

**FINAL MINUTES  
VILLAGE OF HINSDALE  
ZONING AND PUBLIC SAFETY COMMITTEE  
MONDAY, FEBRUARY 27, 2012  
MEMORIAL HALL  
7:30 p.m.**

**Present:** Chairman Saigh, Trustee Angelo, Trustee Haarlow, Trustee Elder

**Absent:** None

**Also Present:** Dave Cook, Village Manager, Robert McGinnis, Director of Community Development/Building Commissioner, Brad Bloom, Police Chief, Mike Kelly, Fire Chief, Sean Gascoigne, Village Planner

Trustee Saigh called the meeting to order at 7:33 p.m.

**Minutes – January 2012**

Trustee Elder moved to approve the minutes for the January 23, 2012 meeting as amended. Second by Trustee Angelo. Motion passed unanimously.

**Monthly Reports – January 2012**

**Fire Department**

Chairman Saigh commented on the coming retirement of Fire Chief Mike Kelly. He was thanked for his years of service.

Chief Kelly reported on the Customer Service Surveys sent out by the Fire Department for fire and emergency services we provide. Of the surveys received back, one indicated a negative experience. Service was for ambulance transportation from the Hinsdale Family Medical Center @ 135 N Oak Street to Hinsdale Hospital (about 1 block) in which they were charged. There was also an email received concerning this matter. Chief Kelly stated that he was following up with hospital administration and in March will meet with them concerning these types of calls. It was noted that there were no problems with the medical services given, just the charges incurred.

Chief Kelly reported that they hired a second part time member of the Fire Prevention Bureau to assist with fire prevention duties and Firehouse software documentation. Mr. James Halik will work on a part time, as needed basis.

**Police Department**

Chief Bloom stated that the Village had installed temporary signs in the crosswalks at Hinsdale/Garfield; Hinsdale/Washington and Hinsdale/Lincoln. The temporary signs are in the crosswalk and warn drivers that they must stop for pedestrians in the crosswalk. Additional temporary warning signs are placed on the sidewalk at these location warning pedestrians to make sure traffic has yielded before entering the crosswalk. Chief Bloom indicated that he believes placing the temporary signs in the roadway may create a false sense of security for pedestrians who might not exercise the necessary due care before entering the crosswalks. Chief Bloom stated the signs will be located to other areas to raise motorist awareness on pedestrian crosswalks.

Chief Bloom updated the Committee on department activities and answered Trustee's questions on the annual report.

**Community Development**

Robert McGinnis discussed activity for the month and added that a Temporary Occupancy Permit was issued for the hospital and that the permit for the helistop was ready to issue. He stated that activity was well underway at the Hamptons of Hinsdale project and that he expected that final inspections for the model units and the common areas

within the first condo building would be scheduled soon. He also added that the permit for Eden's Assisted Living at 10 N. Washington would be issued shortly.

### **Request for Board Action**

#### **Approve a Permit for a Temporary Use to Operate a Pilates Studio on the Second Floor at 49 S. Washington Street for the period of 2/28/12 thru 4/30/2012**

Chairman Saigh introduced this item and the petitioner to speak on the request. The applicant explained she wishes to operate a Pilate's studio on the second floor on an appointment only type basis. As this is a Special Use in the B-2 district, the applicant wishes to operate on a temporary basis while she went through entitlement. Dave Cook mentioned that this was not an unusual request. Chairman Saigh asked for a motion to approve the request. Trustee Angelo made a motion to approve a Permit for a Temporary Use to Operate a Pilates Studio on the Second Floor at 49 S. Washington Street for the period of 2/28/12 thru 4/30/2012. Second by Trustee Elder. Motion approved unanimously.

#### **Ordinance Amending Article XII (Applicability and Interpretation), Section 12-206 (Definitions) of the Hinsdale Zoning Code as it Relates to the Definition of "Attached Garage"**

Chairman Saigh introduced this item and summarized some of the discussion that took place at Plan Commission and stated that the Plan Commissioners seemed to recognize the complexity of the issue and the time that staff had put into the text amendment. Robert McGinnis stated that the core issue that drove the request for the text amendment was in two requests for coach homes that created second dwelling units on the lot. In one case, the question from the architect became "what was the minimum connection necessary for the Village to consider this part of the principal structure". Staff felt that by defining tightly what an attached garage was, that the balance of other questions tied to what could be built over that garage space would be resolved on their own. Chairman Saigh asked whether this requirement would apply retroactively. Robert McGinnis stated that this would apply to new applications only. Chairman Saigh asked for a motion to approve the request. Trustee Haarlow made a motion to approve an Ordinance Amending Article XII (Applicability and Interpretation), Section 12-206 (Definitions) of the Hinsdale Zoning Code as it Relates to the Definition of "Attached Garage". Second by Trustee Elder. Motion passed unanimously.

#### **Ordinance Approving a Major Adjustment to the Site Plan and Exterior Appearance Plan at 149 E. Ogden Avenue**

Chairman Saigh introduced this item and asked if anyone was present to speak on the item. Mario Spina, the owner gave brief background on the request for Major Adjustment stating that the request was to expand the space by 88 square feet beyond what was approved at Plan Commission based on a requirement for additional plumbing fixtures in the bathrooms cited during the building review. The request was to shift the exterior walls of the proposed addition out a little bit to accommodate the larger bathrooms. Chairman Saigh asked for a motion to approve the request. Trustee Elder made a motion to approve an Ordinance Approving a Major Adjustment to the Site Plan and Exterior Appearance Plan at 149 E. Ogden Avenue. Second by Trustee Angelo. Motion passed unanimously.

