

**MINUTES OF THE BEECHER PLANNING AND ZONING COMMISSION
(THE PZC)**

Wednesday, September 29, 2021 at 7:00 p.m.

Beecher Village Hall

625 Dixie Highway

Beecher, IL

At 7:00 p.m., Chairman Phil Serviss called the meeting to order.

All present joined in the pledge to the flag.

ROLL CALL. Members present: Commissioners Bouchard, Hearn, Schuitema, Serviss, Tatgenhorst and Weissbohn.

Member absent: Commissioner Heim.

Staff present: Administrator Bob Barber and Attorney Tim Kuiper.

Guests: President Marcy Meyer, Trustees Joe Tieri, Joe Gianotti, Todd Kraus and Roger Stacey; Wilhelm (Bill) and Phil Salmen, Nelson Collins, Architect Mike Stanula; Marge Cook, Mike Waterman, Chief Joe Falaschetti and Eric Davidson from the Beecher Fire Protection District; Keith Rooney and Bill Raglin from Safebuilt.

CONSIDER APPROVAL OF THE MINUTES OF THE JULY 28, 2021 MEETING.

Commissioner Schuitema made a motion to approve the minutes of the July 28, 2021 PZC meeting as written. Commissioner Tatgenhorst seconded the motion.

AYES: Commissioners Bouchard, Hearn, Schuitema, Serviss, Tatgenhorst and Weissbohn.

NAYS: None.

Motion carried.

ADMINISTRATIVE HEARING: CONSIDER A REQUEST FOR AN APPEAL TO THE BEECHER BUILDING CODE PERTAINING TO THE REQUIREMENT FOR SPRINKLERS AT 610 GOULD STREET: WILHELM SALMEN. Mr. Salmen purchased the old Teapots building at 610 Gould Street and designed a breezeway connecting this building to Sit-N-Bull at 614 Gould Street so a dining area could be created away from the sports bar atmosphere. In 2018, Mike Stanula designed the remodeling of this building and a meeting was held to review his prints in early 2019. In attendance at that meeting was former President Greg Szymanski, Robert Barber and Thomas Pahnke from Safebuilt. We cannot recall if Fire Chief Joe Falaschetti was at that meeting. At that time no one mentioned that the design did not meet code but Mr. Stanula was advised to apply for a building permit when Mr. Salmen was ready to start. In a previous conversation with Mr. Salmen he was advised that no fees would be charged for the permit since the Village Board was waiving all fees in the historic downtown.

In early 2021 the new Fire Inspector, Eric Davidson, stopped by 610 Gould Street and observed construction occurring inside the building. He called the Village to inform of the activity and the Village advised Mr. Salmen he needed to obtain a building permit. He claimed he was under the impression he did not need a permit because there was no fee to pay. He was advised that a permit is still required for a plan review and to trigger the inspection process. The blueprints were submitted and Safebuilt (the Village's inspection and plan review service) and the Fire

District began the review process.

In May of 2021 the Fire District determined that the building needed sprinklers due to the buildings being attached, the type of use, and the square footage involved. A meeting occurred on the property with the Village, the architect, the owner, and the Fire District, in hopes of clarifying the issue. However, there was major disagreement between the Fire District and the architect over the definition of a two hour fire rating in lieu of sprinklers. Safebuilt demanded more information from the architect after its first review and there were many exchanges of information back and forth between the architect, Safebuilt and the Fire District over a period of about four months. After the second plan review, the Fire District recommended sprinklers and Gerald Keys, the Master Code official who conducted the plan review for Safebuilt, determined that the blueprints as presented did not meet the minimum two hour fire rating. This determination is slightly different since it left the door open for the architect to submit additional design work that would meet the two hour rating in lieu of sprinklers. However, the Village received an appeal of these rulings in a letter received September 14, 2021. A copy of the letter was provided in the packet for review.

The Village Code states that the Beecher Planning and Zoning Commission shall have the final say on any appeal to the Beecher building code. Therefore, this meeting was considered an administrative hearing and not a public hearing. Administrator Barber explained the process.

Attorney Tim Kuiper explained that the Village updated building codes a few years ago, and the role of the PZC in tonight's hearing. The PZC cannot waive any requirements of the building code.

Petitioner, Wilhelm (Bill) Salmen, and his architect, Mike Stanula, were present and explained their proposed project. Bill Salmen owns 610 Gould Street, and his son, Phil Salmen, owns Sit-N-Bull at 614 Gould Street. He wants to move forward with the project and has tried to address issues that were brought up to the architect. A fire sprinkler system is very expensive. The building is all brick, has 12' ceilings, and he wants the area in the new section for the restaurant patrons.

