

**PLAN COMMISSION
MEETING MINUTES
MARCH 12, 2009
7:30 P.M.**

I. Call To Order and Roll Call

The meeting was called to order at 7:50 PM.

Attending: Susy Rein, Chairperson
Phil LaGro
Mike Salvi
Jim Kaiser
Larry Goebel

Absent: John Kosik
Tony Mancini

Also

Attending: Donna Lobaito, Assistant Village Administrator
Chris Miller, Village Planner

II. Approval of Minutes of the November 13, 2009 Meeting

Motion by LaGro, second by Salvi to approve the minutes of the November 13, 2008 Plan Commission meeting. Mr. Kaiser noted a typo – the second bullet point under the public hearing on political signs should be struck from the minutes.

Motion by LaGro, second by Salvi to approve the November 13, 2008 amended minutes. On a voice vote the motion carried unanimously.

III. Public Hearing

- A. A Public Hearing For The Consideration Of An Amendment To Title 9, Sections 9-2-2 and 9-8B-4, Special Use Permit For Tree Trimming Services – AB Zoning District

Ms. Lobaito read the staff memorandum to the Plan Commission.

Transcripts of this portion of the meeting were prepared by Rosemarie LaMantia of LaMantia Reporting Service and are attached as Exhibit "A".

- B. A Public Hearing For The Consideration Of A Special Use Permit To Allow For A Landscape Contracting Business, Retail Nursery Without Greenhouse

Buildings And Tree Trimming Services, 110 Midlothian Road – Sunrise Tree Care

Ms. Lobaito highlighted the staff memorandum for the Plan Commission.

Transcripts of this portion of the meeting were prepared by Rosemarie LaMantia of LaMantia Reporting Service and are attached as Exhibit “B”.

- C. A Public Hearing For The Consideration Of An Amendment To Title 9, Chapter 3 Of The Zoning Ordinance – General Zoning Provisions – Restrictions On Uses And Buildings On Zoning Lots

Ms. Lobaito read the staff memorandum to the Plan Commission.

Transcripts of this portion of the meeting were prepared by Rosemarie LaMantia of LaMantia Reporting Service and are attached as Exhibit “C”.

IV. Old Business

- A. None this month

V. New Business

- A. None this month

VI. Discussion Item

- A. None this month

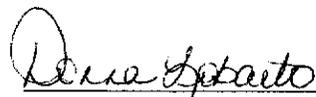
VII. Adjournment

Motion by Kaiser, second by LaGro to adjourn the meeting.

On a voice vote the motion carried unanimously. There being no further business before the Commission the meeting adjourned at 10:57 PM.



Susy Rein, Chairperson



Donna Lobaito, Recording Secretary

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STATE OF ILLINOIS
VILLAGE OF HAWTHORN WOODS
PROCEEDINGS BEFORE THE PLAN COMMISSION
Thursday, March 12, 2009
7:30 p.m.

IN RE THE MATTER OF:
IV. A. A public hearing for the consideration of
an amendment to Title 9, Sections 9-2-2 and 9-8B-2,
Special Use Permit for Tree Services - AB Zoning
District.

REPORT OF PROCEEDINGS had at the hearing
held before the Village of Hawthorn Woods, Plan
Commission, on Thursday, the 12th day of March 2009,
commencing at 7:30 p.m. as reported by Rosemarie
LaMantia, Certified Shorthand Reporter and Notary
Public in and for the County of DuPage and State of
Illinois, held at the Village of Hawthorn Woods, 2
Lagoon Drive, Hawthorn Woods, Illinois.

REPORTED BY: ROSEMARIE LAMANTIA, CSR, RPR

- 1 A-P-P-E-A-R-A-N-C-E-S:
- 2 CHAIRMAN REIN
- 3 TRUSTEE LAGRO
- 4 TRUSTEE GOEBEL
- 5 TRUSTEE KAISER
- 6 TRUSTEE SALVI
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- 8 STAFF PRESENT:
- 9 Ms. Lobaito
- 10 Mr. Miller
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1 CHAIRMAN REIN: The next item on the
2 agenda is a public hearing for the consideration of
3 an amendment to Title 9, Sections 9-2-2 and 9-8B-2,
4 Special Use Permit for tree trimming services - AB
5 Zoning District.

6 At this time I'd like to call to order the
7 public hearing. Ms. Lobaito, could you, please,
8 read into the record the background on this item?

9 MS. LOBAITO: Steve McGuinn, owner of 110
10 Midlothian Road, has submitted a request to amend
11 the definition section of the zoning ordinance to
12 provide the definition of tree trimming service.

13 The following definition is proposed: A
14 use involving the trimming or removal of trees or
15 similar landscape material from property, including
16 sawing, splitting, shaving, stripping, chipping,
17 grinding or otherwise of processing of trees, logs,
18 tree branches or similar wood material; a temporary
19 accessory use that may be operated as incidental to
20 the property under construction, including sawing or
21 otherwise handling construction material for the
22 regular landscape maintenance by a resident of their
23 personal property shall not be considered a tree
24 trimming service use.

1 In addition it is requested that tree
2 trimming service be allowed in the AB District with
3 a Special Use Permit. Recommendation by the staff
4 is that it is approved as submitted.

5 CHAIRMAN REIN: For the order of the public
6 hearing, the first thing we do is hear anybody who
7 would like to speak in favor of this amendment to
8 the ordinance, then we will hear comments of anybody
9 who would like to speak against this amendment to
10 the ordinance and then we'll ask questions, close
11 the public hearing and take a vote.

12 All right. Is there anybody in the
13 audience at this time who would like to specifically
14 speak in favor of this particular amendment to our
15 zoning ordinance that is including the definition of
16 tree trimming service in our ordinance book?

17 Sir, if you can come forward and state your
18 name and address, please, and you might want to
19 check and see that that mic is on?

20 Thanks.

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1 (Whereupon, the witness was
2 subsequently sworn.)

3 STEVE MCGUINN,

4 Called as a witness herein, having been first duly
5 sworn was examined and testified as follows:

6 MR. MCGUINN: Yes. I'm Steve McGuinn, the
7 owner at 110. Basically all I'm trying to do is
8 continue on with the character of the property that
9 has been going on for about the last 35 years with
10 previous owners of the property.

11 The company before me was Lester's Nursery
12 & Landscaping, and before that was All Star
13 Landscaping and before there the family that lived
14 in the house did landscaping from their --
15 Decenos (phonetic). And all I'm trying to do is
16 continue on with what has been going on in the past,
17 even though they never operated with any Special Use
18 Permit but for some reason they're asking me to do
19 it so I just want to go along with whatever they
20 want me to do, and, you know.

21 CHAIRMAN REIN: I think what you're
22 referring to is actually the subject of the next
23 public hearing, which is about your specific
24 business or your Special Use Permit.

1 What I'd like to ask you is, are you in
2 favor of adding tree trimming service as a business
3 use by definition to our zoning ordinance as an
4 option?

5 MR. MCGUINN: Yes.

6 CHAIRMAN REIN: Okay.

7 MR. MCGUINN: Yes, certainly.

8 CHAIRMAN REIN: And this tree trimming
9 service, it must differ a bit from what the prior
10 tenants on that property were doing if they had a
11 landscaping business because we already have that in
12 our ordinance.

13 MR. MCGUINN: Well, it just varies a very
14 little due to the -- you know, we go up a little
15 taller trees than they typically did and that was --
16 would be the basic difference, but they did tree
17 trimming and shaping also. We just go up and we
18 work on bigger trees. And we're more into, you
19 know, the doctoring of trees and taking care of them
20 and reviving them, sick trees. Most of our work is
21 done on the sites, people's homes, not at the place
22 where we reside. That's basically the difference.

23 CHAIRMAN REIN: Okay. Before we ask
24 anymore questions of you, is there anybody else here

1 who wants to speak in favor of adding this
2 definition to our zoning ordinance?

3 (No response.)

4 CHAIRMAN REIN: Is there anybody here who
5 wants to speak against adding this definition to our
6 zoning ordinance?

7 Okay. Would you come forward, state your
8 name and address, please?

9 (Whereupon, the witness was
10 subsequently sworn.)

11 KANDY GORE,

12 Called as a witness herein, having been first duly
13 sworn was examined and testified as follows:

14 MS. GORE: Kandy Gore, and we're at 49
15 Squire. And the reason I wouldn't be for adding
16 this amendment is I have some concerns about the
17 tree trimming service added to this Special Use
18 Permit because the tree trimming service then
19 becomes a landscaping waste site of all of the trees
20 that are trimmed from different people and that is
21 really the portion of the Special Use Permit that is
22 the problem because it is very loud and the waste
23 that has to be from the -- from their clients has to
24 be taken somewhere and that is the place it's taken.

1 And then it's what they do with it after that that
2 becomes the problem. So if they're allowed to have
3 that amendment on there, it kind of opens up a
4 Pandora's box as to what they can do with it then,
5 which becomes a plethora of problems.

6 TRUSTEE LAGRO: Can I ask for
7 clarification? Have the parties, including this
8 couple, and Mr. McGuinn, seen the packet and all of
9 the details that we're considering tonight?

10 MS. LOBAITO: No.

11 TRUSTEE LAGRO: That would explain why
12 they're asking the questions they're asking.

13 CHAIRMAN REIN: Well, and I'd like to
14 clarify --

15 TRUSTEE LAGRO: Sorry to interrupt.

16 CHAIRMAN REIN: And I just want to make --
17 for the record, I want to make it clear that at this
18 moment in time -- we're going to have three public
19 hearings tonight on this related topic under
20 separate public hearing. At this particular moment,
21 we are not actually referring to Mr. McGuinn's
22 property specifically, but whether or not it is
23 appropriate in the Village of Hawthorn Woods to
24 possibly grant permission for a tree trimming

1 service, you know, by adding the definition into our
2 ordinance. Is that correct?

3 MS. LOBAITO: Right.

4 CHAIRMAN REIN: Okay.

5 MS. LOBAITO: And the further
6 recommendation is to allow for tree trimming
7 services in the AB Zoning District.

8 CHAIRMAN REIN: Okay.

9 TRUSTEE SALVI: You know, I'm sorry, but
10 I'm on the learning curve. Does that mean that it
11 would be a permitted use or it would be one of the
12 uses you could get with a Special Use Permit?

13 MS. LOBAITO: With the Special Use Permit.

14 CHAIRMAN REIN: Right now it is not even
15 possible to get a Special Use Permit because by
16 definition it does not exist in the ordinance as an
17 option.

18 Okay. You may continue. Do you have any
19 other -- at this point do you have any other
20 comments against adding tree trimming service by the
21 definition that Ms. Lobaito read earlier to our
22 ordinance?

23

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1 (Whereupon, the witness was
2 subsequently sworn.)

3 TODD GORE,

4 Called as a witness herein, having been first duly
5 sworn was examined and testified as follows:

6 MR. GORE: Well, could you read that again,
7 because it was -- maybe I'm confused with what tree
8 trimming is?

9 MS. LOBAITO: The use involving the
10 trimming or removal of trees or similar landscape
11 material from property, including sawing, splitting,
12 shaving, stripping, chipping, grinding or otherwise
13 processing of trees, logs, tree branches or similar
14 wood material, a temporary accessory use that may be
15 operated as incidental to a property under
16 construction, including sawing or otherwise handling
17 construction material for the regular landscape
18 maintenance by a resident of their personal property
19 shall not be considered a tree trimming service use.

20 MR. GORE: Yes, I have a huge concern with
21 that, in terms of the noise generated by that. So,
22 yes, we object to that.

23 CHAIRMAN REIN: Okay. Would you like to
24 add anymore specifics before we start asking

1 questions or discussing?

2 MS. GORE: I don't think there is anything
3 more specific. It's very loud, it's a very loud
4 operation. It's manufacturing the production of
5 lumber with all of that that is included in that and
6 the type of heavy equipment machinery that is
7 involved, if that should be -- amended allowed.

8 MR. GORE: Yes, it's the noise generally
9 with that at the site, and, you know, smell,
10 everything else, so.

11 MS. GORE: So that would be it.

12 MR. GORE: The noises.

13 TRUSTEE SALVI: Did the Lester's, did they
14 saw and cut wood --

15 MR. GORE: No --

16 TRUSTEE SALVI: -- and stuff like that?

17 MR. GORE: No, we have been there 15 years.
18 We didn't have any concern with noise. And another
19 thing with the property, it's right directly behind
20 us, and there is, you know, 30, 40, 50 years of
21 growth of trees that were cut down. So there is
22 this barn that was back there that actually Mayor
23 Hunt came 8, 10 years ago, prior to being approved,
24 he made sure, he even walked our property, made sure

1 we couldn't see the barn. It's right up against our
2 property. So he cut all of these trees down, which
3 then also allows us to see it and see all of the
4 equipment there and hear it even more, so.

5 MS. GORE: It was not done, we have been
6 there 15 years. Lester had a quiet nursery
7 operation and he sold perennial flowers and I
8 believe did some rocks, and so, whatever else he did
9 it was not visible or audible from the 200 feet from
10 our property line.

11 MR. GORE: And it was also offsite, also.
12 I mean, he came in, I mean, trucks and stuff, but he
13 didn't -- offsite work and did patios and things of
14 that nature, so.

15 CHAIRMAN REIN: We'll be addressing the
16 specifics of that particular parcel in one of the
17 other public hearings tonight.

18 But at this point I think we'll take some
19 questions or comments from the plan commissioners
20 regarding -- thank you.

21 MR. GORE: Thank you.

22 CHAIRMAN REIN: Oh, did you want to speak
23 regarding the definition?

24 MR. SCUTTER: Yes. My name is Mike

1 Scutter, 40 East Squire Road. I guess what my
2 concern with this type of business being added is
3 typically there is commercial waste processing and
4 storage that goes along with this and I'm concerned
5 about the chemicals, the fuel that is potentially
6 stored with these vehicles and the trucks and the
7 mosquitoes that could potentially be bred in the
8 mulch that is stored there, the raw materials and
9 then mulch from things that are from other than
10 trees, so old pallets, building materials that are
11 ground up. So, that is my concern with the zoning
12 change.

13 TRUSTEE SALVI: Are those concerns unique
14 to tree cutting service? I mean, you could have
15 those very same concerns with a landscaping
16 business, perhaps even more so.

17 MR. SCUTTER: I guess a landscaping
18 service, and I may be wrong on this, but my
19 understanding is a landscaping service typically
20 would be the storage of equipment. So, trucks, they
21 would leave, take their mowers, go work on the site,
22 come back, store the equipment. Having the storage
23 of materials onsite such as mulch, pallets, that
24 type of product seems to me to be a hazard that

1 shouldn't be next to a residential neighborhood.

2 TRUSTEE SALVI: But is that something that
3 a tree cutting service would be more inclined to do
4 as opposed to a landscape service?

5 MR. SCUTTER: I think it's -- I guess in my
6 personal experience I believe that it is. When I've
7 seen landscaping services, typically it's a fenced
8 facility with trucks and things versus --

9 TRUSTEE SALVI: You may be right. I'm not
10 sure I know all of the differences because Mr.
11 McGuinn mentioned that the tree cutting had been
12 going on, the tree cutting service had been going on
13 there for a long time, and he may or may not be
14 right. I don't know. I'll be interested in hearing
15 more about that, but I think those businesses are
16 very different. I don't know that your concerns
17 though really are unique to tree cutting. Maybe
18 they are. I don't know.

19 MR. SCUTTER: I think the process of the
20 materials are unique to that business. And I guess
21 speaking to the history of the property, I've lived
22 in the area, in this house for about 7 years, and
23 the area for over 10, and the prior property, I had
24 bought flowers and things from there. It was like

1 Hawthorn Gardens, but on a smaller scale. I never
2 saw any tree processing happening on that property.

3 TRUSTEE SALVI: Okay.

4 MR. SCUTTER: So that's all I have.

5 CHAIRMAN REIN: Before we as a body ask
6 more questions or have comments, is there anybody
7 else who would like to speak against adding the
8 definition of tree trimming service as it's
9 presented here to the village zoning ordinance as a
10 special use in the AB District?

11 (No response.)

12 CHAIRMAN REIN: Okay. Now is the time when
13 we take comments and questions from the plan
14 commissioners themselves.

15 Phil, would you like to start?

16 TRUSTEE LAGRO: Yes. Donna, who wrote this
17 proposed language?

18 MR. MILLER: (Indicating.)

19 TRUSTEE LAGRO: Especially with respect to
20 the second half of the paragraph, I wish these
21 things were readable and understandable by a junior
22 high school student. I struggled with the tail end
23 of this paragraph myself.

24 Is this not more of a description that

1 we've got in front of us rather than a definition?
2 This appears to be describing what a tree trimming
3 service is, not necessarily what is going to go on
4 on that property, is that right?

5 MR. MILLER: That's the intent, I believe.
6 The intent is to create a definition. A definition
7 is often a description, so I think you're correct in
8 what you say.

9 CHAIRMAN REIN: The definition isn't
10 specific to this parcel. It's just going in this
11 big list of definitions here so that it can be
12 referred to under any circumstance.

13 TRUSTEE SALVI: But isn't the ordinance,
14 Chris, when you look at the ordinance, like if you
15 look at, for example, home occupation, hobby shop,
16 not that there is anything wrong with defining it,
17 but the ordinance doesn't define a lot of the other
18 uses. It just says something similar to tree
19 trimming business.

20 MR. MILLER: That is absolutely correct.
21 In many cases the village ordinance doesn't describe
22 every use that is in there. I believe it is coming
23 from the village board, they recommended that there
24 ought to be a definition to help define it so they

1 can clarify, try to clarify what the activity is
2 when we go out to look at the property and so forth.
3 And maybe we need more definitions in there. I
4 think I have been an advocate for years that we need
5 more definitions in our ordinance, just happens to
6 be this is the one that's come to a head and is
7 addressed.

8 TRUSTEE SALVI: Well, let me be the
9 devil's advocate, are those all definitions?

10 MR. MILLER: Yes, these are -- you're
11 looking at the permitted uses under -- what district
12 are you in?

13 TRUSTEE SALVI: AB.

14 MR. MILLER: Chapter 9-2-2 is -- or Chapter
15 9-2 is definitions.

16 TRUSTEE SALVI: Does it define, for
17 example, uses and descriptions?

18 MR. MILLER: No.

19 TRUSTEE SALVI: Because are we -- and I'm
20 just posing the question, if we define it, are we
21 handcuffing ourselves because then if the definition
22 is met by the petitioner, are we more obligated to
23 grant the petition or alternatively, if we don't
24 define it, and we do it the way it has been done in

1 the past, are we granted greater discretion in
2 determining whether or not we want to recommend
3 approval?

4 MR. MILLER: I don't believe that -- I
5 think adding a definition to the ordinance has
6 any -- addresses any of that concern, you know. It
7 clarifies when we have that use or somebody comes in
8 and asks for that use and gauge it, measure it by
9 that. The staff has that ability to look at it
10 though, the ordinance, and get clarification on and
11 otherwise you're -- generally what you find in the
12 zoning ordinance is you will find something that is
13 a catchall and it addresses, and then you look for
14 something that is similar to. Now you've got the
15 situation where, if that were the case, there is
16 something -- I don't know, we haven't -- I think
17 that use specifically, but you could have a
18 situation where you have something that is similar
19 to and then that may be a permitted use. The
20 village, as I understand it, is desiring to clarify
21 definitions of tree trimming services and then
22 they're going to add it as a use under the AB
23 District.

24 So that is the two issues that are here,

1 the definition and adding that as a use under the
2 AB.

3 TRUSTEE KAISER: And requiring that as --
4 and it's not as a matter of right, it requires
5 somebody to make a request for this board and
6 village board to say I want to do this kind of
7 business and then we would decide whether we would
8 do that under that criteria.

9 MR. MILLER: Correct.

10 TRUSTEE KAISER: Correct.

11 MS. LOBAITO: Could I ask everybody to use
12 their microphone. I think Rose is having a
13 difficult time hearing the comment.

14 TRUSTEE KAISER: The second question I have
15 was or point, from the description there is almost
16 two levels of intensity of the types of tree
17 trimming business.

18 As was described a little bit ago, there is
19 the people that go in the trucks, go to people's
20 homes, remove trees, bring them back and I don't
21 know what happens after that. But it seems there is
22 some more intense use when you get to chipping,
23 grinding and processing of trees, logs and branches.

24 I'm familiar with other villages having

1 problems with noise and flying chips from the fairly
2 strong grinding materials. So, I'm wondering if
3 there is a way of allowing tree trimming services at
4 a lower level under a Special Use Permit.

5 CHAIRMAN REIN: There is. I think one of
6 the things I wanted to mention is that if the
7 definition were modified to -- and we'd have to come
8 up with the exact wording, but if you could imagine,
9 you know, from the opening sentence, a use involving
10 the trimming or removal of trees or similar
11 landscape material from customer's property,
12 including sawing, splitting, shaving, stripping,
13 chipping, grinding or otherwise processing of trees,
14 logs, tree branches or similar wood material offsite
15 and not on the subject property for which the
16 Special Use Permit may be issued. In other words,
17 these noise generating activities are not taking
18 place at the place of business. The place of
19 business, if it received a Special Use Permit,
20 anybody who applied under this definition, would be
21 for office operations and storage of equipment but
22 not for noise generating activities.