#### **Ordinance Approving Execution of the Northern Illinois Police Alarm System Mutual Aid Agreement**

Chief Bloom explained in summary that Northern Illinois Police Alarm System (NIPAS) is an inter-governmental entity made up of more than 60 suburban communities to provide mutual aid police assistance in emergency situations that threaten or causes loss of life and property and exceeds the physical and organizational capabilities of a single unit of government. As part of the agreement previously signed by President Cauley and Chief Bloom an ordinance is required that formally authorizes the membership agreement. Trustee Angelo motioned to recommend that the Village Board approve an ordinance authorizing that a membership agreement be executed between the Village of Hinsdale and the Northern Illinois Police Alarm System. Second by Trustee Haarlow. Motion passed unanimously.

#### **Ordinance Approving an Amendment to the General Penalties Section of the Village Ordinance**

Chief Bloom stated that we were recently notified by the Village Prosecutor that the Illinois Supreme Court has adopted certain specifically related to Rules, 570 through 579, which will now govern the prosecution of ordinance violations except violations of the Illinois Vehicle Code with the exception of 625 ILCS 5/1301. In order to

comply, we have already implemented some minor procedural changes concerning language on the charging document and we are recommending that the General Penalty section of the Village Ordinance be amended to include provisions for minimum and maximum fines; conditional discharge and court supervision. Trustee Elder motioned to recommend that the Village Board approve an ordinance amending Title 1, Chapter 4, Section 1 of the Hinsdale Village Code regarding general penalties for ordinance violations. Second by Trustee Haarlow. Motion passed unanimously.

**Recommend Authorizing Street Closure for the Wellness House Annual 3K and 5K competitive Race May 6, 2012**

Chief Bloom stated that they received a request close Hillgrove Ave. and County Line between Hillgrove and Walnut starting on Saturday, May 5, 2012 through the morning of Monday, May 7, 2012 to accommodate the annual Wellness House 3K and 5K race. The race is sponsored by the Hinsdale Wellness House. The original request sought to have the street closed starting May 4 through May 7, 2012. After discussing the impact on commuter parking on Hillgrove, they agreed to modify their request as stated above. The tent could be taken down on Sunday, May 6 but the Wellness House would incur an additional cost.

The street closure was necessary to accommodate a tent that is set up on County Line Road. This is the fourth year that the street closure request has been made. Last year, the Village experienced few problems resulting from the street closure. The low volume of traffic is easily detoured during the street closure and commuter permit parking on Hillgrove and County Line is relocated as well. Additionally, the Police Department coordinated the roadway closures with the construction crews working at Hinsdale Hospital and received their concurrence that the street closure would not impede their construction activities.

Trustee Angelo motioned to recommend that the Village Board approve a request to close Hillgrove Ave and County Line Road between Hillgrove and Walnut Street from May 5, 2012 through May 7, 2012. Second by Trustee Haarlow. Motion passed unanimously.

**Discussion Items**

**Authority to regulate Distributed Antenna Systems**

Chairman Saigh gave some brief background on this item and summarized what had happened with the request that AT&T had originally brought to Plan Commission. He stated that once the recommendation for approval came to Committee, that the question of authority came up and whether Committee ought to be hearing the request at all. The Committee asked for a legal opinion and guidance moving forward.

Trustee Angelo added that his impression was that AT&T was seeking approval and subsequently withdrew that application. Lance Molina, Village Attorney, reviewed the history of the request and the legal opinion proffered by the former village attorney. He summarized that AT&T was taking the position that although they had no obligation to obtain zoning approvals for the installation of the antennas, they did need Right of Way Permits and expressed a willingness to go through the process voluntarily. It was not until the request came to Committee that it withdrew the application and asserted its rights to the permits.

Lance Molina stated the Village had some rights to regulate safety and aesthetics but that to try and use the provisions that currently exist in the zoning code to regulate this type of equipment would be problematic. He went on to state that the zoning code regulated what happened on a zoning lot; not on the public right of way and that the rules pertaining to these were not clear.

He stated that in Illinois State Law placed strict limits on what local governments had the authority to do with respect to limiting the carrier's ability to erect these types of devices.

He stated that what municipalities can do is put regulations in place to encourage these antennas to be placed in areas where they are less visible and added that the village can also make the carrier prove the necessity of the antenna in any given area.

He stated that the best place to put regulations regarding these types of antennas should be placed in Title 13 rather than the zoning code, but that the process needs to be efficient and timely based on the time limitations imposed by the law.

He stated that some of these types of antennas are well camouflaged and that new provisions could mandate this sort of thing.

Luke Stifflear spoke on the aesthetics of these types of antennas and stated that the village should put together a very strict set of rules to regulate them. He argued that aesthetics are very important in Hinsdale and that Hinsdale should put together a working group to formulate a comprehensive set of rules to regulate these types of antennas.

Trustee Angelo asked about a moratorium while a set of rules are put together. Lance Molina felt that this could be a problem.

Dave Cook stated that there no other applications for this type of antenna pending.

Lance Molina stated that the best place to put those regulations on village ROW would be in the Municipal Code rather than the Zoning Code with sensitivity to those installations in residential districts. Those installations on private property could still fall under the confines on the Zoning Code.

Dave Cook mentioned that the process and procedure for approvals moving forward should be discussed with the 90 day shot clock in mind. Discussion on how this should be accomplished followed.

There was discussion on how applications should be processed

The Trustees agreed to have the attorneys put together a draft ordinance to Title 13 to regulate those installations on public property for consideration.

Trustee Haarlow commended Luke Stifflear for his work on this and bringing it to the attention of the Board.

### **Adjournment**

With no further business to come before the Committee, Chairman Saigh asked for a motion to adjourn. Trustee Elder made the motion and Trustee Angelo seconded. Meeting adjourned at 9:10PM.

Respectfully Submitted,

Robert McGinnis, MCP  
Director of Community Development/Building Commissioner