



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday, September 4, 2018  
Case #19-05

The Planning and Zoning meeting was called to order by Chairman Caslin at 6:02 P.M.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take roll call.

Present: Chairman Caslin, Commissioners Ventura, Jackson, Schneider, Donoval, Cardenas, Walberg.

Absent: None

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Chairman Caslin said the first order of business was to approve the minutes of August 7, 2018, Case #19-03 for 1S314 Summit Avenue, Petitioner Ascension of our Lord Church for variations from the Zoning Ordinance concerning signage.

Chairman Caslin asked if there was any final discussion.

No final discussions from the Commission.

**MOTION**

Commissioner Schneider moved and Commissioner Jackson seconded the motion to approve the minutes of August 7, 2018, Case #19-03 for 1S314 Summit Avenue, Petitioner Ascension of our Lord Church for variations from the Zoning Ordinance concerning signage.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Schneider, Donoval, Cardenas, Walberg

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

Chairman Caslin said that the second order of business was to approve the minutes of August 7, 2018 Case #19-04 for 17W623 Butterfield Road, Petitioner Stan's Donuts, LLC for variations from the Zoning Ordinance concerning signage and parking.

Chairman Caslin asked if there was any final discussion.

No final discussions from the Commission.

MOTION Commissioner Schneider moved and Commissioner Jackson seconded the motion to approve the minutes of August 7, 2018, Case #19-04 for 17W623 Butterfield Road, Petitioner Stan's Donuts, LLC for variations from the Zoning Ordinance concerning signage and parking.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Schneider, Donoval, Cardenas, Walberg

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

Chairman Caslin asked Building and Zoning Administrator Dragan if she could comment on Case #19-05.

Building and Zoning Administrator Dragan took the floor and stated that the applicant is requesting approval to allow an 8 foot solid fence in the required front yard approximately 460 feet in length. Prior to the meeting you received a letter from Elaine Deluca, property owner of 17W245 Butterfield Road, which is directly across from Oliviabrook. The representative of Oliviabrook will address the homeowner's concern.

Chairman Caslin asked all those who will be speaking this evening to please stand up and be sworn in.

Frank Siciliano, president of the Oliviabrook Townhome Homeowners Association was sworn in by Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Frank Siciliano took the floor and stated, good evening, first, I would like to thank you for taking the time to listen to our concerns. My name is Frank Siciliano, I am the president of the Oliviabrook Townhome Homeowners Association. I have a few of my constituents present that live in Oliviabrook. I'm here to present an idea to solve our problem, that if you see out the window, you can see that the arborvitae's took a beating this last winter. The arborvitae hedge I understand is mandated by the City when Hartz developed the property as a barrier to the community. It looks beautiful when it is in good state of repair. When the board took over from Hartz approximately 2 years ago, we inherited the responsibility to take care of it. Unfortunately, this last winter was very severe; we experienced heavy wind and salt damage to the arborvitae's. Prior to the winter we took some preventative measures to protect and preserve them. We brought out landscaping contractors and an individual arborist from Sav A Tree to give us expert opinion on how to preserve them. One of the things they presented to us was to wrap it in burlap material; it's about 70% effective. The cost to do that was \$10,000 a year so it wasn't very cost effective for us. The other suggestion was to spray the hedge with an anti-desiccant to preserve the moisture in the plant so that the salt can't get through. We did that, it cost about \$1,200 hoping that would facilitate our needs, obviously it didn't. The winter was very long, cold, and windy and the salt destroyed the hedge. So in the spring when we saw all the damage we brought out our landscaping architect who went to the Arboretum and spoke to a professor. His response was that the hedge looks like it is in state of decay, it could die if we experience another heavy winter. His suggestion was to erect a permanent solid barrier to keep the wind and salt from penetrating. From there we asked what our options were. We had several meetings in the community, we received input from our constituents, and the only cost effective thing was a fence. We then looked into the local ordinance and I do realize the ordinance is for 4feet for residential. We accepted three bids from three different fence companies, we ended up with the cheapest and most reliable. The cost for the fence we want is \$20,000. For \$20,000 we get a permanent buffer to the roadway, low maintenance, and a 25 year warranty. The other thing we looked into was building a stone or brick wall. The cost for that for 460ft. was well over \$100,000. As a board member, my job is to work with the community and try to keep the cost down. If we do nothing, the hedge could die. The good news is that the other side is very healthy and probably could live if we take the steps to preserve it. If we do nothing, chances are we lose the hedge. To replace the entire hedge it's probably about \$123,000. Each plant is \$800-\$1,000. So we are here tonight to appeal to you to work with us and help us push this through. We did take a vote and 27 were in favor with the exception of 1, and 2 did not vote.

Chairman Caslin asked the members of the Commission for any questions.

Commissioner Schneider asked if the fence was going to be on the roadside.

Frank Siciliano answered, yes.