23 TRUSTEE KAISER: Okay.

24 CHAIRMAN REIN: That would be one way I

1 think that we could --

2 TRUSTEE GOEBEL: Well, I'm confused here.
3 The intent of the ordinance is to allow someone
4 to -- say I take down some trees on your lot, we're
5 not implying here you can bring them to this
6 facility and they can chip them up and cut them up
7 and then take them back out?

8 CHAIRMAN REIN: Right.

9 TRUSTEE GOEBEL: In other words, once
10 they're done trimming, they don't bring it back to
11 the site. That should be in the ordinance, I would
12 think.

13 CHAIRMAN REIN: Well, I think they might be
14 able to bring back the completely processed mulch to
15 the nursery, you have to have a nursery, if he
16 wanted to sell --

17 TRUSTEE GOEBEL: Well, there can't be any
18 processing there, that is just basic, you know --

19 CHAIRMAN REIN: Right. The failure of
20 this definition as it stands it actually may have a
21 loophole in it where it is not explaining that you
22 should not do those activities on the site of the
23 business that receives a Special Use Permit, we need
24 to I think make clear that those noise generating

1 activities, those processing activities, are not
2 what we really want to see and hear on the subject
3 property.

4 TRUSTEE SALVI: Well, if you're not -- I
5 agree with you, Suzy. If you're not, though, doing
6 it onsite, how is a company that goes out and trims
7 a tree any different than a landscape business that
8 necessarily trims trees? I mean, for example, Mr.
9 McGuinn made reference to Lester's. He might -- he
10 might be different than Lester's in that he is
11 sawing stuff on the ground, but when he goes out and
12 trims trees, he is going to probably do the same
13 thing that Lester's did only perhaps more often.

14 TRUSTEE KAISER: But it would have been
15 covered by the ordinance what you're saying?

16 TRUSTEE SALVI: Yes, the ordinance -- one
17 of the permitted special uses, landscaping
18 contracting business and equipment yard. So, you
19 know, it's possible that we -- when he said that
20 they would do what the Lester's were doing, he may
21 be half right. You know, because clearly if you
22 call the Lester's up and you said, you know, come
23 out to my house and do a spring cleaning and these
24 trees are out of control, they would say no problem,

1 they'd cut the trees and these guys may be
2 primarily, as we said, just cutting trees, but, if
3 they're doing it off ground, I don't see how they're
4 any different than Lester's now -- but if they're
5 sawing stuff and they're cutting logs and stacking
6 logs and --

7 TRUSTEE KAISER: Processing.

8 TRUSTEE SALVI: -- as Larry said,
9 processing, that is totally different.

10 CHAIRMAN REIN: I think the intent of the
11 board is that we need to be very specific about what
12 we will allow to take place on a parcel in our
13 village as it pertains to a tree trimming service or
14 to a service or whatever because maybe in the past
15 maybe Lester or somebody else wasn't doing those
16 noise generating activities and those processing
17 activities, but that this particular business that
18 has caused this issue to be raised was doing those
19 things that has caused the neighboring properties
20 some concern and all of a sudden it's like, okay,
21 gosh, this needs to be defined because the prior
22 parties weren't doing that type of processing
23 onsite, but now the new party is. And so that is I
24 think what stimulates the need for a definition that

1 puts it within parameters that our village can
2 accept.

3 TRUSTEE SALVI: I don't think there is a
4 problem with the ordinance as it is now. Just stop
5 there. I mean, like Larry said, they can't do that
6 processing there now. I think that is clear. If we
7 were -- I think if we define it and make it one of
8 the permitted special uses, and I'm not saying we
9 don't necessarily want to do that, but I think the
10 effect would be to invite that use as opposed to how
11 it is now where they, you know, it's not a permitted
12 use even as a special use.

13 TRUSTEE LAGRO: Mike, is there a definition
14 for the landscaping?

15 MR. MILLER: No.

16 TRUSTEE SALVI: No, it just says
17 landscaping contracting business and equipment yard.
18 It's a list of many things that are permitted
19 special uses. That's why I think when there was
20 some inquiry about Mr. McGuinn's business, I
21 understand that the definition of what we're dealing
22 with right now doesn't necessarily pertain
23 specifically to what he is doing there, I think an
24 inquiry as to what he is doing there will shed light

1 on our decision about whether or not we need to
2 incorporate this definition into the special uses.

3 CHAIRMAN REIN: Well, I can tell you that
4 inquiry did take place at the last village board
5 meeting and so their directive to us was they made
6 the inquiry and they feel it is necessary to create
7 a definition to properly limit the type of activity
8 that can take place on that or any other parcel as
9 it relates to processing of wood, whether it's tree
10 trimming or whatever.

11 TRUSTEE SALVI: So they said we couldn't
12 ask? The board doesn't want us to make an inquiry
13 ourselves?

14 CHAIRMAN REIN: You can make an inquiry.
15 What I need some clarification from staff on whether
16 it can be made in the context of this public
17 hearing.

18 TRUSTEE SALVI: How could it not, Suzy?

19 CHAIRMAN REIN: Well, the public hearing is
20 regarding -- this public hearing is regarding a
21 definition in our zoning ordinance and is not
22 necessarily -- well, no, I guess you could because
23 Mr. McGuinn is the one who is requesting the
24 amendment, so.

1 TRUSTEE SALVI: And the young lady
2 mentioned that, she made a good point, she said,
3 well, if you grant this, you're sort of opening the
4 door, I think was the term that she used, that kind
5 of reflects why knowing a little bit about Mr.
6 McGuinn's business may be relevant to this. And I
7 understand the board, you know, may be focused on
8 what they want us to do, but I wasn't at the board
9 meeting and I need a little more information.

10 CHAIRMAN REIN: In light of the fact that
11 the Petitioner, Steve McGuinn, owner of 110
12 Midlothian Road, submitted the request to amend the
13 definition section of the zoning ordinance to
14 provide a definition of tree trimming service, at
15 this time, Mr. Salvi, would you like to ask Mr.
16 McGuinn some more questions about his specific
17 business activity?

18 TRUSTEE SALVI: Yes, if I could, if I could
19 just ask a couple of questions.

20 Mr. McGuinn, if I looked up your business
21 in the Yellow Pages, what would it say?

22 MR. MCGUINN: It would say that we're
23 certified arborists, we're here to serve as tree
24 doctors. When you have a problem with your tree,

1 you call us and we come out and we diagnose it and
2 we come back and we take care of it. We treat it
3 anyway that it might need some help to revive it.

4 TRUSTEE SALVI: Now, are you an arborist?

5 THE WITNESS: Yes, sir.

6 TRUSTEE SALVI: What is the name of your
7 business? Does it have a corporate name or a D/B/A?

8 MR. MCGUINN: Sunrise Tree Service is the
9 main company. And we have three other companies
10 that work under the same company as Sunrise Tree
11 Service but they're doing business as.

12 TRUSTEE SALVI: What are the names of the
13 other businesses?

14 MR. MCGUINN: Beinlich's Tree Care is one
15 and McGuinn Tree Care is another and Majestic Oaks
16 Tree & Trunk Care is another.

17 TRUSTEE SALVI: Of those businesses,
18 which, if any, of them are involved in the
19 processing of trees, cutting them onsite?

20 MR. MCGUINN: None of them are really.
21 The -- most of them -- most of the -- our processing
22 is done right at the people's home. We trim trees,
23 we run them through our machines and we grind
24 everything up right on the job site.

1 TRUSTEE SALVI: Do you have any saws
2 onsite?

3 MR. MCGUINN: Onsite?

4 TRUSTEE SALVI: Yes. If I were to go to
5 your business right now and you showed me around
6 everywhere, would I find saws?

7 MR. MCGUINN: You certainly would, yes.

8 TRUSTEE SALVI: How many saws would I
9 find?

10 MR. MCGUINN: Well, we store our saws there.
11 So all of our saws.

12 TRUSTEE SALVI: More than a dozen?

13 MR. MCGUINN: Yes. Sure.

14 TRUSTEE SALVI: How big are the saws?

15 MR. MCGUINN: They vary from 12 inch bars on
16 them, bar and chain, to, you know, 3 feet long bar
17 and chain.

18 TRUSTEE SALVI: And are they all
19 transportable where they can be taken to the site or
20 are some of them always on the premises?

21 MR. MCGUINN: Most of them are transported
22 to the job sites during the day.

23 TRUSTEE SALVI: You said most of them. How
24 many stay onsite?

1 MR. MCGUINN: Well, typically we don't -- we
2 don't do much sawing on the site. We usually do the
3 sawing at the people's home. And the only reason
4 the saws are at the yards because we store them
5 there at night and then sometimes they need to be
6 adjusted or worked on, then they go with the crews
7 to work at people's houses.

8 TRUSTEE SALVI: Are any of the saws
9 permanently affixed into the floor or into the wall?

10 MR. MCGUINN: The only saw that we did have
11 there is we have a portable sawmill that we call it,
12 would saw the logs that we were doing the lumbering
13 with, which generated the noise that they complained
14 about.

15 TRUSTEE SALVI: Are all of the saws, when
16 you're sawing done, is it done indoors?

17 MR. MCGUINN: No, it's done outdoors.

18 TRUSTEE SALVI: Okay.

19 MR. MCGUINN: It could be done inside but we
20 have been doing it outside.

21 TRUSTEE SALVI: What is your intention for
22 the future, that it would be done indoors, outdoors
23 or not at all onsite?

24 MR. MCGUINN: Well, presently what we're

1 asking for is to be able to trim trees. We're not
2 asking for the lumbering part. They were objecting
3 to the noise that we were making doing the
4 processing, the lumbering. And right now we're
5 asking for tree trimming. We're not asking for
6 lumbering.

7 TRUSTEE SALVI: Well, you wouldn't trim
8 trees onsite, you'd do it at the customer's house --

9 MR. MCGUINN: Yes.

10 TRUSTEE SALVI: -- or commercial property,
11 correct?

12 MR. MCGUINN: Correct.

13 TRUSTEE SALVI: Okay. So what you want to
14 do now wouldn't involve any cutting of trees or
15 cutting of lumber onsite?

16 MR. MCGUINN: That's what we're asking for
17 tonight. We're not asking for -- to be able to
18 lumber wood tonight. We're asking to be able to
19 trim trees at people's houses where the processing
20 is done at their homes.

21 TRUSTEE SALVI: All right. Is it your
22 plan though to expand the business so that you can
23 cut trees onsite later?

24 MR. MCGUINN: We want to ask for that at a --

1 but not in this text, no.

2 TRUSTEE SALVI: Would you agree with the
3 young lady then when she said that if we do this
4 ordinance, it may be opening the door of you doing
5 that later?

6 MR. MCGUINN: No. We'll be asking for that
7 and if we get denied that, then we won't be able to
8 do that. We're asking to be able to trim trees, not
9 to process lumber.

10 CHAIRMAN REIN: Mike, that would require a
11 separate Special Use Permit, if he wanted to do a
12 different business.

13 TRUSTEE SALVI: Than the definition that we
14 had before.

15 TRUSTEE KAISER: Got to change the
16 definition. There are two parts.

17 TRUSTEE SALVI: Well, okay. With regard
18 to the language that we have in front of us though,
19 without your recommended changes, Jim, would that
20 gentleman be able to later request as a permitted
21 special use for cutting the trees onsite?

22 TRUSTEE KAISER: Depends on what I would
23 term Special Use Permit that is granted.

24 TRUSTEE SALVI: So you said depends, that

1 means it's possible.

2 TRUSTEE KAISER: Yes.

3 TRUSTEE SALVI: Then her point is right
4 on, she said it's opening the door, and I think she
5 hit the nail on the head.

6 MR. MCGUINN: But it's a different use.

7 TRUSTEE KAISER: You've got one definition
8 here that allows all of those things. If we approve
9 that, all of that is allowed. And that is like up
10 for questioning right now whether we break that in
11 two parts, separate it, require separate permits for
12 those things, or strike the other language and
13 require a further application by you. That's what
14 I'm gathering. Is that --

15 CHAIRMAN REIN: First of all, remember
16 that -- yes, this particular application is creating
17 a definition so --

18 TRUSTEE KAISER: Correct.

19 CHAIRMAN REIN: Yes.

20 TRUSTEE KAISER: But we're looking at it in
21 terms of residents nearby such a business and
22 somebody who wants to have that kind of business,
23 and we're trying to elicit -- I think Mike asking
24 those questions was very helpful in trying to elicit

1 the question of how it relates to the neighbors.
2 So, I think we need to be -- and I think we are
3 being very cognizant of that.

4 CHAIRMAN REIN: That's why I suggested
5 perhaps and, I think, Chris, as our consultant, you
6 can advise us, but if we can make the language, if
7 we were to include a definition of a tree trimming
8 service, we would need to make the language specific
9 enough to prohibit any of those processing
10 activities and noise generating activity from taking
11 place at any subject site, that applies or requires
12 a Special Use Permit and, again, limit it to more
13 office operations and storage of equipment as
14 opposed to actual processing.

15 TRUSTEE KAISER: May I also suggest that if
16 we did such a description, I would put something,
17 this shall not include the processing of wood, so
18 it's crystal clear.

19 CHAIRMAN REIN: At this time, Chris
20 Miller, would you, please, comment on this
21 discussion, just what your recommendation would be
22 concerning that?

23 MR. MILLER: I have a question for you,
24 Suzy, and that is on your additions, when you talk

1 about customer property and then at the end, similar
2 wood material offsite, did I understand that
3 correctly?

4 CHAIRMAN REIN: Well, we talked, yes,
5 similar -- let's see, including. . .yes, I guess I
6 don't know what the exact right language is but I
7 was almost trying to make it a double surety by
8 adding that these activities would have to take
9 place offsite and not on the subject property, not
10 meaning the customer's property, but the Special Use
11 Permit applicant's property.

12 MR. MILLER: Yes. I think we're trying to
13 make the definition, the actual operating as opposed
14 to what the tree trimming service, this is what the
15 tree trimming service does. At least in my
16 experience, they do all of these things. And we're
17 trying to regulate them through definition. That's
18 generally not the way an ordinance is structured.
19 Definition is where you regulate the use. You know,
20 maybe what we need to do is look at the second part
21 on the AB District and if we're going to grant
22 Special Use Permit, we'd have to add a whole bunch
23 of conditions that regulate the use of the tree
24 trimming service.

1 You know, I'd like to go back to -- I think
2 it was Phil, your comments earlier. You know, that
3 second part, the temporary accessory, is basically
4 trying to not make a resident who lives in the
5 village and has trees growing on your property, and
6 they go out there with their chain saw and start
7 trimming their trees on their own, like tree
8 trimming service. You know, that is why I think,
9 Suzy, I think your customer may -- getting the word
10 customers here made a whole lot -- may work real
11 well, and then possibly adding the word offsite at
12 the end here. If we -- tree trimming service were
13 approved for a specific site, they could not be
14 doing these things on the site that the tree
15 trimming service is approved for. And that's where
16 I -- I think the -- you know, in part by adding the
17 word offsite, you may help address the issue of what
18 Mike and Jim are concerned about as well as the
19 residents, I'm sure, and --

20 CHAIRMAN REIN: We just got to make sure
21 that offsite doesn't cancel out customer's property,
22 like, you know, the semantics of the sentence to
23 make sure it is worded --

24 MR. MILLER: That is why we get wordy

1 sometimes, Phil, with these definitions and
2 ordinances because we try to cover all bases.

3 CHAIRMAN REIN: The other thing -- I don't
4 want it to apply by default, if we don't fix it, is,
5 you know, we've heard from some people on Squire
6 Road who spoke against, you know, they started
7 talking about this property in particular, which I
8 know we're not necessarily talking about the
9 specific site, but they indicated that trees were
10 removed from the site, that is going to be the
11 subject of a Special Use Permit application. So I
12 don't want in any way to have the definition imply
13 that if somebody has a site that is approved for
14 Special Use Permit to run a tree trimming service,
15 that they are entitled to take down and grind all of
16 the trees on their site. You know what I mean?

17 MR. MILLER: No, I understand. The village
18 has a tree preservation ordinance and you're
19 prohibited from removing the trees on the property
20 under certain circumstances. If you're in a
21 residential zone, 1 acre lot, I think you have
22 certain rights, but if you're more than 1 acre, if I
23 recall. These people may have very much been in
24 violation of the village ordinance.

1 CHAIRMAN REIN: Even a 1 acre lot would be
2 in violation.

3 TRUSTEE KAISER: Right.

4 CHAIRMAN REIN: So, Chris, is it your
5 recommendation then if we were to -- before we close
6 the public hearing and come up with a motion that we
7 can vote on, what would be your ultimate
8 recommendation for this definition to make it clear
9 and staying within the guidelines of a definition
10 without adding all of the regulations that may in
11 turn be imposed upon a Special Use Permit vote?

12 Does that make sense?

13 MR. MILLER: Of course it makes sense.
14 It's just that I don't know that I can come up with
15 better language right here, maybe these two
16 gentlemen.

17 TRUSTEE KAISER: We might have to defer
18 that. I don't know if I want to do it on the fly
19 either.

20 CHAIRMAN REIN: If we defer it, I'm
21 thinking then we have to defer the next public
22 hearing, because I think they're -- one is
23 contingent upon the other, is that correct, Ms.
24 Lobaito?

1 MS. LOBAITO: I would say yes.

2 TRUSTEE KAISER: And the only reason I'm
3 not sure that that is correct because these haven't
4 been -- whether or not we make a positive
5 recommendation, none of them are approved by the
6 village board, as far as that goes. And I still
7 don't see, you know, we can still talk about them,
8 open the door on those topics because it's all
9 fresh. Right now we've got people here that appear
10 to testify and the other ones as well, and take that
11 into consideration, perhaps a revision of this
12 ordinance, come back next month and look at it.

13 CHAIRMAN REIN: I believe that time is of
14 the essence in part because there is a stop work
15 order on this property.

16 TRUSTEE KAISER: Right.

17 CHAIRMAN REIN: And, you know, those
18 things kind of run on a timetable and I believe that
19 in order to meet the Petitioner's request and the
20 board's request that this needs to be discussed once
21 again by the board on Monday.

22 TRUSTEE KAISER: Okay.

23 MR. MILLER: May I make a suggestion
24 possibly, this might be -- the second part here

1 where we allow tree trimming services into the AB
2 District as a Special Use Permit seems that that may
3 be what Jim -- you're referring to in terms of
4 advancing with the Petitioner's next application or
5 the next public hearing. It would be well -- it
6 would be nice to know what we mean by a tree
7 trimming service. And I think, again, this
8 describes, in my judgment it describes a tree
9 trimming service, maybe it's not adequate, you know,
10 to address the broader issue, but --

11 TRUSTEE GOEBEL: I just think it needs to
12 be clarified in here that certain of these
13 activities aren't permitted, you know, on the site,
14 unless it is the trees that -- you know, are -- that
15 were already on the site.

16 MR. MILLER: And so in a Special Use
17 Permit, maybe when we add under the AB District as a
18 Special Use Permit there is no grinding and chipping
19 and chopping --

20 TRUSTEE GOEBEL: Yes, absolutely.

21 MR. MILLER: -- and all of that stuff under
22 as opposed --

23 TRUSTEE GOEBEL: Absolutely.

24 MR. MILLER: What I was suggesting is under

1 the AB District as part of the Special Use Permit
2 requirement that it would prohibit the grinding and
3 the chipping and the logging and the so forth on the
4 site of -- that seeking the tree trimming permit.

5 TRUSTEE GOEBEL: Again, I think we need to
6 say something like any material brought in to the
7 site that you can't do these things do it. In other
8 words, you can't process it in any way, including
9 sawing, splitting, shaving, stripping, chipping,
10 grinding.

11 MR. MILLER: And what I'm saying is, I
12 don't believe that is necessary to be part of the
13 definition but perhaps should be under the special
14 use portion of it.

15 CHAIRMAN REIN: So here in this public
16 hearing it is talking about amending two sections,
17 so 9-2-2 is the definition section. And I have to
18 ask for clarification here. It says 9-8B-2 as the
19 second section, I believe it applies to the special
20 use option, however, I'm wondering if it should be
21 entitled 9-8B-4. Can anybody help me with that
22 before we move on it?

23 TRUSTEE SALVI: Should be under 9-8B-4.

24 CHAIRMAN REIN: Did you get that, Rose?

1 So for all of you in the audience, you
2 know, when we announce the public hearing, there is
3 just a typo in that part of the title. So it's just
4 two pages further in the zoning ordinance where it
5 is 9-8B-4 is the section where we would be talking
6 about whether this would be a use permitted with a
7 Special Use Permit.

