

**VILLAGE OF RIVER FOREST  
DEVELOPMENT REVIEW BOARD  
MINUTES  
August 2, 2001**

A meeting of the Development Review Board of the Village of River Forest was held on Thursday, August 2, 2001 at 7:30 p.m. at the Village Hall, 400 Park Avenue, River Forest, Illinois.

**I. CALL TO ORDER/ ROLL CALL**

Upon a roll call, the following members were:

Present: Chairman Frank Martin, David Berni, Elaine Kirk, James Levy, Dennis McMahon, Marcia Organ, Richard Smith and Nevin Hedlund (ex-officio member).

Absent: None.

Also Present: Secretary Gutierrez, Village Attorney Gilbert, Fire Chief Henrici, William Grieve (Gewalt-Hamilton), Brian Hopkins (Wolff Clements), and Karen Stonehouse (TPAP).

Chairman Martin stated the one item before the DRB was a petition for Plan Development at 7701-7705 Lake Street, also known as 444 Ashland Avenue. Chairman Martin gave a brief overview of how the meetings are conducted for the benefit of those who previously had not attended such a meeting.

Chairman Martin asked that anyone who signed in and wished to speak, please stand and be sworn. All those indicating interest in providing Public testimony were sworn in by Secretary Gutierrez.

**II. 444 Ashland**

Mr. McMahon made a motion to waive the reading of the Public Notice and include it in the minutes of the meeting. Mr. Levy seconded the motion.

Ayes: 6  
Nays: 0

Motion passed.

**LEGAL NOTICE  
DEVELOPMENT REVIEW BOARD  
RIVER FOREST, ILLINOIS**

Public Notice is hereby given that a Public Hearing will be held by the Development Review Board of the Village of River Forest, County of Cook, Illinois, on August 2, 2001, at 7:30 p.m. in the Community Room of the Village Hall, 400 Park Avenue, River Forest, Illinois on the following matter:

GRP Ashland L.L.C., c/o Granite Realty Partners, Inc. is seeking a planned development permit in order to construct a five-story building. The proposed building contains six condominium units ranging in size from 2,852 square feet to 4,244 square feet and contains approximately 1,900 square feet of commercial space on the first level.

The Legal Description of the subject property commonly known as 7701 and 7705 W. Lake Street is as follows:

**Legal Description:**

PARCEL 1) Lots 1,2 and 3 (except the West 100.0 feet thereof) in Block 4 in Part of River Forest Subdivision of part of Section 12, Township 39 North, Range 12 East of the Third Principal Meridian, as Surveyed for the Suburban Home Mutual Land Association according to the plat thereof recorded June 23, 1890 in Book 43 of Plats recorded as Document 1891334, in Cook County, Illinois.

PARCEL 2) The East 50.0 of the West 100.0 feet of Lots 1,2 and 3 in Block 4 in Part of River Forest as Surveyed for the Suburban Home Mutual Land Association in Section 12, Township 39 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

PARCEL 3) The East 50.0 of the West 100.0 feet (except the West 19.58 feet therefore) of Lots 1,2 and 3 in Block 4 in Part of River Forest as Surveyed for the Suburban Home Mutual Land Association in Section 12, Township 39 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as: 7701 and 7705 W. Lake Street, River Forest, Illinois  
Area of Land Described: 13,130.70 Sq. Ft.

Steven V. Gutierrez  
Secretary  
Development Review Board

Mr. Robert Palley introduced himself as a co-owner of Grand Realty Partners and an applicant for the project at 7701 Lake Street. Mr. Palley stated that they have come before this Board previously, have met with staff, Village consultants and have held neighborhood meetings. Since the last meeting, Mr. Palley stated that they have made many changes to the project. Mr. Palley stated he is also the developer of a project currently underway at 7766 Lake Street, known as the Astor.

Mr. Palley said they own the property at Lake and Ashland, and their vision is to retain a portion of the site on Lake, as is, for commercial or retail use, and that they will retain the terra cotta features which are currently in place.