Mike Stanula, architect, stated that the Salmen family has invested heavily in the old downtown area with the buildings they have purchased. They have improved the structure's floor which made it a much safer structure. Part of the code refers to doing more than 50% rehab of an old building, then new codes would have to be followed. The current IBC code allows for alternatives to certain things. It would even be difficult to get water to that part of town for a sprinkler. He feels the building could be fire safe without installation of sprinklers. Fire safe plywood, ceilings with 2-hour construction, and many other alternatives have been considered. It boils down to cost. Old buildings are money pits. Mike Stanula is working for Mr. Salmen to try and get alternatives to work.

Keith Rooney, from Safebuilt, apologized for Gerald Keys not being able to attend. He provided to Tim Kuiper a mandate from the State Fire Marshal which requires to adhere to the National Fire Prevention Code. NFPA101 life safety code. He's not sure if the PZC can waive the State's sprinkler requirement since over 50% of the building is being renovated. According to Mr. Rooney's interpretation, the building that is being renovated would need a sprinkler system, and

he made that recommendation. Mr. Rooney stated that Safebuilt is there to enforce codes.

Administrator Barber asked if the building was over 50% renovated. Mr. Rooney said yes, based on photos provided by the Fire Department. Mr. Salmen has changed out ceilings and walls which exposed structural framing, and that constitutes remodel. Once exposed it must be brought up to current code. Commissioner Serviss asked for a document that states that information. Mr. Rooney will send the information to Administrator Barber.

Eric Davidson, Fire Inspector for the District, stated he observed the removal of an interior stair that went up, which was about 15% of the entire space. Those drawings were done two years ago. There was a lot of work done after those first drawings were done.

The entire floor was replaced. The Village was not aware the floor was being replaced. Flooring was not done under any building permit. It was rotting and falling apart. Mr. Salmen took out cobblestone floor in the basement and poured concrete. That work was already completed when permit was applied for. Bill Salmen provided photos of work he has done for PZC review.

Chief Joe Falaschetti stated that one of his main goals is to give the best protection to residents and visitors. He fully supports the Salmen family for their revitalization efforts. He provided an example of the recent St. Paul's Church fire. An Intergovernmental Agreement (IGA) was adopted in 2019 for fire inspections for businesses within the fire district. If one building catches fire on Gould Street, the entire block could burn at the same time. There are programs with the federal government that could help fund the cost of sprinkler system. It's all about life safety.

Commissioner Serviss questioned that if apartment upstairs was not touched, how can 50% be determined. He also asked about water pressure on Gould Street. Administrator Barber said water pressure is good in that location.

Eric Davidson stated that NFPA101 and IPBC code triggered requirements. Proposed occupancy load changed from B to A2. He referred to extensive modifications in code, and how this applies to the Salmen project. Basement floor was also lowered which pushed it over the 50% of remodel. Building has a mixed use with residential in upper level apartment. Once the two buildings are joined, the restaurant next door needs to be monitored by a fire alarm system and sprinkler system.

Commissioner Schuitema asked what alternatives there were and if Mr. Salmen could install 5/8" drywall in the entire building. A2 building requires sprinkler system. Occupancy load for Teapots was only 47 people. Once 610 Gould was increased to 94, that triggered the change in the occupancy – that's just referring to 610 Gould. When buildings are joined it's considered one building. Two things are occurring: change in class B to A2, and having renovations over 50% requires the need for a sprinkler system.

Parapet walls were discussed. If they want to achieve two hour rating, they would have to block in all the windows on that side of the building and raise the parapet.

Sprinkler systems are required in A2 buildings. Commissioner Weissbohn questioned the appeal process if it sounds like code is dictating the sprinkler system requirement.

Once building is combined, then it becomes one structure. It was asked then why doesn't the

percentage of renovations apply to the entire building as well. Joining 610 Gould to 614 Gould is only to have larger bathrooms and more seating for the elderly and families.

Wall is made up of 13" brick. Bill Salmen said he really hasn't been given alternatives, other than a fire sprinkler system. Drywall won't solve the sprinkler issue.

Attorney Kuiper stated that the change in use and occupancy requires a sprinkler without an available alternative.

Bill Salmen mentioned he would be willing to lower occupancy, but once buildings are joined the occupancy of both buildings are considered.

Attorney Kuiper stated that the Fire District and Safebuilt both agree that over 50% of the building has been renovated.

Administrator Barber asked Mr. Rooney if Mr. Salmen limits occupancy if that's sufficient. Sit-N-Bull is currently A2 use group. If buildings are connected, 610 Gould would be A2 because 94 occupants were listed on plans. If he drops 610 Gould under 50, and buildings are joined, the two buildings together would be A2.

Mike Stanula said to limit occupancy of two buildings to 90. Two hour fusible link would be installed between two buildings. Can't control quantity of people in each building.

Administrator Barber asked how fire door is controlled. If there's a fire, door closes to separate two buildings.

Mr. Rooney stated that Mr. Salmen would have to separate by two hour fire barrier to consider as two buildings. It is not as simple as installing a fire door. Property owner would have to construct wall between two buildings and put two hour door in that wall.