8 So Chris and Donna, would it be -- are you
9 suggesting that we could possibly, when we close the
10 public hearing, when we close this part of the
11 discussion, would we possibly break this into two
12 separate recommendations, one of a possible
13 definition, which could be opened to further
14 revision by the board, and the second part being
15 that we -- you know, the part that goes under the
16 special use section?

17 MR. MILLER: Yes.

18 CHAIRMAN REIN: I think what we need to do
19 is close the public hearing officially and then
20 we'll make one motion at a time, discuss it and vote
21 on it. You guys ready to do that?

22 TRUSTEE KAISER: Yes.

23 CHAIRMAN REIN: Okay. Do we have a motion
24 to close the public hearing?

1 TRUSTEE LAGRO: So moved.

2 TRUSTEE SALVI: Second.

3 CHAIRMAN REIN: All in favor of closing
4 the public hearing say aye?

5 TRUSTEES: Aye.

6 CHAIRMAN REIN: Okay. At this time, I'd
7 like to entertain a motion related to the subject of
8 this public hearing.

9 TRUSTEE SALVI: I'm going to suggest a
10 definition, if everybody thinks it's a lousy idea,
11 then I'll withdraw the motion.

12 What if we added as a permitted special use
13 tree trimming and tree cutting service but
14 specifically excluding sawing, grinding, cutting,
15 chipping, logging onsite and specifically excluding
16 the storage of any of the products, maybe product
17 isn't the best word, of such sawing, grinding,
18 cutting, et cetera?

19 Then, you know, if you look at 9-8B-4, they
20 don't -- they, the village does not define any of
21 the permitted uses, especially of special use. And
22 we would be -- if we use that definition, we'd be
23 adding more definition than has ever been used for
24 permitted special use. And it would avoid some of

1 the ambiguity that necessarily goes along with
2 adding a lot of sentences and words. And it would
3 also put us in a position where we could say, you
4 know, you can't saw on the site, it is not allowed
5 by the ordinance. Like I said, that is one
6 possibility.

7 And if we were to use that definition or
8 some other definition, then we're accomplishing
9 something tonight for the purposes of this stop work
10 order, then they can get back to work and they don't
11 have to worry about somebody sawing big logs on
12 their property.

13 CHAIRMAN REIN: Well, just to clarify, even
14 if a Special Use Permit is approved by us and
15 recommended to the board, nobody can get back to
16 work until the board makes a decision.

17 TRUSTEE SALVI: Yes, but at least we're one
18 step closer.

19 CHAIRMAN REIN: Okay. So is your motion
20 to, as opposed to what I said earlier in the public
21 hearing, is your motion to approve a definition at
22 this time?

23 TRUSTEE SALVI: Yes.

24 CHAIRMAN REIN: And then it's just listed

1 as a name only in the special use section, the
2 permitted special use is under 9-8B-4?

3 TRUSTEE SALVI: Right, but it would also --
4 Suzy, it would specify what be excluded from that
5 definition so -- because if we just said tree
6 trimming and tree cutting service, we might have to
7 worry that somebody is going to come and argue,
8 well, naturally incidental to that kind of service
9 is, you know, cutting trees onsite. And we can say,
10 no, not the way we define it. We define it as
11 excluding those things. So if that is what you want
12 to do, you don't fit our definition.

13 CHAIRMAN REIN: Chris, is there anything
14 that prohibits us from including exclusions in our
15 definition?

16 MR. MILLER: I believe, I believe that Mr.
17 Salvi is speaking to the second part, which is
18 9-8B-4, special uses under the Ag Business District
19 and rather than simply saying AB District, he is
20 saying we'll define or -- hesitant to use the word
21 define because, you know, what we're talking about
22 is what is the use and Mr. Salvi is saying, I
23 believe, is that we have tree trimming and tree
24 cutting services, and I didn't get everything you

1 said, Mike, and it would go under special uses and
2 it wouldn't necessarily appear in the definition
3 section of the ordinance, which is 9-2-2. So, in my
4 judgment that wouldn't be a definition but it would
5 be defined use, you know, under the special use
6 section of the AB District. You said AB?

7 TRUSTEE SALVI: Yes. Right. For example,
8 under the --

9 MR. MILLER: I think that could work.

10 TRUSTEE SALVI: There is one listed, it
11 says nursery tree or shrub retailer, nonretail with
12 greenhouse building, sometimes it will just say
13 orchard. Other times it will use a statement
14 explaining the use but sort of refine what they mean
15 by it. So that is all we would be doing if --
16 assuming that we decided to do something like that.

17 MR. MILLER: I think that could -- that is
18 an option.

19 CHAIRMAN REIN: And it does appear that
20 flipping back and forth between these sections that
21 not everything that is listed as a special use in
22 that district has a literal definition, you know, in
23 the definition section.

24 Mike, are you framing what you just said in

1 the form of a motion?

2 TRUSTEE SALVI: Yes, and if you give me
3 one second, Suzy, I want to ask Chris.

4 What would be a better word than products?

5 MR. MILLER: Well, you can --

6 TRUSTEE SALVI: Said storage.

7 MR. MILLER: Waste.

8 TRUSTEE SALVI: Then I would move that we
9 incorporate language something like this, Suzy --

10 CHAIRMAN REIN: Before you say it, excuse
11 me, are you saying incorporate it into Section
12 9-8B-4?

13 TRUSTEE SALVI: You know what, I'll state
14 the motion more precisely so that I do it right.

15 I would move that we recommend to the
16 village board the amendment of 9-8B-4, special uses,
17 and the uses to be allowed with a Special Use Permit
18 to include tree trimming and tree cutting service
19 but excluding sawing, grinding, cutting, chipping,
20 logging, it should be and logging, onsite and
21 excluding the storage of any waste/products of such
22 the sawing, grinding, et cetera. It's the same list
23 as before. And like Chris was saying, the village
24 board, assuming that they thought something along

1 those lines was the right way to go, a village
2 attorney would be defining the language but the
3 motion would be to recommend that as an amendment to
4 the aforementioned section of 9-8B-4.

5 CHAIRMAN REIN: Do we have a second?

6 TRUSTEE KAISER: You have a second.

7 CHAIRMAN REIN: Okay. Motion and a
8 second. Before we have further discussion and take
9 a vote, Rose, could you, please, read back the list
10 of listed activities and the motion he just made?

11 (Record read.)

12 CHAIRMAN REIN: Thank you, Rose.

13 Mike, I would ask you to consider including
14 in that list of wood processing activities,
15 splitting, shaving and stripping.

16 TRUSTEE SALVI: Okay. Then I would move
17 that we add those activities as part of activities
18 that are excluded.

19 TRUSTEE LAGRO: Agree.

20 Mike, would you consider adding lumbering
21 to that list as well?

22 TRUSTEE SALVI: Sure.

23 I'll amend my motion to include those
24 things.

1 CHAIRMAN REIN: The only other thing I can
2 think of is if we have to be specific enough to
3 indicate that, you know, use a word like, more
4 general word like processing and/or noise generating
5 activities. I don't know how staff feels about that
6 or whether, you know -- I'm just not sure if we've
7 covered every processing word that could come into
8 play that generates noise.

9 TRUSTEE KAISER: You could say processing
10 of trees, which includes the sawing, splitting,
11 shaving, stripping, chipping, grinding, say it that
12 way.

13 CHAIRMAN REIN: And other noise generating
14 activities.

15 TRUSTEE KAISER: Well, that would -- what
16 is other noise generating activities? May be a
17 problem, but I think those would be the concerns of
18 the neighbors.

19 TRUSTEE SALVI: Before the village board
20 adopts this language, the attorney -- I mean, I
21 think that if we recommend something along the lines
22 that, you know, we're all discussing, they'll know
23 what we mean and what we're trying to accomplish.

24 CHAIRMAN REIN: I agree. The thing is

1 just to make sure that we're clear enough on it this
2 evening before we move forward with additional
3 public hearings on it, on a related topic.

4 TRUSTEE SALVI: Okay. Well, then I think
5 my motion then without -- I mean, I'd be happy to
6 say that word noise generating activities, that
7 would be fine, or we could keep the language as is,
8 and then as part of the motion, you know, ask the
9 board, you know, point out to the board that we're
10 especially concerned about the noise and the effect
11 the noise has on neighbors. I don't know, you guys,
12 however you want to handle that but I agree that,
13 Suzy, I agree with you, I mean, that's what we're
14 trying to accomplish so that we got to be careful
15 about that.

16 CHAIRMAN REIN: So is -- just trying to
17 determine exactly the motion we're voting on. I
18 want to ask staff, is it necessary or appropriate to
19 include the last comment on noise generating
20 activities in the motion in the definition or, you
21 know, tell us which way should this go?

22 MS. LOBAITO: I can understand Mr. Kaiser's
23 point about what do you mean by noise generating
24 from the property, you know, starting the car could

1 be noise generating or something along those lines.
2 I'm a little concerned about that.

3 CHAIRMAN REIN: Or how about if we say
4 noise generating from any wood processing
5 activities?

6 TRUSTEE KAISER: I thought we just excluded
7 all of those activities.

8 CHAIRMAN REIN: We did.

9 TRUSTEE KAISER: So, I think we're getting
10 a bit redundant when we get to that point.

11 CHAIRMAN REIN: Okay. So we're then
12 looking at the original motion with the addition of
13 the splitting, shaving and stripping language to
14 cover all of the items that were listed as
15 processing methods in the way the first definition
16 was worded as presented in our packets. Is that
17 clear to everyone on the commission?

18 TRUSTEE KAISER: Yes.

19 TRUSTEE SALVI: Yes.

20 CHAIRMAN REIN: Is there any further
21 discussion required by the commissioners before we
22 take a vote on this motion?

23 TRUSTEE KAISER: No.

24 CHAIRMAN REIN: Okay. Hearing none then

1 I'd like to call for the vote as Mr. Salvi made it
2 with the amendments of the additional processing
3 activities; all in favor say aye.

4 TRUSTEES: Aye.

5 CHAIRMAN REIN: Any opposed?

6 (No response.)

7 CHAIRMAN REIN: The motion passes and that
8 is what will be recommended to the board.

9 (Which were all the proceedings
10 had in the above-entitled cause.)

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1 STATE OF ILLINOIS)

2)SS:

3 COUNTY OF DU PAGE)

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5 I, ROSEMARIE LA MANTIA, being first duly
6 sworn, on oath says that she is a court reporter
7 doing business in the City of Chicago; that she
8 reported in shorthand the proceedings given at the
9 taking of said hearing, and that the foregoing is a
10 true and correct transcript of her shorthand notes
11 so taken as aforesaid, and contains all the
12 proceedings given at said hearing.

13

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ROSEMARIE LA MANTIA, CSR
License No. 84 - 2661

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STATE OF ILLINOIS
VILLAGE OF HAWTHORN WOODS
PROCEEDINGS BEFORE THE PLAN COMMISSION
Thursday, March 12, 2009
7:30 p.m.

IN RE THE MATTER OF:
IV. B. A public hearing for the consideration of a
Special Use Permit to allow for a landscape
contracting business, retail nursery without
greenhouse buildings and tree trimming services, 110
Midlothian Road - Sunrise Tree Care.

REPORT OF PROCEEDINGS had at the hearing
held before the Village of Hawthorn Woods, Plan
Commission, on Thursday, the 12th day of March 2009,
commencing at 7:30 p.m. as reported by Rosemarie
LaMantia, Certified Shorthand Reporter and Notary
Public in and for the County of DuPage and State of
Illinois, held at the Village of Hawthorn Woods, 2
Lagoon Drive, Hawthorn Woods, Illinois.

REPORTED BY: ROSEMARIE LAMANTIA, CSR, RPR

1 A-P-P-E-A-R-A-N-C-E-S:
2 CHAIRMAN REIN
3 TRUSTEE LAGRO
4 TRUSTEE GOEBEL
5 TRUSTEE KAISER
6 TRUSTEE SALVI
7
8 STAFF PRESENT:
9 Ms. Lobaito
10 Mr. Miller
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1 CHAIRMAN REIN: The next item on our agenda
2 is a public hearing for the consideration of a
3 Special Use Permit to allow for a landscape
4 contracting business, retail nursery without
5 greenhouse building and tree trimming services at
6 110 Midlothian Road. Sunrise Tree Care is the
7 Petitioner.

8 At this point in time, I'd like to open the
9 public hearing. And we will begin with hearing from
10 the Petitioner, Sunrise Tree Care. I assume you'd
11 like to speak in favor of this Special Use Permit?

12 MR. MCGUINN: Yes.

13 CHAIRMAN REIN: Okay. Let's start over.
14 Introduce yourself and your location and, once
15 again, at the mic, please, for the benefit of the
16 court reporter.

17 MR. MCGUINN: Yes, I am Steve McGuinn, the
18 owner of 110 Midlothian Road.

19 CHAIRMAN REIN: She will swear you in after
20 you state your name and address.

21 MR. MCGUINN: I'm Steve McGuinn, owner of
22 the property at 110 Midlothian Road, the property
23 that we're here to talk about.

24

1 (Whereupon, the witness was first
2 duly sworn.)

3 STEVE MCGUINN,

4 Called as a witness herein, having been first duly
5 sworn was examined and testified as follows:

6 CHAIRMAN REIN: Okay.

7 TRUSTEE KAISER: Also certify the testimony
8 previously as also?

9 CHAIRMAN REIN: Okay. Rose, can she ask
10 that of our --

11 TRUSTEE KAISER: No, I think we can ask
12 that question. You're also certifying -- yes, do
13 you also certify to the truth of the statements you
14 gave previously in the hearing tonight?

15 MR. MCGUINN: Yes, sir.

16 TRUSTEE KAISER: Thank you.

17 MR. MCGUINN: Can I give you a copy of a
18 letter of a neighbor that borders most of my
19 property who could not be here tonight who is for
20 us?

21 CHAIRMAN REIN: Is that the Best(phonetic)?

22 MR. MCGUINN: Yes.

23 CHAIRMAN REIN: We do have a copy of that
24 letter.

1 MS. LOBAITO: Yes, I included it in their
2 packets.

3 TRUSTEE SALVI: I know Donna sent it to
4 me, but if you don't mind. Yes, I did read this.

5 CHAIRMAN REIN: You may go ahead.

6 MR. MCGUINN: Basically I'm here to petition
7 the fact that I want to carry out a landscape
8 business there and tree care business, that has been
9 the nature of the property for the last 35 years
10 without any Special Use Permits and suddenly I need
11 this, so I'm here to ask for it, permission for it.
12 So, I can go along with whatever anybody would like
13 me to do from here. And, basically, you know, we
14 have to have landscape materials and tree trimming
15 materials and tools kept there so we can take them
16 with us in the morning to go to work at people's
17 houses and plant trees and put down mulch at
18 people's houses. If we can't process the mulch
19 there, we'll have to buy mulch and store it there
20 temporarily. That will be the difference. And we
21 won't be able to make our own mulch that we make
22 from tree chips that we cut everyday. Basically
23 that will be the difference.

24 Any questions?

1 CHAIRMAN REIN: Well, technically we're
2 supposed to hold our questions until the end.
3 Everybody is speaking for and against and then we'll
4 ask the questions of all.

5 TRUSTEE KAISER: We also covered that topic
6 in the last hearing.

7 CHAIRMAN REIN: The beginning part?

8 TRUSTEE KAISER: Yes.

9 CHAIRMAN REIN: Yes, but we have to give
10 them an opportunity, if they want, in this public
11 hearing, you know, which is a separate record, they
12 end up speaking again. Is that correct?

13 Okay. Before we hear any comments against
14 this request for Special Use Permit, is there
15 anything else you or anybody else here would like to
16 say in favor of this proposal?

17 The gentleman.

18 MR. FICKS: Yes, my name is Robert Ficks,
19 Bob Ficks. I'm the office manager of Sunrise Tree
20 Service. Obviously I have a vested interest in what
21 is going on.

22 CHAIRMAN REIN: Before you continue can you,
23 please, state the address that you reside at and
24 then she is going to need to swear you in?

1 MR. FICKS: Oh, I'm sorry. I live at 986
2 Harvard Lane, Buffalo Grove, Illinois, 60009.

3 (Whereupon, the witness was first
4 duly sworn.)

5 ROBERT FICKS,
6 Called as a witness herein, having been first duly
7 sworn was examined and testified as follows:

8 MR. FICKS: Okay. So, and I just wanted to
9 say that I know that we're doing the -- maybe we're
10 trying to get acclimated and we're trying to work
11 through the problems. And I know Steve was --
12 basically tried to do whatever he can, whether it is
13 putting up a berm that you're requesting or planting
14 trees or whatever, but also in the greater context
15 there is a lot of people that this company supports,
16 a lot of families that are supported by this, and
17 that is -- so I just would ask for careful
18 consideration just for all of the people that happen
19 to be involved.

20 So, thank you.

21 CHAIRMAN REIN: Okay. Please, it will just
22 be one minute.

23 Thank you for your patience. I was just
24 conferring because I neglected at the beginning of

1 this public hearing to have a staff report on the
2 topic of why we're having this public hearing in the
3 first place. If you recall we did that at the
4 beginning of the first public hearing. At this
5 point in time, we're just going to back up a minute,
6 which I'm told I can do. Ms. Lobaito, could you
7 summarize for us, as opposed to reading a lengthy
8 staff report, you know, summarize for us the issue
9 of this application and why we're here this evening
10 before we progress with additional comments?

11 MS. LOBAITO: Certainly. All right.

12 Last fall, I would say it was probably
13 October of 2008, we received a complaint that there
14 was some possible lumbering business occurring at
15 110 Midlothian Road and that trees had been removed.
16 And at that time, Mr. McGuinn came into the office
17 to speak to me and he informed me that there was not
18 a lumbering business being conducted on the
19 property, that he was not using the back part of his
20 property for a lumbering business. And he informed
21 me that the trees that were removed were either dead
22 or in poor condition.

23 In, I believe it was the first part of
24 February, February 10th, the original person who

1 complained, came in to the office, and she informed
2 me that the day prior the saws were running all day
3 long. At that point we issued a stop work order on
4 the property. And Mr. McGuinn came in to talk to me
5 about what was transpiring on his property. I
6 informed him that a Special Use Permit would be
7 required to run this type of business out of the
8 property. And we did discuss the fact that Lester
9 Mach, the former property owner, ran a garden center
10 out of that location, did not have a Special Use
11 Permit, however, I informed him that he would still
12 have to go through the process of obtaining a
13 Special Use Permit. My greatest concern was the
14 fact that he was running a lumbering business, which
15 is not allowed as a Special Use Permit or any type
16 of tree trimming services.

17 So, we made a decision to hold the first
18 public hearing, which we had, to amend the AB
19 Section of the zoning code.

20 A few days later we were informed that
21 there possibly were multiple businesses being run
22 out of that location. And so we issued multiple
23 stop work orders for the businesses that we were
24 informed of being operated out of that location.

1 At that time, I made contact with the
2 village administrator in Lincolnshire and also the
3 village administrator in Mundelein regarding their
4 dealings with Mr. McGuinn and his business. And Mr.
5 McGuinn and Mr. Morgan, who is also here in the
6 audience, they did attend the village board meeting
7 on February 23rd to discuss the type of businesses
8 that they were -- or I should say type of use that
9 they were wanting to use on that property there.
10 And the Gores were also at that meeting to voice
11 their objection to this type of use on the property
12 there.

13 Would you like for me to read the
14 recommendation that we have for this particular --

15 CHAIRMAN REIN: Yes, please. I'm sorry, I
16 did not follow the order at the beginning.

17 MS. LOBAITO: Okay. The recommendation is
18 as follows:

19 The conduct of the tree trimming service
20 business on the subject property shall be limited to
21 Monday through Saturday inclusive of each week. The
22 conduct of the tree trimming service business
23 activity on the subject property shall be limited to
24 the hours of 7:00 a.m. through 6:00 p.m. each day,

1 including Saturday. The conduct of the tree
2 trimming service business shall be subject to all
3 business licenses, regulations and fees imposed now
4 or in the future by the village.

5 No shredding, mulching, sawing, cutting,
6 grinding or any other noise generating operations
7 will be allowed.

8 No manufacturing operations will be
9 allowed.

10 No storage of logs, trees, branches or
11 brush will be allowed and no open burning will be
12 allowed.

13 Deliveries can only be accepted between the
14 hours of 7:00 a.m. and 6:00 p.m. Monday through
15 Saturday.

16 Any landscape materials for sale such as
17 mulch shall be stored in bins, not viewable from any
18 neighboring property or from the street.

19 If a business sign is to be located on the
20 property, a certificate of approval must be obtained
21 prior to the installation. No sign shall be
22 illuminated.

23 Any security lighting on the property must
24 be operated with motion detectors.

1 The construction of a landscape berm as to
2 provide opacity from surrounding neighbors, a site
3 plan as well as a landscape plan approved, submitted
4 and approved by the village board. Two berms are to
5 be installed, one parallel to the railroad tracks
6 and one centrally located on the property running
7 parallel to Midlothian Road. Both berms are to be
8 10 feet high and landscaped.