In the back portion of the building, Mr. Palley said they plan to demolish the existing building and build a five or six-story unit, condominium units, in the same style and manner as the Astor. Mr. Palley said they have received a strong demand for the units, and believes they will enhance the Village, and also provide housing for people without children who want to stay in the Village.

Mr. Palley then introduced John Schiess, the project architect.

Mr. Schiess presented the plans for the project. Mr. Schiess showed the front portion of the building, which they plan to keep in tact, the exterior parking with a total of 12 spaces for the residential portion of the building, and then the access to that which is a 20-foot drive on the south portion of the property. Mr. Schiess stated that currently it is a 16-foot drive, and they are opening it up to 20 feet to ease the flow of traffic.

Mr. Schiess stated on the ground floor is a commercial use, the second and third floor each have two residential units, and the upper two floors each have one unit per floor.

Mr. Levy asked how many commercial parking spots there were. Mr. Schiess responded that there were six spaces on their property; and that due to an agreement between them and Corus Bank, they had the right to share 13 spaces.

Mr. Schiess said the second and third floor units can be configured as two or three-bedroom units. He also stated they had two balconies, one facing east and one facing west. Mr. Schiess stated the fourth and fifth floor units are shown as three-bedroom units and have a total of four decks.

Mr. Schiess commented that they are using the same architectural elements as the existing building. He displayed the increasing setbacks as the building goes up, a 30-foot setback, a 20-foot setback, and another setback in the rear for about 10' that gives relief from bulk. Also, there are balconies that add architectural dimension.

Ms. Organ asked if the height variance was for the peak. She said the actual building is 53', and the pilasters are an additional 2'. Mr. Schiess stated that the parapets are what bring the building over the height allowed by ordinance. He stated that's the only spot where it's 57'. He felt the parapets and pilasters were an important architectural feature.

Mr. Schiess pointed out on his display two buildings at 410 Ashland and 400 Ashland. Their heights were certified by a land surveyor. Ms. Organ asked if 407 Ashland was taller than the proposed building project. Mr. Schiess stated that it's 59' and some change.

As far as landscaping, Mr. Schiess stated they were changing the tree that the Village's consultant (Wolff & Clements) asked them to change. They were going to plant an additional two mature trees on Ashland, plus a few extra trees.

Mr. Schiess then circulated some computer-generated drawings of the proposed project that shows how the building is brought back to reduce the bulk.

Mr. Bernie Citron introduced himself as the attorney for the project. He stated that one of the main reasons for the height of the building was to accommodate the requests for 9' ceilings, the parking garage and retail on the first floor, and also the decorative detailing. He stated it is market driven. He stated they felt keeping the ceiling height at 9' was a good compromise as far as what the market and Village would like.

Mr. Citron pointed out a very small portion of the building is retail, that the whole visual bulk scales back, and they could have had a shorter building that wasn't stepped back on the upper floors; but that would have had a greater visual impact both on Ashland and Lake Street. He stated this kept the project within the goals of the Village for the streetscape of Lake Street.

Mr. Citron said that after working with staff, they eliminated two floors. Originally, it was a 7-story building. He said they shortened it to give more distance for the buildings south of it.

Mr. Citron stated that the alley is a private drive, not a public drive. The drive was 16', and there was some concern from a traffic standpoint. They made it a 20' drive, and they shortened the building. To accomplish that, they reduced the upper floors by an additional 3' setback, added additional windows and architectural detail. He pointed out the traffic analysis showed the existing building if occupied would have more of a traffic impact than their six-units and 1,900 square feet of retail space would have.

Mr. Citron said they worked with the Village Engineer and added storm water retention. He felt that after working with staff, they made the changes necessary to meet the standards for this type of project. Mr. Citron pointed out that this project would have a positive effect on the neighborhood, generate more real estate taxes, and is not a project that will burden the school system. He stated that the Astor Street project is mainly empty nesters, and this will be a similar market. He also stated it will have a positive impact on surrounding property values.

