



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, AUGUST 21, 2019**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Chairman Reinhard Schneider  
Mike Boyer  
John Kolleng  
Christine Norrick  
Ryrie Pellaton  
Bob Surman

**Members Absent:** Maria Choca Urban

**Staff Present:** Lisa Roberts, Assistant Director of Community Development

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**I. Call to Order**

Chairman Schneider called the meeting to order at 7:30 p.m.

**II. 2019-Z-28                    2904 Old Glenview Road**

See the complete case minutes attached to this document.

**III. Public Comment**

There was no public comment.

**IV. Adjournment**

The meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Lisa Roberts  
Assistant Director of Community Development

### **3.0 TESTIMONY, COMMENTS, AND ARGUMENTS ON BEHALF OF THE APPLICANT**

#### **3.1 Persons appearing for the applicant**

3.11 Mr. Barry Ash, attorney,  
representing the applicant

3.12 Rabbi Moshe Teldon, Chabad of Wilmette

3.13 Mr. Peter Lemmon, Kimley-Horn

3.14 Rabbi Dovid Flinkenstein, Chabad of Wilmette

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for an expansion of a special use for a place of worship to permit the operation of a child day care center. The Village Board will hear this case on September 10, 2019.

3.22 Mr. Ash said that their request is for the applicant to operate a child day care center within the existing place of worship. They are required to be at tonight's meeting because the house of worship was approved by the board of trustees upon a recommendation by the zoning board. The approval date was December 13, 2011.

A child care facility is a permitted use within a house of worship, but it was not presented during the initial meeting. At that time, there was not a need for it. There are a lot of classrooms in the house of worship that are used by children attending Sunday school. The synagogue saw a need for a child care facility.

When the initial approval was granted, there were a number of variations that were approved and have to be approved again as does the special use.

There is a parking concern as well as a concern about pick up and drop off. Evidence was submitted to the village that Weinstein Funeral Home is permitting the parking of employee vehicles in their lot. Parents can also use that lot. It is a five-year license agreement.

The applicant engaged Kimley-Horn to do a traffic study and to discuss issues regarding parking concerns and possible pedestrian movements after they park their cars. They are at the hearing to answer questions. The two rabbis from the Chabad are also at the meeting. He submitted findings setting forth the approval standards for the special use. This is

part of the packet. He is at the hearing to answer questions from the board and others in attendance.

- 3.23 Chairman Schneider said he was not on the board in 2011. What was the intended use of the five classrooms?

Mr. Ash said the rooms were intended for Sunday school and the rabbis can better answer this. There is plenty of space in the building.

Rabbi Teldon said his wife is in charge of the Hebrew School on Sundays. A number of children from the community attend every Sunday from 9:30 a.m. to noon. There are evening classes for teen clubs and other programming during the week.

- 3.24 Chairman Schneider asked how many children came on Sunday.

Rabbi Teldon said about 75 children attend on Sunday. They range in age from 3 to 13.

- 3.25 Chairman Schneider asked the age of the children for the day care.

Rabbi Teldon said the age is 3 to 6.

- 3.26 Mr. Boyer asked if there was more to the presentation.

Mr. Ash said that he was finished with the presentation and could answer questions.

- 3.27 Mr. Boyer asked about the different session times. What are the drop off and pick up times?

Mr. Ash said that there is a morning and an afternoon session.

Rabbi Teldon said a full day would be from 8:30 a.m. to 3:00 p.m. There is an option for a noon pick up. A parent could choose a full day or a half day. There is an option for working parents to bring in for early care and stay later until 6:00 p.m. for after care. They don't know what the student body will look like until they sign up, but about 50% choose pre-care and after-care options. Half day and full day are also a 50/50 spread.

- 3.28 Mr. Boyer said he is trying to understand the parking licensing agreement with Weinstein, which is across the street. From the language, it says that there are two times when they will allow parking. He is seeing 4 to 5 time segments when people can drop off and pick up.

Rabbi Teldon said they have nine parking spaces in their lot. The only time they would need Weinstein parking during drop off and pick up. The early care is 1 to 2 people coming at a time. It is more staggered. The two rush times are drop off and pick up.

- 3.29 Mr. Boyer asked about the 3:00 p.m. to 6:00 p.m. part.

Rabbi Teldon said that later in the day not as many people pick up at the same time and only 50% of the students remain for after care. Their parking lot could accommodate those cars.

- 3.30 Mr. Surman noted that when Weinstein indicates they will share the lot. Will parents park in the lot and walk with their children across the street?

Rabbi Teldon said this was correct.

Mr. Lemmon said they did the parking and drop off/pick up analysis. There is a rolling part to the school day. But by 8:30 a.m. to 9:00 a.m., students are in the morning session. At noon, some children get picked up. Those parents should park in the on-site parking lot. There is one room for preschool classes and eventually there could be two rooms if the demand grows. The initial enrollment is 16 students and almost all parking can remain on site. His firm suggested that the three staff park across the street. When they go to a second room, the onsite lot may not be sufficient at noon. They have identified a stair stepped level of recommendation for one classroom. If they grow to two classrooms, there is a recommendation for a cross walk.

- 3.31 Mr. Surman asked if all children are brought into the building.

