a
15 study of the storm water drainage issue. The hardships
16 and restrictions associated by the outbreak may be
17 alleviated over the first half of 2021 as a vaccination
18 program continues to ramp. Health clubs may reopen
19 prior to completion of construction, if not prior to
20 commencement.

21 Finally, as part of the proposal, we would
22 like to see a site logistics plan to ensure the limits
23 of construction are held off the adjacent properties.
24 The existing vegetation along the property lines is

1 requested to be protected from any and all site
2 disturbances.

3 We also object to the variation to increase
4 the maximum FAR to 0.30 to 0.39. We believe the Village
5 of Willowbrook intended for the maximum FAR to align
6 with open space and green space ideals of suburban
7 community desires.

8 We hope you will take our concerns into
9 consideration, and make the decision to disapprove for
10 any request for variance or building that may cause harm
11 to our properties. Thank you."

12 I believe this was from Kevin Webb, who's a
13 resident to the rear.

14 MR. WEBB: That is correct.

15 MS. CHOI: I have a second letter from Jan
16 and Carol Miecznikowski. I'm sorry if I'm butchering
17 the last name. They live at 6420 Tremont Street.

18 And this letter reads:

19 "We are a neighboring property owner of the
20 subject property offering the following two concerns for
21 consideration in review of the Case No. PC21-02.

22 Our first concern relates to the drainage of
23 water in the area. Having recently made an investment
24 to finally solve a persistent drainage problem on our

1 property, we are concerned that the proposed
2 construction would cause the problems to return.
3 Therefore, we are not in favor of granting any
4 exceptions to the ordinances unless assurances can be
5 given that the planned construction will not cause any
6 drainage issues on neighboring properties.

7 Our second concern is with the precedence
8 that would be set by the proposed changes to the setback
9 in FAR. Although, seemingly a single home on single
10 street, such an accommodation could become precedent,
11 and, therefore, a slippery slope, which would transform
12 the look and feel of the neighborhood incrementally
13 without a broader hearing of the matter, and without an
14 exclusive decision on the part of the Village.

15 Thank you in advance for considering our
16 inputs. Best regards, Jan and Carol Miecznikowski."

17 And then the third I just received via email
18 at 6:00 p.m., and this resident is Rob Goodridge at 6354
19 Meadow Lane; and he writes:

20 "Dear Mr. Pabst, we would prefer to maintain
21 the rear yard setback to remain at 30 feet and the
22 maximum FAR of 0.30. Thank you."

23 And that was it.

24 CHAIRMAN KOPP: If you're done, Ann, we'll

1 allow the applicant to make his presentation.

2 MR. BAFTIRI: Good evening, everyone. My
3 name is Ardi Baftiri. I am here with Pete Baftiri, A&E
4 Luxury Homes. Thank you, everyone, for hearing our
5 petition.

6 CHAIRMAN KOPP: I'm sorry to interrupt you.
7 You will need to be sworn in.

8 (Whereupon, Ardi Baftiri is duly
9 sworn.)

10 MR. BAFTIRI: Again, thanks, everyone; and
11 thank you, Ann, for your help and guidance to this
12 point.

13 So thank you for also reading those concerns
14 from the neighbors, understandable, and we want to point
15 out some of the key points from our proposal.

16 We believe that this is a neighborhood in
17 transition. There's a lot of new construction homes,
18 some remodeling. We think that this remodel to the
19 house will add value to the neighborhood, and as it's
20 revitalizing one of the older houses in that
21 neighborhood, I just want to point out there's also new
22 windows --

23 (Phone rings.)

24 MR. BAFTIRI: So the remodel has --

1 THE REPORTER: Anil, if you can mute
2 yourself. Continue.

3 MR. BAFTIRI: So the remodel also consists
4 of new windows, new tile roof, new stucco, and just
5 high-quality construction generally.

6 Overall, we think it's going to increase the
7 value of the surroundings properties and for the
8 neighborhood. The purpose of the addition is because
9 it's for therapeutic purposes. The residents are
10 elderly, and it is for therapy, because of the COVID
11 pandemic, they are not able to go to other public
12 facilities, and, so, this is kind of the only reasonable
13 alternative given the risks to their health.