9 A permit being issued for the security gate
10 located on the front of the property by Midlothian
11 Road. The privacy slats are to be removed and an
12 electrical inspection is to be conducted and access
13 being granted to the police department.

14 The sale of Christmas trees shall be
15 subject to the following terms and conditions: That
16 the location of said Christmas tree sales shall be
17 in accordance with the site plan that must be
18 submitted by the applicant; the hours of operation
19 of said Christmas tree sale shall be limited to the
20 hours of 9:00 a.m. to 6:00 p.m.; that the lighting
21 in connection with the Christmas tree sales in
22 accordance with the site plan must be submitted by
23 the applicant; that Christmas tree sales on the
24 subject realty shall expire and terminated at 6:00

1 p.m. on the 24th of December of each year.

2 The issuance of a Special Use Permit shall
3 not be in conflict with any other village ordinance.

4 The Special Use Permit shall be conditioned
5 upon the continued adherence to village ordinances
6 and noise destructions or nuisances to surrounding
7 neighbors.

8 The Special Use Permit is valid for a
9 period of 3 years from the date of issuance. At the
10 end of the 3rd year, the Special Use Permit shall
11 automatically expire and the applicant shall be
12 required to apply for a new Special Use Permit.
13 Should the business of the applicant move from the
14 subject realty, the special use shall automatically
15 expire, and that there will be one use per zoning
16 lot and one business per zoning lot.

17 CHAIRMAN REIN: Thank you.

18 Is there anything else that you would like
19 to add at this time?

20 MS. LOBAITO: No, I would say that is all.

21 CHAIRMAN REIN: Okay. So at this point
22 we're going to continue with the order of process
23 that we were in before for the public hearing.

24 Is there anybody else here this evening who

1 would like to speak in favor of the petition for
2 this Special Use Permit?

3 MR. FICKS: Can I add one thing?

4 CHAIRMAN REIN: Please, step forward.

5 MR. FICKS: Do I have to be sworn in again?

6 CHAIRMAN REIN: No, you're still sworn in.

7 MR. FICKS: When I said, when we're in full
8 swing, just what I'm talking about, a lot of people,
9 he employs roughly 50, 55 people, majority of them
10 are all off on the site. And so, you know,
11 basically he is -- you know, he is feeding anywhere
12 from 150 to 200 mouths. So, you know, I just want
13 you to understand the full scope of his operation.
14 He has got a big, big nut to crack, you know. He is
15 trying to -- he treats his people fair. He gives
16 them retirement benefits. He gives them health, you
17 know, pays 50 percent of the health of the
18 dependents, offers them dental and things. So I
19 just want you to get a scope of the human side of
20 this business.

21 Thank you.

22 CHAIRMAN REIN: At this time the
23 proceedings will hear comments from anybody who is
24 against the issuance of the Special Use Permit as

1 outlined so far by Ms. Lobaito's comments.

2 We're going to start over with your name,
3 address, and she will swear you in.

4 MS. GORE: Sure. My name is Kandy Gore, 49
5 Squire.

6 MR. GORE: Todd Gore, 49 Squire.

7 (Whereupon, the witness was first
8 duly sworn.)

9 KANDY GORE,
10 Called as a witness herein, having been first duly
11 sworn was examined and testified as follows:

12 (Whereupon, the witness was first
13 duly sworn.)

14 TODD GORE,
15 Called as a witness herein, having been first duly
16 sworn was examined and testified as follows:

17 CHAIRMAN REIN: Okay. Before you continue,
18 we'll ask you the same as we asked of Mr. McGuinn,
19 would you confirm that any testimony that you gave
20 in the prior public hearing was also truthful?

21 MS. GORE: Yes.

22 MR. GORE: Yes.

23 CHAIRMAN REIN: Thank you.

24 MR. GORE: I have a question on the next

1 motion I guess. The tree trimming service, services
2 here, would that -- formally in your definition
3 earlier, would that now effect this ruling here or
4 this motion, so, you know, no chipping, no grinding,
5 all of that?

6 CHAIRMAN REIN: (Indicating.)

7 MR. GORE: Okay.

8 CHAIRMAN REIN: That is correct. I
9 shouldn't nod, should I, Rose?

10 MS. GORE: So one of my questions is what
11 would that look like or sound like with these
12 definitions now, landscaping contracting business,
13 and then a retail nursery without a greenhouse? Are
14 there definitions for what that would be or sound
15 like or we can assume that they're within reasonable
16 businesses that would operate as one might assume,
17 like what a --

18 MR. GORE: Hawthorn Gardens.

19 MS. GORE: -- like a Hawthorn Gardens? Is
20 it an assumption that we can make that that would be
21 a quiet business that would be not disturbing to a
22 residential neighborhood?

23 TRUSTEE KAISER: I don't know that's
24 something -- we can't answer those questions.

1 That's something that we might ask.

2 MS. GORE: Because it's hard to complain if
3 we don't know what it is. If it's loud, it's a
4 complaint. If it's not loud, then I don't care.

5 TRUSTEE KAISER: That is obviously a big
6 concern for you.

7 MS. GORE: Yes. That is our only concern,
8 noise and what it looks like.

9 MR. GORE: See it, hear it.

10 MS. GORE: Other than that I wish him
11 well.

12 CHAIRMAN REIN: Perhaps what we can do at
13 this moment, so that before you proceed with any
14 additional questions or comments, Mr. McGuinn, if
15 you could step forward and respond to their question
16 about what does that look like and sound like.

17 MR. MCGUINN: Well, it looks like the
18 opening that where we took down the trees that were
19 in extremely poor condition, almost dead, we were
20 going to replace that with a berm and plant
21 conifers, evergreens on top of it. We would close
22 up the hole that we created by taking down those
23 trees that were in poor condition. We had no other
24 reason to take them down. We were trying to clean

1 the place up.

2 TRUSTEE SALVI: But, Mr. McGuinn, I mean,
3 did you think that maybe there was -- I mean,
4 especially in your line of work, did you consider
5 the possibility that you needed a permit to take
6 down the trees or you may need a permit to put up
7 the berm?

8 MR. MCGUINN: We know we need a permit to
9 put up the berm, yes.

10 TRUSTEE SALVI: But don't you know in your
11 business -- and maybe Chris can answer, do we have a
12 tree ordinance that would effect taking down the
13 trees on a commercial parcel like this?

14 MR. MILLER: Yes.

15 TRUSTEE SALVI: I mean, you know about
16 tree ordinances probably better than anybody in this
17 room and I don't mean to bust your buns here, but I
18 don't -- you get up and you say, well, we took down
19 some trees that were almost dead. And I'm not crazy
20 about tree ordinances either. You know, I sort of
21 think that they're -- the government over regulated,
22 but they're there, and, you know, they're there, and
23 you go down and take down a bunch of trees.

24 MR. MCGUINN: Trees that are in poor

1 condition you do not need a permit for.

2 TRUSTEE SALVI: Yes, but who decided that
3 they were not in the right condition? You.

4 MR. MCGUINN: Yes, I'm a certified arborist.
5 That's what I do for a living.

6 TRUSTEE SALVI: Okay. So should we just
7 let you take the tree down and don't even bother the
8 village, we'll just leave it all up to you? So if
9 they're partially alive, partially dead, don't call
10 the village, we'll just leave it up to you?

11 You know, when your colleague gets up and
12 he points out you employ a lot of people, you're a
13 good employer, that works for me, but then when you
14 get up and you say, oh, it's the same as it has been
15 for 50 years, it's obviously not the same. You're
16 cutting stuff. You're taking trees down. You're
17 not --

18 MR. MCGUINN: It's always been a nursery.
19 There have been trees going out of that property
20 forever.

21 TRUSTEE SALVI: It hasn't always been
22 cutting logs and the neighbors have been there
23 for -- Ms. Gore, Mr. Gore, how long have you been
24 there?

1 MR. GORE: '94.

2 TRUSTEE SALVI: Did you ever complain
3 about the Lester's?

4 MR. GORE: No.

5 TRUSTEE SALVI: Once?

6 MR. GORE: No.

7 TRUSTEE SALVI: Not even once?

8 MR. GORE: No.

9 MR. MCGUINN: You're under oath, sir, you
10 know that?

11 MR. GORE: No, I've not complained.

12 MR. MCGUINN: You've never complained about
13 the dog poop --

14 MS. GORE: We complained about the dog --

15 MR. GORE: We've complained about the dogs.

16 MS. GORE: -- but nothing about nursery
17 related.

18 MR. MCGUINN: He asked you complaints,
19 complaints about the property.

20 TRUSTEE SALVI: Mr. McGuinn, I digressed.
21 It's my fault.

22 I'm just interested in this. With regard
23 to the berming, you were planning on putting the
24 berming in any way?

1 MR. MCGUINN: No, I was planning on putting
2 the berm in due to the fact that it bothers them,
3 that they can now see my barn, that I believe is a
4 very pretty barn. It's only 10 years old. It's in
5 very good condition.

6 TRUSTEE SALVI: Okay.

7 MR. MCGUINN: They don't want to look at it
8 so I'd be glad to put a berm in and put some
9 evergreens on it so they don't have to look at the
10 barn.

11 TRUSTEE SALVI: One of the conditions that
12 staff is talking about is they're saying the
13 construction of a landscaped berm is to provide
14 opacity from the surrounding neighbors, a site plan
15 as well as a landscape plan must be submitted and
16 approved by the village board. Is that something
17 that you're willing to do?

18 MR. MCGUINN: We already designed a plan
19 for that.

20 TRUSTEE SALVI: Is the answer yes then?

21 MR. MCGUINN: Yes.

22 MR. MORGAN: I went to the village on
23 Steve's behalf --

24 CHAIRMAN REIN: Excuse me, if you would

1 like to speak, you have to wait until you're sworn
2 in.

3 MR. MORGAN: Oh, sorry. Well, it just
4 dawned on me.

5 TRUSTEE SALVI: Okay. I think Suzy will
6 give you a chance to talk, sir.

7 But I -- because the goal here, the way I
8 see it, Mr. McGuinn, is to make sure your neighbors
9 are able to enjoy, quietly enjoy their properties
10 but also to allow you to do business, so.

11 MR. MCGUINN: Right.

12 TRUSTEE SALVI: So I really -- believe it
13 or not, we want you to be able to work there and
14 make money and employ those 50 or so people and pay
15 their retirement benefits, et cetera. So, maybe
16 we -- should we -- and I'll let somebody else ask
17 about it but maybe what we should do is focus on
18 these requirements and how you can live with them or
19 how you think they might be unreasonable and then
20 maybe we can come up with a recommendation that is
21 fair to your neighbors and fair to you.

22 MR. MCGUINN: That's what I'd like to do,
23 yes.

24 TRUSTEE SALVI: Okay. Maybe somebody can

1 do that.

2 CHAIRMAN REIN: Well, before we do that, I'd
3 like to give him an opportunity to finish answering
4 the question about what does this look and sound
5 like for the description of what you wanted to do on
6 that property, with what you're asking to do, if you
7 can kind of finish that thought of what it looks and
8 sounds like.

9 MR. MCGUINN: What it looks like and sounds
10 like, well --

11 CHAIRMAN REIN: They're question -- they
12 said they know that -- what we just put in a
13 definition of tree trimming service, you know, they
14 kind of got the picture of that, but when it talks
15 about for your Special Use Permit, hold on, a
16 landscape contracting business, retail nursery
17 without greenhouse buildings and tree trimming
18 services, if you can just paint a more clear picture
19 to them of what that activity looks and sounds like.

20 MR. MCGUINN: Well, what it sounds like is
21 they don't want us processing wood there, and if
22 that's the case, if the wood -- if they don't want
23 the wood processed there, then we won't process it
24 there, but we have to store stuff there like all

1 landscapers do. We have mulch that we take with us
2 and we spread it around people's trees and help them
3 hold moisture better and aesthetics, and we plant
4 trees. We have to store some trees there and we
5 have to temporarily store our mulch that we -- when
6 we trim trees, we create mulch and some of it we use
7 ourselves and some of it we take to other nurseries
8 in the area. It's temporarily stored on that
9 property. So it's taken, divided up with other
10 nurseries in the area.

11 CHAIRMAN REIN: Are there customers coming
12 onto your property, is that another thing one might
13 see as with the nursery part?

14 MR. MCGUINN: Yes, we have customers that
15 want to buy a tree out of the nursery, they will
16 come on the property, we'll show them some trees and
17 then we'll dig one up for them. Shouldn't be
18 anything that creates a lot of noise.

19 CHAIRMAN REIN: Then on the plan you
20 submitted thus far it looks like there are two berms
21 on the plan?

22 MR. MCGUINN: Yes, one of them is to cover
23 the bare spots where they can see our barn and see
24 into our property. And the other one was -- I

1 believe is a little debatable, it was going to be on
2 the inside of the property, to make a little border
3 along Midlothian Road, but I believe we have lots of
4 very mature, tall evergreens that are in good
5 condition along Midlothian Road where you can't see
6 into the property very far any way and I don't
7 believe we need any protection there, but we're --
8 Mr. Keith Hunt wanted us to come up with some kind
9 of plan for that so we did just as a -- answering to
10 him what he wanted us to do. So, we temporarily --
11 we started that process of the berm along Midlothian
12 Road on the inside of our property, but it's a
13 little debatable whether that is needed or not but I
14 know that we need the berm that is along the edge of
15 the property where we took down the trees that we
16 thought were in pretty poor condition.

17 CHAIRMAN REIN: And it looks like the two
18 berms that are drawn so far -- can you tell me what
19 the height of the proposed berm at the back of the
20 property is prior to the trees going on it?

21 MR. MCGUINN: The berm, right now it's --
22 we were planning on making it about 5 or 6 feet tall
23 and putting tall evergreens on top of it, 20, 25
24 foot evergreens on top of it. So we -- you know,

1 has any objection to it, we're opening to listening
2 to it.

3 CHAIRMAN REIN: Okay. And it's my
4 understanding from the prior meeting that they're
5 looking for 10 foot berms with landscaping on top of
6 them. So the 10 feet would be the covered dirt
7 portion and then the trees would be an additional
8 height to that, is that your understanding?

9 MR. MCGUINN: That is what Donna told me
10 after I gave her those plans, she told me she wanted
11 the berm a little taller. I said, well, we can work
12 on that. I have no objections there. Whether we
13 need the one on the inside I think is a little
14 debatable, but I can see the one on the outside, so
15 you can't into the property, that is the one open
16 spot we have.

17 CHAIRMAN REIN: Okay. I think at this point
18 we'll resume the Gores' testimony before we move
19 onto anybody else, unless there is anything else
20 you'd like to add about what it looks or sounds
21 like?

22 MR. MCGUINN: No.

23 TRUSTEE KAISER: I have a question on the
24 sound. Based on what we just made a recommendation

1 on a little bit ago for the restrictions on the
2 processing of the trees and materials, what other
3 noise generating equipment do you have onsite?

4 MR. MCGUINN: Well, just our trucks that we
5 have to startup.

6 TRUSTEE KAISER: They startup and leave and
7 then they come back?

8 MR. MCGUINN: Right.

9 TRUSTEE KAISER: That's it then, there
10 isn't anything else?

11 MR. MCGUINN: Right.

12 TRUSTEE KAISER: Very good.

13 MR. MCGUINN: They have to load our
14 materials on the trucks in the morning.

15 TRUSTEE KAISER: Right, but I don't know --
16 well, how noisy does that get I guess?

17 MR. MCGUINN: No louder than a truck going
18 down the road.

19 CHAIRMAN REIN: I would ask the Gores, has
20 Mr. McGuinn sufficiently answered the question you
21 posed?

22 MR. GORE: Retail, I'd like a little more
23 definition of retail. I think of retail as the
24 Atrium, as Hawthorn Gardens in terms of, you know,

1 what this says. Well, so that is my question in
2 terms of what -- how you define retail, and also for
3 the noise, it's not -- how many trucks do you have?

4 MR. MCGUINN: I got about 25 trucks, most
5 of them aren't parked there.

6 MR. GORE: Well, because they come in,
7 it's nonstop, beep, beep, beep, everytime they back
8 up, maybe that was just because all of the lumber
9 coming, maybe that is what it was but if there are
10 50 trucks, you know, backing up, that is a big
11 noise.

12 MR. MCGUINN: Trucks aren't around. We
13 have 25 and most of them are on satellite spots
14 throughout the North Shore.

15 MR. GORE: So retail, you sell trees, trees
16 and bushes?

17 MR. MCGUINN: Yes.

18 MR. GORE: Mulch, how often does mulch come
19 in that you're going to take to other nurseries and
20 your other customers? No, he said he is bringing
21 mulch in.

22 MR. MCGUINN: Every landscaper has to work
23 with mulch. Tree people, mulch is a big part of the
24 tree business.

1 MS. GORE: Was I understanding you that
2 when you amended that that was made for the Special
3 Use Permit with the tree trimming service that the
4 mulch would be covered or not out where it was
5 visible, is that part of what you -- my
6 understanding was that you had put a definition to
7 that, is that -- am I correct?

8 MR. MCGUINN: Mulch is very aesthetic in
9 nature. I mean, what's --

10 MS. LOBAITO: Let me read again this one
11 condition here that says, any landscaping materials
12 for sale such as mulch shall be stored in bins not
13 viewable from the neighboring property or from the
14 street, is that what you're referring to?

15 MS. GORE: Yes. So it is stored in
16 something?

17 MS. LOBAITO: Stored in bins so they would
18 not be viewed by the neighbors or from the street.

19 MS. GORE: Is it currently stored in bins?

20 MR. MCGUINN: Some of it is and some of it
21 isn't.

22 MS. GORE: Okay. So I think with the
23 restrictions then most of our problems are handled,
24 based on those definitions that you're -- it kind of

1 is all about and with those restrictions it just
2 kind of fixes it all should that really happen, so.

3 MR. MCGUINN: When the berming of new
4 plants are put in --

5 MS. GORE: That wouldn't make a lot of
6 noise, which would be wonderful.

7 MR. MCGUINN: -- the berm will be very
8 absorbable for any noises that you would --

9 MS. GORE: I agree.

10 CHAIRMAN REIN: In this village we
11 typically when we have neighboring property of
12 differing uses or different intensity typically
13 require opacity in the form of landscaping so that,
14 you know, you don't have to look at the opposing
15 use. So that is what I think the village is trying
16 to achieve with this condition of the berms and the
17 evergreens on top is to buffer that for you.

18 MR. GORE: Perfect.

19 MR. MCGUINN: Thank you.

20 TRUSTEE LAGRO: Suzy, and other
21 commissioners, just for clarification, I want to
22 point out that at the board meeting it was
23 specifically, the issue of the reverse back up
24 beepers on the trucks, that constant beeping noise

1 that will warn people, was discussed and the
2 discussion revolved around there being installation
3 of -- at least the installation of switches so that
4 that noise would not be occurring. I'm just saying
5 it was discussed. I don't know exactly where it
6 went but --

7 TRUSTEE KAISER: Is that something that --

8 MS. LOBAITO: The chief thought that that
9 would be a problem.

10 TRUSTEE KAISER: I'm not -- if there is a
11 safety --

12 MS. LOBAITO: Right. I think at the time,
13 Phil, you may not have heard this, I was sitting
14 next to the chief, she expressed concern about that
15 that might be a safety issue, if they could switch
16 off that beeping mechanism.

17 CHAIRMAN REIN: And, Mr. McGuinn, I heard
18 you say we're working on that perhaps?

19 MR. MCGUINN: We're putting switches in
20 there so we can turn them off when we're on our
21 property.

22 CHAIRMAN REIN: I think what we may need to
23 do, if this goes through, you know, the board and
24 everything is to perhaps have you consult with Chief

1 Paulus, Police Chief Paulus before you complete that
2 exercise to make sure that, you know, one desire
3 isn't cancelling out another safety issue. You know
4 what I mean?

5 MR. MCGUINN: Yes.

6 CHAIRMAN REIN: Please, check with her
7 before you finalize that.

8 MR. MCGUINN: Yes.

9 TRUSTEE KAISER: By limiting some of the
10 other things, the processing, does that reduce the
11 truck noise on the property?

12 MR. MCGUINN: Yes, it sure does. Yes, a
13 lot.

14 TRUSTEE KAISER: Thank you.

15 CHAIRMAN REIN: Next I'd like to ask is
16 there anybody else in the audience who -- in the
17 order we have been in wants to speak against this
18 Special Use Permit being issued?

19 Okay. Hearing none, I believe there was
20 one more gentleman in the audience who wanted an
21 opportunity to speak. Sir?

22 MR. MORGAN: Just wanted to --

23 CHAIRMAN REIN: If you do want to speak, you
24 need to be sworn in, state your name and address and

1 then Rose will swear you in.

2 MR. MORGAN: Justin Morgan, 12 Park Drive,
3 Glenview.

4 (Whereupon, the witness was first
5 duly sworn.)