Mr. Lemmon said all children are brought in and parents sign in and out.

- 3.32 Chairman Schneider said that there is an adult class during the day or more than one adult class during that time. Was this included in the study?

Rabbi Teldon said that during preschool hours, the only other activity that might go on is that three times per year for six weeks at a time, they have a Wednesday morning class from 10:00 a.m. to 11:30 a.m. That is the only conflict with current programming.

- 3.33 Chairman Schneider asked about attendance for those classes.

Rabbi Teldon said that there would be 10 to 15 adults during that time.

- 3.34 Chairman Schneider said he presumes those adults would drive and park in the lot or on the street.

Rabbi Teldon said they would park in the onsite lot or at Weinstein.

- 3.35 Chairman Schneider noted that the adult class ends at 11:30. Would parents be on site at that time?

Rabbi Teldon said no parents are on site at that time.

- 3.36 Chairman Schneider asked if the onsite parking lot was empty at that time.

Rabbi Teldon said there should be no preschool activity on a Wednesday morning at the time of the class. The next activity for preschool is at noon when pick up happens.

- 3.37 Mr. Boyer asked about the observation day cited in the report as a day in February. What day was that?

Mr. Lemmon said they did observations. It was a weekday. He does not know if he has the specific date, but it would have been a Tuesday, Wednesday, or Thursday. They coordinate with village staff and the applicant. They do it on days when people are following their normal routines. He said they looked at current conditions. The volume of people dropping off and picking up was based on enrollment. They made some assumptions and looked at another school in Evanston for comparison. They did not apply assumptions for students who are siblings and coming in the same car. They assumed one student, one car. It is a conservative approach.

- 3.38 Mr. Pellaton said that the comparison school was in Evanston and miles away. Beth Hillel is a synagogue that is less than a mile away. Why weren't they used as a comparison school?

Rabbi Teldon said they have a contact at Chiaravalle in Evanston and they have a Montessori preschool. The chabad's preschool is also a Montessori school.

- 3.39 Mr. Boyer referenced page 6 of the traffic study. At the bottom it talks about peak parking demand and that it is expected to exceed the parking supply on site and zone A of the funeral home lot.

Mr. Lemmon said that is for the long-term program. They could also use street parking. The peak parking demand is at noon. If all cars were there at the same time, there would be five staff cars parked at Weinstein and

15 that are related to student pick up. If they used the regular spaces in the lot and not the handicap space, that would be eight spaces. They identified the funeral home lot as an option for the overflow parking.

- 3.40 Chairman Schneider asked how many spaces were in lot A.

Mr. Lemmon said he thought it was 16 spaces – 13 standard and three ADA accessible. Lot B has 72 spaces.

- 3.41 Ms. Norrick asked if there was a map showing parking at the funeral home.

Mr. Lemmon said the map was exhibit 1 in the parking study.

- 3.42 Chairman Schneider said that there was a recommendation that a crossing be designated directly from lot A to the driveway entrance to the school.

Mr. Lemmon said the crosswalk is not necessary with the one-room plan, but it would be needed with the two-room plan.

- 3.43 Chairman Schneider said he did not think it would be hard to ask the village to create a designated crosswalk with a sign saying stop when pedestrians are present.

Ms. Roberts said they could request this.

Mr. Lemmon said this is the recommendation if they had two classrooms. They looked at two different options, which are striping and signage or ADA accessible ramps.

- 3.44 Mr. Surman asked about the impact of the proposal on neighbors.

Mr. Lemmon said when they look at the rolling start time and mid-day pick up, there is less impact than they initially thought. People are not arriving for an afternoon drop off. A lot of preschools have this. There is no overlap issue here. People drop off at different times in the morning. They pick up mid-day and from 3:00 p.m. to 6:00 p.m. There is not a lot of traffic in the area at noon. After 3:00 p.m., they are not overlapping with normal commute times. There are not that many parents picking up at 6:00 p.m. From a traffic impact, they worked with staff. He said they did not believe there was considerable impact. They were sensitive to the parking situation. They wanted to ensure parking could be handled on site or at the funeral home. They don't want to direct people to park on Thelin Court. It is a dead-end street.

- 3.45 Mr. Surman asked what happens if there is a funeral.

Mr. Lemmon said they are talking about 7 cars. If there is a service that will use the whole lot and overlaps with pickup time with the preschool, he thought they could work out an arrangement on how to handle this. There is capacity to park on Old Glenview Road to the west if needed. It doesn't seem like the entire lot is in use for a funeral.

- 3.46 Mr. Pellaton asked for an explanation about numbers. He asked about the 7 spaces.

Mr. Lemmon said the parking demand is about 20. For certain events, they would park people on the street for pick up and drop off. There are about 11 spaces on the north side of Old Glenview Road west of Thelin. If there are 20, there are five staff and eight spaces on site that are not handicapped spaces. That is how he got to the several spaces that are left.

- 3.47 Mr. Pellaton said that there are parking options available. Getting in and out of the lot seems somewhat problematic since there is only one ingress and egress.

Mr. Lemmon said that there is a sign on a light post that explains overflow parking. They did not think the sign was that visible so during pick up and drop off periods in phase 2, they want a staff member monitoring the lot when it's full and direct people to park across the street.