14 And regarding the points that were noted
15 from the neighbors, the rear yard setback would, I
16 believe, to my understanding, would not be required if
17 the house was built to date, but regardless still, it's
18 a very minor five-foot setback. The vegetation would be
19 preserved and protected to the best of our abilities,
20 and most likely we'll be adding vegetation there,
21 screening and privacy for all the neighbors, including
22 the residents.

23 As for the drainage issues, our engineers
24 are very experienced and they will comply with any

1 drainage requirements that the Village requests, if
2 approved here, during the review process with Village
3 staff afterwards, and, so, we don't believe that
4 drainage will be an issue given the design proposed.

5 And I'll pass it here to Pete Baftiri for
6 any additional comments.

7 MR. P. BAFTIRI: I just want --

8 CHAIRMAN KOPP: Mr. Baftiri will need to be
9 sworn in.

10 (Whereupon, Pete Baftiri is duly
11 sworn.)

12 MR. P. BAFTIRI: Thank you, everyone, again.

13 So I just wanted to add an additional
14 statement for the project, that the remodel that's
15 already done, it's very high-end remodeling. The owners
16 spent a lot of money, and the house was completely brand
17 new; and by adding pool to this property, we think that
18 this will add value to the neighborhood. It's not going
19 to hurt the neighborhood. Actually, the neighborhood
20 will benefit a lot by having a brand new house remodeled
21 with the new standards, with today's standards, and
22 having a pool on this neighborhood.

23 This neighborhood is changing. I've been a
24 builder for 23 years, and I've seen changes in different

1 neighborhoods, Willowbrook -- I lived in Willowbrook and
2 all western suburbs.

3 So this neighborhood kind of is in
4 transition with some old homes. I have clients who want
5 to tear it down, build new ones. It's very good
6 location. Some of them are between doing the remodel.
7 So in the future, I think this subdivision will change;
8 and by initiating this change, in FAR, by asking for
9 this variation by adding a pool to this property, I
10 think it's going to add a lot of value to the
11 neighborhood.

12 For the drainage, neighbors are right, they
13 should be concerned, but one thing, I can promise that
14 our engineers, civil engineers will address every issue,
15 and we'll comply with all the requirements Village
16 requires, without affecting the neighborhood.

17 And the other thing is the way how it's
18 designed, and I know that the neighbor next door on the
19 north side -- it's going to be next to the property on
20 the north side, actually, that neighbor will get more
21 privacy from these neighbors. By adding the pool on the
22 back, they'll have really good privacy; and the pool
23 house, it won't be that tall, if you see on the
24 blueprint.

1 On the rear backyard, only 5.4 -- like 5.6
2 feet, I think we ask for variance; and that one --
3 again, there is a lot of vegetation, existing one; and I
4 did talk to the owner, they're going to do, also,
5 landscaping changes. They're going to add a lot of
6 vegetation to beautify this lot.

7 If you have any additional questions, let me
8 know.

9 CHAIRMAN KOPP: Do any of the commissioners
10 have any questions for either Ann or for the applicant?
11 I'll get started.

12 So, Ann, the letter from the Village's
13 engineer about drainage, he just said that it's not of
14 a -- if I'm reading this correctly, that it's not of the
15 size that -- he doesn't make an opinion about whether
16 this is going to affect the drainage.

17 MS. CHOI: Well -- so I followed up with him
18 after I received this email, and he wanted to clarify a
19 few things.

20 So he said that the grading plan that was
21 referenced in the first letter is not a plan for the
22 currently proposed project. I believe that maybe Agama
23 Design Architecture, they presumably took a plan from a
24 2016 submittal. I think back in 2016 there was an

1 application with the Building Department for an addition
2 to the home, which was never built. So they likely took
3 that 2016 submittal, and superimposed a proposed
4 addition on that plan.