Commissioner Schneider added, okay, and in regards to Mrs. DeLuca's letter what I like is what she says about leaving the hedge, once the fence is active it will be a barrier for all the salt that is going in.

Frank Siciliano answered, yes, we are not taking them down, and we want to keep them in their current state.

Commissioner Schneider responded, okay, maybe I misread it, you are going to keep them up.

Frank Siciliano answered, yes, I read the letter and it does sound like maybe she missed information and thinks we are going to cut them down. We are not, we are trying to preserve them.

Commissioner Schneider responded, that's where I was confused. I support what you are doing and I am for your fence, but I was also for keeping the hedge up.

Commissioner Jackson asked, you had three that did not vote in favor, why did they abstain.

Frank Siciliano responded, we communicate electronically per their request, and two just didn't vote.

Commissioner Jackson added, and the negative vote, was it for any particular reason.

Frank Siciliano responded, yes sir, to paraphrase his statement, it's not his problem it is Oakbrook Terrace's problem and they should do something to fix it. I explained it's a State Road not an Oakbrook Terrace Road, and once we moved in we inherit that problem not Oakbrook Terrace, and it is our responsibility as a private property.

Commissioner Jackson then asked Building and Zoning Administrator Dragan if she was present for the original conversation of putting in the arborvitae's.

Building and Zoning Administrator Dragan answered, I do not recall the details, based the on available records the landscape buffer was a requirement.

Commissioner Jackson added, I am sad that we didn't solve the problem originally with something that would end up being more attractive, but I understand the position you are in and I can't object to trying to maintain the property values across the street.

Frank Siciliano answered, thank you for understanding.

Commissioner Cardenas added, I see you have been actively looking for the solution. My suggestion is, there is screen material that they use for construction, and perhaps with a metal post 2ft. high from the trees it may be the least expensive solution and I think that would take care of the problem.

Frank Siciliano responded, I appreciate that, the only problem with that is the plastic can rip during the winter and now were back to exposure. It would have to be at least 8feet tall to keep the wind and the salt off.

Commissioner Donoval commented, I visited the site today, I think I have the cheapest suggestion for you. Install a second row of the same type of trees, 4feet higher to cover the deterioration and later, when they grow they're going to cover up the whole deterioration, and that is the cheapest way to start.

Frank Siciliano then asked Commissioner Donoval, if we put more trees in, what would stop the secondary row from having the same impact.

Commissioner Donoval then asked, how long did these trees last.

Frank Siciliano answered; they were put in approximately in 2006.

Commissioner Donoval added, okay, so about 12 years. It is just a fraction of the cost. This would be the best and cheapest solution.

Frank Siciliano responded, I appreciate that, I just don't know if they will survive if we have another rough winter.

Commissioner Walberg added, I to have a concern of the esthetic look of it, like Commissioner Donoval I drove 2-3 times through the property and thought this is beautiful why would they want to cover it. Then I got to the part right across from City Hall and saw this. I just have a thing about the wall. Do we have any other options we can look at.

Frank Siciliano responded, for six months we have been exploring this issue. All the experts suggested this was the best.

Chairman Caslin took the floor and stated, number one you are asking us to change things around with fencing which we don't allow, first of all the 8 foot high fence, I'm not buying it. 6 feet would be the maximum as far as I'm concerned. I don't think those trees are damaged any more than 3 feet off the ground, maybe 4feet

Frank Siciliano commented, we have damage up to 10 feet we have measured it.

Chairman Caslin added, number two, the fence to me if it was beige it would be the ugliest thing in the world. If it was evergreen green, maybe I could live with that so it blends into the trees. If you lose 2-3 trees every 5-6 years I don't think that is cost prohibited.

Frank Siciliano responded, all 460 feet have been damaged.

Chairman Caslin asked, and you're thinking that was from the salt.

Frank Siciliano responded, well the number one concern is that it's too close to the roadway. The wind, vehicles traveling at a high rate of speed, the salt we all know turns into a white powdery substance and when cars go by it blows up in the air and the trees just suck it up. I do appreciate what you are saying, I wish it was just a couple of trees but it is all 123 of them. When I received an estimate from the landscaper, it would cost \$1,000 each to replace them.

Chairman Caslin added, you are asking us to set a precedent in a residential zone, my point is, it can come back to us if a person in a single family home wants a fence in their front yard. We have to be careful with those things. In real estate there are three words they tell you it's all about location, location, location. When they built that they knew that was there, that road hasn't changed and the builder shame on him he went the cheapest way. We have another place on Meyers Road called Berkshire; they have a beautiful 6foot brick wall esthetically perfect. It looks great. It's just really tough to look at a fence like that across the street.

Frank Siciliano asked, if there is anything the City can do for us. The developer is still there they still have one unit that has not sold, it is under contract. Is there anything the City can do to go after Hartz and ask them to remedy the situation.

Chairman Caslin responded, I don't think we can, we can ask them if they'd like to help you but we cannot force them too. We don't have the authority for that.