6 JUSTIN MORGAN,
7 Called as a witness herein, having been first duly
8 sworn was examined and testified as follows:

9 MR. MORGAN: I was just -- when the -- I'm
10 sorry, I didn't get your name, when you were
11 concerned with Steve's getting -- yes. Yes. I'm
12 sorry -- Steve's getting a permit for the berm and
13 doing all of that stuff, I did go in and speak with
14 Donna on Steve's behalf specifically about what
15 permits would be needed to build a berm. That is
16 all I wanted to clarify, that Steve has been trying
17 to work with the village. So, I just wanted to
18 clarify that.

19 MS. LOBAITO: Right. And my response to
20 you was that we were going to incorporate the
21 approval for the berm into the Special Use Permit.

22 MR. MORGAN: Basically I got the impression
23 that nothing further could be done until this
24 hearing, and so, you know, that's what I reported

1 back to Steve. And so I just wanted to clarify
2 that.

3 MS. LOBAITO: That's correct.

4 MR. MORGAN: Thank you.

5 CHAIRMAN REIN: Thank you.

6 Okay. That is all the comment we have from
7 the audience tonight.

8 Then what I'd like to do is take a motion
9 to close the public hearing before we move on with
10 any motions that we're going to make to the board
11 and our discussion.

12 Do we have a motion to close the public
13 hearing?

14 TRUSTEE LAGRO: Motion to close.

15 TRUSTEE KAISER: Second.

16 CHAIRMAN REIN: All in favor?

17 TRUSTEES: Aye.

18 CHAIRMAN REIN: Opposed.

19 (No response.)

20 CHAIRMAN REIN: The public hearing is now
21 closed.

22 Do we have a motion as a response to this
23 consideration for a Special Use Permit?

24 TRUSTEE KAISER: Before we get to that,

1 Item 4 on the recommendations, I think it should
2 mirror the ordinance that -- or the draft ordinance
3 that we prepared.

4 MS. LOBAITO: Yes.

5 CHAIRMAN REIN: I apologize, too. I failed
6 to give the commissioners an additional chance to --
7 I don't know what is wrong with me tonight.

8 TRUSTEE KAISER: It's the latest meeting we
9 have had in awhile.

10 TRUSTEE SALVI: It's okay, Suzy.

11 CHAIRMAN REIN: If you have any other
12 questions, you know, certainly feel free to ask.

13 TRUSTEE SALVI: Thanks.

14 TRUSTEE LAGRO: I do, in general, and it
15 could be the residents or Mr. McGuinn. The railroad
16 tracks, the EJ&E line passes between your properties
17 and Mr. McGuinn. Can you describe -- some places
18 the tracks seem very elevated, where you're
19 literally looking up at the tracks. What is the
20 situation out there between the two of you with the
21 tracks?

22 MR. GORE: They are ground level with it,
23 we're all the way to the end. We're the last lot on
24 Squire, so it is right there.

1 TRUSTEE LAGRO: So you pretty much just
2 look back and forth across the tracks?

3 MR. MCGUINN: No, they elevate between us.

4 MR. GORE: At the curve they do.

5 MS. GORE: At the top it goes up.

6 TRUSTEE LAGRO: If you were standing at the
7 back, if each of you were standing at the back of
8 your property, would you be looking up at the rails,
9 you know, upward?

10 MS. GORE: At the railroad track itself?

11 TRUSTEE LAGRO: Yes.

12 MS. GORE: Just slightly.

13 MR. GORE: It's a slight incline.

14 TRUSTEE LAGRO: I only bring it up, you
15 know, I was trying to visualize if there was any
16 benefit to the tracks being elevated that help block
17 the view at all.

18 MS. GORE: It doesn't because of the height
19 of the shed, if you're referring to the shed --

20 TRUSTEE LAGRO: Yes.

21 MS. GORE: -- that shed is higher than the
22 track.

23 TRUSTEE LAGRO: Except for when those big
24 trains start coming through. Sorry.

1 CHAIRMAN REIN: Any other questions before
2 we go into our motions?

3 TRUSTEE SALVI: I won't take long I
4 promise, Suzy.

5 Mr. McGuinn, with regard to the berm, now
6 you may have heard Donna read that one of the
7 conditions of the recommendations is that there
8 would be a berm that would be 10 feet high and
9 landscaped. Do you know how high your planned berms
10 are?

11 MR. MCGUINN: The ones we proposed already?

12 TRUSTEE SALVI: Yes. What are you
13 proposing, about how high are they?

14 MR. MCGUINN: They're only 5, 6 feet.

15 TRUSTEE SALVI: Okay. Because I'm
16 thinking maybe you ought to read these
17 recommendations and maybe you ought to tell us which
18 of these are not doable or which of them are.

19 MR. MCGUINN: We didn't have the
20 recommendations before we designed it. They said
21 they wanted berms.

22 TRUSTEE SALVI: Right, but Donna read
23 them, and do you want my copy?

24 MR. MCGUINN: Sure. I didn't have a copy

1 of the recommendations.

2 TRUSTEE SALVI: No, she read them and we
3 have them, maybe you ought to take a look at them
4 and read them and tell us this one is okay, this one
5 I just can't do, because, like I said, our goal here
6 is to make sure your neighbors enjoy their property
7 but at the same time allow you to do your business.

8 MR. MCGUINN: Yes. Yes.

9 Well, when you raise the berms to 10 feet,
10 the only reason we were going to make them smaller,
11 we were going to put taller evergreens on top of
12 them, we made them 5 but we were going to compensate
13 with taller evergreens on top. When you say 10 foot
14 berm, it makes it difficult because they have a 3 to
15 1 rule, and you have to be 3 -- at least I think
16 it's 3 to 1 or 5 to 1, it's got to be wider than
17 taller.

18 TRUSTEE SALVI: Well, tell us what you
19 think would protect your neighbors but something
20 that you think is doable.

21 MR. MCGUINN: I think the 5 foot berm with
22 20 foot plus trees on top of it on top of the berm
23 would be more than sufficient to cover up the barn
24 and absorb the noise that might be created by

1 anything that we might do on the site.

2 TRUSTEE SALVI: Mr. and Mrs. Gore, what do
3 you think of that?

4 MR. GORE: Well, I like the pool, the
5 Hawthorn pool, what they've done, the beautiful
6 berms, they have big evergreens on the big berms, so
7 I don't know how high those are.

8 MR. MCGUINN: Only like 6 feet.

9 MR. GORE: Two on the side and there is
10 also the front. I -- you know, we -- our objective
11 is to cut the noise down. You know, if the berm has
12 better sound absorption, then I would want more
13 berm, you know, still evergreens on it, too. I'm
14 not an expert.

15 MR. MCGUINN: Trying to do both.

16 MR. GORE: It doesn't sound --

17 TRUSTEE SALVI: Mr. McGuinn, what else
18 besides the berms do you think would be unduly
19 difficult for you to comply with? Is everything
20 else okay, acceptable to you?

21 MR. MCGUINN: Well --

22 CHAIRMAN REIN: Could you come to the mic,
23 please, for your response.

24 MR. MCGUINN: When we process firewood, we

1 have a hydraulic saw for that. It's a processing
2 machine, hydraulically saws the wood. It's not loud
3 like any -- doesn't have a loud engine on it or
4 anything like that. We wanted to be able to process
5 firewood there.

6 CHAIRMAN REIN: I think our definition would
7 preclude that --

8 MR. MCGUINN: I think so.

9 CHAIRMAN REIN: -- processing.

10 MR. MCGUINN: Yes.

11 MS. LOBAITO: My concern is, and, Chris,
12 correct me if I'm wrong, would that almost
13 constitute a manufacturing type of use, taking a
14 type of material and processing it into another
15 material?

16 MR. MILLER: Yes.

17 CHAIRMAN REIN: Unfortunately, I don't
18 think that is something that we can alter.

19 MR. MCGUINN: But it doesn't create a lot
20 of noise, but if it is a deal breaker, if you don't
21 want processing, then we won't process. You know,
22 it's not going to make a difference whether we stay
23 there or not.

24 TRUSTEE SALVI: What I would do, because I

1 don't think that is going to happen in the short
2 term, Mr. McGuinn, what I would do if I were you is
3 after you get -- assuming you get this stop work
4 order lifted, and I think you will, get back to
5 business, and then at some point in the near future
6 maybe you can get some of the village officials out
7 there to look at this saw or whatever it is, get
8 your neighbors to look at it, and bring it back
9 before us. It would require another text amendment
10 and amendment to the Special Use Permit but you can
11 do it by going through the same process you're going
12 through now, but I don't think -- I suspect that
13 this -- well, I don't think you can with the
14 recommendation that we just made, incorporate the
15 definition that would not allow that process to take
16 place on your property. So, I don't think that is
17 going to happen in the short term.

18 So, I think maybe what we ought to do is
19 focus, and talk about No. 12, the berms, we ought to
20 focus on the other ones that you may find difficult,
21 not including the ones relating to sawing, chopping,
22 cutting wood on the premises.

23 So, maybe, you know, maybe you ought to
24 take a look at that list and tell us now other than

1 the berm issue what do you think is difficult,
2 unduly difficult. I'm sure this is all going to
3 take some effort and money.

4 MR. MCGUINN: Well, we have no reason to do
5 any open burning on the property like we said but we
6 have to store some logs along with our mulch.

7 TRUSTEE SALVI: I believe you can do that,
8 if you keep them in a bin, so they're not open to be
9 seen by your neighbors.

10 MR. MCGUINN: Well, definitely don't want
11 them to have to look at them.

12 TRUSTEE SALVI: Can't you put them in
13 those three sided bins? Isn't that what landscape
14 contractors do, they put them in three sided bins
15 and then they're open to the -- you know, the
16 roadway or whatever and can't be seen by the
17 neighboring property?

18 MR. MCGUINN: Yes, we have no reason -- I
19 agree with you that they shouldn't have to be looked
20 at by people driving by the property or something.

21 TRUSTEE SALVI: Well, I don't really have
22 concerns about somebody driving down Midlothian, I
23 don't think that is a problem. I think that that is
24 the Gores' issue.

1 MR. MCGUINN: No, that is what the berm is
2 going to do.

3 TRUSTEE SALVI: Then that is really not an
4 issue though, right? I mean, you're going to put
5 them in bins, the Gores aren't going to see them,
6 maybe they will be seen from the road, I think that
7 is okay, right, Donna?

8 MS. LOBAITO: Well, I just want to
9 interject here that the village board at the
10 February 23rd meeting was very clear that they did
11 not want any logs, trees or branches being stored on
12 the property. They're okay with the mulch as long
13 as the mulch is in the bins and not visible from the
14 road or not visible from the neighbors but they do
15 not want any branches, logs, trees, things like that
16 being brought back and stored on the property.

17 MR. MCGUINN: Well, we have to do that
18 temporarily, that is what landscapers do. At the
19 end of the day, they bring the materials back with
20 them.

21 MS. LOBAITO: No. They did say that at the
22 meeting that on a temporary basis, when they issued
23 that modified stop order, but the direction that I
24 received from the village board was as a condition

1 of the Special Use Permit that no logs, trees,
2 branches, et cetera, be allowed to be stored on the
3 property.

4 MR. MCGUINN: We don't have any branches,
5 they're all turned into mulch on the people's
6 property.

7 TRUSTEE SALVI: Donna, what about Hawthorn
8 Gardens? I mean they store tons of mulch.

9 MR. MCGUINN: They all do. And I'm not --
10 see it from the road.

11 TRUSTEE SALVI: I know. I'm -- on this
12 one I'm with you, Mr. McGuinn. You know, how can he
13 not? Landscapers store mulch, logs. And if he is
14 not producing it onsite, there is not going to be
15 that much. It just can't be because it would be
16 cost prohibitive to, you know, to truck it and store
17 it on his property and then move it from there. You
18 know, I don't think, if he is not making it onsite,
19 I don't see what the problem is. I got a feeling --

20 MR. MCGUINN: Right.

21 TRUSTEE SALVI: -- but it is the board that
22 has the problem.

23 MR. MCGUINN: Well, I didn't see a big
24 problem there. Of course it would have to be voted

1 on, but there wasn't a problem with storing the
2 materials there.

3 CHAIRMAN REIN: I think we may need to
4 differentiate between logs and firewood. I think
5 what you're seeing at the other nursery is firewood
6 that has been processed elsewhere and is purchased
7 from a wholesaler as firewood and is retailed as
8 firewood.

9 TRUSTEE SALVI: But, I mean, I think that
10 is a -- it could be an important distinction, Suzy,
11 but I don't think it's an important distinction
12 because a log is a piece of wood, a firewood is a
13 piece of wood.

14 MR. MCGUINN: Right.

15 TRUSTEE SALVI: Right, you know, I agree
16 with Mr. McGuinn on this one. You know, when you go
17 by Hawthorn Gardens everybody holds that up as
18 being -- and justifiably so as sort of the icon of
19 what we want, there is like walls of logs. How is
20 that any different than -- there is walls of
21 firewood, let's call it, how is that any different
22 than a wall half the size that consist of, quote,
23 logs?

24 MR. MCGUINN: Yes. What is the difference?

1 MS. LOBAITO: I have a question for you,
2 Mr. McGuinn. If you are allowed to bring branches
3 and logs and trees back to the property, then what
4 is your ultimate plan for that, if you're bringing
5 it back, and we're not allowing any chipping,
6 grinding, cutting, sawing or anything like that?

7 MR. MCGUINN: They're just temporarily held
8 there then and they go off to other sites but
9 they're just -- have to be able to be held there
10 temporarily.

11 CHAIRMAN REIN: Can you define
12 temporarily, the timeframe of temporarily?

13 MR. MCGUINN: Anywhere from one day to on
14 average of a couple of weeks where the logs are
15 stored. We get a certain amount of them, then we
16 have somebody come and take them away or we take
17 them to somebody else but they're temporarily stored
18 there.

19 TRUSTEE SALVI: I'm sorry for interrupting.
20 I still don't get this part, though, guys, because
21 Hawthorn Gardens always has logs there. They fall
22 right under the definition of permitting. You know,
23 this log may be gone in two weeks but it is replaced
24 by another log and there is always a stack 20 feet

1 high.

2 CHAIRMAN REIN: Perhaps the difference is
3 that on the 110 Midlothian property some other form
4 of manufacturing was taking place with those logs.

5 TRUSTEE SALVI: Right.

6 MR. MCGUINN: Right.

7 TRUSTEE SALVI: Now we're precluding that.

8 MR. MCGUINN: We're precluding that. We've
9 covered the basis.

10 TRUSTEE SALVI: We're barring that now.
11 So if we don't let him store logs or firewood or
12 wood or whatever --

13 MR. MCGUINN: Process them.

14 TRUSTEE SALVI: -- we're saying it's okay,
15 Hawthorn Gardens, but it's not okay for him? I
16 don't think that is fair.

17 TRUSTEE KAISER: I think temporarily is
18 fine. I think 2 weeks is fine. I'm not surprised
19 with that. I think that is probably something that
20 is necessary for your business. I would say even 2
21 and a half weeks, something like that would be fine.
22 I do understand what you're saying, but I'm looking
23 at retail sale of firewood versus very long-term
24 storing of wood, I don't think that is what he is

1 saying he is going to do, so --

2 MR. MCGUINN: And I want to make it so they
3 don't have to look at them. I want to put a berm in
4 the rear.

5 TRUSTEE KAISER: On the drawing that we
6 have, the survey that we have up here, where are the
7 materials going to be temporarily stored, if you can
8 describe it to me?

9 MR. MCGUINN: The property is -- in the
10 middle of it it drops off, drops down quite a bit.
11 And we were going to keep the -- or we keep the
12 materials typically down in the lower part of the
13 property.

14 TRUSTEE KAISER: That is not visible to
15 the Gores then?

16 MR. MCGUINN: Correct, right now we are
17 storing some stuff where they can see it very
18 obviously and that's where we're going to put the
19 berm so they don't have to look at that.

20 MS. LOBAITO: I have a question for the
21 Gores. You can see on the screen here down at the
22 bottom the proposed berm --

23 MR. GORE: Yes.

24 MS. LOBAITO: -- is the location of the

1 berm, the length of the berm, is that sufficient in
2 your opinion to screen your view?

3 MR. MCGUINN: There were evergreens right
4 up to the point where the berm starts, berm is going
5 to start right where it starts to go up and go up to
6 building.

7 MS. GORE: Is the shed on the left?

8 MR. MCGUINN: This is the shed right here.
9 This is where the -- where the berm starts and goes
10 out to where the trees are still standing.

11 MS. GORE: Okay.

12 MR. MCGUINN: This is where the berm is, in
13 the open spot.

14 MS. GORE: How many feet do you think that
15 is?

16 MR. MCGUINN: It's about 100 feet.

17 MS. GORE: So it's basically what you took
18 down, right?

19 MR. MCGUINN: Yes.

20 MR. GORE: Well, no. Well, the berm looks
21 like it stops before the barn, right?

22 MR. MCGUINN: Right.

23 MR. GORE: Well, he doesn't have trees
24 here.

1 MR. MCGUINN: Right now. There are trees
2 planted on there.

3 MR. GORE: I mean, right now, from where
4 the edge is here you cut past there, so if you stop
5 earlier, we still see the berm, but if the berm
6 covers the barn --

7 MR. MCGUINN: Trees to cover the barn.
8 There are trees here. We are going to have taller
9 trees here. Where we start the berm is where there
10 aren't any evergreens.

11 MR. GORE: Can I bring this up to you, just
12 to show you. This would be my concern that it
13 doesn't stop. This is our backyard and this is what
14 was cut down here --

15 MR. MCGUINN: Yes.

16 MR. GORE: -- cut down, and that is what I
17 would want replaced and that looks like you stop
18 short of the barn.

19 TRUSTEE SALVI: Did you see the barn
20 before?

21 MR. GORE: No.

22 TRUSTEE SALVI: Not at all?

23 MR. GORE: If we were -- how far would that
24 be taken down?

1 TRUSTEE SALVI: What percentage of the
2 barn can you see now, 100 percent of the side?

3 MR. GORE: Well, the picture right there,
4 that is a picture that was taken, pretty tall barn,
5 it's right there. I mean, walking, come to our
6 home, look, standing in our house all in the back.

7 TRUSTEE SALVI: So the barn for the most
8 part could not be seen before the trees were taken
9 down?

10 (Off the record.)

11 CHAIRMAN REIN: Could you speak louder,
12 please, so that --

13 MR. MCGUINN: The reason the trees were cut
14 in the first place, as you can see, there is no
15 branches on these trees. They're all bare trees.
16 They were logs, sticks. There were no -- and we had
17 no reason to -- we got 8 acres there. We don't need
18 to cut good trees out.

19 MR. GORE: It's my understanding you cut
20 that down to make room for the mill.

21 MR. MCGUINN: We have 8 acres on the
22 property. We don't need -- no.

23 TRUSTEE SALVI: But you've already agreed
24 to put evergreens there so we're good on that, so.

1 CHAIRMAN REIN: Perhaps one way to solve
2 the question at hand as far as the placement of the
3 berm and the tree, if everybody agrees on the intent
4 to be to screen the Gores' view, to rescreen the
5 Gores' view of the barn and the operation --

6 MR. GORE: Yes.

7 CHAIRMAN REIN: -- that the placement of --
8 the actual placement of the berm and the trees could
9 be done in consultation with all parties, so that --

10 MR. GORE: Absolutely.

11 CHAIRMAN REIN: -- you can stand on both
12 sides of the line and you can say, yep --

13 MR. MCGUINN: I'd like to show them where
14 we put the berm.

15 MS. GORE: Yes, that would be great.

16 MS. GORE: Is there a timeframe on here or
17 did you have a time destination plan?

18 MS. LOBAITO: Well, he will have to go
19 through a review of the village, our village
20 engineer would have to take a look at the grading
21 plan.

22 MR. MCGUINN: To make sure we're going to
23 build it to their specifications.

24 MS. GORE: I think it sounds great.

1 MS. LOBAITO: Our intent is to bring this
2 ordinance to the village board on Monday night and
3 pass the ordinance and then I would require Mr.
4 McGuinn to provide his grading plan so we can have
5 our village engineer review that and that does take
6 a couple of weeks to go through the review process.

7 CHAIRMAN REIN: There are a few other
8 things I think we need to raise.

9 One question, we were on the topic of logs
10 before we got back to the berm and the trees, and I
11 guess it's just figuring out what these logs look
12 like and what they are, you know, we talked about
13 firewood versus logs, but what diameter of logs are
14 you typically looking to store temporarily?

15 MR. MCGUINN: Well, they're 12, 24 inch
16 logs. They're always stacked in a neat pile.
17 They're not like just thrown all over the place and
18 piles all over the place. We keep them in a very
19 orderly, neat pile so we can load it uniformly back
20 onto a truck and go to take it -- or take them away.

