



Village of Fox River Grove

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING THURSDAY, JUNE 9, 2022

CALL TO ORDER & ROLL CALL

Chairperson Celske called the meeting to order at 7:06 p.m. Present at roll call were Chairperson Dan Celske and members Bloom, Buster, Cramer, Dimmick, and Riley. Also present was Assistant to the Administrator Bechler. Member Anderson was absent.

APPROVAL OF THE APRIL 26, 2022 MINUTES

A MOTION was made by Dimmick and seconded by Cramer to approve the April 26, 2022 minutes. Members Bloom, Buster, Celske, Cramer, Dimmick, and Riley were in favor. Motion carried.

ZONING CASE 2022-03, SPECIAL USE, OUTDOOR SEATING & SERVING – 412 NORTHWEST HIGHWAY

Chairperson Celske opened the public hearing for zoning case 2022-03 accepted a picture of the required posting. He explained that the Petitioner sent out the required notices to neighboring property owners, however failed to send them requesting certified return receipts. In order to proceed with the public hearing as scheduled, the Petitioner willingly agreed to provide the signed Release, Waiver and Hold Harmless agreement to the Village of Fox River Grove as an alternative to the return receipts required by law. Chairperson Celske stated that the Petitioner was seeking to amend his existing special use to allow for a second level of outdoor dining above the one for which he was granted a special use in 2021.

Celske administered the oath to the Petitioner and all expecting to participate in public comment. Mr. Patel acknowledged publicly that he did mail notices to every address on the list provided to him during the application process.

Petitioner Nikunj Patel was introduced to present his request to Commission members. Mr. Patel explained that it would be difficult to use the outdoor dining area in front of the building without increased staffing levels due to the condition in the current special use that this area be supervised at all times. These staffing levels are not yet feasible with the lower clientele numbers that some newer businesses experience.

Chairman Celske explained that the primary concerns the Commission would need to address would be noise and impact on neighbors.

Member Bloom inquired if the stairs would be constructed from outside the existing outdoor seating area at the rear of the property. Mr. Patel confirmed that was the plan.

Chairman Celske solicited comments and questions from the public.

Village President Marc McLaughlin

Trustees Jennifer Curtiss / Steve Knar / Andrew Migdal / Melissa Schladt / Sheri Sepeczi / Patrick Wall

Steven Hubbard, 411 Lucille Avenue – Mr. Hubbard inquired as to the process for building a structure. Chairman Celske explained that the role of the Commission is to discuss conceptual plans and zoning requests, not building permit matters. Mr. Hubbard expressed concerns with the plan, as he believed noise from the proposed second level deck would rise over the fence in the rear of the property and make its way into neighboring properties. He also raised concerns about safety for those going up and down the stairs, especially after consuming alcohol.

Barbara Hubbard, 411 Lucille Avenue – Mrs. Hubbard noted that she had already experienced issues with noise at the property, despite the business not yet using the outdoor seating area. Outdoor speakers were being used when nobody was outside. Mrs. Hubbard expected more of the same disregard for neighbors going forward, so was against the proposed deck.

Dwight Austin, 413 Lucille Avenue – Mr. Austin affirmed support for the concerns raised by Steven and Barbara Hubbard. He noted that if the special use request was approved, he hoped an earlier time limit of 8:00 or 9:00 PM for closing could be imposed.

Member Buster noted that Petitioner’s employees were not utilizing the designated smoking zone, and explained that he was not in favor of the proposed special use based on past actions.

Member Riley explained that he was not in favor of the proposal based on past behavior.

Member Cramer concurred with Buster and Riley.

Member Bloom expressed that he felt a second level deck was not a good idea, and that it would be taller than the building, potentially leading customers to think they could go on the roof.

Member Dimmick expressed that he felt putting bar customers at the level of neighbors’ yards is unfair, and that it would encroach upon neighbors’ ability to enjoy their property.

Chairman Celske explained that he felt the Petitioner had not demonstrated an ability to meet the standards for a special use. Specifically, he feels that the construction of a second level deck would be detrimental to the public welfare, and that it would be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted. While outdoor seating has always been part of the business uses in this location, the expansion would be injurious to neighbors. The existing topography has been a buffer for noise from the existing area.

Member Buster clarified that the Commission is not against outdoor dining.

Petitioner Patel inquired as to the difference between 1-story and 2-story outdoor dining. Chairman Celske explained that the impact from the proposal would be substantially different from existing conditions.

A MOTION was made by Celske and seconded by Dimmick recommending denial of the requested special use based on the petition not demonstrating its ability to meet standards 1 and 2 for a special use, as previously outlined by Celske in his previous statement. The findings of fact, as well as factual assertions as presented are adopted into this motion. A roll call vote was taken. Celske – yes, Bloom – yes, Buster – yes, Cramer – yes, Dimmick – yes, Riley – yes. Motion Passed.

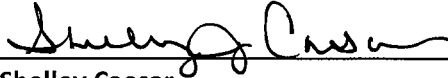
The public hearing for zoning case 2022-03 was closed at 7:43 p.m.

OTHER BUSINESS


None.

ADJOURNMENT

A motion was made by Riley and seconded by Buster to adjourn the meeting. All were in favor. The meeting adjourned at 7:44 p.m.



Shelley Caesar
Village Clerk
Village of Fox River Grove



Date