5 In our engineer's letter, he stated that, at
6 the time of building permit, they will need a grading
7 plan, if the variations are approved; and based on what
8 was submitted, it was difficult for him to make more
9 than general comments on what the code requires.

10 However, he will definitely take into
11 consideration that there are existing drainage problems
12 at the northeast corner of the site because he wasn't
13 aware of that prior.

14 CHAIRMAN KOPP: And my other question to you
15 has to go with FAR; and I don't know that you can answer
16 this, because we have this aerial, your Exhibit 2, and
17 some of these houses, at least, based on lot coverage,
18 looked like they're probably much larger houses than
19 this house, even this house with the addition.

20 MS. CHOI: Yes, you are correct.

21 So I actually went on Google Street View to
22 look at some of those homes. I believe the ones that
23 look like they -- that are more L-shaped, and they have
24 an extension towards the back, they're actually

1 one-story, if I'm not mistaken.

2 I was looking for older, perhaps, zoning
3 cases that might have approved variations for FAR. I
4 couldn't find any in this neighborhood, so I believe
5 they're probably complying with current FAR, because
6 they're 1-to-1-and-a-half stories.

7 CHAIRMAN KOPP: Okay. That's it for my
8 questions.

9 Any other commissioners have questions of
10 Ann or the applicant?

11 MR. REMKUS: One question I had was that,
12 one of the things -- that we're doing this, wanting a
13 variation because of the COVID. I think -- myself, I
14 don't want to get into granting variations because of
15 COVID. I think that's a really slippery slope for us to
16 go down.

17 This is something -- it's a pandemic, it's
18 worldwide, but it's not going to be here forever. When
19 we grant a variation to do something, the variation we
20 grant is going to be there forever, so I'm a little
21 worried about that.

22 MR. WAGNER: Commissioner Wagner. I guess I
23 would point out a couple things, or ask a question.

24 This subdivision, when it was developed, was

1 developed within the guidelines of the Village of
2 Willowbrook, I believe, and it may not meet the current
3 zoning standard, which typically changes over time. I
4 don't think it was developed in the county. I think
5 because that and Rogers Farm was also developed at a
6 time when it was a subdivision to Willowbrook, which
7 this backs up to. That's No. 1.

8 No. 2, I think, to some degree, the hearing
9 may be moot because the notice is incorrect, and I
10 believe -- the request is for greater than what was
11 published, even though it's minor, I would question it.

12 The third thing is, these standards for
13 variation -- I'd have a hard time with the -- many of
14 the things that have been brought up within that; and,
15 No. 1, that the property in question can't have a
16 reasonable return without this variation being granted.
17 I question that.

18 And I would agree that the reasoning for the
19 COVID is not something that should be recognized,
20 because it's something that we're dealing with, but
21 isn't a long-term situation that looks like it would be
22 running with the property as the variation does. So I
23 would raise those questions. Thank you.

24 CHAIRMAN KOPP: Anything else from -- any

1 questions from any other commissioners?

2 MS. KACZMAREK: I have a question for the
3 applicant.

4 You mentioned that this is going to add
5 value to the property. I'm just curious, do you have a
6 Realtor, or anyone that you reached out to just to see
7 if at all this would provide value to the property in
8 the long run?

9 MR. P. BAFTIRI: So when I said it's going
10 to add value to the property -- the existing property is
11 proposing -- this is old house, but, also, I said it's
12 going to add value to the neighborhood by having the
13 house with a pool, high-end -- high finishes, it's going
14 to be a positive impact to the neighborhood and to
15 property itself.

16 So based on my experience -- and, also, I'm
17 real estate agent -- yeah, definitely when we get these
18 kind of homes, and nice neighborhood, this location is
19 very preferred location in Willowbrook, very good
20 schools.

21 When they see people in these kind of
22 homes -- because that's true, right now we have COVID,
23 but in the future it will be gone, with the vaccines and
24 all that, but, still, adding this pool to this house and

1 to this neighborhood is going to help and increase the
2 value of old properties, not just for this house.