- 3.48 Mr. Pellaton asked if that was acceptable to the applicant.

Rabbi Teldon said that it was acceptable.

- 3.49 Chairman Schneider asked how many funeral services there are each week.

Rabbi Teldon said that funerals start at 9:30 and most funerals are morning services so that by 3:00 p.m., most are finished. It doesn't happen very often when the entire lot is filled up. Maybe there is one time per month at the most that it fills up.

- 3.50 Chairman Schneider asked if lot A filled up first.

Rabbi Teldon said that lot fills up last because people enter from Skokie Boulevard. It is near the back-garage entrance.

- 3.51 Chairman Schneider referenced the proposed playground on the large

piece of land in front. What are they doing there?

Rabbi Teldon said it will not be a playground. Because of the limited space, it will be an enclosed space with a fence around it. There will be softballs and trikes for the children. No equipment will be built there. The State of Illinois requires the fence, which is 4' high and 50 % open. They are calling the area a play lot. DCFS asks for 75 square feet per child and the area can hold 9 children, which is the number of children in the class.

- 3.52 Ms. Norrick asked if the proposal was for a day care center or for a Montessori school.

Rabbi Teldon said it is a Montessori preschool and the legal term is day care. The early and after care is more what he would call day care. There is no religious teaching during those periods.

- 3.53 Mr. Pellaton asked if the application was granted and it seems like there will be adequate parking most of the time, his concern is more about traffic flow with people crossing the street, people trying to get in and out of the parking lot, and the crosswalk is right there, as are residents who are exiting Thelin Court. What happens if there are traffic problems? He lives across the alley from St. Augustine's where there is a Montessori school. He has to wait several times/days to get out of his garage because there is a line of cars for pick up. He understands that the applicant will not have a carpool line so that is not an issue. But there would be a fair amount of traffic in a small area.

Ms. Roberts said complaints would go to Engineering and they would look into it. If the applicant is not meeting what they said they would do, the village can act on this. If they are compliant but it is not working, then they might have to work with the applicant on another solution.

- 3.54 Mr. Pellaton referenced the sample letters that were included – pick and drop off acknowledgment agreement. He said they are 'nice' but he is not sure anyone will pay attention. His experience that signs, letters, and training are good until it rains or snows or something else happens. He sees a potential problem and he does not have a good solution.

Rabbi Teldon said that per DCFS, the parent must sign the child in and out. They cannot drop off children at the curb. These are little children. Part of the Montessori concept is that parents hand children off to the teacher and it is part of starting the day.

- 3.55 Mr. Pellaton said that the Montessori school he referenced above, someone is out there monitoring and directing traffic.

Rabbi Teldon said they will also do this.

- 3.56 Chairman Schneider asked how long the applicant has been on site. Have there been complaints from Thelin Court residents? Have they continued to tell staff and congregants not to park on Thelin?

Rabbi Teldon said they have been there for six years. He said he believes there have been complaints from Thelin Court residents. For every program, part of the automated registration confirmation includes a line about not parking on Thelin. He showed this confirmation and other communications for programs. Attendees are encouraged not to park on Thelin Court. He said that communication has been sent to staff and congregants since 2015. They are instructed not to park on Thelin Court and to park in the Weinstein lot. Overall, the plan is working.

- 3.57 Rabbi Flinkenstein said they have been in Wilmette for 27 years. They have had the agreement with Weinstein starting when they were in a storefront. When the previously came before the board, there was concern about parking. Over the years they have been in the new building, they have had many programs and larger programs. Every communication to people attending programs urges participants to be respectful of neighbors and to not park on Thelin Court. Participants are encouraged to park at Weinstein. It has worked out well over the years. Rarely has there been an event that is in conflict with a funeral and not for a larger funeral.

Although they are technically applying for day care, they are looking to open a Montessori preschool. Education is paramount and he explained that morals and values must be instilled in young children. Montessori is a good fit with their goals.

#### **After section 4.0**

- 3.58 Mr. Ash said that the house of worship was approved at a public hearing in 2011. Classes and services are provided to both adults and children. This preschool is not going to exacerbate the situation. It does not operate on Saturdays, Sundays, or the Jewish holidays. The applicant said they are working hard to tell parents to respect the neighborhood. Parents will need to park at Weinstein and walk to the building.
- 3.59 Mr. Lemmon said his scope was to focus on weekday parking during the times when parents would drop off and pick up students. There were comments about traffic. Counts were done as part of the analysis. When the scoped out the project with village staff, they took the approach of observations, how long queues were, and where people were crossing the street. During the times that coincide with morning drop off, mid-day and afternoon pickups, the maximum eastbound queue was two to

four vehicles. The queue does not spill back to the driveway.

There was discussion about hours and everyone coming at 7:30 a.m. during rush hour or at 6:00 p.m. when there is rush hour. The 7:30 a.m. to 9:00 a.m. time is a rolling start. 3:00 p.m. is the end of a full day session. 3:00 p.m. to 6:00 p.m. is the after-school day care portion. Not everyone is picking up at 6:00 p.m. They are picking up between 3:00 p.m. and 6:00 p.m.