21 CHAIRMAN REIN: So the lengths are 12 to
22 24 inches, the length of the cuts --

23 MR. MCGUINN: No.

24 CHAIRMAN REIN: That is the diameter?

1 MR. MCGUINN: The diameter of the logs are
2 and they range anywhere from 6 to 12 feet on
3 average.

4 TRUSTEE LAGRO: Are those -- where the logs
5 originate, are those manipulated like I've seen
6 these flatbed trucks with kind of a hydraulic,
7 clawing lifting mechanism --

8 MR. MCGUINN: Right.

9 TRUSTEE LAGRO: -- hydraulic arm kind of
10 thing?

11 MR. MCGUINN: Right.

12 TRUSTEE LAGRO: And that gets it onto the
13 truck and then that is what offloads it?

14 MR. MCGUINN: Offloads it and loads it back
15 on and takes it away, yes.

16 CHAIRMAN REIN: So those are I guess
17 different kinds of logs than what we're seeing --

18 TRUSTEE SALVI: Yes, I agree with you,
19 Suzy, those are good questions, and that is a
20 distinction.

21 CHAIRMAN REIN: And I believe the diameter
22 you said was 12 to 24 inches, the logs, and they
23 range in length from 6 to 12 feet?

24 MR. MCGUINN: Right.

1 TRUSTEE GOEBEL: Where do those come from,
2 from the trees that you cut down at your customers'
3 primarily?

4 MR. MCGUINN: We cut them down at people's
5 houses.

6 TRUSTEE GOEBEL: So if I had you come in
7 and say take out 10 trees onsite, you'd chip
8 everything except the logs?

9 MR. MCGUINN: The logs.

10 TRUSTEE GOEBEL: And then the logs, you
11 would take them to your site, when you get enough to
12 sell them or move around --

13 MR. MCGUINN: Correct.

14 TRUSTEE GOEBEL: -- then they'd come in and
15 you'd load them up and take them out?

16 MR. MCGUINN: Load them up and take them
17 away, yes. It's a hydraulic piece of machinery, it
18 doesn't create a lot of noise.

19 CHAIRMAN REIN: Do you have any other
20 parcels of property that you can use for the storage
21 of these logs as opposed to the 110 Midlothian site?

22 MR. MCGUINN: No, I really don't. I believe
23 that when they're there, that you -- really they're
24 not offensive to people on the outside, along, you

1 know, you come down Midlothian Road, you don't even
2 know what is going on back there because it is all
3 screened with tall evergreens.

4 TRUSTEE SALVI: This may sound like a dumb
5 question but how many 12 to 24 foot logs at once
6 would you have on the property at the most?

7 MR. MCGUINN: Probably anywhere from like
8 25 to 100.

9 TRUSTEE KAISER: How tall does that pile
10 get?

11 MR. MCGUINN: Well, we've got plenty of
12 room there. We don't have to go really tall. We
13 don't like to -- it gets dangerous if it gets tall,
14 so, typically, you know, 12 to 15 feet tall.

15 TRUSTEE KAISER: Okay.

16 CHAIRMAN REIN: Phil, did you have a
17 question?

18 TRUSTEE LAGRO: No.

19 CHAIRMAN REIN: Access gate?

20 TRUSTEE LAGRO: Oh, I'm sorry. Suzy
21 reminded me. I was talking with her before, I was
22 just curious about -- I know at the board meeting
23 the police chief made the comment that they have no
24 ability to access the property presumably in an

1 emergency. And it looks like this provides for the
2 police will be able to access, the access being
3 granted to the police department. I was just
4 wondering how that is accomplished, if the gate is
5 there, how do they get onto a person's property if
6 there is some kind of an emergency or -- and gate is
7 there and it's 2:00 o'clock in the morning --

8 MR. MCGUINN: They install something, it's
9 just like a -- the police car or fire engine pulls
10 up, comes up to a stoplight, they've got something
11 to change the light, well, they use the same
12 mechanism to open the gate, make the gate open,
13 something like that to -- my gate guy installs for
14 me.

15 TRUSTEE LAGRO: Okay.

16 CHAIRMAN REIN: I want to clarify on the
17 list of items recommended for approval that this
18 would be subject to, our commissioners asked of you,
19 Item 6, we were already talking about the logs. It
20 also list trees, branches or brush. I just want to
21 clarify with your retail part of your nursery you
22 mentioned selling trees. I assume these are live
23 trees that you could in turn plant for somebody as a
24 service?

1 MR. MCGUINN: Right.

2 CHAIRMAN REIN: So I would think that if
3 this condition were left in here, it would not work
4 for you unless it said cut trees or -- what would be
5 the appropriate term to differentiate from live
6 trees that you would plant for somebody versus trees
7 that --

8 MR. MCGUINN: Well, we have no reason to
9 bring dead branches on because all of our branches
10 are chipped into mulch on the job sites. So, we
11 have no reason to bring debris in, piles of debris.

12 TRUSTEE LAGRO: I think maybe the
13 differentiation is would there be live tree material
14 on there that is balled and burlaped --

15 MR. MCGUINN: Yes.

16 TRUSTEE LAGRO: -- or would they have to
17 be dug with a spade truck?

18 MR. MCGUINN: They're usually dug by hand,
19 but there would be balled and burlaped trees stored
20 there temporarily before they go and taken to
21 people's homes to be planted, and are to be dug up
22 onsite.

23 TRUSTEE LAGRO: So live growing trees there
24 somewhere?

1 MR. MCGUINN: Yes, and, you know, there has
2 been a nursery there for a long, long time, that is
3 what has been going on there.

4 CHAIRMAN REIN: Just as a word to the
5 commissioners, I don't know if this warrants adding
6 as a recommendation to the Special Use Permit but
7 one comment I would like to make is that, you know,
8 if we recommend to approve this permit, I would like
9 to ask Mr. McGuinn that you personally, that you and
10 your staff personally familiarize yourself with the
11 Hawthorn Woods tree policy, particularly the tree
12 removal and replacement policies that govern the
13 trees in this village.

14 MR. MCGUINN: Yes.

15 CHAIRMAN REIN: So that not only can you
16 honor that for your own property but for your
17 customers in Hawthorn Woods as well because it's a
18 very important policy to us. It is quite an
19 extensive policy to read through, but, usually the
20 removal of a dead tree, for example, requires
21 confirmation from the village that the tree is, you
22 know, they come out and inspect it to make sure that
23 it has indeed -- if it's a protected tree, if
24 it's --

1 MR. MCGUINN: Protected tree, and I believe
2 it is dying or in dying condition or dead, then you
3 don't need a permit, correct?

4 CHAIRMAN REIN: Well, it's my understanding
5 that we have had to file with the village in the
6 past, they come out and inspect it and say, yes, you
7 can take that tree down.

8 TRUSTEE LAGRO: Yes.

9 MS. LOBAITO: Chris, correct me if I'm
10 wrong, I believe the ordinance reads that the tree is
11 dead or dying you don't need a permit, however we
12 need to come out and inspect that?

13 MR. MILLER: That's the policy.

14 TRUSTEE LAGRO: I think the point should be
15 well taken, just -- I would suggest getting the
16 paperwork and, you know, doing the homework and
17 understanding it and have it for a reference.

18 MR. MCGUINN: Yes. You have an inspector
19 that you hire on a regular basis?

20 MS. LOBAITO: We have -- actually our
21 public works director is qualified to make that
22 determination.

23 MR. MCGUINN: He is a certified arborist?

24 TRUSTEE LAGRO: I believe he is. I think

1 he told me that he is an arborist.

2 MR. MILLER: I don't know if it requires
3 him to be a certified arborist.

4 CHAIRMAN REIN: One of the things this
5 prevents, believe it or not, when someone starts
6 taking down trees, whether it is a professional such
7 as yourself or a homeowner, the village gets a phone
8 call from a concerned neighbor who moved here
9 because of the protection of trees and then the
10 village has to send someone out, you know, from
11 public works or the police department to go check on
12 it and, you know, it's a proactive ordinance, a
13 proactive measure to have the tree inspected and
14 say, yep, that's dead, it can come down and then we
15 don't have these emergency phone calls, people
16 rushing around trying to stop it.

17 MR. MCGUINN: It should be done by somebody
18 who is qualified, you know, and most -- you either
19 have an arborist full-time or you have to hire
20 somebody in, usually somebody doesn't have somebody
21 that -- I'm -- not that easy to get certified
22 usually or somebody is automatically certified.

23 TRUSTEE LAGRO: Part of the reason that the
24 tree ordinance evolved and existed because there

1 have been incidence in the past years where alarmed
2 residents have called in a rage about a crew of
3 people next door like literally clearing a whole
4 grove of oak trees. I mean, it has happened a
5 number of times.

6 MR. MCGUINN: Yes.

7 TRUSTEE LAGRO: You get a half a dozen guys
8 in there coming out of Chicago, they don't know
9 what -- all they know is they're supposed to go here
10 and cut trees down, you know.

11 MR. MCGUINN: Well, there is good reasons
12 for having that also, you're right, and that's why.

13 CHAIRMAN REIN: Okay. I would ask our
14 commissioners, are we ready to move forward with a
15 motion on this?

16 TRUSTEE SALVI: Yes.

17 TRUSTEE GOEBEL: Well, wait a minute here.
18 On Item 6, are you -- I mean, it seemed to me you're
19 going to have to change your operation if you're not
20 going to be storing logs there. I mean, you
21 complete your jobs, you're going to have to go
22 someplace else with them.

23 TRUSTEE KAISER: We can modify that
24 recommendation.

1 TRUSTEE LAGRO: It looks like the word
2 trees is the problem, if there are going to be
3 trees, live trees in the ground or balled and burlap
4 for sale, there is going to be trees there.

5 TRUSTEE GOEBEL: I'm talking about 6.

6 TRUSTEE SALVI: How about what if we were
7 to say he can have up to 100 logs of cut trees that
8 are no more than 5 feet long and stacked neat?

9 MR. MCGUINN: Well, you know, why don't we
10 just say that there won't be any debris or brush
11 stored on the property. We have no reason -- that
12 would be the thing that might be unsightly.

13 TRUSTEE SALVI: What if you have a
14 thousand trees stacked up 10 feet high on your
15 property of logs, that is a concern? So you said
16 you never have more than a hundred. So, I -- and
17 you say they're generally 12 to 25 feet long. So,
18 my suggestion was, okay, no more than 100 logs or
19 cut trees, whatever you call them, that are 5 feet
20 long, so then you can have up to 124 foot logs.

21 CHAIRMAN REIN: Just to clarify, I think
22 that the logs were 24 inches in diameter but no more
23 than 12 feet long.

24 TRUSTEE SALVI: Okay. Thanks. Is Suzy

1 right? No more than 12 feet long?

2 MR. MCGUINN: Yes, they're more like --
3 more like -- could be 12 to 15 feet long but they're
4 24, 12 to 24 inches in diameter on average.

5 TRUSTEE SALVI: Well, if one is more than 5
6 feet long, it counts as one and you get up to 100,
7 does that work? What is the problem, the length or
8 the number?

9 MR. MCGUINN: The amount, yes.

10 TRUSTEE SALVI: Well, you said 100, that
11 you have between 25 to 100. Is it 25 to 100, and I
12 know you're guesstimating a little bit but --

13 MR. MCGUINN: Yes, all of a sudden we have
14 a storm one day and we got to cut some extra trees
15 down there, we need a little bit of play there. Why
16 don't we say -- one load of logs is typically 20
17 yards of logs. Why don't we say something like, you
18 know, no more than a thousand yards at a time,
19 stored of logs? That's -- we have no reason for
20 brush or debris.

21 CHAIRMAN REIN: Did you say a thousand
22 yards? One load will equal 20 yards?

23 MR. MCGUINN: One load of logs is about 20
24 yards, yes.

1 CHAIRMAN REIN: Mike, I'm concerned that
2 this is kind of hard to define, opening a Pandora's
3 box.

4 TRUSTEE SALVI: Yes, I agree, but you know
5 what, though, Suzy, the problem is we can't -- I
6 don't think we can say you can't -- you can engage
7 in a business of being a tree cutter, tree trimmer,
8 but you can't, and even though you're not cutting
9 logs onsite, you can't store any logs, you know, you
10 can't store any trees, on his property. We might as
11 well just tell him to go out of business.

12 MR. MCGUINN: Exactly.

13 TRUSTEE SALVI: And then at the same time,
14 you know, we have walls of firewood at Hawthorn
15 Gardens. Now, I know you guys have astutely
16 established the distinction between the logs and the
17 firewood, but, still, you know, we got to let the
18 guy do -- we got to let the guy engage in business.
19 And if he can't store any cut trees on his property,
20 I don't know how he engages in his business. So,
21 I'm trying to see how we can quantity it so the
22 neighbors aren't hurt but at the same time he can do
23 his business as a tree trimer.

24 MR. MCGUINN: We get the berm down and then

1 trees put on there, they're not going to be able to
2 see into our property any way. They got the one
3 spot that they can see into our property. We're
4 going to take care of that. The property drops
5 down. You can't see what is going on in there
6 unless --

7 TRUSTEE SALVI: See, my problem is -- my --
8 I don't know where to -- I don't know what a
9 thousand yards looks like. So I don't know whether
10 to say, yes, that works, and this is how we're going
11 to define it in the ordinance. I just don't have
12 the expertise to do that. We need somebody up here.
13 Does --

14 MR. MCGUINN: The ones that you have out
15 there already, you don't -- nobody tells Hawthorn
16 Gardens how many logs they can have, right? Why do
17 you have to tell me? Why don't we just eliminate --

18 TRUSTEE SALVI: They're engaged solely in
19 retail so all they do is sell these little logs that
20 are neatly stacked in these walls.

21 MR. MCGUINN: They're not always neatly
22 stacked. They got big piles --

23 TRUSTEE SALVI: That's true but --

24 MR. MCGUINN: -- certain size pile.

1 CHAIRMAN REIN: I think the difference is
2 in the intent of the scope perhaps. You know, when
3 I picture your logs, you know, stored and then being
4 hailed out on flatbeds, you know, it envisions a
5 logging operation. You know, you got the big
6 flatbeds of logs rolling out to go to a secondary
7 manufacturer.

8 MR. MCGUINN: Yes.

9 CHAIRMAN REIN: And I think the other
10 thing that we're concerned with, or at least I'm
11 concerned with, is the prior behavior and what was
12 done with those logs on your property, you know,
13 without any business permit to do so. So the past
14 behavior demonstrates, you know, a risk to us if
15 those sorts of logs were allowed to accumulate on
16 your property. I think that is the difference from
17 that, the firewood that we know is being sold in
18 retail and loaded in the back of minivans, you know.
19 There is just a big distinction there.

20 MR. MCGUINN: Yes.

21 CHAIRMAN REIN: You know, overall --

22 MR. MCGUINN: At the same time you don't
23 regulate how many he can have there at any time, you
24 know.

1 TRUSTEE SALVI: But he is not bringing in
2 long, cut trees. That is the difference.

3 MR. MCGUINN: They're still logs.

4 TRUSTEE SALVI: Do you have --

5 TRUSTEE KAISER: You said that temporary
6 storage is about 2 weeks anyway, is that --

7 MR. MCGUINN: Yes.

8 TRUSTEE KAISER: Do you -- is it regularly
9 like every 2 weeks logs will be removed during the
10 season?

11 MR. MCGUINN: No, we have guys that come and
12 take them away, sawmills that come and take them
13 from us, but sometimes they don't -- you know, if
14 they get backed up or they get busy doing something
15 else.

16 TRUSTEE KAISER: Not something that we can
17 rely on as an event, you know, that logs will be
18 removed, they may not be all at once, maybe one or
19 two at a time you're saying, am I right?

20 MR. MCGUINN: Right. Besides the hole that
21 we created there, the one neighbor who does border
22 most of the property has sent the letter saying that
23 they have no problem with the business that is going
24 on there, and it has been going on there. It's not

1 offensive to them. They are the ones that border
2 most of the property.

3 TRUSTEE SALVI: Could we -- I'm just sort
4 of thinking out loud here trying to think of a
5 solution. I'm just trying to think out loud here,
6 find a solution. Could we quantify it and say that,
7 you know, the logs will not be visible from the
8 neighbors?

9 MR. MCGUINN: Offensive to the neighbors,
10 how is that?

11 TRUSTEE SALVI: Offensive, it's too
12 subjective, Mr. McGuinn. Would these -- let's say
13 you had a thousand yards, I don't know how much a
14 thousand yards of reasonable cut trees are, but
15 let's say you have them on your property, are the
16 Gores going to see it?

17 MR. MCGUINN: No.

18 TRUSTEE SALVI: Okay. Well, why don't
19 we -- why don't we discuss some way of quantifying
20 it and just say that it will not be visible to any
21 of the neighbors, if it's visible, you know, you're
22 going to be subject to being cited and perhaps even
23 losing your Special Use Permit?

24 CHAIRMAN REIN: I want to clarify, is a

1 thousand yards of logs 50 loads?

2 MR. MCGUINN: Correct.

3 CHAIRMAN REIN: Are we talking about 50
4 loads of kind of a semitrailer size flatbed?

5 MR. MCGUINN: About 10 or 12 foot high pile,
6 about 100 to 125 feet long.

7 CHAIRMAN REIN: Okay. So, Mike, are you
8 clear on that?

9 TRUSTEE SALVI: No, I'm starting to.

10 MR. MCGUINN: It's about a pile that is
11 about 10 to 12 feet high, and about 100 to 125 feet
12 long.

13 CHAIRMAN REIN: That's a load by
14 definition and if there are -- if you were to
15 suggest a thousand yards, there would be 50 loads
16 that size, so 50 tractor trailers that he would be
17 pulling out, taken to the sawmill.

18 TRUSTEE SALVI: Would they fit on that
19 property? How do you get that much wood on your
20 property?

21 MR. MCGUINN: That doesn't take up much
22 space at all. There are 8 acres there for starters.

23 CHAIRMAN REIN: It's not so much probably
24 problem to store it as the activity of those logging

1 trucks coming in.

2 MR. MCGUINN: The logging trucks really
3 doesn't -- they run at an idle speed and they have a
4 hydraulic piece of equipment and it doesn't make a
5 lot of noise, and they load it up and they go.

6 TRUSTEE LAGRO: But I think what I heard
7 you say was that -- what we're calling a thousand
8 yards would be about 10 or 12 feet high and about
9 100, 125 feet long?

10 MR. MCGUINN: Yes.

11 TRUSTEE LAGRO: That is the visual on a
12 thousand yards.

13 MR. MCGUINN: Yes.

14 CHAIRMAN REIN: Oh, on a thousand as
15 opposed to one load?

16 TRUSTEE LAGRO: Right.

17 MR. MCGUINN: Yes.

18 CHAIRMAN REIN: Oh, sorry.

19 TRUSTEE SALVI: Can I ask Chris a
20 question? Chris, when we measure these logs or
21 uncut trees by yards, is that a definite way of
22 quantifying how much wood is there and how much
23 recently cut trees are there? Is that -- I mean,
24 we're talking in terms of yards. Is that a good way

1 to measure this stuff?

2 MR. MILLER: I don't know.

3 TRUSTEE SALVI: Okay. I don't blame you.

4 MR. MILLER: He is the arborist.

5 TRUSTEE LAGRO: What is a yard?

6 MR. MCGUINN: 3 by 3 is 1 yard, 1 cubic
7 yard, 3 feet by 3 feet.

8 TRUSTEE LAGRO: 1 cubic yard?

9 MR. MCGUINN: Yes.

10 TRUSTEE LAGRO: So is -- that is what we're
11 actually talking about, is cubic yards?

12 MR. MCGUINN: Yes.

13 TRUSTEE LAGRO: A 3 foot cube.

14 TRUSTEE SALVI: I'm sorry I'm so dumb. Is
15 a 9 foot tree 3 yards? How do you measure the
16 thickness? I mean, how do we -- would an official
17 from the village have to go out with a tape measure
18 and measure every log by width and length in order
19 to enforce this ordinance that is going to measure
20 logs by yards?

21 MR. MCGUINN: I'm just going to tell you the
22 most that we would ever have is that size pile.

23 TRUSTEE KAISER: Defining a limitation on
24 what he could live with on a temporary basis which

1 he is going to try to make it not visible to the
2 Gores, but I think that is too subjective a standard
3 to place. We're talking about logs, not live trees.
4 We're not talking about branches or brush. They're
5 not going to be there.

6 MR. MCGUINN: Right.

7 TRUSTEE KAISER: So, I don't know if
8 anything else can quantity that. We've got --

9 TRUSTEE SALVI: How about just simply by
10 length, because the width is going to vary. When
11 you have a universe of a thousand trees, there is
12 going to be an average, there is probably not much
13 difference in having 500 trees, so why not just
14 measure them by length?