3 MS. KACZMAREK: Ann, in the neighborhood, do
4 you know offhand if we have other properties that have
5 indoor pools?

6 MS. CHOI: I'm not that familiar with the
7 Willowbrook neighborhood and property. I don't know if
8 Roy Giuntoli knows more.

9 MR. GIUNTOLI: This is Roy Giuntoli,
10 building official.

11 None that come right off the top of my head
12 on the inside in this neighborhood. I know of one in a
13 different neighborhood, but not within Waterford. It's
14 nearby, it's on the other side of Madison Street, but
15 it's not in Waterford.

16 And then I know another one in town that
17 really isn't a swimming pool, it's more of a -- one of
18 those type of pools that you swim in place in. There's
19 a name for it, and I'm sorry I'm drawing a blank for it.

20 MS. KACZMAREK: I think I know what you're
21 saying, yeah.

22 MR. GIUNTOLI: And that's in another
23 neighborhood, a little bit further to the east, but none
24 come to mind -- over the last 15 years -- of being

1 permitted in this subdivision. Of course, the map shows
2 some outdoor pools, and there's been a couple here and
3 there, new ones over the years in Waterford, but as far
4 as inside, I can't recall anything off the top of my
5 head.

6 MS. KACZMAREK: Okay. Thank you.

7 MR. GIUNTOLI: You're welcome. Thank you.

8 CHAIRMAN KOPP: If the commissioners are
9 done, do any members of the public have any questions or
10 comments?

11 All right, go ahead, Mr. Webb.

12 (Whereupon, Kevin Webb is duly sworn.)

13 MR. WEBB: So I'm one of the authors of the
14 one letter that you received an objection, and that is
15 the rather -- kind of longer one there, that is dated
16 January 12th.

17 If you can see attached to it is a signature
18 page. I collected all those signatures yesterday
19 afternoon. So within an approximate three-hour period,
20 I was able to get -- what do we got there? I think it
21 was 15 different households that all surround this
22 particular property that are objecting.

23 So in regards to some of the things that the
24 applicant is saying, that this will build value in the

1 neighborhood, well, you've got, just from yesterday,
2 16 -- well, 16 property owners, the other one that Ann
3 pointed out -- that would object to that. I don't see
4 where this would be adding value to my property by
5 having a house that's got an indoor pool, which that is
6 a very extremely unique type of thing, as far as I would
7 believe, that people would want when buying a house.
8 Because if you've ever walked into an indoor pool, and
9 you walk in that front door of that natatorium, what's
10 it smell like? Chlorine. So unless they're okay with
11 having their entire house smell like chlorine, an indoor
12 pool is something that I would never ever desire to
13 have.

14 As far as all the work that they're doing to
15 the exterior, that, again, is just of their opinion,
16 that it's adding value to the neighborhood. If you,
17 Commissioners, ever have a chance, please drive by and
18 look at what they're doing to the house. Again, that
19 is -- as far as I believe, and so do all the other ones
20 that I've spoke with, this is a personal preference of
21 the design to the exterior -- to the house.

22 Now, we can't object to how they want to do
23 the exterior of their house; that's their choice, but
24 from my own personal standpoint, I don't think that that

1 exterior of the house is adding any value between the
2 roof and the pink walls.

3 As far as our objection to the FAR -- so
4 when that was put in place, that was done for a reason,
5 and that was to leave open space within this community.

6 They're talking -- the applicant's talking
7 about a transition of our community. I'm not too
8 sure -- I don't know of any transition. People can put
9 on new sidings on their home, and that's not a
10 transition. New roofs need to be put on if these houses
11 were built in the 1970's. They've reached their maximum
12 life, and then some, and need to be replaced, but as far
13 as the community transitioning, again, that is a
14 personal opinion that is just exclusive to them, and not
15 any of the 15 individuals that I spoke with yesterday;
16 and if I needed to, I could probably, within a week, if
17 not quadruple the number of people that I have on this
18 list, get many, many more than that by just going around
19 the neighborhood and finding out people's opinion on
20 that.