Frank Siciliano responded, respectfully then, what is our solution. Do we let them die, then the City will want us to put something up.

Chairman Caslin added, and the secondary question is, when they do die, if they die, and you pull them out, were going to be looking at a fence and no trees. What guarantees me that's not going to happen.

Frank Siciliano answered, I can't guarantee it, we are trying to keep them alive. I've been told if we protect them this year they could live.

Chairman Caslin added, I guess what I am asking you in your testimony, which is under oath, is if the trees do die are you going to replace them.

Frank Siciliano answered; we will landscape that side absolutely, as long as I am still a representative of the community. I think the people on that side wouldn't let me not do it.

Chairman Caslin asked, who maintains the property in front of those trees.

Frank Siciliano answered, we do, it's an easement but we are mandated to maintain it.

Chairman Caslin asked for any positive or negative testimony. Aside from Mrs. DeLuca's letter, which will be entered into the testimony as negative testimony.

No positive or negative testimony at this time.

Commissioner Schneider added, I did like the idea of a green fence but I don't think they offer green.

Commissioner Ventura added, I would like to comment that yes, we are always careful with what type of precedent we set with making decisions such as this one where a variance is needed. Well were talking about a residential street on a roadway, I consider this a hardship case. I also feel that the 8 foot height will assist out Oakbrook Terrace residents as a sound barrier as well, and esthetically I don't agree with the green fence it won't look right with their buildings and the backdrop will be green arborvitaes. For those reasons I am completely in favor for the doubleness of the benefit of the fence, it benefits their property value with a sound barrier. That's all.

Commissioner Jackson added, well spoken Ann.

Commissioner Cardenas added, I would like to hear the opinion of our attorney, if any single family residents start requesting that 6-8 feet height of fence, which nobody has.

Attorney Pacione added, the one difference is that, that is a Planned Unit Development and most residential single family homes are not Planned Unit Developments. So you are not necessarily granting a variance. It's called an exception to the regulations under the Planned Unit Development, so it's a little bit different than just a normal house. Are you setting precedent? It can be made either way, you are setting a precedent but it's a precedent in a Planned Unit Development. That would be the distinction, you are not just a regular single family R-1, R-2 it's just a special use for a Planned Unit Development.

Commissioner Cardenas added, on Route 83, I don't see any fences there. Perhaps that kind of trees that they have will take more punishment from the salt.

Attorney Pacione responded, that could be, but I do not know what the properties are zoned along Route 83, so I couldn't answer that question.

Commissioner Donoval commented, if I could give one suggestion. For the second row, in 2-3 years when they grow, you can cut the old trees and you will have nice beautiful trees and that would be the cheapest way.

Commissioner Ventura asked Commissioner Donoval, how will those trees stay alive with the salt.

Commissioner Donoval answered; these trees when they get old the bottom of the branches get dry. If they put a second row in 2-3 years when they grow, they can cut the back row and have one row. But it's up to them, that's what I would do.

Commissioner Schneider asked Attorney Pacione, they say they are keeping the trees up, is there anything that says that if the trees are dying they have to keep them up at all time.

Building and Zoning Administrator Dragan answered, yes, I think it's in the landscape plan.

Attorney Pacione added, yes, so they have to maintain those trees up.

Building and Zoning Administrator added, if the fence would be approved, a permit would be issued. If the fence is not maintained, property maintenance

code requires maintenance. However, if the property owner would chose to remove the fence, that is okay, it is not a Planned Unit Development requirement. It's just an exception to the Planned Unit Development.

Commissioner Walberg added, if I understand correctly, being as it is a Planned Unit Development it would not affect other residential areas.

Attorney Pacione answered, no, this is a special circumstance.

**MOTION** Commissioner Jackson moved and Commissioner Ventura seconded to approve Case #19-05 as detailed on the agenda received.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Schneider, Donoval, Cardenas, Walberg  
Nays: None  
Absent: None

**MOTION PASSED WITH A 7-0 VOTE.**

Building and Zoning Administrator Dragan added, the Letter of Recommendation will be placed on the agenda for September 25, 2018 City Council meeting at 7:00 pm. Also, at this time, there are no Public Hearings scheduled for September 18, 2018 and October 2, 2018. The next Public hearing will be September 27, 2018.

**MOTION** Commissioner Schneider moved and Commissioner Jackson seconded the motion to cancel the September 18<sup>th</sup> and October 2nd Planning and Zoning meeting.

**MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 7-0.**

**MOTION** Commissioner Jackson moved and Commissioner Schneider seconded the motion to adjourn the meeting.

**MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 7-0.**

Chairman Caslin adjourned the meeting at 6:40 P.M.

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Respectfully submitted by,

A handwritten signature in black ink, appearing to be 'Addy Lozano', with a long horizontal stroke extending to the right.

Addy Lozano  
Building and Zoning / Planning and Zoning Secretary