



Village of Bartlett
Planning and Zoning Commission
May 5, 2022

M. Werden, Chair called the meeting to order at 7:00 pm.

Roll Call

Present: B. Bucaro, S. Callahan, C. Deveaux, M. Hopkins, J. Kapadoukakis, G. Koziol, J. Miaso, M. Werden

Absent: M. Sarwas

Also Present: Kristy Stone, Village Planner and Devin Kamperschroer, Associate Planner

Approval of Minutes

A motion was made to approve the April 7, 2022 meeting minutes.

Motioned by: G. Koziol

Seconded by: C. Deveaux

Roll Call

Ayes: B. Bucaro, C. Deveaux, M. Hopkins, J. Kapadoukakis, G. Koziol, J. Miaso, M. Werden

Nays: None

Abstain: S. Callahan

The motion carried.



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(#22-04) 169 Crystals Ln
Variation – Swimming Pool in the Corner Side Yard
PUBLIC HEARING

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

The petitioner, **Richard Crofton**, 169 Crystals Lane came forward and was sworn in by **M. Werden**. **R. Crofton** stated, we are here to ask for a Variance from the Commission for a swimming pool. I have lived in this house for about 6 years. When we moved in there was a 15' pool and this year the pool rotted out and does not hold water. That pool is unrepairable and had to be removed. The pool is behind the house, but is in the side yard. There is also a raised deck that is attached to the pool. This is a very unique neighborhood. It is a very quiet and beautiful area. This is not a typical subdivision. We have a septic system. We do not have curbs, sidewalks or a sewer system. We are surrounded by unincorporated properties. Our house is along a heavily wooded parkway with an angled lot. We are looking to put our new pool in the existing area since the old pool is not repairable. We have a unique lot because Sayer Road angles and there are woods along the road. If I do not have a pool, I will have a large hole in by backyard and a raised deck. It would be very expensive to fill that if I do not have a pool. We have exhausted all of our options because directly behind our house, we have trees, a berm, and a huge oak tree and to the left of that tree we have our septic system. We have 2 large tanks and a drain line. The septic field goes out to the fence that surrounds our neighbors' lot. None of our neighbors have objected to this. There are only 6 houses on Crystals Lane and 3 of those houses have pools. **M. Werden** I was out to the site Monday and I could see how wooded it is there and that blocks the view, which probably is part of the reason why normally we would not have it in the side yard, right? **K. Stone** the original text of the zoning ordinance had the word "required" corner side yard where pools were prohibited. The word "required" was eliminated when the code was revised in 2012. When the original pool was built, it was built in accordance with the zoning ordinance at that time. Because of the change in 2012 and the removal of the word "required" it is no longer allowed in corner side yard area of the lot as shown on the diagram. **M. Werden** the lot has an unusual configuration the way it is on an angle. **J. Miaso** how big will the new pool be? **R. Crofton** it will be a 15' x 27' oval pool. **M. Werden** did you get any calls from the public about this? **D. Kamperschroer** no, we did not. **G. Koziol** I agree that the shape of this lot is very unusual and you cannot put the pool anywhere but in that corner because of the septic system and you do have a wooded lot, which makes the pool less visible. Part of the pool is tucked behind the house. I do not think this is asking for too much.

M. Werden opened the public hearing portion of the meeting. No one from the public came forward.

G. Koziol made a motion to pass along a **positive recommendation** to the Village Board to approve case **(#22-04) 169 Crystals Lane, a variance for a swimming pool in the corner side yard** subject to the conditions and findings of fact outlined in the staff report.



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Motioned by: G. Koziol
Seconded by: J. Miaso

M. Werden closed the public hearing portion of the meeting.

Roll Call

Ayes: B. Bucaro, S. Callahan, C. Deveaux, M. Hopkins, J. Kapadoukakis, G. Koziol, J. Miaso, M. Werden
Nays: None

The motion carried.