21 So I feel that, when we start letting just
22 one individual build more on their land in this aspect,
23 then what's to keep -- how can you deny the next one and
24 then the next one? And before we know it, we look like

1 Clarendon Hills, or we look like Hinsdale, that are on
2 top of each other.

3 Me, personally, I like the open space. I
4 want that extra 30 feet -- even though it's the
5 neighbor's yard, I want to have a nice distance between
6 us just for that open feeling, okay?

7 I don't have any questions for them.

8 One other concern would just be as far as
9 the drainage. I want to say it was three years ago that
10 there was major work done on a storm drainage pipe in
11 the -- along the property line there. That did a little
12 bit of mediation to the flooding problem that all of us
13 are experiencing, but as stated by the Miecznikowskis,
14 they had to do additional work.

15 I know Fred Stein, who's on the call, he did
16 major work in his backyard to put in tiles, I believe it
17 was, but he can attest to that. My neighbor, who's
18 directly behind them has done a lot of work to help with
19 the flooding, but it still floods; and the corner, my
20 northwest corner, which is adjacent to this property, it
21 floods, and there's a storm drain right there.

22 So as far as mitigation of that, we have a
23 lot of concern when you're going to put up a nearly
24 1,100 square foot structure of concrete, then you're

1 going to pour an in-ground pool -- I don't know how many
2 yards of concrete that's going to be or how far down
3 it's gonna, but another thing that people need to
4 realize is, we're high on the water table here.

5 My sump pump, even when it's not raining, it
6 runs. When it runs, it runs constantly. Why? I have
7 two. I got two sump pumps to suck that water out of
8 here; and if you're going to displace a permeable area
9 and drop all that concrete, then where's that water
10 going to go? Into our yards and the potential to our
11 basements. So that's an objection I have in regards to
12 this type of work.

13 I hope you all take this into consideration,
14 and thank you for your time.

15 CHAIRMAN KOPP: Mr. Webb, is your address
16 6410 Tremont?

17 MR. WEBB: That's correct, sir.

18 CHAIRMAN KOPP: Okay. Anyone else? So we
19 have three callers. Since I can't see your hands --
20 Mr. Stein?

21 THE REPORTER: I'm sorry, I didn't
22 understand that.

23 CHAIRMAN KOPP: Mr. Stein's going to speak;
24 and, Robin, you can swear him in.

1 (Whereupon, Fred Stein is duly sworn.)

2 MR. STEIN: Thanks for the opportunity. As
3 mentioned, I am one of the neighboring homeowners. I'm
4 at 6350 Tremont Street. I've been here for 16 years. I
5 just want to give a little bit of color to some of the
6 water issues.

7 So my property touches that corner that's
8 been noted -- that northeast corner of the applicant's
9 property, the low point. I mean, I'll tell you that
10 during heavy rain storms; and sometimes not so heavy,
11 you can actually see the water flow coming from the
12 yards to mine, and I've seen it over the 16 years. It
13 got to be such a problem, frankly, that it almost looked
14 like an irrigation ditch running through the middle of
15 my yard, towards the well at the far corner from the
16 applicant's property.

17 Grass wouldn't grow, and water would stand
18 there; and I mean, for a persistently long time, more
19 than a week, more than ten days sometimes. Ducks would
20 land in it. Even before I fixed it a year ago, ducks
21 would land in there, and squawk around. That's how bad
22 it was.

23 And this last year I finally resolved to do
24 something about it. I got a quote. They wanted to

1 charge me \$910,000 to put down a hundred feet of drain
2 tile, to do some other things. I personally didn't want
3 to spend that money; and seeing that I was home every
4 day, working there with COVID, and wanted to get some
5 exercise, I resolved to do it myself.

6 Neighbors being good neighbors around me --
7 frankly, everyone on this call that signed that letter
8 stopped by to see what I was doing, and neighbors on
9 each side helped me dig the trench for the hundred feet.
10 It was a true community effort. Matter of fact, all the
11 neighbors from the adjacent lots came over and spent
12 time as I was digging; I'll say everyone except for the
13 neighbor at 6401, the applicant's property.

