

PLAN COMMISSION/ZONING BOARD OF APPEALS
VILLAGE OF BURR RIDGE
MINUTES FOR REGULAR MEETING OF JUNE 17, 2019

I. ROLL CALL

The Regular Meeting of the Plan Commission/Zoning Board of Appeals was called to order at 7:00 p.m. at the Burr Ridge Village Hall, 7660 County Line Road, Burr Ridge, Illinois by Vice Chairman Stratis.

ROLL CALL was noted as follows:

PRESENT: 7 – Irwin, Praxmarer, Broline, Farrell, Hoch, Stratis, and Petrich

ABSENT: 1 – Trzupke

Village Administrator Doug Pollock was also present.

II. APPROVAL OF PRIOR MEETING MINUTES

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Petrich to approve the minutes of the May 6, 2019 Plan Commission meeting.

ROLL CALL VOTE was as follows:

AYES: 7 – Hoch, Petrich, Broline, Stratis, Farrell, Irwin, and Praxmarer

NAYS: 0 – None

MOTION CARRIED by a vote of 7-0.

III. PUBLIC HEARINGS

Vice Chairman Stratis conducted the swearing in of all those wishing to speak during the public hearing on the agenda for the meeting.

A. Z-04-2019: 10S110 Madison Street (Tri-State Fire Protection District); Special Use and Findings of Fact; continued from April 15, 2019 and May 20, 2019

Vice Chairman Stratis asked Mr. Pollock to review the public hearing request. Mr. Pollock said that the Tri State Fire District is requesting a special use as per the Burr Ridge Zoning Ordinance for the construction of a 100 foot telecommunications tower at their Madison Street Fire Station.

Mr. James Wargo introduced himself as the Attorney for the Tri-State Fire District. He stated that the Fire District is a unit of local government and as such they are before the Plan Commission in a spirit of cooperation between units of local government. He described the proposed tower and stated that a 100-foot tower is the minimum needed to meet the telecommunications needs of the Fire District. Mr. Wargo introduced Mr. Sam Molinaro, Chief of the Tri-State Fire District.

Chief Molinaro said that due to the consolidation of dispatch centers in Du Page County it is necessary to change the telecommunications method for the Fire District. He described the proposed tower and concluded that the Fire District would not be making this request if they found any credible evidence of health hazards to residents or fire fighters relative to the proposed telecommunications tower.

Mr. Wargo further explained the technology being used in the new Computer Aided Dispatch and Fire Station Alerting system. He said the tower will enable the Fire District to use these new technologies and improve response times for emergencies. Mr. Wargo introduced Mr. John Sullivan, an employee of A Beep who is a consultant for the Fire District.

Mr. Sullivan described his background and his expertise. He described how the towers are needed for day to day and emergency communications between each of the four stations in the Tri State District. He described how micro wave connections are point to point and are very direct beams that do not spread. Among other information provided by Mr. Sullivan, he stated that the Federal Communications Commission must approve the tower before it is erected.

Mr. Wargo next introduced Mr. Jay Panozzo with Mid America Towers. Mr. Panozzo described his background in building telecommunications towers. He said one of his tasks for Tri State has been to do a feasibility study to determine if there are other towers in the area that can be used. He said he found no other locations for these devices. He said that 100 feet is the minimum in order to clear the tree line in the area.

There being no further presentations from the petitioner, Vice Chairman Stratis asked for questions and comments from the public.

Ms. Barb Pearson, residing on Thurlow Street, said she believes that options exist and that the Fire District is not focused on the impacts to the residents but instead is only focused on the costs. She said that the visual impacts of this tower should not be in a residential district.

Mr. Bill Lane of CradlePoint, stated that he was asked to speak by Ms. Pearson to address alternatives to microwave tower communications. He said that his company provides wireless router technologies as a means of back up and for primary communications. He also said there are priority cell phone services such as First Net that provide communications for emergency responders.

In response, Mr. Sullivan said that First Net is not a good option and is also not fully employed. He said that the Fire District was also looking to be self-maintained and not reliant on a third party for communications.

Ms. Liz Oedzes, 10S125 Madison Street, stated she lives across the street from the Fire Station. She said she collected the signatures for the petition that was submitted. She said her concern is cancer and the residents in the area that have gotten cancer. She said the Fire District is not concerned about the residents. Chief Molinaro objected to Ms. Oedzes comments.

Christine Arquilla, 8632 Wedgewood Drive, stated that she is a realtor and that she believes the tower will negatively impact property values. She acknowledged the need for Fire District communications but suggested the tower did not belong in a residential area. Chief Molinaro responded that even if located on another property, he would still need a line of sight directly to a point 100 feet above the station property on Madison Street.

Ms. Regina Rafferty thanked the fire district for their services. She said she lives in Hinsdale but works in Burr Ridge. She said her employer is Mr. Collins who owns three properties adjacent to the fire station. She suggested there should be a third party evaluating this request other than those hired by the petitioner. She said there have not been enough current studies regarding the impacts on the health but further study should be done before another tower is approved.

