MINUTES OF THE ZONING BOARD OF APPEALS
January 26, 2009

The regular meeting of the Zoning Board of Appeals was called to order by Vice Chair Kurt Hezner at 7:00 p.m. at the Village Hall.

Members present: Vice Chair Kurt Hezner, William Cotey, Terry Howard, Walter Oakley, and Andy Robinson.

Members absent: Chairman Mark Moore and Howard Jaffe.

A quorum was established.

Village Staff present: David Smith, Senior Planner.

Board Member Robinson moved, seconded by Board Member Cotey, to approve the December 15, 2008, Zoning Board of Appeals meeting minutes.

Motion carried 5 - 0.

OLD BUSINESS:

ZBA 08-23 Elena Shapiro, Rockland Project, LLC, Applicant
114 Rockland Road

Request is for variations to: 1) reduce the minimum required Perimeter Landscaped Open Space from 10 feet to approximately 6 feet along the rear property line; and 2) reduce the minimum required Perimeter Landscaped Open Space from 10 feet to approximately 7.5 feet along the east-side property line in order to construct an office building with accessory parking in a C-3, General Commercial District.

ZBA 08-24 Elena Shapiro, Rockland Project, LLC, Applicant
114 Rockland Road

Request is for a variation to reduce the minimum required number of parking spaces from 38 to 29 in order to construct an office building with accessory parking in a C-3, General Commercial District.

ZBA 09-01 Elena Shapiro, Rockland Project, LLC, Applicant
114 Rockland Road

Request is for a variation to reduce the minimum required length of parking spaces from 19 feet to 17 feet in order to construct an office building with accessory parking in a C-3, General Commercial District.

Mr. David Smith, Senior Planner, stated that the petitioner, Rockland Project, LLC, is requesting approval for variations to reduce the minimum required Perimeter Landscaped Open Space, to reduce the minimum required number of parking spaces, and reduce the minimum required length of parking spaces in order to construct an office building with accessory parking in a C-3, General Commercial District located at 114 W. Rockland Road. Mr. Smith stated that the petitioner is proposing to construct a two story office building with partial basement that will comprise approximately 8,233.1 square feet and a 29 parking space accessory parking lot. Mr. Smith stated that the petitioner is proposing that the first floor be medical office space and the second floor to be professional office space and the basement to accommodate mechanical equipment, storage and additional professional office space.

Mr. Terry Weppler, agent for petitioner, stated that Staff is incorrect to interpret the whole building as medical office and therefore the parking variation is not necessary.

Mr. Steve Klumpp, architect for the petitioner, presented the proposed plans for the office building and parking lot. He stated that the window wells and outdoor exit door stoops will not be seen from the adjacent properties. He stated that the interior parking lot landscaped areas meet the minimum 5% landscape requirement.

Mr. Weppler stated that the Zoning Code allows for a 2 foot overhang into landscaped area for perimeter parking spaces. He stated that it is reasonable to allow an overhang of vehicles in the center of the parking lot as long as the vehicles overhang over landscaped area. He stated that the petitioner is willing to put deed restrictions on the development to prohibit additional medical tenants above and beyond what is proposed for the first floor. He stated that the owner's intent is to not allow medical office use on the second floor. He stated that it is unfair for the Village to classify the use prior to knowing who the tenant will be. He stated that he understands that Staff's position is that it will be difficult to enforce who the future tenants will be. He stated that the hardship to justify the variations include the physical shape of the lot.

Board Member Oakley stated that the development should be downsized.

Mr. Weppler stated that the petitioner has been very responsive to Staff comments and has reduced the development with revised plans before tonight's meeting.

Board Member Oakley stated that the neighboring Rockland School parking lot is sometimes a problem. He stated that the proposed development may have an impact on an already limited parking situation in the area.

Board Member Cotey stated that the scale of the project is overbuilt. He asked for clarification of the landscape plan approval. Mr. Klumpp stated that the landscape plan has received approval from the Appearance Review Commission.

Board Member Cotey asked if the petitioner would consider constructing the building on slab without a basement. Mr. Klumpp stated that it will be difficult to construct and use the building without a basement and still meet the owners needs for leasable space.

Board Member Cotey stated that the hardship intended to justify the variations is self-created.

Board Member Howard asked why couldn't the landscaped island continue across parking space number 13. Mr. Klumpp stated that without the landscape island installed along the edge of space number 13 allows for better drainage and also allows vehicles to circulate around the south end of that parking row.

Board Member Howard asked how wide the landscaped island is that runs along the center parking row containing the 17 foot long parking spaces. Mr. Klumpp stated that the width is 2 feet and 11 inches. He stated that the landscaping proposed for this area includes low growth sumac between the cars and mulch to be place under the overhang of the vehicles.

Board Member Howard stated that the development is too large for the given lot.

Board Member Robinson stated that he does not like parking space number 13. He asked how overflow parking will be accommodated with this plan. Mr. Weppler stated that parking for overflow of vehicles will not be needed.

Board Member Robinson stated that the development is too much for the size of the lot.