15 TRUSTEE KAISER: Well, how much time would
16 it take to send somebody out there to do that
17 measurement?

18 TRUSTEE SALVI: Well, if lengthwise would
19 be easy. It's the cubic stuff that --

20 TRUSTEE KAISER: Well, I think --

21 CHAIRMAN REIN: Yes, we're getting bogged
22 down.

23 MR. MILLER: If you want to go that way,
24 you are probably thinking in terms of the bulk and

1 bulk is going to be the height, the width and the
2 depth, and it could really be measured very easily
3 and I think that could be fed into what the
4 Petitioner is talking about, a thousand cubic yards.
5 And I think, Phil, if you did your math right, 120
6 feet by 12 foot deep, the length of the log is --
7 the maximum is 12 feet, maybe a little longer
8 sometimes, but let's use 12 foot, and the he said 15
9 foot high, no higher than 15 feet, and then -- now
10 you can figure out the length, and that is all we
11 need, but that could be easily addressed if he is
12 agreeable with dealing with that.

13 TRUSTEE KAISER: Does that sound like a
14 method?

15 MR. MCGUINN: Yes, say a thousand yards.

16 TRUSTEE KAISER: So we're talking about
17 modifying 6 to allow the storage, the temporary
18 storage of a thousand yards of logs for a period of
19 not more than -- I don't know. I don't know how you
20 want to say that. I don't want to tie you in and
21 tie your hands but at the same time, said 2 weeks,
22 and I know that can change, you know, every week and
23 it could be --

24 MR. MCGUINN: Yes, but --

1 TRUSTEE KAISER: Temporary is also very
2 subjective, the word temporary, so I don't know how
3 we want to word that, if anyone has a better idea,
4 then we put some kind of limitation, no branches,
5 brush or burning allowed, as I said, as a separate
6 item.

7 CHAIRMAN REIN: Okay. How many -- maybe
8 we can handle the temporary this way, how many turns
9 of that log inventory would you have on average?

10 MR. MCGUINN: How much in time?

11 CHAIRMAN REIN: How many turns? How many
12 times per year would that inventory be placed, in a
13 12 month period, would that normally come in and
14 exit, you know, be replaced, turned over?

15 MR. MCGUINN: That's probably on average of
16 3 or 4 week inventory, you know, at times we have no
17 change, you know, our business is a little seasonal.
18 So that is probably like only 6 months of the year
19 where it is like that.

20 TRUSTEE KAISER: Say no longer than a
21 month, but I don't know how can --

22 TRUSTEE GOEBEL: What difference does it
23 make? It's the amount that is there. I don't even
24 know why we have to get into this, just say

1 temporary storage.

2 TRUSTEE KAISER: A thousand yards.

3 TRUSTEE GOEBEL: Not to exceed a thousand
4 yards.

5 TRUSTEE KAISER: Because he has to run a
6 business and that is part of the sales of his
7 operation of the business.

8 MR. MCGUINN: Okay.

9 TRUSTEE GOEBEL: How many trucks a year
10 typically do you think you have come in, how many
11 flatbeds, 3 a week?

12 MR. MCGUINN: No, probably more like for 6
13 months out of the year, it might be 10 or 15 loads a
14 week, and for 6 months out of the year, it might be
15 3 or 4 loads a week.

16 TRUSTEE GOEBEL: So the trees that are
17 coming in, your operations -- you have operations in
18 several locations on the North Shore, right?

19 MR. MCGUINN: Yes.

20 TRUSTEE GOEBEL: Okay. Now, are you
21 bringing in then most of the trees from, you know,
22 these other operations?

23 MR. MCGUINN: Yes.

24 TRUSTEE GOEBEL: So you bring them in and

1 consolidate them?
 2 MR. MCGUINN: Right.
 3 TRUSTEE GOEBEL: Okay. And then you're
 4 transferring them?
 5 MR. MCGUINN: To others.
 6 TRUSTEE GOEBEL: Before you were doing
 7 this other stuff, too, or some of it I suppose?
 8 MR. MCGUINN: Right.
 9 TRUSTEE GOEBEL: So we stopped the
 10 processing but how about the transferring? So,
 11 I think that is another, you know, another issue.
 12 In other words, the crew that leaves your premises
 13 and you got what, say 50 trucks --
 14 MR. MCGUINN: 25.
 15 TRUSTEE GOEBEL: -- 25. So you got what,
 16 120 people that work out of your facility right
 17 there?
 18 MR. MCGUINN: No, we only have like maybe 15
 19 people that work out of that place, but the other
 20 people go to the other sites.
 21 TRUSTEE GOEBEL: And they call on this
 22 local area and trim trees and so forth and they
 23 bring those logs back, but that is only probably a
 24 small percentage of the total amount that actually

1 goes through your facility on Midlothian Road, is
2 that correct?

3 MR. MCGUINN: Right.

4 TRUSTEE GOEBEL: Okay.

5 CHAIRMAN REIN: The other question that
6 comes to mind is that you've got retail activities
7 taking place on the same property, you know, people
8 coming onto your property, selecting things, talking
9 to you, whatever. What risk is there, if any, of
10 these large logs stored of falling on anybody or
11 just dislodging or anything?

12 MR. MCGUINN: Anyone that comes on the
13 property they would be escorted on the property at
14 all times. So, we really do not allow anybody to be
15 wandering around.

16 CHAIRMAN REIN: Gentlemen, we need to
17 bring this to a conclusion, we still have one more
18 public hearing to do tonight.

19 Would any of you -- I know we've talked
20 about modifying the language in Item 4 to adhere to
21 the definition.

22 We need to come up with some conclusion on
23 Item 6 and if there is an A and B, something to that
24 effect.

1 And I think also left undetermined yet is
2 the height of the berm. And we might want to add in
3 Item 12 underneath the berm language that in
4 constructing this berm and landscaping that the
5 applicant, the Petitioner, would also need to comply
6 with stormwater management regulations and
7 requirements and remembering, too, that we talked
8 about the berms, we worked in some potential
9 language about conferring with the neighbors on the
10 placement of the berm and the trees to make sure
11 that it was effectively doing what it was designed
12 to do from their perspective.

13 TRUSTEE SALVI: Do the berms have to be 10
14 feet high? That's what we --

15 CHAIRMAN REIN: That's what I'm asking, we
16 need to modify this language, make a motion and move
17 on. We still got more business to conduct tonight.

18 TRUSTEE LAGRO: Where did the 10 feet come
19 from originally?

20 MS. LOBAITO: It was just a discussion that
21 I had had with the mayor.

22 CHAIRMAN REIN: So would anyone here like
23 to make a motion and make those final adjustments to
24 this process?

1 TRUSTEE KAISER: I'll try to do it.

2 CHAIRMAN REIN: Thank you, Jim.

3 TRUSTEE KAISER: Okay. I would recommend
4 approval of the Special Use Permit subject to the
5 recommendations that are here.

6 1 through 3 specifically are okay.

7 4 is going to mirror the language of our
8 draft recommended ordinance.

9 5 is okay.

10 6 will be changed to no more than 1,000
11 yards of logs shall be stored on the property.

12 TRUSTEE GOEBEL: Or transferred.

13 TRUSTEE KAISER: Or transferred, and not
14 visible to the neighboring properties, property
15 owners I should say. I'll just add as a second
16 sentence, no branches, trees -- I'm sorry, no
17 branches or brush will be allowed and no open
18 burning will be allowed.

19 No. 7 I believe is okay.

20 8, 9, 10 is okay.

21 11 is okay.

22 12, the first part is okay. We are the --
23 with regard to the 12B, both berms are to be set at
24 a height so that -- what is that word, with the

1 village approval and subject to the neighboring
2 property owners acceptance of height confirming the
3 visibility and the screening.

4 TRUSTEE SALVI: Do you mind if we stop
5 there just for a second?

6 TRUSTEE KAISER: Go ahead.

7 TRUSTEE SALVI: Gores, do you mind if the
8 berms are 5 feet high but they've got evergreens
9 that block the barn?

10 MR. GORE: I prefer the berm to be bigger
11 because from what Steve, I understood it, it helps
12 with noise more, that's the objective, is to cut
13 down, you know, noise, so, bigger is better in my
14 belief and then the evergreens on top of that
15 instead of deciduous trees, we want evergreens,
16 something to block all year around, all seasons.

17 MR. MCGUINN: That was the idea.

18 TRUSTEE SALVI: See, and we might want to
19 stop on this one because this may be where there is
20 some dissent. I think 10 foot berms are
21 unreasonable. I think that is going to be really,
22 really expensive.

23 MR. MCGUINN: Yes.

24 TRUSTEE SALVI: And 5 foot berms if you --

1 he lines it with evergreens, like he is planning to,
2 I think that is good. Anyway, that is my 2 cents on
3 that issue. Maybe before you go, maybe we ought to
4 reach a consensus to that.

5 TRUSTEE KAISER: Well, let's do the motion
6 and then have a discussion about it.

7 TRUSTEE SALVI: Okay. All right. I'm
8 sorry.

9 TRUSTEE KAISER: So maybe that both berms
10 are to be at a height approved by the village
11 officials --

12 CHAIRMAN REIN: Landscape architect.

13 TRUSTEE KAISER: -- landscape architect and
14 subject to the approval of neighboring property
15 owners by agreement and make them come to that on
16 their own, we're limiting the parties, and are to be
17 topped with -- landscaped with trees of --
18 evergreens.

19 MR. MCGUINN: Conifers, evergreens.

20 TRUSTEE KAISER: -- 20 feet or greater, is
21 that a fair statement, or what is -- 20 foot --

22 MR. MCGUINN: Yes, get to 5 feet, we want
23 to make it up in trees, but, see, the problem with
24 every foot you -- high you go over you have to go 5

1 feet wide. So if we go 10 feet high, we have to go
2 50 feet wide.

3 TRUSTEE KAISER: Yes. Sure.

4 MR. MCGUINN: That's the only problem.

5 TRUSTEE KAISER: That's why I put the
6 methodology in for approval of the height and we put
7 the 20 foot trees in, at least it is something that
8 would help there.

9 MR. MCGUINN: Right.

10 CHAIRMAN REIN: C.

11 TRUSTEE KAISER: Did I do that, C is also
12 comply with stormwater management.

13 13, 14, 15, 16, 17, 18 and 19 all seem to
14 be -- approval -- 19 I think is subject to the next
15 draft.

16 CHAIRMAN REIN: Okay. That's a motion?

17 TRUSTEE KAISER: Yes, sort of.

18 CHAIRMAN REIN: Oh, no, it's a very good
19 one, it's very thorough.

20 Do we have a second?

21 TRUSTEE LAGRO: Second.

22 CHAIRMAN REIN: Motion is made and
23 seconded.

24 Is there any further discussion?

1 TRUSTEE SALVI: I like everything except
2 the berms. I think that when you make it subject to
3 the neighbors' approval, I mean, the neighbors
4 understandably are going to say, well, we want it
5 10, we want it 12. Everything in Jim's motion is
6 great except with regard to the berms.

7 Yes, respectfully, I mean, it's a good
8 motion. I like it but I think the restrictions with
9 regard to the berms are unfair to Mr. McGuinn, so,
10 I'm -- just on that point, I would respectfully
11 disagree with the motion, but, you know, it's 10:30.

12 TRUSTEE LAGRO: I would agree with Mike. I
13 think the 5 to 6 foot high berms with maybe 100
14 percent opacity on the conifer material is fine.

15 TRUSTEE KAISER: All right. It's been
16 suggested that we modify that motion to a
17 combination of berm and landscaping height to be --

18 MR. MCGUINN: 25 feet.

19 TRUSTEE KAISER: -- 25 feet, is that -- Ms.
20 Gore, is -- does that make sense to you guys, Mr.
21 and Mrs. Gore? We were talking about making the
22 combination of berm and trees a total of 25 feet.

23 MR. GORE: What is the height of the barn
24 now?

1 TRUSTEE KAISER: I don't know.

2 MR. MCGUINN: Barn is about 25 feet tall at
3 the very top, the very highest point of the peak.

4 MR. GORE: What are those trees around that
5 barn, 40, 50 feet, that you cut down?

6 MR. MCGUINN: 30, 40 probably. These are
7 going to be full trees, not trees that don't have
8 branches. These are going to be full trees, have
9 branches all up and down the side, not like those
10 that were all bare, and be totally conifers from top
11 to bottom.

12 MR. GORE: The village board and the
13 village architect, I mean, they're the experts in
14 terms of that or he is, so, I mean --

15 TRUSTEE KAISER: We leave it to the
16 discretion of -- we need to -- we need some --
17 either an official number or we need some sort of
18 official direction to make the --

19 MS. GORE: If it exceeds the height of the
20 barn, then that would probably be a good number to
21 use, you just said it was 20 -- what did you say the
22 barn was, how high?

23 MR. MCGUINN: 25 feet.

24 MS. GORE: 25 feet.

1 MR. GORE: 25 feet.

2 MS. GORE: If it's more than 25 feet and it
3 covers the barn.

4 TRUSTEE KAISER: We'll go with 25 feet.

5 CHAIRMAN REIN: For Rose's sake, do you
6 know what his clarification is, Rose?

7 Motion has been made and seconded and
8 amended.

9 Are we all clear on what the amended motion
10 is?

11 (No response.)

12 CHAIRMAN REIN: Let's take a vote. All in
13 favor of the motion as it currently stands say aye?

14 TRUSTEES: Aye.

15 CHAIRMAN REIN: Any opposed?

16 (No response.)

17 CHAIRMAN REIN: Okay. We're out the door on
18 that one. We have one more to go.

19 (Which were all the proceedings
20 had in the above-entitled cause.)

21

22

23

24

1 STATE OF ILLINOIS)

2)SS:

3 COUNTY OF DU PAGE)

4

5 I, ROSEMARIE LA MANTIA, being first duly
6 sworn, on oath says that she is a court reporter
7 doing business in the City of Chicago; that she
8 reported in shorthand the proceedings given at the
9 taking of said hearing, and that the foregoing is a
10 true and correct transcript of her shorthand notes
11 so taken as aforesaid, and contains all the
12 proceedings given at said hearing.

13

14

ROSEMARIE LA MANTIA, CSR
License No. 84 - 2661

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STATE OF ILLINOIS
VILLAGE OF HAWTHORN WOODS
PROCEEDINGS BEFORE THE PLAN COMMISSION
Thursday, March 12, 2009
7:30 p.m.

IN RE THE MATTER OF:
IV. C. A public hearing for the consideration of
an amendment to Title 9, Chapter 3 of the zoning
ordinance - General zoning provisions - restrictions
on uses and buildings on zoning lots.

REPORT OF PROCEEDINGS had at the hearing
held before the Village of Hawthorn Woods, Plan
Commission, on Thursday, the 12th day of March 2009,
commencing at 7:30 p.m. as reported by Rosemarie
LaMantia, Certified Shorthand Reporter and Notary
Public in and for the County of DuPage and State of
Illinois, held at the Village of Hawthorn Woods, 2
Lagoon Drive, Hawthorn Woods, Illinois.

REPORTED BY: ROSEMARIE LAMANTIA, CSR, RPR

1 A-P-P-E-A-R-A-N-C-E-S:
2 CHAIRMAN REIN
3 TRUSTEE LAGRO
4 TRUSTEE GOEBEL
5 TRUSTEE KAISER
6 TRUSTEE SALVI
7
8 STAFF PRESENT:
9 Ms. Lobaito
10 Mr. Miller
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1 CHAIRMAN REIN: Okay. I'd like to order a
2 public hearing or open a public hearing for the
3 consideration of an amendment to Title 9, Chapter 3
4 of the zoning ordinance, general zoning provisions,
5 restrictions on uses and buildings on zoning lots.

6 Ms. Lobaito, can you, please, give us the
7 background on this public hearing?

8 MS. LOBAITO: The Village of Hawthorn
9 Woods has submitted a request to amend 9-2-2, Title
10 9, Chapter 3 of the zoning code to limit the number
11 businesses per zoning lot. At present, Section
12 9-3-6 of the zoning ordinance addresses the number
13 of buildings on the zoning lot, except in the place
14 of a planned development not more than one principal
15 detached residential building shall be located on a
16 residential lot nor shall a principal detached
17 residential building be located on the same zoning
18 lot with any other principal building. Village
19 planner, Chris Miller, is suggesting the following
20 which adds a second sentence to the above, except in
21 the place of a planned development not more than one
22 principal detached residential building shall be
23 located on a residential lot, nor shall the
24 principal detached residential building be located

1 on the same zoning lot with any other principal
2 building, not more than one principal use shall be
3 located on a zoning lot unless it is part of an
4 approved planned development, office building,
5 shopping center or has otherwise been specifically
6 listed as part of a special use approval for a
7 specific property.

8 Mr. Miller has noted that the village's
9 zoning ordinance does not contain a definition for
10 shopping center. His recommendation is to amend
11 Section 9-2-2 of the zoning ordinance to provide for
12 the following definition of a shopping center. The
13 group of commercial uses so situated as to have an
14 appearance of compatibility with one another and are
15 designed and built to function as a unified
16 commercial center, including the building or
17 buildings with off-street parking area for both
18 customers and employees, appropriate pedestrian
19 access to and connection, and landscaped areas
20 around the perimeter and the interior of the unified
21 center.

22 Staff's recommendation is to approve as
23 submitted.

24 CHAIRMAN REIN: Okay. Do we have anybody in

1 the audience tonight who would like to speak in
2 favor of this amendment to Chapter 3 of the zoning
3 ordinance?

4 So is there anybody in the audience that
5 would like to speak in favor of these amendments,
6 which actually are two, right? Correct, Chris? Two
7 amendments to the zoning ordinance, the one
8 regarding the number of businesses in the same
9 zoning lot, in relation to the principal building,
10 and the other which defines the shopping center.

11 Hearing none, is there anybody in the
12 audience this evening who would like to speak
13 against the approval of this ordinance?

14 MS. GORE: I'm not quite sure that I
15 actually understand it completely. So, I just
16 wanted to be clear. Is this asking to have more
17 than one business on one property? Is that what
18 this is asking for?

19 MS. LOBAITO: It would be limiting one
20 business per zoning lot.

21 MS. GORE: Limiting it to that?

22 CHAIRMAN REIN: Limiting it to that, yes.

23 MS. GORE: Because it is currently not that
24 way?

1 MR. MILLER: That's correct.

2 MS. GORE: Yes, I would want it to stay
3 that way or to have one business per parcel.

4 CHAIRMAN REIN: So I think you are saying
5 you are in favor of the amendment, correct?

6 MS. GORE: I think so, if I -- now that you
7 said it that way, yes, one business per one parcel
8 of land is what I'm in favor of.

9 MS. LOBAITO: Right, we're proposing here
10 to amend the ordinance to allow for only one
11 business per zoning lot.

12 MS. GORE: Then I would be in favor of
13 that. So I probably came up at the wrong time,
14 sorry.

15 CHAIRMAN REIN: Last call for anybody who
16 is opposed?

17 Mr. Morgan?

18 MR. FICKS: I'm Bob Ficks. . .go through
19 all of that again?

20 But I just -- just thinking if -- I don't
21 know what businesses do, but I know that a lot of
22 times there is one or two people that need to make
23 ends meet and they need to have one or two or three
24 businesses on a particular piece of property, to

1 make things work in this time. And I just think
2 that by making it for one piece of property for --
3 one business for one piece of property, I think that
4 is really curbing America and enterprise and
5 ingenuity, but that is my opinion, I guess.

6 CHAIRMAN REIN: Mr. Morgan, in this part
7 of the amendment where it states, you know, not more
8 than one principal use shall be located on a zoning
9 lot unless it is part of an approved planned
10 development, office building, shopping center or has
11 otherwise been specifically listed as part of a
12 special use approval for a specific property, would
13 that language soothe some of your concerns?

14 MR. FICKS: Well, I guess with -- I don't
15 know how that would effect our business, because our
16 business has got, you know, we have three doing
17 business as. So, we have our main business and then
18 we have three other tree companies that, you know,
19 their offices, we handle all of the paperwork. We
20 do all of the bookkeeping, all of the billing,
21 answer the phones. Is this saying that we couldn't
22 be doing that, am I understanding that?

23 CHAIRMAN REIN: Well, could I clarify.
24 Your businesses, they're all in the same business

1 but they're separate brand identity for their
2 separate geographic market, would that be a correct
3 way to say it?

4 MR. FICKS: Yes, for example, McGuinn Tree
5 Care was founded in 1945 and serves the northwest
6 suburbs. Steve purchased it in 2003 or 2002, I
7 believe, but he kept the name because it's a well
8 known name. It's a family owned business. His
9 brother, his dad owned it and his brother had it and
10 then he took it in. As well as Majestic, and
11 they're located, the satellite location is located
12 in Rolling Meadows. His other business is Lake
13 Majestic, which is well known in Northbrook.
14 They've been around since 1992. And Beinlich is on
15 the North Shore since 1949. So they thought it was
16 important to keep those names because the people
17 know those names and they're well known. And he has
18 done his best to keep up their reputations. So, I
19 guess that is my question. Would that effect us
20 then?

21 MS. LOBAITO: Mr. McGuinn, when we had our
22 conversation in the office, you told me that Sunrise
23 Tree Care purchased those three other businesses?