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Old Business/ New Business

Proposed Rules and Procedures Discussion

K. Stone I have been looking through many other town's rules and procedures. Most of them are very consistent with their wording. There were a few items that I wanted you to discuss so that we can draft the rules and procedures taking your input into account. The first item I would like to address is the vice chairman. Would you like the chairman to nominate who would hold the position and then that would be confirmed by the other commissioners or does someone on the commission want to make that nomination going forward? **B. Bucaro** I would say the chairman should nominate the vice chairperson. **M. Werden** I agree. **K. Stone** would you like that term to be declared annually or would you want it to follow the vice chairman's term? **M. Werden** it should go as long as the term. **K. Stone** would you like to set the official meeting end time to no later than 10:00 pm or another time? **M. Hopkins** in the event that the chairman and the vice chairman are not going to be present, but we have a quorum then would the chairman appoint someone? **K. Stone** if the chairman was not at the meeting, you would vote among the members that are present on who would be acting chairman for that meeting. **M. Hopkins** okay, that sounds good. **K. Stone** sometimes we do not know who is not going to be here until that last minute. Things come up. Is 10:00 pm a good end time or does anyone want a different time? **M. Werden** the meetings rarely go that late. It would have to be something very controversial. **J. Miaso** I think 10:00 pm is fine. **K. Stone** there is a section of the meeting that we do not typically have on our agendas that needs to be added going forward called "Public Comment". That would be similar to the townhall portion of the Village Board meeting. If someone wants to speak on an item not on the agenda, they should be given the opportunity. Some towns limit that public comment period to no longer than 30 minutes. **M. Werden** it could be a public comment with nothing to do with the case on the agenda? **K. Stone** correct. It is a public comment that would happen before you hear any of the cases. If someone has a zoning or planning issue that they want to bring up to the Commission that would be their opportunity. There are cases that you review that do not have public hearings and the public does not have an opportunity to speak on those during a public hearing. **B. Bucaro** like the Village Board, would there be a time limit for each comment? **K. Stone** yes, we can set an individual time limit of 3 minutes and do an overall time limit as well. Typically, town's have an overall limit of 30 minutes, some do not, but I wanted to give you that option. **M. Werden** we should have some type of limit especially if there are topics that have nothing to do with the meeting agenda. **K. Stone** are you all in agreement with that? **M. Werden** yes, a 3-minute and 30-minute rule. **K. Stone** how do you feel about allowing the commissioners to have electronic attendance in the event they cannot attend maybe due to a work obligation or sickness. The Village Board allows that and some towns allow that. Some towns do not allow that and some towns limit it to no more than 2 members attending electronically at a time. **M. Werden** would there be a limit on the number of times per year? **K. Stone** if you do allow it, the Commission can vote whether or not to allow that member to participate. **B. Bucaro** I do not like that. **J. Kapadoukakis** if it is being overly used, we could say no. **M. Hopkins** if we cannot have a quorum and that meant we had to continue a case and hold somebody back from getting to the Village Board I could see it in that situation when we are trying to serve the petitioner, but otherwise, I am for people being present. **J. Miaso** I like people being present also, but if they have a good excuse, they should be able to Zoom. **G. Koziol** the Village Board uses Zoom to allow a member to attend remotely and I do not see why we cannot allow that. What we need is in our packet and



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that is adequate in most cases. I am in favor of Zoom meetings, but I do not think we should allow too many of them. It should be 2 to 3 per year per individual. I would not want to see it being abused. **M. Werden** there may be a situation when somebody contracts COVID and could not come to the meeting. They could still participate. **K. Stone** we could limit it to personal illness, disability, employment purposes, or family emergencies. You can limit it to a certain number of times per year. These are your rules. **J. Miaso** I would not limit it. If you are on Zoom there is a reason you are on Zoom. **K. Stone** most towns have no more than 2 commissioners can use Zoom at a time and no matter what, you need to have a physical quorum present so we would need to have 5 Commission members here. **B. Bucaro** is that a statute? **K. Stone** we can discuss that with the Village Attorney. **M. Hopkins** you are saying that the quorum present in the room is what other municipalities are doing and not statute? **K. Stone** We will follow-up with the Village Attorney and if it is not statute, we can take that line out. **M. Hopkins** we do not want to have to continue a case for lack of quorum. **C. Deveaux** if 4 people cannot make it, 2 are not going to be attending by Zoom and 2 are, now we have 7. Are only the 5 commissioners present going to be able to vote? **K. Stone** no, everyone can vote. **G. Koziol** I think the limit of 2 is reasonable. **K. Stone** you would notify the secretary of an absence or remote attendance and staff will keep track of who calls in. **J. Kapadoukakis** I think there should be a separate rule for quarantine with COVID because that is totally uncontrollable. **M. Hopkins** can we adjust to allow that? **K. Stone** yes. **M. Werden** that is reasonable. **J. Kapadoukakis** is there any way to be excused from a meeting for a personal reason? **K. Stone** you can always not attend a meeting. We appreciate it if you let us know as soon as possible and if we know we do not have a quorum at that meeting, the members present can continue cases to a special meeting without having a quorum present so that we can confirm with the commission members what date works. We do not want the petitioner to have to wait an entire month and republish, which we did not have in our rules and procedures before, which is why this is very helpful. Chapter 13 will outline which cases need a simple majority of who is present, or 5 commission members to vote in favor of a motion. **B. Bucaro** is that a statute? **K. Stone** it was adopted as part of Chapter 13, Administration. **G. Koziol** would we have a separate vote for each item? **K. Stone** that would depend on the requests. You might vote in favor on one part of the case and against others parts. That way, the Board can see what all of the issues are. You do not want to lump everything together. **G. Koziol** how will we know what the correct majority is for a recommendation? **K. Stone** in the secretary's minutes, when she is calling the role, we will know how many votes each motion needs, so as soon as you say the motion and vote, the secretary will either say that the motion passed or the motion failed to pass. **M. Werden** the way the commission is now, do I vote or just vote to break a tie? **K. Stone** you will also vote. **K. Stone** do you have any other concerns or ideas for the rules and procedures? **M. Hopkins** will we get a draft of the rules and procedures? **K. Stone** yes, I will send you all a draft in the next packet. We will have our attorney review it first.

M. Werden is there anything on the agenda for next month? **K. Stone** we may have a side yard variation and depending on the timing of other projects, we might have something else. It depends on when those plans are resubmitted.



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M. Werden asked if there was a motion to adjourn.

Motioned by: J. Miaso
Seconded by: G. Koziol

Motion passed by unanimous voice vote.

The meeting was adjourned at 7:35 pm.