The plan is not to have people pick up and drop off on Old Glenview Road. It is not to pull up to use Thelin Court. They devised phase one and two recommendations for how the plan should work and that is the only plan they support. The Chabad has agreed with the plans. Using onsite parking and overflow parking across the street is the plan and what they support.

- 3.60 Mr. Surman said Mr. Lemmon has appeared before the board many times for many schools, churches, and synagogues. What are his thoughts about this case as compared to others?

Mr. Lemmon said Loyola Academy and St. Francis Xavier are larger institutions. Tonight's case involves 16 students and half are morning session, which is about eight cars in and out and picking up at noon with eight students remaining. Some will be picked up at 3:00 p.m. and others between 3:00 p.m. and 6:00 p.m. It spreads out the load. There will be a nominal amount of traffic. He is not worried about these volumes. Issues are more about speeding or line-of-sight issues. Someone mentioned that people were parking too close to Old Glenview Road. Other schools have much larger enrollments.

- 3.61 Mr. Surman asked his sense of error in any calculations.

Mr. Lemmon said that they indicated 16 students with the initial enrollment. With half in the morning and half in the afternoon and some staying full day. With full day, they assumed half would be picked up at 3:00 p.m. and half between 3:00 p.m. and 6:00 p.m. If it were to vary, they are still dealing with low numbers. He had previously reviewed a much larger preschool but in tonight's case there is 1 to 2 classrooms, which is not a significant number. But the parking lot is not big. The parking lot can handle the first phase. They recommended the off-site option for phase two.

- 3.62 Mr. Boyer pointed out that phase two would double enrollment, as well as staff.

Mr. Lemmon said there is also a mid-day staff who helps with meals.

- 3.63 Mr. Surman talked about staff monitoring pick up and drop off with phase two.

Mr. Lemmon said someone should not pull in if the lot is full or waiting for a space to open up. They don't want to block any traffic on Old Glenview Road. That is not the plan and is not something they would support.

- 3.64 Mr. Ash said they have phase one and phase two and there is not risk of going beyond that because approval would be needed by DCFS. There are also certain additional requirements that would be needed for the outdoor area. The applicant does not believe they will go beyond the two stages presented.

- 3.65 Chairman Schneider clarified that they do not intend to increase the student population above 30.

Rabbi Teldon said DCFS has already come to the site and will return. They will not allow more than two classrooms.

- 3.66 Chairman Schneider said they had an interesting experience with Loyola Academy.

Regarding trees along Thelin Court, the rabbi put up the trees at the village's request. If they are blocking sight lines, they are happy to explore this.

- 3.67 Chairman Schneider said that one of the trustees at the earlier hearing asked what they were going to do to shield the view on that side.

- 3.68 Mr. Pellaton noted that drop off will begin at 8:25 a.m. If there is early drop off, there has to be some supervision – correct?

Rabbi Teldon said that person is not qualified to be a teacher. The staff from 7:00 a.m. to 8:30 a.m. will play with the kids. They are doing glorified babysitting. It is supervision rather than teaching. At 8:30 a.m., there is a different staff and program and arrangement. The early morning care is for parents of students, not for the whole community.

- 3.69 Mr. Kolleng said there is a document that insinuates before 8:25 a.m. there is no supervision, but after above discussion, there is supervision. Rabbi Teldon said they can change the language, so the intent is understood.

- 3.70 Mr. Ash said they are respectfully requesting that the board grant the approval of the petitioner's request. They reviewed the staff report with

conditions set forth. The petitioner is agreeable to those conditions.

- 3.71 Chairman Schneider asked if they were familiar with Site Plan Review Committee conditions.

Mr. Ash said they reviewed conditions and agree to them.

- 3.72 Chairman Schneider said if the request was approved, it would be subject to the conditions required by Site Plan Review.

#### **4.0 INTERESTED PARTIES**

##### **4.1 Persons speaking on the application**

4.11 Ms. Jen Marzouk  
2625 Marion Lane

4.12 Mr. Morton Friedman  
412 Wilshire Drive East

4.13 Mr. Joel Feldman  
2142 Sandy Lane

4.14 Mr. Richard Monahan  
142 Thelin Court

4.15 Ms. Sarah Fritz  
208 Thelin Court

4.16 Ms. Barbara Ahment  
138 Thelin Court

4.17 Mr. John Henrick  
205 Thelin Court

4.18 Mr. Ying Liang  
135 Thelin Court

##### **4.2 Summary of presentations**

- 4.21 Ms. Marzouk has lived in Wilmette her whole life. Her parents who live on Brookside Drive support her presentation.

The rabbi and his wife are teachers. All three of her children attend Hebrew School at the Chabad. The teachers are wonderful. There is no question in her mind that the proposed preschool will meet the highest

standards. She said that the plans should be allowed to move forward.

4.22 Mr. Friedman is a 50-year Wilmette resident. He is a member of the Chabad. He is not authorized to speak for either of the rabbis nor has he told them what he will say. He supports the proposal. This application is different from a commercial day care center. Education of all is the central part of the religious function.