Ms. Carissa Means, 10S180 Madison Street, said she has children who play right next to the Fire Station, and she is concerned about health impacts on her children.

Mr. Loretta Munez, 920 Prairie Ridge Court in Madison Club stated that more time is needed to review this issue and that the tower needs to be stopped.

Ms. Sara Bramowitz, 85th and Clynderven stated that cancer has affected her family and she wants to know what the hazard is from this proposed tower.

Ms. Deborah Borsum, 8698 Madison Street, said she wants to thank the Fire District for being good neighbors. She said she regrets having to oppose the tower. She said she is concerned about the aesthetics of the tower in the natural area that is Madison Club and other properties. She said that the resale value of properties will be negatively impacted.

In response to the public comments, Mr. Panozzo said the tower was low profile, will not contain cellular equipment, and will not have a light. He noted that there are no buildings other than the fire station within the fall zone.

Chief Molinaro further confirmed that the referenced 2004 report was in regards to cell phone towers and the Fire District is not proposing cellular antennas. He said that the Fire District will agree to prohibiting cellular antennas on this tower.

Mr. Sullivan referenced the more recent studies from the American Cancer Society and the FCC that indicates there are no negative health impacts from microwave antennas.

Vice Chair Stratis asked again if there were any further public comments.

Ms. Carissa Means stated that she has read the American Cancer Society referenced by the petitioner, and she said the study does not reach any conclusions but instead suggests more studies be done on microwave antenna health impacts.

There being no more questions or comments from the public, Vice Chairman Stratis asked for questions and comments from the Plan Commission.

Commissioner Hoch stated that she believes there is a clear negative impact from the tower on adjacent properties. In response to Commissioner Hoch, Mr. Panozzo stated his standard for separation of the tower from residential is the minimum of the height of the tower; that the microwave is narrow and goes directly from one tower to the other; and that the height has been limited for aesthetic purposes.

Commissioner Hoch said that she believes the studies regarding health impacts are inconclusive. She said the property value study was from 2010 in North Carolina, and she does not think that is recent enough and is too far from Burr Ridge to be relevant. She also asked about building the tower at another location, but Mr. Sullivan said they would still need an antenna on the fire station property that is 100 feet tall.

Commissioner Hoch indicated she would not be in favor of a painted white tower and the petitioner indicated it would be painted with a less obvious color. The petitioner clarified that aviation lighting will not be required for the tower.

In response to additional questions from Commissioner Hoch, Mr. Sullivan said that the fire districts must use the microwave antenna to take full advantage of the new technology. He further explained the systems being used.

Commissioner Irwin thanked the Fire District personnel for their service but explained that the Plan Commission must confirm compliance with the seven standards for granting a special use. He asked what independent study has been presented that indicates there is no negative health impacts. Chief Molinaro explained that he can only provide experts that are hired by the Fire District. He added that the only options for the Fire District are fiber optics or the microwave antenna and that the fiber optics cost too much and relied on third party vendors. Mr. Wargo confirmed that the only way the Fire District can take full advantage of the new technology is to use the microwave antenna.

Commissioner Irwin confirmed that there is a benefit from the antenna and the technology but that the Commission has to weigh that against the potential harm. He said that he has not seen any independent study showing there is no harm. In response, Mr. Wargo said that the FCC must approve the antenna and microwave equipment and that will confirm the safety of the technology.

Chief Molinaro stated that he believes such evidence has been presented and that the FCC frequently asked questions shows that this technology has less radio frequency than a cell phone. He also referenced the 2018 American Cancer Study.

Commissioner Irwin asked why other alternatives were rejected. Chief Molinaro said that fiber optics were not as reliable and that T-1 lines and Comcast relied on third parties and were not as reliable. He said that any technology that relies on off-site facilities increases expenses and reduces reliability.

Commissioner Petrich requested clarification on what the proposed tower details. Mr. Sullivan responded that the monopole tower height is 100 feet as depicted on the photo renderings, with no 21'-3" antenna extension as depicted on drawings. The approximate diameter would be 44 inches at the base and 34 inches at the top, to be determined during design. Also, the only attachments will be the 2 feet diameter and 3 feet diameter microwave dishes which provide point to point transmission to two other fire station towers. Mr. Sullivan added that there will be no other attachments including any cellular attachments.

Commissioner Petrich asked if there is an option to have multiple currently available cable, T1 and possibly satellite to provide a few redundant systems. The petitioner indicated that the cable has not been reliable, the maintenance of T1 system will eventually be phased out, and that satellite does not provide the required bandwidth for the MW technology.

As a follow-up to Commissioner Irwin's question of possibly using an existing tower and a separate dedicated underground line towards the fire station, Mr. Petrich asked further clarification of why that is not feasible. The petitioner indicated that it may technically be feasible but would require a separate backup generator and UPS at the existing tower location, and a separate underground line towards the fire station. The petitioner indicated that with the required equipment and easements, the cost of this option could be around \$10M, and this is not a practical option.