Mr. McMahon said both Mr. Schiess and Mr. Citron stated it was a private drive, but that there was a permanent easement. He asked if people exiting from the bank lot could still exit through the drive onto Ashland. Mr. Citron stated that when he said "private," it's not a public alley, no traffic but the owners and the bank patrons, but that the easement allowed bank customers to exit. He stated it was a requirement of the purchase that the bank still have access, which was another reason to change it to 20'.

Ms. Organ asked what the traffic would be like in terms of entry to and access from the exterior parking lot. Mr. Schiess stated residents could come in off Ashland into the garage and park. He said visiting guests would come in off of Lake Street and park in those spots.

Ms. Organ said traffic is not supposed to go westbound; but with the widening of the alley, there wouldn't be a backup on Ashland. Mr. Schiess agreed that the 20' does accommodate two cars. He also stated previously there was a dumpster there, and that would no longer be there.

Chairman Martin asked if there was any further presentation by the applicant. The applicant stated they had completed their presentation.

Chairman Martin then called upon Village staff to make their reports. He asked Fire Chief Henrici to give his report on the project.

Fire Chief Henrici stated that after reviewing the plans, they had three issues of concern. The first one was the size of the elevators. They wanted to make sure they could accommodate a stretcher in case of medical emergency. Chief Henrici said the second issue was the fire protection for the structure, and the architect indicated that the building had a complete fire suppression system. The third issue was the exiting arrangement as presented by the architect.

Chief Henrici said that after several meetings with the applicant, they submitted a plan that allows them to provide proper exiting off of each of the floors. Chief Henrici said the two stairways were right next to each other, but now the unique design will allow residents to go to two independent exits to get out, and the two stairways will be isolated with more than a two-hour separation between them. He said they now have two means of exiting each of the units. He said you could use the outside decks to exit the living area and go back into the stairway.

Chief Henrici said he now had no major concerns with the proposed development.

Attorney Gilbert asked if the plans reflect the revised exits or if that was something to be submitted. Chief Henrici said he has two separate sheets for D1.5 and D1.6 with a revision date of July 30<sup>th</sup>, 2001. Mr. Schiess stated the sheets the Board has do not have the revision. Secretary Gutierrez stated he does have a copy of the revision.

Chairman Martin asked if they are revising the application by submitting these sheets. Mr. Citron stated they are asking if the sheets could be substituted in the original application with the proper date on them so that the proper findings will be reflected.

Chairman Martin asked Chief Henrici if he was satisfied with the changes. Chief Henrici stated he was.

Secretary Gutierrez stated that both Police Chief Holub and Mr. Kramer could not be present. He reported the applicant had adequately addressed all of the Police Department concerns noted on the Police Chief's memo dated July 18<sup>th</sup>.

Chairman Martin asked the applicant if he was aware of the July 18 memo, the issues raised by the Police Chief, and if they were willing to address those issues. Mr. Schiess stated they were aware of them and agreed to make the necessary changes.

Secretary Gutierrez stated the Director Of Public Works, Mr. Kramer, had written a memo dated July 24<sup>th</sup> that recommended the developer increase the diameter of the 140' run of storm pipe from 24" to 42", this would increase the storage capacity of the storm pipe, and the developer agreed to do that as well. Secretary Gutierrez stated the applicant has submitted plans showing the 42" pipe recommended by Mr. Kramer.

Mr. Citron asked that those plans be moved into the record as a substitution for what was originally planned.

Chairman Martin then called upon the Village consultants. Secretary Gutierrez called on Mr. William Grieve from Gewalt-Hamilton, the traffic consultant.

Mr. William Grieve stated that the first thing they looked at was access into and out of the site. He stated the applicant planned on maintaining basically the same access system, the one private alley off of Ashland and then the two drives on Lake Street that work in tandem from the parking lot.

Mr. Grieve said the current alley width of 13' only allow one lane for traffic. He said the applicant widened the alley to 20' which gives you a 10-foot lane one-way, and a 10-foot lane the other way. He said the alley will now be much more efficient and safer.

Mr. Grieve said based on staff comments, the garage door has also been widened. He said this allows for more sight distance and allows for a more efficient turn in and out of the garage as well.