Eric Davidson, Fire Inspector, stated that brick walls do have fire ratings, but an additional wall would need to be built between the two walls for that two hour rating. Pictures were provided in packet for review to show the space between the two buildings. Connection between two buildings is 9' tall.

Administrator Barber asked Mr. Davidson, if property owner built two hour fire wall, and put fire alarm in, if that would satisfy code. Per Mr. Davidson, it would not satisfy code, since it is A2 fire rating. Mr. Salmen would have to reduce occupancy levels to B in both buildings. Once you join buildings, you get one occupancy rating, not two.

According to Mr. Davidson, A2 occupancy load will require sprinkler system. He suggested keeping 610 Gould occupancy under 50 and not join the two buildings, leaving 1-1/2' between buildings. Doors would have to open into the inside. Property owners still would need fire alarm for hood and duct system at 614 Gould and fire alarm at 610 Gould. Entire building would have to be alarmed, including upstairs apartments. No connection between buildings would work.

Commissioner Serviss asked Fire District to meet with Mr. Salmen to discuss and possibly help with grants available for fire sprinkler systems, and discuss any other programs that are available. Chief Falaschetti can have a contractor talk to Mr. Salmen regarding pricing for work to install fire wall, etc.

Commissioner Bouchard asked who else on Gould Street has sprinkler systems. No businesses on Gould Street currently have sprinkler systems. In the past, Somewhere in Time caught fire, which stayed contained just to that address. Commissioner Bouchard asked if code was in effect when Salmen purchased the building.

Attorney Kuiper said that the State of Illinois says once renovations are made it triggers current code requirements.

Commissioner Schuitema questioned if Mr. Salmen lowers occupancy under 50, and buildings are not joined, would Mr. Davidson determine from Code if sprinklers would still be required. It still goes back to more than 50% of building already being renovated.

Mr. Salmen does not feel he has renovated 50% or more of the building. Attorney Kuiper stated that it still does not take away the sprinkler requirements based on plans submitted.

Administrator Barber asked Bill Raglin from Safebuilt if he felt over 50% of the building was renovated. Mr. Raglin only saw the first floor and wasn't there for the purpose of assessing renovation percentage.

Attorney Kuiper again stated that this is all based on occupancy stated on prints provided, and that A2 has an absolute requirement for sprinkler system. Appeal was regarding plans as submitted. Plans could be re-done, occupancy reduced, not connected, etc.

Bill Salmen is willing to reduce occupancy. New plans would trigger a new plan review that reflects that.

Kevin Bouchard asked if the Village Hall had a sprinkler system. It does not, as the building was renovated prior to Code being adopted.

Attorney Tim Kuiper provided wording for motion based on findings of this administrative hearing. Commissioner Hearn made a motion to deny appeal as sprinklers are required for a change of use from B to A2 because of the stated occupancy on the plans being over 50 persons. Commissioner Schuitema seconded the motion.

AYES: Commissioners Bouchard, Hearn, Schuitema, Serviss, Tatgenhorst and Weissbohn.

NAYS: None.

Motion carried.

There was a brief break while a portion of the audience left the meeting.

CONSIDER THE APPOINTMENT OF A CHAIRMAN AND VICE-CHAIRMAN OF THE COMMISSION FOR THE COMING YEAR. Commissioner Bouchard made a motion to keep the Chairman (Phil Serviss) and Vice-Chairman (George Schuitema) of the Commission the same for the coming year. Commissioner Weissbohn seconded the motion.

AYES: Commissioners Bouchard, Hearn, Schuitema, Serviss, Tatgenhorst and Weissbohn.

NAYS: None.
Motion carried.

UPDATES ON PROJECTS IN TOWN. Administrator Barber stated that Art VanBaren and Warren Opperman are not ready to present a preliminary plan. Traffic study on Church Road and soil borings will be conducted.

Administrator Barber stated that Will County has finally started review of solar projects on Indiana Avenue near Cottage Grove Avenue.

There was nothing new to report on the South Suburban Airport.

Administrator Barber reported: the bowling alley has not yet opened; Buddys is doing well under new ownership, and Pa-Chan-Ga seems to be doing well.

Commissioner Bouchard asked what would happen if PZC agreed with Salmen appeal. Attorney Kuiper stated that he would have advised against it. State Fire Marshal would have final decision.

Administrator Barber stated that the Route 1 road renovation is pretty much completed.

ADJOURNMENT. Commissioner Schuitema made a motion to adjourn the meeting.
Commissioner Hearn seconded the motion.


AYES: Commissioners Bouchard, Hearn, Schuitema, Serviss, Tatgenhorst and Weissbohn.

NAYS: None.

Motion carried.

Meeting adjourned at 8:29 p.m.

Respectfully submitted,


Patty Meyer
Secretary