Vice Chair Hezner stated that the proposed parking lot layout does not work. He stated that the proposed dead-end parking lot aisle does not work and is not safe. He asked the petitioner if they considered establishing a cross-access easement with the neighboring school district property. Mr. Weppler stated that a cross access agreement will take too long to execute with the school district.

Vice Chair Hezner stated that the petitioner should go back to Staff to work out a revised site plan that works. He stated that Mr. Weppler's argument on the tenant use interpretation has merit. He stated that the allowance for parking space overhang is intended for the perimeter parking spaces only, not the parking spaces in the center of the lot.

Mr. Klumpp stated that they had a previous parking lot layout design that had a looped aisle with two driveway curb cuts, but were requested by the Village to propose only one driveway curb cut.

Vice Chair Hezner stated that the development is too large for the lot and that this project needs further consideration.

Mr. Weppler stated that the petitioner would like to request a continuance.

Vice Chair Hezner stated that the petitioner should try to find some common ground with Village Staff and that future revisions should show all plan sheet exhibits are coordinated.

In the matters of ZBA 08-23, ZBA 08-24, and PC 09-01, Board Member Robinson moved, seconded by Board Member Howard, to continue these items to the February 23, 2009, Zoning Board of Appeals meeting.

Motion carried 5 - 0.

NEW BUSINESS:

ZBA 08-29 Fabrication Technologies, Applicant
1925 Enterprise Court

Request is for a variations to: 1) increase the maximum permitted height of a freestanding business sign from 6 feet to approximately 8 feet in order to install a freestanding business sign; 2) increase the maximum permitted number of free standing business signs from 1 to 2 for a single business occupant on a single Zoning Lot in order to install a freestanding business sign; 3) reduce the minimum required setback for a freestanding sign from 25 feet to approximately 6 feet from the front property line in order to install a freestanding business sign; and 4) to install a sign within the Site Distance Triangle in order to install a freestanding business sign in an I-1, Limited Industrial District.

Mr. David Smith, Senior Planner, stated that the petitioner, Fabrication Technologies, is requesting sign variations that include an increase the maximum permitted number of business signs and a reduction in the minimum required setback for a freestanding in order to install a freestanding business sign in an I-1, Limited Industrial District for property located at 1925 Enterprise Court. Mr. Smith stated that Fabrication Technologies, Inc. is located on the northwest end of the Enterprise Court cul-de-sac in an 83,857 square foot manufacturing facility on 4.18 acres of land.

Mr. Smith stated that in 1999, the petitioner was permitted to install their first freestanding 'Fabrication Technologies' sign on their property at the north end of the Enterprise Court cul-de-sac. Mr. Smith stated that the existing sign is approximately 7.5 feet in height and comprises approximately 26 square feet in sign area.

Mr. Smith stated that on August 4, 2008, Staff noted that Fabrication Technologies was in violation of the sign ordinance by having a second freestanding sign which was noticed during the final landscape inspection for their building addition. It is the petitioner's intent to request the necessary variations in order to seek approval for the second sign.

Mr. Smith noted that the proposed second freestanding sign is also too high and is located within the Site Distance Triangle.

Mr. Patrick Hammer, representative for petitioner, 1925 Enterprise Court, stated that their sign contractor, North Shore Sign Co., informed them that the sign complied with the Village's sign ordinance. He stated that he was unaware that the sign was in violation of the Village regulations. He stated that the intent of their second sign is to help the truck drivers navigate to the proper docks at their facility.

Board Member Robinson stated that there should be no reason for a height variation.

Board Member Howard stated that the second sign seems to serve a useful purpose, but that the petitioner should consider moving the sign out of the Site Distance Triangle.

Board Member Cotey stated that the second sign should be moved out of the Site Distance Triangle.

Board Member Oakley stated that the number of variations should be reduced.

Vice Chair Hezner stated that he would support the second freestanding sign if Variation No. 1 for the height and Variation No. 4 to install a sign within the Site Distance Triangle be eliminated. The sign will be setback approximately four more feet for a total setback of about 10 feet from the front property line. Mr. Hammer stated that he agrees to those conditions.

In the matter of ZBA 08-29.2) Board Member Howard moved, seconded by Board Member Oakley, to recommend the Village Board of Trustees approve a variation to increase the maximum permitted number of freestanding business signs from 1 to 2 for a single business occupant on a single Zoning Lot in order to install a freestanding business sign in an I-1, Limited Industrial District, in accordance with the plans submitted.

Motion carried 5 - 0.

In the matter of ZBA 08-29.3) Board Member Howard moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to reduce the minimum required setback for a freestanding sign from 25 feet to approximately 10 feet from the front property line in order to install a freestanding business sign in an I-1, Limited Industrial District, subject to the following condition: 1) Sign shall be removed from within the Site Distance Triangle.

Motion carried 5 - 0.

COMMUNICATIONS AND DISCUSSION:

Board Member Cotey moved, seconded by Board Member Oakley, to adjourn the Zoning Board of Appeals meeting.

Motion carried 5 - 0.

Meeting adjourned at 8:12 p.m.