Mr. Grieve stated that any use on this site would generate more traffic than what's out there now since the building is vacant. Mr. Grieve said that based on the national standards from the Institute of Transportation Engineers, with a mixed use development, you are going to find some peaking in the morning hours when people leave for work and in the evening when people return; whereas, the commercial space will be more service oriented and will draw pedestrian traffic and traffic for the business throughout the day.

Mr. Grieve said it would be nice to consolidate the two driveways on Lake Street, minimize conflict points at the sidewalk and keep traffic from using Lake Street itself as a circulation isle. However, after working through several scenarios, he determined there was no satisfactory way to accomplish this.

Mr. Grieve acknowledged the handicapped space had been placed on the near side of the drive isle so that customers using the commercial space don't have to cross the drive isle itself. He stated the number of parking spaces provided, meet the Village's requirements for both the residential and the commercial space itself.

He stated the 9' wide spaces inside the building allow ample room for larger vehicles to maneuver in and out and would minimize dings on the doors, etc. He said there are storage units available that would insure the spaces will be used by vehicles and not other things.

Mr. Grieve stated that the main driving isle where the parking spaces are located is 22' wide, and that would adequately accommodate any type of turns in and out.

Mr. Grieve concluded by stating the development, as now presented, has considered their concerns, and he believes the traffic generated by this development will be accommodated.

Chairman Martin asked if the calculations in Exhibit 5 of the traffic report are truly accurate considering the building has been vacant. Mr. Grieve stated that he used a guideline from the Institute of Traffic Engineers based on how the old facility was used.

Chairman Martin asked Mr. Grieve since they called it a bank facility, what kind of facility does that assume the building was. Mr. Grieve said a facility not necessarily for a lot of customers, but for bank officers, bookkeeping, that sort of thing. Chairman Martin said to the extent this count is based on retail use of the facility, that it was not an accurate use. Mr. Grieve said it was done solely for a comparative purpose.

Ms. Organ asked if the current application reflects the wider overhead garage door and its dimensions. Mr. Grieve said they show 18' on the garage door. Chairman Martin asked if that was satisfactory to the Village. Mr. Grieve stated 18' was satisfactory.

Secretary Gutierrez then called upon Mr. Hopkins, the landscape architect from Wolff Clements.

Mr. Hopkins said that they suggested more parkway trees along Ashland to tighten up the spacing between the parkway trees, and the applicant agreed to provide those. Mr. Hopkins stated it was suggested adding more shade trees at the back entrance instead of evergreens. He said it increases the shade coverage, minimizes the height, and opens up the sight line for circulation to prevent a potential hazard for pedestrians in the parking lot.

Mr. Hopkins stated one thing not shown on the plan, but that the applicant agreed to address, was circulation through the parking lot to the left. He suggested cutting back the island at the north end of the east aisle in order to allow left turns into the alley. He also said the existing maple trees will be removed and replaced with a more adaptable tree.

Mr. Hopkins stated that along the western façade of the building, they asked to plant a row of ivy or vines at the base of the building that will climb and help alleviate the height. He said the developer had agreed to do this.

Mr. Hopkins said that one last concern was the application of the Lake Street Corridor Design guidelines that were approved by the Village Board last year. He said this plan, as is, doesn't address fences and piers along Lake Street on the private side of the walk. He said it was discussed with the applicant and it was agreed that they can tie that development to any future

development of the Corus Bank property so when Corus Bank develops their property, it then triggers the application of those guidelines.

Chairman Martin asked if the applicant adequately addressed all of the items set forth in the July 24<sup>th</sup> letter. Mr. Hopkins stated that except for the installation of pervious paving blocks, which was a suggestion and not a requirement, they had adequately addressed all the issues.

Chairman Martin asked if the applicant agreed that in the event there is any future development of the property to the west, they would comply with the Lake Street Corridor Plan. Mr. Citron responded they have no problem doing that. He stated they would guarantee in the documents that it is written properly.

Ms. Organ said that she did not see more trees, shade trees at the back entrance, the curb cut, the circulation route to the left, and ivy at the base of the building in the report. Mr. Hopkins stated they were addressed in a previous report he had written in regard to the applicant's preliminary plans.