14 I never met them. I'm not sure they're
15 truly aware of the issue being caused by the runoff, but
16 there's been substantial time and effort put in to
17 resolving the problem. I believe it is resolved. I've
18 had no further problems after that. We did a lot of
19 work. I put a rain guard in as well, doing everything I
20 could to help soak up that water. I'd hate to see all
21 that hard effort by all the neighbors go to waste; and,
22 so, I really do think it's incumbent upon the applicant,
23 prior to any building permit, or anything else moving
24 forward, to take a really hard look at this.

This has been a long time issue here; and what they're asking for, indoor pool -- again, I've been in this neighborhood 16 years, and been in these close western suburbs for 55 of my 56 years. There isn't any indoor pools around here, and it is somewhat of an extraordinary request. I was very surprised when I saw that someone was willing to sink that money -- and I mean sink, sink that money into that kind of a structure.

Thanks for your time and consideration.

CHAIRMAN KOPP: Either Mr. Pennino or any of the Zemans -- I can't tell if you wanted to speak to this matter. You don't have to, but if you want to.

MR. ZEMAN: This is Jerry Zeman.

(Whereupon, Jerry Zeman is duly sworn.)

MR. ZEMAN: First off, I would just like to state that I did sign Mr. Webb's petition, and I concur with both -- my wife and I both concur with both Mr. Webb -- I'm sorry, I didn't get the last name, Mr. Stein's notation of the problems that they're having, and I would like to comment relative to the water.

I live immediately across the street from

1 the property at question, at 6404 Meadow Lane, and at my
2 property, my sump pump, in times of heavy rain, also
3 runs almost constantly, to the point where, when I did
4 have a sump pump failure, I did get water in my
5 basement's addition, and we've had to put in a
6 water-energized sump pump to deal with that issue should
7 our sump pump fail. So we have an extremely high water
8 table.

9 In addition, we do get some seepage during
10 heavy rains already, which is why we had -- when we put
11 our addition on, and increased the size of our basement
12 at the same time, we had put in additional weeping tile
13 per code to deal with all of this additional water; and
14 I actually have to have a piece of null board at the
15 bottom of my basement going down to the weeping tile, so
16 if I do get any seepage coming down the basement walls,
17 it goes right into the weeping tile and goes into the
18 sump.

19 We have been a resident of this neighborhood
20 now for 32 years. We did an addition on our house in
21 2009, which was a code-compliant addition, to the point
22 where we went so far as to ensure that we matched the
23 brick on the side of our house, on the 300-square foot
24 addition that we did. We used the same color of roofing

1 tile so that the property looked like it was the
2 original build of the structure. So it's already been
3 expressed on this property, that people around here do
4 not recognize the improvements that have been done to
5 the property as being, let's say, consistent with the
6 look of the surrounding homes, and we don't understand
7 the assertion that this is going to improve the value of
8 our properties.

9 Thank you very much for the opportunity to
10 speak, and look forward to your favorable consideration
11 from the petitions that you've received.

12 CHAIRMAN KOPP: All right. Anyone else?

13 Okay. Do the commissioners have any final
14 questions of Ann or the applicant?

15 MR. PENNINO: Hello?

16 THE REPORTER: Mr. Martin?

17 CHAIRMAN KOPP: I'm sorry, did you want to
18 speak Mr. Pennino?

19 MR. PENNINO: Yes. Just to confirm --

20 THE REPORTER: Before you continue, I'll
21 swear you in. Can you raise your right hand?

22 (Whereupon, Martin Pennino is duly
23 sworn.)

24 MR. PENNINO: I live a little bit further

1 away from the house -- not too far, on Hiddenbrook, that
2 backs up to Creekside Park, and I just want to confer,
3 that, yes, whenever it rains heavily, ours -- we have
4 two sump pumps and they're constantly going on and off
5 all night long, all day long. There definitely is water
6 issues in this area. Even though we're high above the
7 Creekside Park, there's still a lot of water issues.
8 I've been a resident for 18 years, and pretty much -- we
9 had to get two new sump pumps recently because they just
10 ran out from being used so much.