Commissioner Petrich asked what the approval status of the tower at the fire station at 236 Sunrise Avenue which is also in a residential area. The petitioner indicated that DuPage County has approved the tower at this location.

Commissioner Petrich asked Chief Molinaro how the firefighters feel about having this tower adjacent to the fire station. Chief Molinari indicated that he has not polled the firefighters, but he has not heard of any objections to the tower either.

Commissioner Broline asked if there was a timeline for getting the tower built. Chief Molinaro indicated there was not a hard deadline but that the new CAD system was becoming operable tomorrow and they want to get the towers as soon as possible.

Commissioner Broline stated that he does believe that towers and electrical poles do decrease property values.

Commissioner Praxmarer asked if a 100-foot tower would be sufficient for communications. Mr. Sullivan said that studies have been done to determine the minimum height necessary. She also asked about the frequency of towers falling. Mr. Panazzo said that older towers sometimes fail but newer towers are built better and are designed to collapse on itself rather than falling on adjacent properties.

In response to Commissioner Praxmarer, Mr. Sullivan said there are many other towers in DuPage County using microwave technology that are located in residential areas.

Commissioner Farrell referenced the IDNR report and provided some clarification on that report. In regards to the findings of fact for a special use, she said that insufficient information was received regarding the impacts on public health and impacts on property values. She believes more information is needed in these regards.

Vice Chair Stratis said that he believes the information regarding impacts on public health are inconclusive. He asked if a camouflaged tower would be an option. Mr. Panazzo said he does

not believe they look better and they are hard to maintain.

Vice Chair Stratis said he is convinced that the other alternatives are not practical. He said his biggest concern is that the tower fall zone includes the adjacent property. He suggested that this issue should be addressed. He also said that the 2010 property value does not seem to be sufficient.

In closing, Mr. Wargo stated that the Fire District was before the Plan Commission as an independent unit of local government. He said that if the Village denies the tower, the Fire District will not be able to provide this vital service to the residents of the district. Mr. Wargo added that under the case law, the village cannot use the zoning ordinance to thwart or frustrate the Fire District's statutory, mandated duty to provide fire protection and emergency services to the community. He also referenced the 1996 telecommunications act and reiterated that health impacts of telecommunications equipment is regulated by the FCC and not local governments.

Vice Chair Stratis responded that he understands and appreciates Mr. Wargo's disclaimer but that the Plan Commission is tasked with making a recommendation based on the findings of fact.

Mr. Pollock confirmed that the Plan Commission recommendation should be based on the findings of fact and that any consideration beyond the findings would be for consideration by the Board of Trustees.

At 9:55 pm, a **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Hoch to close the public hearing.

ROLL CALL VOTE was as follows:

AYES: 7 – Irwin, Hoch, Petrich, Praxmarer, Farrell, Broline, and Stratis

NAYS: 0 - None

MOTION CARRIED by a vote of 7-0.

During discussion, the Plan Commissioners noted that the petitioner provided additional information from the FCC, FDA and American Cancer Society with respect to health concerns. Several commissioners expressed disappointment that this information was not provided earlier for review. Mr. Wargo read excerpts from these reports which indicate that the health hazards associated with this tower should not be a concern to the firefighters or residents.

A **MOTION** was made by Commissioner Irwin and **SECONDED** by Commissioner Hoch to recommend that the Board of Trustees deny Z-04-2019, a special use request by the Tri State Fire District as per Section IV.V of the Burr Ridge Zoning Ordinance to permit a wireless service facility at the property known as 10S110 Madison Street.

ROLL CALL VOTE was as follows:

AYES: 4 – Irwin, Hoch, Broline, and Farrell

NAYS: 3 – Petrich, Praxmarer, and Stratis

MOTION CARRIED by a vote of 4-3.

IV. CORRESPONDENCE

There was no discussion regarding the Board Report.

V. OTHER PETITIONS

There were no other petitions on the agenda.

VI. PUBLIC COMMENT

There were no additional public comments.

Commissioner Hoch asked about conditions for approval of the tower if the Board wanted to approve. Mr. Pollock said the Commission could suggest such conditions at this time.

Commissioner Hoch said she would want the conditions recommended by staff. Vice Chair Stratis added that he would add conditions limiting the tower to the 2 microwave dishes required for the Fire District communications, prohibiting any additional cellular antennas, and that the antenna be placed so that the fall zone is completely within the subject property.

VII. FUTURE SCHEDULED MEETINGS

Mr. Pollock noted that if nothing was filed by June 19, that the July 15 meeting would be canceled.

VII. ADJOURNMENT

A **MOTION** was made by Commissioner Hoch and **SECONDED** by Commissioner Irwin to **ADJOURN** the meeting at 10:12 p.m. **ALL MEMBERS VOTING AYE**, the meeting was adjourned at 10:12 p.m.

Respectfully

Submitted:

Doug Pollock, Village Administrator