Ms. Organ asked Mr. Hopkins if the applicant agreed to all the changes, with the exception of the handicapped space they do not own, and Mr. Hopkins said they agreed to make the changes.

Secretary Gutierrez called upon Ms. Stonehouse, the TPAP representative.

Ms. Stonehouse felt the issues had been adequately addressed and wanted to talk about the conformance of this project with the Village Zoning Ordinances and with the Comprehensive Plan, which is the long-range master plan for the Village.

Ms. Stonehouse stated that this area in the Comprehensive Plan is designated as a Village Center and calls for small scale stores, offices, shops oriented toward Lake Street with residential and/or office units. She said the proposed project is right in line with that plan. She stated the design of the building is harmonious with surrounding uses. Ms. Stonehouse stated preserving the existing building and the architecture was also an objective of the Comprehensive Plan that the proposed plan accomplishes.

As far as the zoning, Ms. Stonehouse stated it was C-3, Central Commercial, which is the same zoning district that exists to the east, west and the south sides of the site.

Ms. Stonehouse stated the mass, the bulk, the character and architecture of the building conform with the Zoning ordinance as it stands. She stated the building height is 7' over the allowable height, and a site development allowance would be required for that. She stated the setbacks mitigate how a pedestrian views the building, that they would only be aware of the first floor. She did not think you would want the architectural detailing chopped off in order to bring the building height into conformance. This would result in a boxy building.

Ms. Stonehouse addressed noted the request for a 5" shorter parking stall length than is required. She said this was a reasonable development allowance.



To conclude, Ms. Stonehouse said she felt the development was in character with the Comprehensive Plan, the Zoning Ordinance objectives, and would be an asset to the community. She said the site development allowances requested should be recommended for approval.

Secretary Gutierrez stated that this concluded the staff and consultant reports.

Mr. McMahan asked how the ownership proposal for the retail space is going to work. Mr. Palley stated the retail space will effectively be a retail condominium, and that his company will continue to own the retail space. Mr. Palley stated it's also possible that they could sell that retail space if someone were interested.

McMahan asked if they were initially proposing to lease it. Mr. Palley stated that was correct.

Chairman Martin asked if they did eventually sell it, how would they guarantee to the Village that the landscape design changes would take place. Mr. Citron stated that was something he would have to sit down with Attorney Gilbert and talk about it, but that there was a number of ways to do it. Mr. Citron stated they recognize the issue; and that if it goes before the Village Board, they will draft conditional and proper documents to address that issue.

Chairman Martin asked before he opened the floor up for public testimony if the applicant could explain the costs, how he intends to finance the project, the marketing of the property, and demonstrate an economic ability to finish the project.

Mr. Palley said if the Village Board gives final approval to this project, they would anticipate construction starting approximately November of this year and anticipate completion of the project by next summer. He said they would be subject to all the codes and reviews from the Village under all the normal construction requirements.

Mr. Palley stated the Community Bank of Oak Park was providing financing for the project. He stated his partnership has put \$250,000 of their own money into the project in terms of cash equity, and he said they would provide verification of that from Community Bank.

Mr. Palley said the marketing of the project was being handled by his office, which means a marketing sign will be erected, there will be ads; and the condominium will be listed with MLS, meaning all of the realtors in town are aware of it. He stated they pay them a cooperating commission.

Chairman Martin asked if there was range in mind for marketing the units. Mr. Palley said \$589,000 to probably over \$800,000 for the top floor. Chairman Martin asked if they did research to confirm there is a market for a condominium that price in the Village. Mr. Palley said he would not sign a personal guarantee on a construction line and he wouldn't put \$250,000 of his own money in if he didn't believe the units would sell. He also stated they have already sold three units at 7366 Lake for substantially higher prices than the low range of this project.

At this point, Chairman Martin opened up the floor for public testimony.