4.23 Mr. Feldman and his wife have lived in Wilmette for 35 years. He is in the litigation department of Sidley Austin in Chicago. He was a partner until a few months ago when he took senior status as he eases into retirement. He is at the meeting as a private citizen. He and his wife belong to two synagogues – they have belonged to Beth Hillel for 35 years and the Chabad for about 15 years. He is at the meeting to vouch for the Chabad. They are active at the Chabad and attend classes and services. The Chabad rabbis and their families are outstanding examples of righteous living, ethical standards, and proper behavior. Their goal is to instill that in adults and children.

He supports the application. A preschool contributes to the health of any religious institution. It is critical to have young children involved in houses of worship. Parents often affiliate where their children attend preschool. The Chabad is important to the community.

Benefits of a preschool are benefits to the community at large. He quoted the National Education Association and said they wrote an article about the benefits of preschool to a community. He read the article at the meeting. He wants to remind the board that there is a benefit to the community at large from having preschool education.

Another benefit not covered in the articles and comes from personal experience. Preschool students often identify with their village and come back to serve. His daughter has done this. She is a special education teacher.

Chairman Schneider said that no one on the board is opposed to early childhood education.

4.24 Mr. Monahan said his house is on the east side of the street, two houses down from the synagogue. He said that the meeting is not for discussing the benefits of the school. The meeting is to discuss the variances and impact on the neighborhood. One of the standards is that the variance will not alter the essential character of the neighborhood and will be consistent with the goals and policies in the comprehensive plan. He doubts that the goals and policies include putting a 16,000 square foot synagogue in a residential neighborhood on a small lot and granting 18

variances that were required to build the building. Five years later, they are requesting two more variances. Is there a need for a preschool or are they trying to fill an underutilized building? Why wasn't this addressed five years ago? Why is it coming up now? The preschool is not suitable for the neighborhood. There is no ingress or egress for drop off. Parents are not going to walk long distances if they can use the drop off. The street is not built for drop off. Thelin Court is a dead-end street with 32 homes.

He is confused about the numbers related to the case. The fact is if the applicant cared about the character of the neighborhood and the residents, they would not have done what they did. How much more does the applicant want to degrade the neighborhood? He does not support the proposal.

Mr. Boyer asked if there were issues with congregants and/or parents parking on Thelin Court.

Mr. Monahan said he did have issues with congregants and/or parents parking on Thelin Court. He said that the Chabad has made an attempt to head off the problems. But you can't force people not to park on a public street.

Mr. Boyer asked about the congestion.

Mr. Monahan said that on Saturdays, with people visiting and people going to the Chabad, will park on Thelin Court. There is parking on only one side of the street. It is a narrow street. It's hard to get in and out. It is not the safest street. Children will use the Chabad sidewalk for skateboarding, and he has no problem with this. He has told them that they won't see cars coming down the street. It is not a good situation to have young children in an area that is not built for children coming and going at odd times of the day. No one knows if Weinstein will be in business in a year or two. They merged with another funeral home. They do 450 funerals per year. Not all use the entire parking lot. It is a nightmare when there is a full funeral.

There are reasons why there are zoning laws. He wants the board to keep in mind the intent and purpose of the zoning rules.

- 4.25 Ms. Fritz said she lives on the east side of the street in the middle of the block. She has lived there for 23 years. Twenty of those years she was a single parent and did early morning drop off and then did pick up. She knows what early morning drop off lines are like. There is always trouble with the lines for people in the lines or people trying to drive down the street. One of the things that was not talked about was that for

the study, they only picked one day. They did not indicate when the bus is there at the top of the street or difference on days when people had early sports or activities. This really impacts traffic on the street. When you come up Thelin Court and look at Old Glenview Road, every day there are at least seven cars parked on Old Glenview Road. This is a blind corner.

Chairman Schneider said when he was there, he saw cars parked on the north side, west of Thelin Court. Who parks there?

Ms. Fritz said cars are always parked there. It's not always residents who park there. Sometimes people who miss the strip mall parking lot park there. During the week, in the evening, when one is coming home, the traffic going left onto Old Glenview Road or the traffic going right on Old Glenview Road is going really fast to get through the traffic light. Between 3:00 p.m. and 6:30 p.m. is really busy. Very often there are near accidents. In the morning the same trouble happens. Traffic moves very fast on Thelin Court. Putting a crosswalk there would be confusing. Traffic is a huge issue. Parking is not as much of a problem during the week. But traffic and parking are tough when there are funerals. But for the most part, everyone has done a good job with parking as related to drop off and pick up. Some people double park when picking up. Most of her concern was that the traffic study was not significant enough and traffic needs further exploration. Thelin Court is used as a pass through to the rec center. They are on bikes, skateboards or are walking. The skateboard park is over there. Kids don't pay attention. She thinks that the proposal has a lot of potential issues related to traffic and parking in the area.

Mr. Pellaton said that the measurement they have from the corner of Skokie Boulevard to Thelin Court is 144.54'. Has her experience with traffic been substantially different than what was presented by the consultant?

Ms. Fritz said that her experience has been substantially different.

- 4.26 Ms. Ahment lives in the first house parallel to the rear of the synagogue. She is on the east side of the street. She has lived in her home for 46 years. Her neighbors at the hearing have lived in their homes from 37 to 49 years.

Back when the Chabad wanted to build in 2011, the issue came up with Weinstein parking lot. She made the comment then that if Weinstein ever went out of business, what is the Chabad's backup for parking? She talked about their merger with another funeral home. The funeral home has never presented a problem to Thelin Court residents. She said that

funerals are longer than they used to be.