24 MR. MCGUINN: Yes.

1 MS. LOBAITO: So I think you would be okay.

2 MR. FICKS: Okay.

3 TRUSTEE GOEBEL: I'm confused by this.

4 What do you mean by business? In other words, if
5 you have one lot and say you have a lawyer's office
6 and a doctor's office and a realtor's office, is
7 that okay? I mean, there are three separate
8 businesses but they're --

9 CHAIRMAN REIN: Well, that would be part of
10 the office building clause, so that would work, you
11 know, be okay, in the office building.

12 TRUSTEE GOEBEL: But you
13 couldn't like have that out of your home, is that
14 what you're -- I mean, how do you define a business,
15 particular part of -- particular activity or a
16 corporate logo or name?

17 MR. MCGUINN: It really isn't fair.

18 TRUSTEE SALVI: What is the goal with this
19 now? What are we trying to accomplish with this
20 ordinance?

21 MS. LOBAITO: Well, what prompted this is
22 when it was brought to our attention that 4 to 6
23 businesses were being operated out of the location
24 of 110 Midlothian. And after questioning Mr.

1 McGuinn he did provide me evidence that Sunrise Tree
2 Care did purchase the three other businesses, but it
3 was prompted by a concern that we had that there
4 were 4 to 6 businesses operating out of that one
5 location.

6 TRUSTEE KAISER: Well, that does raise a
7 question that you might have on this point. We got
8 a tree trimming business, and then we've got -- I
9 understand some retail sales. That is -- I don't
10 know, they're all in landscaping and they're all in
11 the same kind of --

12 MR. MCGUINN: They're all in the same
13 business.

14 TRUSTEE KAISER: I understand that, and I
15 don't think we want to trip you up but we want to
16 make sure we're clear what we're doing. Is the
17 intent here to allow him to continue to do the
18 landscaping -- is it retail sales?

19 MR. MCGUINN: Retail sales, yes.

20 TRUSTEE KAISER: -- retail sales and the
21 tree trimming businesses, that is our objective, to
22 keep them allowing them to do that. Are those two
23 uses or are -- we've got two different descriptions.
24 We've got a special use that we're recommending for

1 tree trimming and then a separate landscaping
2 business, that sounds like two businesses. I don't
3 want to have them tripped up and somebody else comes
4 in and wants to enforce something, that is not fair
5 if that is not our intention.

6 CHAIRMAN REIN: How would the attorneys in
7 the group here define principal use? So not more
8 than one principal use shall be located on the
9 zoning lot?

10 Oh, you know, here is the other thing
11 though, here is where you couldn't be tripped up
12 really, because it says, shall be located on the
13 zoning lot unless it is; A, part of an approved
14 planned development, office building; B, shopping
15 center; C, or has otherwise been specifically listed
16 as part of a special use approval for a specific
17 property, which we just did.

18 TRUSTEE KAISER: It says one business use
19 in that recommendation, doesn't it?

20 CHAIRMAN REIN: In the Special Use Permit
21 it listed a landscape contracting business, retail
22 nursery without greenhouse buildings and tree
23 trimming services.

24 TRUSTEE KAISER: Where is that listed?

1 CHAIRMAN REIN: That was the public hearing
2 we just had that you read all of the conditions for.

3 TRUSTEE KAISER: Right. I just want to
4 make sure, because it says, I'm reading No. 19, it
5 says, one use per zoning lot and one business per
6 zoning lot. Now, we're calling this all one
7 business is what I just want to make sure of.
8 That's -- the references are all with -- pretty much
9 with tree trimming, there is nothing to do with
10 retail sales.

11 CHAIRMAN REIN: Well, the Christmas trees
12 sound like retail sales.

13 TRUSTEE KAISER: Well, I think it's more
14 than that, right? More than Christmas tree sales,
15 there is other businesses.

16 MR. MCGUINN: Yes, we want to be able to
17 sell trees and firewood and mulch.

18 TRUSTEE KAISER: Sure, that's what I
19 understood, too. So I'm not sure we've created a
20 trap at this point in time without somehow including
21 --

22 TRUSTEE GOEBEL: I don't understand why we
23 need this at all?

24 TRUSTEE SALVI: I totally agree. What if

1 somebody comes into my building in Lake Zurich and
2 they say, well, you're doing real estate law
3 business, you're also doing personal injury law,
4 those are two businesses. And somebody may say,
5 well, it's all Salvi & Salvi, P.C. Oh, you mean
6 that the distinction is only whether or not it is
7 one corporate entity? That doesn't make sense.

8 We're concerned about use. We're not
9 concerned about them having three corporate entities
10 doing business on one site. You can have a more
11 intense use and just have one corporate entity. You
12 can have a more intense use with just one single
13 identifiable surely, one principal business, and
14 have less of a contention use with three incidental
15 uses whether they be landscaping or whatever.

16 I don't see -- as long as we've restricted
17 these gentlemen with regard to their use, I don't
18 know why we have to go here. I agree with you.

19 MR. MCGUINN: I agree.

20 CHAIRMAN REIN: Mike, I think you wouldn't
21 be restricted because you're in an office building
22 and that excludes that number.

23 MR. MCGUINN: But it's not fair.

24 CHAIRMAN REIN: No, I think probably, if I

1 had to guess, what this arises from is it's probably
2 just to try and preclude a whole bunch of other
3 operations from taking place like a sawmill starting
4 up again or something like that.

5 TRUSTEE SALVI: But we restricted that.

6 MR. MCGUINN: You know, the reason they do
7 it in an office building is because if they want to
8 be able to pay the taxes and everything, make sure
9 there is enough money to pay all of the bills.
10 Well, you know, I've got 8 acres there and if I want
11 to, you know -- what if I -- I'm not using all of
12 the property, I take -- somebody wants to come in
13 and park a landscape truck there and I say, yes, I'm
14 having a little trouble paying the taxes this year,
15 we had a tough year, I need a little extra money to
16 pay the bills so I rent somebody a little spot to
17 park a truck, a landscape truck. And the same way
18 they do in office buildings, they bring in more
19 people to run their office there so they can pay the
20 bills. That's all. It spreads around the cost.

21 CHAIRMAN REIN: But in an office building
22 it is contained. I mean, technically, if you wanted
23 to do something else with your property to that end,
24 it wouldn't preclude you from coming back and asking

1 for permission to do that, you know, through this
2 special use approval or a specific --

3 MR. MCGUINN: If we were doing the same
4 thing that was already allowed, what would be the
5 difference?

6 TRUSTEE GOEBEL: Well, say, for instance,
7 say you got a lot of saws, right, equipment like
8 that, say a manufacturer came to you and said, look,
9 you use a lot of them, why don't you become a
10 retailer for Lake County for, you know, some
11 manufacturer, for instance, and you say, yes, that's
12 a good idea, so you set up a little showroom --

13 MR. MCGUINN: You've already covered that,
14 we can't --

15 TRUSTEE GOEBEL: Well, I think that's
16 what -- it's not businesses, it's business
17 activities that aren't related is what you're trying
18 to control, is that right?

19 TRUSTEE SALVI: But that's -- I'm sorry,
20 Suzy.

21 TRUSTEE GOEBEL: The word business I guess
22 confused me because I was thinking more like
23 letterhead businesses rather than different
24 activities, but that was the intent of this, of this

1 ordinance.

2 CHAIRMAN REIN: I think it may be designed
3 just to require or remind people to come in and ask
4 permission, you know, for an additional use to get
5 another special use approval for a specific
6 property, that probably is the intent.

7 TRUSTEE SALVI: But, you know, that
8 relates to what this gentleman was saying about -- I
9 mean, we want these people -- we want people to
10 engage in business, they shouldn't have to go to the
11 village for a permit everytime they have to go to
12 the bathroom. If we approved their use and they're
13 using the property as we require them to and he
14 wants to, you know, he wants another business to use
15 the property or whatever, like he was talking about,
16 having, somebody renting a spot, as long as it
17 complies with the use restrictions, why should he
18 have to come back again and meet before the board
19 again and pay for another permit? He is complying
20 with the use requirements. Presumably that's
21 enough.

22 CHAIRMAN REIN: Right, but this just says
23 one principal use. It's not saying literally a
24 business per se. It's saying if the use is the same

1 that is what can be done on this property, that is
2 what has been permitted.

3 MR. MCGUINN: It should be allowed more
4 than one principal user, if that is the case, right?

5 TRUSTEE GOEBEL: Well, it's a use that is
6 permitted by the Special Use Permit.

7 TRUSTEE SALVI: The Special Use Permit we
8 granted him?

9 TRUSTEE GOEBEL: Yes.

10 TRUSTEE SALVI: Okay. All right. But --

11 TRUSTEE GOEBEL: I think that is what the
12 ordinance -- just because you have a Special Use
13 Permit you can't go start --

14 TRUSTEE SALVI: See, if we're trying this
15 hard to understand it, then it is no good, not that
16 the language is bad, it's trying to split hairs and
17 I don't really see the purpose.

18 We're concerned about the use, how it
19 effects the neighbors, how it effects traffic,
20 things like that. If we have already identified
21 those problems and addressed them, why are we
22 saying, oh, you can't have two businesses or three
23 or four? I don't get that part. It sounds kind of
24 like, you know, we're trying to set him up for

1 something in the future where we're concerned that
2 he is going to be doing something that we don't
3 like, but, you know, as -- like I said, as long as
4 he is complying with the Special Use Permit, then we
5 really shouldn't be bothering him about it.

6 CHAIRMAN REIN: Chris, do you have a
7 comment?

8 MR. MILLER: Yes. I think the -- I would
9 suggest that your current ordinance basically
10 addresses only residential. It doesn't speak at all
11 to the office or businesses, nonresidential uses.
12 And as the chairman has pointed out is, is that the
13 language is such that it is one principal use, and
14 I'm a little unclear, I remain a little unclear on
15 what the applicant was asking for in the last
16 petition, but I'm going to say the tree trimming,
17 but what we have recommended here and what was being
18 asked for was three uses would be allowed on the
19 property, and that is a landscape contracting
20 business and a retail nursery with a greenhouse
21 building and a tree trimming service and I believe
22 that is what we recommended at the last public
23 hearing. So these three uses are going to be
24 granted as part of the special use.

1 Now, ancillary uses to those uses would be
2 something that would be permitted under this
3 language, you know, and I would even go, suggest
4 that, for example, Christmas tree sales, which is
5 listed under your temporary use permit, requires a
6 temporary use permit, we have addressed it in this
7 ordinance, approved, you know, that Jim read in here
8 in his Item No. 14, allows for Christmas tree sales.
9 So we have granted him a temporary use permit as
10 long as it expires by the. . .

11 So my, I think -- you know, the language is
12 something that probably is a good idea to have in
13 your ordinance. You know, it may be -- perhaps it
14 doesn't -- the intent may have been addressed
15 originally to talk about limiting businesses, but
16 the zoning ordinance in and of itself is designed
17 and intended to control uses of a property, not
18 businesses as Larry was talking about with corporate
19 seals and if you've got 16 businesses but they're
20 all tree trimming businesses, I don't think that is
21 the intent. That the intent is to control the use
22 of the property, once again, and that is the purpose
23 of a zoning ordinance, is to regulate the use of
24 your property, and that is the language that is

1 here, that we've drafted at this point goes to that
2 extent, addressing the use of the property, not
3 limiting that you've got 4, 5 or 6 or 10 or 20 tree
4 trimming businesses there, you know. And as far as,
5 if I understood this gentleman's comments about the
6 business, if they have a building on the premises
7 that is operating as an office building, you know,
8 and they would be exempt, they could have multiple
9 buildings -- or uses, businesses inside of that
10 office building, if that is the case. Now, if it's
11 an office building, we may need to know that, but
12 even a -- you know, the tree trimming business,
13 they're probably going to have some form of
14 structure there with an office there. I presume
15 they would be operating somewhere.

16 MR. MCGUINN: Right.

17 MR. MILLER: And that office is an
18 accessory use to the main use, being a tree business
19 or landscaping business, and that was, again,
20 granted as part of your Special Use Permit. And the
21 office portion is an accessory use to the prime
22 principal use being the landscaping contracting
23 business and I was maybe a little wordy here, long,
24 but I hope I addressed it.

1 CHAIRMAN REIN: I think the important
2 thing to clarify here is that this particular
3 ordinance is not -- doesn't change what you were
4 just granted to do, you know, it's not weighing on
5 you guys.

6 What happens oftentimes is we encounter new
7 situations in the village. We find gaps in our
8 ordinances, things that never occurred to us. All
9 of a sudden we're required to, hey, we didn't think
10 of that before, situation arises, and we need an
11 ordinance that will address that before people find
12 themselves in the situation you're in right now
13 where you're having to come and go, oh, gosh, I got
14 a stop work order because I kind of stepped in it,
15 so-to-speak. I think we're just trying to make it
16 more clear from the start for future businesses.
17 You know, how does this work? You can come get a
18 Special Use Permit and ask for permitted uses for
19 your parcel, as opposed to just assuming if there
20 was no language at all that one can do anything they
21 please.

22 MR. MCGUINN: At the same time, just in
23 case we needed, you know, we don't need any extra --
24 having extra space where we want to rent to somebody

1 else, all of a sudden what if we had a tough year,
2 we had to take an outside landscaper that wanted to
3 park a truck in my yard, run there, the same way an
4 office building works, they spread out the cost for
5 everybody to be there by having more offices and
6 more businesses under the same roof. We might have
7 to, you know, want to have a guy park a truck there,
8 landscape truck, and as long as we're doing the
9 landscaping there, not a cement guy or a --
10 something else that doesn't relate to what we're
11 already permitted to do --

12 CHAIRMAN REIN: Right, I think that fits.
13 I mean, that is your principal use. You've just
14 been -- well, we have recommended that, three
15 related principal uses for your property, what
16 you're describing, that first principal use, so,
17 therefore, that wouldn't violate this, I would
18 think. I am not an attorney, but, you know, it
19 seems like --

20 MR. FICKS: That's the question I had.
21 Let's just say that we had, you know, an area, a
22 desk or something, we find a need that somebody
23 wants to rent out a desk, but he is not in our
24 business. Let's say he sells insurance. He is a

1 printing, broker or something, he just wants some
2 place to have a phone, come in, make his phone calls
3 and work out of there, would this ordinance stop us
4 from renting that desk to that individual?

5 MR. MCGUINN: Probably.

6 MR. FICKS: Well, that's what I'm asking.

7 MR. MILLER: I think we would look at the
8 list of permitted uses in your zoning district and
9 if an accountant is operating there, he may not be
10 able to because I don't believe it is listed as a
11 permitted use. If it is permitted as a special use,
12 you come back to the body and ask permission to
13 allow that use.

14 MR. FICKS: Because of our zoning?

15 MR. MILLER: That's correct, because of
16 your zoning.

17 MR. FICKS: Now, I understand.

18 TRUSTEE SALVI: Or have him go out and
19 climb the trees and then he says he is a tree
20 trimer.

21 MR. FICKS: Yes, that will work. Thank
22 you.

23 CHAIRMAN REIN: Let's bring this back
24 around, guys.

1 We're charged with addressing this issue,
2 deciding what we think should be done with it and
3 making a recommendation to the board.

4 Are we ready to close the public hearing
5 and make a motion for discussion and a vote or
6 anybody else you want to question out there?

7 Do we have a motion to close the public
8 hearing?

9 TRUSTEE GOEBEL: I will so move.

10 TRUSTEE SALVI: Second.

11 CHAIRMAN REIN: Everybody in favor?

12 TRUSTEES: Ayes.

13 CHAIRMAN REIN: Anybody opposed?

14 (No response.)

15 CHAIRMAN REIN: The public hearing is
16 closed.

17 Now, if somebody would like to make a
18 motion on what we do with this, I guess it's two
19 amendments that are reflected here actually, the one
20 about the adding the second sentence to Section
21 9-3-6 and another one about defining a shopping
22 center in 9-2-2.

23 TRUSTEE SALVI: I would move that we
24 recommend not to adopt either of the ordinances.

1 TRUSTEE KAISER: All in favor, phrase it in
2 a positive, and vote accordingly. Want to take a no
3 vote?

4 TRUSTEE SALVI: Well, no. I'm open to
5 anything. I just don't know how else to articulate.

6 TRUSTEE KAISER: Whether you vote in
7 favor -- you can always not vote for a motion that
8 you make.

9 TRUSTEE SALVI: I can do it that way, too.

10 TRUSTEE KAISER: Better --

11 TRUSTEE SALVI: Well, it may be -- well,
12 I'll withdraw my motion and let somebody else make a
13 motion.

14 TRUSTEE KAISER: I'll try it again.

15 TRUSTEE SALVI: Go ahead.

16 TRUSTEE KAISER: I'll make a motion that we
17 amend Section 9-3-6 with the recommended language of
18 not more than one principal use shall be located on
19 a zoning lot unless it is part of an approved
20 planned development, office building, shopping
21 center, or has otherwise been specifically listed as
22 a part of a special use approval for a specific
23 property, and also amend 9-2-2 with the definition
24 of shopping center, which is a group of commercial

1 uses so situated as to have an appearance of
2 compatibility with one another and design and built
3 to function as a unified commercial center,
4 including a building or buildings with off-street
5 parking areas for both customers and employees,
6 appropriate pedestrian access and connections, and
7 landscaped areas around the perimeter and interior
8 of the unified.

9 TRUSTEE LAGRO: Second.

10 CHAIRMAN REIN: There are two questions.
11 Can you hear me without the mic, or do you want --

12 Chris Miller, question, would the amendment
13 as written preclude someone from having a home
14 office in their home, if they, you know, operate
15 from a computer and they're in their home using
16 office space in their home?

17 MR. MILLER: I don't believe it would.

18 CHAIRMAN REIN: Okay. Or, Jim, who made
19 the motion, and Phil who seconded it, would there be
20 any value to splitting this into two motions? I'm
21 just trying to figure out how people want to vote
22 here. Is there, for example, is the definition of a
23 shopping center egregious to people, which probably
24 needs to be part of our zoning code anyway?

1 TRUSTEE KAISER: I'll voluntarily split the
2 motions into two separate motions.

3 CHAIRMAN REIN: Is there a second?

4 TRUSTEE GOEBEL: I'll second it.

5 CHAIRMAN REIN: Okay. Now that the motions
6 are split, on the first motion about adding the
7 second sentence to Section 9-3-6, the one that
8 concerns not more than one principal use with the
9 rest of the language, is there any discussion?

10 TRUSTEE LAGRO: As long as you brought it
11 up, I would be concerned that we understand that
12 something such as a home office or a home business
13 out of your residence would not be effected or
14 restricted by this, while I appreciate that Chris is
15 pretty sure that it wouldn't --

16 MR. MILLER: I can understand where
17 somebody could take that interpretation beyond the
18 further consideration.

19 TRUSTEE SALVI: -- not a lawyer, I'm sure
20 the lawyers --

21 MR. MILLER: The lawyers would all agree
22 with me.

23 CHAIRMAN REIN: Okay. Is there any other
24 discussion? I think on this one, Donna, I'd like to

1 do a roll call vote just so we're clear on the
2 number of ayes and nays.

3 MS. LOBAITO: Mr. Goebel?

4 TRUSTEE GOEBEL: I abstain.

5 MS. LOBAITO: Mr. Lagro?

6 TRUSTEE LAGRO: Yes.

7 MS. LOBAITO: Mr. Salvi?

8 TRUSTEE SALVI: No.

9 MS. LOBAITO: Mr. Kaiser?

10 TRUSTEE KAISER: No.

11 CHAIRMAN REIN: Ms. Rein?

12 CHAIRMAN REIN: No.

13 Okay. That motion has been defeated, so,
14 that will not be recommended to the village board on
15 Monday night the way it is written.

16 I would like to ask staff to have this
17 issue looked into further with specifics regarding
18 home office use considered in the language and the
19 legalities of that, you know, not looking to create
20 something that precludes that, and just kind of
21 looking at maybe if it's going to be considered
22 again rewording it.

23 Okay. On the second motion, which is the
24 definition of a shopping center and adding that to

1 the zoning ordinance Section 9-2-2, is there any
2 further discussion?

3 Hearing none, I'd like to call for just a
4 voice vote.

5 All in favor of approving the motion to add
6 the definition of a shopping center to the zoning
7 ordinance, say aye.

8 TRUSTEES: Ayes.

9 CHAIRMAN REIN: Any opposed?

10 (No response.)

11 CHAIRMAN REIN: That motion passes. That
12 will be recommended to the village board.

13 There being no further business on the
14 agenda for the plan commission, March 12, 2009, do
15 we have a motion for adjournment?

16 TRUSTEE KAISER: I'll move.

17 TRUSTEE LAGRO: Second.

18 CHAIRMAN REIN: All in favor?

19 TRUSTEES: Aye.

20 CHAIRMAN REIN: Any opposed?

21 (No response.)

22 CHAIRMAN REIN: We're adjourned.

23 (Which were all the proceedings
24 had in the above-entitled cause.)