Ms. Muriel Schnierow, 1107 Franklin, said she was delighted about the project, but had a few questions. Her primary concern was about the control of air pollution during demolition. She stated EPA Section 213 (O) (1) states that particulate matter cannot go over the property line, and she wanted to know what steps would be taken to insure there was not a threat to respiratory health. Ms. Schnierow also asked if the additional trucks and automobiles would also cause air pollution.

Chairman Martin asked if there was anyone else who changed their mind and would like to speak. Mr. Roger Sugg stood and was sworn in by Secretary Gutierrez.

Mr. Roger Sugg, 411 Ashland, said his balcony overlooked the proposed construction site, and that based on his observations of construction sites, he felt Ashland would be covered with swirling dirt and mud from the trucks, traffic from the construction equipment, and he would have to listen to constant noise from the cranes hoisting materials. He feels he will lose the use of his balcony and have to listen to that noise inside his unit. He also felt they would lose parking space due to the personal vehicles of the construction workers. He said the units would end up with a final cost of over a million dollars in an area where condos sell for \$250,000. He also felt the impact of the proposed construction at 417 Lathrop would bring traffic across his parking lot and would damage the Elm trees in front of his building that he said the Village and condo owners spent a lot of money to preserve. He asked the Village to declare a moratorium on condo construction and have developers build condo parks instead.

Mr. Ray Campbell then asked to speak. Chairman Martin asked him to stand and be sworn in. Secretary Gutierrez swore in Mr. Campbell.

Mr. Ray Campbell, 411 Ashland, stated he was also concerned about the pollution and noise. He said his main concern was about enough parking for a commercial and residential building in this area. He asked how many units there were, how many controlled spaces there were for the residents and for the patrons of the commercial use. He also asked what kind of business they were putting in the retail space.

Since no one else signed up to speak, Chairman Martin closed the Public testimony portion of the meeting. He then asked the applicant if they had any further comments.

Mr. Citron said that there was only six units, and 1,900 square feet of retail space. He said there were two enclosed parking spaces for every unit, three exterior spaces for the residential units, six separate spaces for the retail, and then the parking spots that they share with Corus Bank.

Mr. McMahon said there was a letter from a witness who could not be here who was also concerned about the pollution. He said he was on the Plan Commission and raised the issue of a standard fence for construction sites. He said maybe a plywood fence would be more attractive than a cyclone fence and might help contain some of the dust and dirt.

Mr. Palley said they would consider it. He said the demolition of the back 5,000 square feet would probably be done in two or three days. He said during the demolition, they would water it down so that it would minimize the particulate matter. He asked the Board to look at 7366 Lake

Street where construction is currently being done. He said they water it down, water the alley, clean up the mud, the fencing is a closed cyclone fence with tarp, the sign is put up and all debris is cleaned up every day.

Mr. McMahon said the site across the street from 7366 Lake is a corner lot construction site that is dirty and unacceptable. Mr. Palley agreed and said that this new project had a setback which would allow them to use the west side of the building for parking for workers, cars, trucks, cranes, and he felt they would not have to take over Ashland. He said they would do their best to minimize dirt, noise, and traffic.

Chairman Martin said the Board would now deliberate on the application, and he said it might be necessary to call on the Village staff that are present to answer any questions. He asked if anyone had any comments.

Ms. Kirk said it was not clear in her mind what parking was available from the bank. Mr. Palley said they had a parking license agreement with Corus Bank that gives them permission to use 11 spaces on the west side of the aisle. He said it was a 5-year license agreement and is renewable. He said they could take that right away if they develop the site, and that was why they were not included in the count. He said if those spaces were taken away, there would be two interior spaces for each residential unit, and nine spaces total along the building on the west side.

Ms. Kirk asked if these nine spaces belong to the condominium. Mr. Palley said they did and were a limited common element.

Secretary Gutierrez asked if the ability to maintain access to the eastern driving aisle that is shared with the bank property goes beyond the limited term of the parking agreement. Mr. Palley stated that access to the driving aisle was insured under a separate reciprocal easement agreement that runs with the land and gives them perpetual easement over that parking lot as long as they own it. He said the aisle is forever open, and that there are provisions in the document for common maintenance of the aisle, landscaping, and snow blowing. He said there was an agreement as to how it will all be handled in the future. Mr. Citron stated that they would always have those parking spaces; and that if Corus Bank did redevelop, they would have to come before the DRB and Village Board.