11 One other question I had is, the size of the
12 pool sounds pretty large. If this is really a
13 therapeutic pool, why wouldn't a smaller therapeutic
14 pool be used, one that would just be a little bit bigger
15 than a human body or something like that? I don't know
16 why they need so much space for a pool. It sounds more
17 like a multiple use than just therapy.

18 I think that's all I have right now. That's
19 it. Thank you.

20 CHAIRMAN KOPP: Okay. Was one of the
21 commissioners starting to ask a question or say
22 something?

23 All right. If not, the applicant, you have
24 the opportunity to have the last word before we close

1 this public hearing.

2 MR. P. BAFTIRI: Thank you again.

3 So all these comments -- the neighbors --
4 they make, they're very valid, especially for this
5 drainage; and I'm doing something every day, in running
6 into these issues, but I want, again, to confirm that,
7 whatever we do is Village requirement. Design -- we
8 meet all the requirements, we can comply with all
9 requirements, because we know the water, it's a problem.

10 There are multiple options now to address
11 that. We can do dry well, or we could do other testing
12 to see what's the absorption in the area. So I know
13 we're going to meet this requirement, and not affect the
14 neighbors.

15 And with regard to the FAR -- I'm looking at
16 the aerial pictures that is in Exhibit 2 -- all three
17 neighbors, north, south and west, they have bigger homes
18 than this neighbor, higher FAR. So what they're asking
19 to meet comes to the same size house. All they have a
20 protrusion, except like my client is asking. If you
21 look at Exhibit 2, I think it's going to be -- after
22 this pool house, it's going to look almost similar to
23 the existing homes and all three neighbors next to this
24 property.

1 That's all I have to add. Thank you.

2 CHAIRMAN KOPP: All right. If that's it, we
3 will close the public hearing for Zoning Hearing Case
4 21-01 [sic], and then the commissioners will have their
5 discussion, and then we will vote whether to recommend
6 this matter to the Village trustees.

7 For myself, when I first read this
8 application and looked at the materials, I assumed that
9 this was -- that I was going to approve this just based
10 on what was presented. However, I look at a zoning
11 ordinance as if it's almost a contract between people,
12 so that when people buy a property, they can rely on the
13 fact that the zoning ordinance is going to somewhat
14 protect their neighborhood. As Mr. Webb said, you can't
15 stop someone from painting their house purple or doing
16 something like that, but you have some expectations
17 based on the zoning ordinance; and the fact that the
18 neighbors -- all of the immediate neighbors are opposed
19 to granting a variance here means that, for me, I am not
20 going to vote in favor of this; and for me, it's purely
21 because of the zoning ordinance. It's not the
22 drainage -- not that the drainage is not an important
23 issue. I deal with it. On the Plan Commission here, we
24 constantly hear about drainage, because that's just

1 endemic to Willowbrook, but we have to trust that
2 engineers can solve that issue, but I am not in favor of
3 the increased FAR or the rear yard reduction variation
4 just because the neighbors are not.

5 Now, the neighbors have to understand, these
6 folks could scale down their pool, and perhaps redesign
7 it so it fits within -- if this isn't approved by the
8 way, we're going to have a vote, and then it's going to
9 go to the trustees, but the neighbors obviously have to
10 understand, that they could scale this down and fit
11 within the zoning ordinance, and then there would be
12 nothing to say, other than building code issues, which
13 the drainage is.

14 MS. CHOI: Actually, can I interject?

15 So if they were to even revise and put in a
16 smaller footprint -- their current house is already
17 maxed out at FAR, so they would still have to probably
18 come back and request a variation to FAR.

19 CHAIRMAN KOPP: Okay. Then, in that case --
20 so I strike that comment, that -- again, I'm not in
21 favor then of the increased FAR or the zoning variance
22 because the neighbors aren't, and just then -- in the
23 same case, if one of the neighbors shows up, we're
24 not -- I'm not going to be in favor of that one.