The residents of Thelin Court object to several things. There is a traffic flow problem with the proposal. Parking is only allowed on one side of the street, the west side. She has spoken with village staff about points of interest that should be addressed.

She said that going west on Old Glenview Road, the lane narrows to a single lane. Going east, you can turn north or south onto Skokie Boulevard. There is an issue with parking. On Saturdays, the congregants are not parking in Weinstein's lot. There is a lot of parking in that lot on Saturday. No one can park in the Chabad lot on Saturday. But their congregants park on Thelin and make it hard for residents to come and go.

Chairman Schneider asked which lot was blocked off on Saturday.

She said that the Chabad blocks off their parking lot on Saturdays or on holidays. She then talked about proposed hours. People are not abiding by 7:30 a.m. hours. People might drop off before 7:15 a.m. At night, people on her block come home at 6:00 p.m.

When the Chabad says that they are going to have 30 children, will the village enforce this? How will it be managed? Taking the Chabad's word is not enough for neighbors. There is a big problem with parking on one side of the street. When she has company, it is impossible for her guests to park on Thelin Court.

She that there are numerous times for drop off and pick up. The board has to consider this.

Regarding the sidewalk behind the Chabad, one of the neighbors talked about children skateboarding. She said that children skateboard on her driveway. She spoke with Mr. Manis who suggested that a post be put up there to prevent children from skateboarding. The street is an incline street.

She referenced the play area and the 4' high fence. How wide will it be? There are ten parking spaces in the lot with only one designated handicap space. She questioned the number of spaces in 2011 and 2010. She saw two seniors dropped off at the Chabad who were in a wheelchair and the other had a walker. The person who dropped them off parked in the middle of the street and then they parked at Weinstein. She asked again how wide the play area is. She said they need 75 square feet per child. Children are there from 7:30 a.m. to 6:00 p.m. Her hope is that this case is denied.

The Chabad got a lot of variations in 2011 to build the building. She spoke to many neighbors and the consensus is that the variations were granted because the village did not want to look antisemitic. Their building extends past her home.

Chairman Schneider thanked the applicant who kept talking.

If she wanted to put an addition on her house to the lot line, she could not do so. Her house is blocked out because of the synagogue.

Chairman Schneider thanked her again and she reiterated that hopes that the board will not grant the variations.

- 4.27 Mr. Henrick has lived in his home for 49 years. It has been rewarding to live in his home that is on the west side of the street, 7<sup>th</sup> house from the corner. He admires the zeal of those involved with building the synagogue. The neighbors were blindsided by the size of the building compared to the size of the lot. There were 18 variances granted. There is an impact on Thelin Court. With all of the arbor vitae that the Chabad planted, they block the view of traffic coming from east to west. The drop off is in a single lane of traffic going west bound on Old Glenview Road. The site was overbuilt. And now they want to put more people and more drivers in the mix.

Will they have services and school at the same time? He didn't buy in a residential area to have what is there. It's too much. Exceptions were made and now they are back to square one and they want more. He is a taxpayer and wants legal and equal sharing and this is not happening.

When there is a funeral people park on his street. The area is overstuffed with traffic. The board cannot accept a day care with fences around it. He asked the board not to even consider letting them have their request. There is no room on the site for what they are proposing. It is not a good neighbor policy. He wishes the Chabad nothing but success and luck, but the neighbors didn't want the synagogue in the first place.

He said he has no vengeance but asked the board to not approve the requests. Enough is enough.

Mr. Boyer asked if he would agree that there is a parking issue on Thelin Court.

Mr. Henrick said that there is definitely a traffic issue on Old Glenview Road. The Chabad did a sewer hook up and the potholes have been there since 2011. He is not a biased person. He does believe enough is enough. Pictures don't do justice. Drive over to see it. The fence will cause less

visibility. Every other house of worship with day care has a parking provision. There is not one at the Chabad. Are they having day care or babysitting? He reiterated that he wished them every success. The village board did not give consideration to the request in 2011 and it's a skyscraper on the street.

Mr. Surman said that when he and neighbors talk about parking, is it parking on his street or on Old Glenview Road.

Mr. Henrick said it is both. One neighbor had No Parking signs between her driveway and the corner. The area is overbuilt. It is not the place for a school.

Mr. Boyer asked about problems backing out of his driveway.

Mr. Henrick said he has not, but he is down the hill. He was not for the first proposal. He is not militant; he's not going to march. It's common sense that the building is too big. Is the day care for religious purposes or an enterprise? The weekends will be filled with more day care. The Chabad has said a lot of things that have not come to fruition. He admires anyone who believes in a higher power, but the day care is not going to impact the children. People have lived on Thelin Court 50 years before these people built this business. The building is beautiful but does not fit.

Chairman Schneider thanked the neighbor.

- 4.28 Mr. Liang has lived there for 37 years. The traffic has been heavy for the last five years. On the east side, there is no parking. When there are a funeral people sometimes park on his side of the street. Some Wilmette Plaza workers park on his side too. A few times his driveway was blocked.

Mr. Boyer asked how many times the driveway was blocked.