Chairman Martin asked what type of retail development did they intend to put in and how many different units. Mr. Palley stated it was only 1,900 square feet, and they only intended to put in one use. He said they did not have any idea what was going to be put there yet.

Mr. Levy said he liked the upscale nature of the project but that he was concerned about the ratio of multi-family dwellings in the Village. He asked where this project stood on that issue. Mr. Palley stated that issue was not an ordinance yet, it is a design; and he said he was willing to work with the Village concerning that issue.

Mr. Smith asked what "working with the Village Board" meant. Mr. Palley said they had two choices. They could challenge the Village on that issue since it wasn't an ordinance yet, and

also, they could find other units in the Village that they would reduce in exchange for the density. He said they did own other units in the Village.

Mr. Smith asked if Mr. Palley would commit to them. Mr. Palley said he would not commit at this time in front of this Board.

Mr. Berni said they are taking commercial property and converting it to residential, and asked for a more definite commitment that they are not turning River Forest into a residential center. Mr. Palley said there is no ordinance that requires them to reduce the number of units to build new units. The zoning allows them to build six residential units. He said they would work with the Board to achieve its goals, and stated again it was not an ordinance on the books, not a law and not a requirement.

Mr. McMahon noted that 50' height limitation and the parking stall length limitation were ordinances, and he felt it was appropriate for the Village to express its policy preferences.

Chairman Martin stated that the Board's function was to make a recommendation to the Village Board, and that the Village Board has the final say. He said that as each member votes, the applicant will have an opportunity to hear why they vote the way they do.

Mr. Palley stated his project was in line with the Comprehensive Plan, and the goals that the DRB and Zoning Board are trying to achieve. He stated there is a moratorium on condominium units less than 2,600 square feet, and he felt his units were the luxury units the Board has asked for. He said they made many changes, including changes not in the code and variances. He said his concessions have been big, and he is asking for very small variances. Mr. Palley stated the Board should look at the big picture. He stated they also purchased an 18-unit building for 1.6 million and are trying to meet a requirement that's not yet an ordinance. He apologized for sounding harsh.

Mr. McMahon stated they have a lot of applicants who apply for a lot of projects, and not all of them are as nice as this one. Mr. Palley stated he is a resident and concerned about the Village as well. He stated he spent \$15,000 out of his own money to add more brick to the east elevation of the Astor project at 7366 Lake just because he felt it was an improvement that made the project look better. He said the elevation he changed had already been approved by the Village Board. He asked the Board to consider this as evidence of his mentality.

Chairman Martin asked if there was any other discussion. He asked if anyone wanted to make a motion.

Ms. Kirk asked what was involved in creating ordinances to try to balance the condominium problem. Chairman Martin stated it was a process that didn't involve the Development Review Board. He stated it was the Village Board's responsibility and that the Development Review Board could only make a suggestion as part of their recommendation to the Village Board.

Mr. Berni asked if they could make a recommendation for some type of on-going discussion of this. Attorney Gilbert said the DRB has made recommendations in the past and could certainly make one now.

Chairman Martin said there was a specific application in front of them now; and if they wanted to make a recommendation, they could attach that to it.

Chairman Martin stated there are four site development allowances being requested. He stated one was the length of the exterior parking stalls, an allowance of approximately 5", and they were requesting a similar length allowance for the interior parking stalls, and the isle width. The fourth variation was a 7' allowance for the height of the building.

Ms. Kirk asked whom they have to satisfy for the 7' variance. Chairman Martin stated the Board will make a recommendation, but ultimately the Village Board will make the final decision. He stated sometimes the Village Board follows their recommendations, and sometimes they do not due to different concerns they may have.

Ms. Kirk asked the Board what their feeling was about the height. Chairman Martin said he has voted against projects due to unwarranted height variations being sought. He said he hasn't heard anything that convinced him to grant the site development allowance for this project.