1 I have no idea how the other commissioners
2 feel. Would any commissioners like to state their
3 opinions before we take the vote?

4 MR. REMKUS: I'd like to say one thing, that
5 I agree with you, that it's an awfully large addition;
6 and the drainage is a concern to me, because being --
7 serving on this Plan Commission for so long, it's an
8 issue that constantly and constantly comes up, and it's
9 getting worse and worse, and we have to be a lot more
10 conscious about things like that; and going through all
11 the papers and everything, I didn't see anything -- one
12 of the neighbors mentioned that they built a rain guard.
13 Well, that's one of the approved things that has come
14 about the last few years for -- to slow down the
15 transition of water so it's retained on property, and
16 even something -- a small addition like this, I would
17 look on it more favorable if they were doing something
18 with the water they're displacing, but there's no --
19 nothing that forces them to do that, but it's something
20 that you look on more favorably when you're showing that
21 you're going to do something with the access water that
22 you're going to displace; and the FAR, that's what
23 they're doing, they're displacing more water. So I'm
24 just not in favor of it.

1 CHAIRMAN KOPP: All right. Our sample
2 motion assumes that we are going to approve this
3 application, or recommend this application, and I
4 suspect we are not.

5 So will someone make a motion that the Plan
6 Commission not recommend the petition for -- presented
7 at Zoning Hearing Case PC21 -- oh, I identified it as
8 21-01 before, but this one was 21-02.

9 Would someone make the motion that we not
10 recommend this?

11 MR. REMKUS: So moved.

12 THE REPORTER: Wagner, I didn't hear you.

13 MR. WAGNER: Wagner so moved, or second.

14 MR. WALEC: I second.

15 CHAIRMAN KOPP: I ask the Plan Commission
16 Secretary to call the vote.

17 MS. SHEMROSKE: Commissioner Remkus?

18 MR. REMKUS: Are we asking to disapprove,
19 right? So I would say "yes" to disapprove?

20 CHAIRMAN KOPP: Yeah, sorry. "Yes" to
21 disapprove.

22 MS. SHEMROSKE: Commissioner Soukup?

23 MR. SOUKUP: Not approve.

24 MS. SHEMROSKE: Commissioner Kaczmarek?

1 MS. KACZMAREK: Yes.

2 MS. SHEMROSKE: Commissioner Kaucky?

3 MS. KAUCKY: Yes.

4 MS. SHEMROSKE: Commissioner Walec?

5 MR. WALEC: Disapprove.

6 MS. SHEMROSKE: Vice Chairman Wagner?

7 MR. WAGNER: Yes.

8 MS. SHEMROSKE: And Chairman Kopp?

9 CHAIRMAN KOPP: Yes.

10 All right. For the petitioners, again, this
11 is a recommendation, and it's not binding. Only the
12 trustees can make the binding determination. Although,
13 I will warn you, they usually follow our
14 recommendations.

15 MR. BAFTIRI: Thank you very much.

16 CHAIRMAN KOPP: So that's the end of that
17 matter.

18 (WHICH WERE ALL THE PROCEEDINGS HAD.)

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24

1 STATE OF ILLINOIS)
2 COUNTY OF DUPAGE) SS:
3

4 I, ROBIN HEJNAR, a certified shorthand reporter
5 and registered professional reporter do hereby certify:

6 That prior to being examined, the witness in
7 the foregoing proceeding was by me duly sworn to testify
8 to the truth, the whole truth, and nothing but the
9 truth;

10 That said proceedings were taken remotely
11 before me at the time and places therein set forth and
12 were taken down by me in shorthand and thereafter
13 transcribed into typewriting under my direction and
14 supervision;

15 I further certify that I am neither counsel
16 for, nor related to, any party to said proceedings, not
17 in anywise interested in the outcome thereof.

18 In witness whereof, I have hereunto subscribed
19 my name.

20 Dated: January 25, 2021

21
22
23 ROBIN HEJNAR, RPR
24 CSR No. 084-004689