Mr. Liang said a few times this year. He did not call the police because there was a funeral and he called his dentist to say he was late.

Chairman Schneider asked why the west side of the street was full of parked cars.

He said some parkers work at Wilmette Plaza and park on his side of the street and it's hard for him to get out.

Chairman Schneider said that one of the neighbors mentioned that when there is a large funeral people park on Thelin Court.

Mr. Liang said that was true.

Chairman Schneider asked Mr. Liang if the congregants who attend events on Saturdays or Sundays do they cause the most significant issue on the west side that impacts parking?

Mr. Liang said that some people park on the west side and walk to services on Saturdays. With the day care, traffic will be super busy. If there is an urgent reason to get to Skokie Boulevard, it's tough.

Mr. Pellaton said that several neighbors spoke on the original application. Mr. Liang did not speak. Why is he speaking now and not during the initial hearing in 2011?

Mr. Liang said he did not come to the 2011 hearing because he was at work. He hopes that the parking situation that is impacting Thelin Court changes. He said parents will double park on Thelin Court when they take their child into preschool. He hopes that the board takes the matter seriously for everyone's welfare.

Mr. Surman said it seems that it's more of an issue with the funeral home and parking on Thelin Court. Does the village allow certain areas to have no parking unless a permit is granted? Could they do that on Thelin Court?

Ms. Roberts said a neighborhood can put together a petition and request permit parking from the Transportation Commission.

Mr. Surman said the only violators would then be short term parkers if they dropped off their children. They wouldn't be there all day long or for hours.

Mr. Liang said there will be busy traffic all the time with drop off and pick up going on all day if there is a preschool.

- 4.29 Ms. Fritz returned to the podium. Traffic during rush hour on Skokie Boulevard and Old Glenview Road gets backed up. There are other options people take to miss the stoplight at Hibbard and Skokie Boulevard. Mostly trucks and people who know the back route do this.

Mr. Surman said this sounds like an issue the village can address. Perhaps signage would work.

- 4.30 Ms. Ahment returned to the podium. She has lived there for so many years. Weinstein was there before she was. She has never had a problem with them. They are cooperative. They are very nice neighbors.

- 4.31 Mr. Feldman returned to the podium. He said he is at the Chabad every Saturday morning. Those of us who drive on Saturday morning park at Weinstein and he apologized to the neighbors if anyone has parked where they should not. They are careful to respect their neighbors.
- 4.32 Ms. Marzouk returned to the podium. Someone said that parents will not run in during rain or snow. She has children in Hebrew school. She parks at Weinstein. Thelin Court is not a calm street. Maybe a stop sign could alleviate some of the problems. It would be a good idea to have permitted parking on that street.

## **5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

- 5.1 Mr. Boyer said he wants to hear what his colleagues say about this case. There are a lot of moving parts and conditions for the parking plan and for movement of parents and children. Initially when the board looked at this in 2011, there were a lot of variance requests. Everyone discussing it had parking concerns. It was concern that a sixty-parking space variance was a very aggressive ask. Now there is an additional and higher intensity use. In 2011, there were parking concerns and the use at that time. Now there is an additional use and additional strains, a higher intensity use. He is not totally sure that all standards of review are met. He has concerns about the following standards - ...the proposed use will not be detrimental to the public health, safety, or welfare; the proposed use will not be injurious to the use and enjoyment to others in the neighborhood and other properties. He has concerned with special use standards and parking with additional traffic issues.

One question is what happens if Weinstein closes?

- 5.2 Chairman Schneider said that one of the conditions of the Site Plan Review Committee states that if the use of the funeral home parking lot, as detailed in report, is no longer available, the day care use must cease.
- 5.3 Mr. Kolleng said he voted against the case in 2011. He thought that anything that needed that number of variances should not be approved. They built a great building and the basic tenet is having the preschool is fine. The problem is that they are in a tight place with small streets and lots of traffic and neighbors who feel as if they got the short end of the stick eight years ago. They are complaining about parking problems. But it sounds like it is not all synagogue related. This is similar to the Our Place variances. The neighbors had many of the same issues. In that case, the alleys were blocked by Pace buses. During that case, the board tried to come up with options like having a six-month trial to see if the plan worked. He said he agreed with Mr. Boyer that there are issues with

all of the standards of review being met and special use issues like ingress and egress. If having a monitor works, that's great. But the board has seen other school situations when the applicant has said they will do something, but the neighbors noted that it was not working. With Our Place, it never went anywhere. He thought it was a good idea and he thinks it would be good for this situation. On balance, he cannot support this because there are issues with the standards of review and special use standards. The Village Board needs to weigh in on this.

- 5.4 Mr. Surman said he is also on the fence. He respects Kimley-Horn's work. He was not on the board in 2011, but Messrs. Boyer and Kolleng were on the board at that time. He is concerned if Weinstein were to close and the site was redeveloped. He does feel more comfortable with Site Plan Review Committee conditions. He is not sure if the standards are met. He thinks that the idea is great and a great program. He wants to hear other comments. It is a difficult case.

He asked if the above-referenced six-month trial was ever done.

- 5.5 Chairman Schneider said he asked Ms. Roberts about this prior to tonight's meeting.