Mr. McMahon said he felt the height variation was minor. He said the correct way to measure is to the highest point of the building, and the height of this building was 53' with only a few of the decorative elements that reach 57'. He stated they did have four letters objecting to the height, but he felt the Board had a better opportunity to view the project as a whole with the setbacks.

Ms. Kirk stated the project was very attractive, but had a concern about the ratio of the number of apartments and condominiums. She said she did not know if there was an ordinance to that effect.

Ms. Organ said she thought the project was a quality project; and that as far as the ratio, if there was ongoing discussions with the Village Board, she assumes they will take that into consideration. She said the site development allowances are acceptable in terms of the construction.

Ms. Organ made a motion, seconded by Mr. McMahon, to approve the application and allow the applicant the site development allowances.

Mr. Smith stated he needed to make an inquiry of Attorney Gilbert off the record.

Ms. Kirk asked if the motion included the extra 7' height allowance. Chairman Martin stated it did.

Ms. Kirk then asked if it was appropriate at this time to discuss the ratio issue, and if that entered into this discussion or not. Chairman Martin stated that was something for the Village Board to

discuss, and they have not given the DRB any guidelines in the form of an ordinance. He stated their first step was to get the application before the Village Board.

Mr. Smith stated he was represented by the law firm of Schain, Burney, Ross & Citron. He was not personally represented by Mr. Citron, but by his partners. He did not feel comfortable voting on this matter because of his relationship with the law firm.

Attorney Gilbert stated he was not technically disqualified from voting because of his relationship with the law firm. He said Mr. Smith has no relation to the applicant or the project. He said, however, if Mr. Smith felt uncomfortable voting, he should abstain.

Mr. Levy stated he brought up the ratio issue because it's part of the overall picture. He stated he did like the project and felt it was in keeping with what the Village was trying to accomplish. He stated that as a resident, he liked the current mix of demographics and did not want to upset that ratio. He felt the Village Board should be made aware of their concerns and deal with it since they cannot.

Mr. McMahon said this project would not be dilutive for property values. He stated that he also had a concern about the quantity of condominiums in the Village, but that it was really with low-end condominiums. He said if they are going to see more condominiums, they should be at the top end of the scale such as this one.

Mr. Berni stated he would not vote for the project based on the removal of a solely commercial use being replaced with residential.

Mr. Smith said he would abstain.

Chairman Martin asked for a Roll Call:

Ayes:	Ms. Kirk, Mr. Levy, Mr. McMahon, Ms. Organ
Nays:	Mr. Berni, Chairman Martin
Abstain:	Mr. Smith

Chairman Martin stated the recommendation of the DRB will be 4 to 2 in favor of recommending this site development.

Mr. McMahon asked about findings of fact. Chairman Martin stated they can be drafted by Attorney Gilbert and would be circulated.

Attorney Gilbert stated that since the Village Board only meets once a month in the summer, the agenda was very crowded so it would probably not be put on. He said the matter would most likely be heard the second Monday in September. Mr. Citron stated that was okay with the Petitioner.

Chairman Martin asked if there was anything pending which would require another meeting between now and the September meeting. Secretary Gutierrez stated he did not believe there would be a quorum in August on the 16<sup>th</sup>.

Chairman Martin asked if they wanted to proceed with findings of fact or let Attorney Gilbert prepare them. Mr. McMahon said it has been the practice to allow Attorney Gilbert to prepare it, and they should do it expeditiously so it did not unduly delay the applicant.

Attorney Gilbert stated he would certainly get something ready for September 6<sup>th</sup> since there was no quorum available in August.

Chairman Martin asked who would be present September 6<sup>th</sup>. Mr. Levy and Mr. Smith stated they will not be available, but the rest of the Board would be. Chairman Martin set September 6<sup>th</sup> as the meeting date for findings of fact at 7:30 p.m.

### III. ADJOURNMENT

At 9:30 p.m. the hearing was continued until September 6, 2001 at 7:30 p.m.

Respectfully Submitted:

---

Steven V. Gutierrez  
Secretary

---

Frank R. Martin  
Development Review Board Chairman

---

Date