Ms. Roberts said she has not heard of any recent complaints on that case. Mr. Lemmon was involved with that. The board did approve the variances and special use.

- 5.6 Mr. Surman said that every time these issues come up, they relate to a busy street. For him, he looks at it as someone who bought a home near a busy street. How much traffic is attributed to the school or is because the neighbors are near a busy intersection?
- 5.7 Ms. Norrick said she is on the fence on this case. The lot is small and the building takes up most of the lot. There is not a lot of parking and they are adding more intensity. It was a similar problem with Our Place. The board is often being asked to allow too much on too small of a site.
- 5.8 Mr. Pellaton has conflicting thoughts on this case. His parents owned a Montessori school for 32 years, so he is steeped in that program. He lives next to a Montessori school. He appreciates what goes on at a Montessori school.

He was a little surprised when he looked at the original application and the number of variances granted for one project. While the zoning ordinance required 69 parking spaces, one of the variances granted was for 60 parking spaces. That is quite a bit short. The funeral home has 80 spaces. Even though the board has heard about the flow of cars at any

one time if the request is approved, it seems like that the increase intensity of use will expand that balloon even further. That concerns him.

He likes and agrees with the use and its value. He does not know if the site and the area can take additional traffic to the extent that it is envisioned. It might be just a little bit more traffic, but a little bit more traffic could be problematic.

He does not know that a variance should be granted with the idea that the village police will sort this out later on.

5.10 Chairman Schneider said he heard all comments as well as concerns expressed. Regarding traffic, he keeps thinking that the use they are adding does not overlap with other functions. It should in theory not impose greater intensity. About 15 out of the 17 variances in 2011 were due to the fact that 50% of the lot is zoned R1. And the other 50% is zoned neighborhood retail. Anything they did of an institutional nature creates a lot of variances. At the time, he is not sure how he would have voted. But now that exists, the uses do not overlap. The traffic consultant gave his presentation. There is an agreement with the funeral home and if the funeral home is gone or another use succeeds that land, they are committed to eliminating the preschool. The pedestrian crossing from the funeral home, as indicated by the consultant, is critical. There must be clear signage and cars must stop when pedestrians are present. He has heard the neighbors' comments. The proposed new use should not impose an additional burden on the neighborhood, and he is inclined to support this.

5.11 Mr. Surman explained that the board's role is to interpret this and compare it to the code. The Village Board makes the final decision.

## 6.0 DECISION

6.1 Mr. Boyer moved to recommend granting a request for an expansion of a special use for a place of worship to permit the operation of a child day care center at 2904 Old Glenview Road in accordance with the plans submitted and conditioned upon the Site Plan Review Committee comments of the staff report. The use shall run with the use.

6.12 Mr. Kolleng seconded the motion and the vote was as follows:

Chairman Reinhard Schneider	Yes
Mike Boyer	No
John Kolleng	No
Christine Norrick	No

Ryrie Pellaton	No
Bob Surman	Yes
Maria Choca Urban	Not Present

Motion failed.

6.2 Ms. Norrick moved to authorize the chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2019-Z-28.

6.21 Mr. Surman seconded the motion. The voice vote was all ayes and no nays.

Motion carried.

## **7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

A majority of the Zoning Board of Appeals finds that the request does not meet the special use standards of Section 5.3.E of the Zoning Ordinance. Specifically, the establishment of the proposed day care use may be detrimental to or endanger the public health, safety and welfare. The proposed day care use may be injurious to the use or enjoyment of other property in the neighborhood. It is unclear whether adequate measures can be taken to provide ingress and egress and otherwise serve the day care use in a manner that minimizes traffic congestion in the public streets. There was testimony that parking in the neighborhood, particularly on Thelin Court, is difficult. In addition, the volume and speed of traffic on Old Glenview Road makes turning out of Thelin Court difficult. While not necessarily caused solely by the existing place of worship, these conditions are likely to be exacerbated by the addition of the day care use.

A minority of the Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E of the Zoning Ordinance. The proposed use in the specific location will be consistent with the Comprehensive Plan to promote educational and similar opportunities for village residents. The establishment, maintenance or operation of the proposed day care use is limited enough that it will not be detrimental to or endanger the public health, safety and welfare nor will the use as proposed be injurious to the use or enjoyment of other property in the neighborhood. With the recommended parking conditions and the agreement with Weinstein Funeral Home, the establishment of the day care use will not impede the normal and orderly development or improvement of surrounding properties nor will it substantially diminish property values. Adequate utilities, road access, drainage, and other necessary facilities already exist for the property. With the recommended parking conditions and the agreement with Weinstein Funeral Home, adequate measures will be taken to provide ingress and egress for the proposed day care

use. The proposed day care use will be consistent with the community character. The addition of the day care use will not substantially adversely affect a known archaeological, historical or cultural resource located on or off the proposed site. The applicant has made adequate legal provision to guarantee the provision and development of any buffers, landscaping, public open space and other improvements associated with the proposed day care use. The proposed day care use will meet all additional use standards specified in Article 12.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends denying a request for an expansion of a special use for a place of worship to permit the operation of a child day care center at 2904 Old Glenview Road in accordance with the plans submitted and conditioned upon Site Plan Review Committee comments of the staff report. The use shall run with the use.