



**PLANNING, BUILDING AND ZONING COMMISSION MEETING  
VILLAGE OF HAWTHORN WOODS  
2 LAGOON DRIVE, HAWTHORN WOODS, ILLINOIS  
WEDNESDAY, NOVEMBER 12, 2014  
6:00 p.m.**

**MINUTES**

**I. Call to Order and Roll Call**

**Present:** Chairperson Susy Rein called the meeting to order at 6:04 p.m.  
The following members were present: Commissioners Kaiser,  
Rychlik, LaGro, Lindquist, Donovan, Merkel and Rein

**Absent:** None

**Staff:** Donna Lobaito, Chief Administrative Officer  
Erika Frable, PE, Public Works Director/Village Engineer  
Michael Cassata, AICP, Planning Manager

**Consultants:** Lee Fell, PE, Christopher B. Burke Engineering, Ltd.  
Al Maiden, Rolf C. Campbell & Associates

**Trustee:** Dominick DiMaggio

**Village Attorney:** Patrick Brankin

A quorum was established.

**II. Opportunity for the Public to Address the Commission**

None this month.

**III. Approval of Minutes**

**A. Approval of Minutes of the October 28, 2014 Special Planning, Building and Zoning Commission Meeting**

Motion by Lindquist, second by Kaiser to approve the minutes of the October 28, 2014 Special Planning, Building and Zoning Commission meeting.

Mr. Donovan noted that his name was not included in the transcript in the list of commissioners present at the public hearing. Ms. Rein also noted that Mr. Sambor's name was misspelled throughout the transcript.

Motion by Lindquist, second by Kaiser, to amend the motion to reflect the noted changes to the transcript.

Upon a voice vote, all voted aye and the motion carried.

#### **IV. Public Hearing**

- A. Continuation of Stonebridge—William Ryan Homes—Consideration, Review and Recommendation to the Village Board for a Request for:
- i. A Special Use Permit for a Planned Unit Development, Including Departures from the Zoning Ordinance, Land Subdivision Ordinance, and Building Regulations Ordinance of the Village to Allow for the Property to be Developed as a Planned Unit Development as set Forth in the Application or as Amended During the Course of the Public Hearing Process;
  - ii. Preliminary Plat of Subdivision Approval; and
  - iii. Such Other Relief or Approvals as the Commission and the Village Board May Determine Reasonably Necessary

Transcripts of this portion of the meeting were prepared by Joan M. Holub, C.S.R. of Q & A Reporting, Inc. and are attached hereto as Exhibit "A".

Commissioner Rychlik left the meeting at 7:18 p.m.  
Commissioner Rychlik returned to the meeting at 7:22 p.m.

Commissioner LaGro left the meeting at 7:54 p.m.  
Commissioner LaGro returned to the meeting at 8:00 p.m.

Commissioner Merkel left the meeting at 7:58 p.m.  
Commissioner Merkel returned to the meeting at 8:00 p.m.

Commissioner Kaiser left the meeting at 8:11 p.m.  
Commissioner Kaiser returned to the meeting at 8:12 p.m.

Commissioner Donovan left the meeting at 8:14 p.m.  
Commissioner Donovan returned to the meeting at 8:17 p.m.

Ms. Rein called for a break at 8:24 p.m.

The meeting reconvened at 8:34 p.m.

Motion by Merkel, second by Donovan to continue the public hearing to Tuesday, December 9, 2014 at 6:00 p.m. for the sole purpose of commissioner questions and deliberations prior to the close of the public hearing.

Upon a voice vote, all voted aye and the motion carried.

**V. Adjournment**

Motion by Merkel, second by Rychlik to adjourn the meeting. Upon a voice vote, all voted aye, and the motion carried. There being no further business, the meeting adjourned at 9:12 p.m.

  
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Susy Rein, Chairperson

IN THE MATTER OF THE APPLICATION OF  
 STONEBRIDGE-WILLIAM RYAN HOMES-FOR  
 CONSIDERATION, REVIEW AND RECOMMENDATION  
 TO THE VILLAGE BOARD FOR A SPECIAL USE  
 PERMIT FOR A PLANNED UNIT DEVELOPMENT,  
 INCLUDING DEPARTURES FROM THE ZONING  
 ORDINANCE, LAND SUBDIVISION ORDINANCE,  
 AND BUILDING REGULATIONS ORDINANCE TO  
 ALLOW THE PROPERTY TO BE DEVELOPED AS  
 A PLANNED UNIT DEVELOPMENT; PRELIMINARY  
 PLAT OF SUBDIVISION APPROVAL; AND SUCH  
 OTHER RELIEF OR APPROVALS AS ARE DEEMED  
 REASONABLY NECESSARY.

(Public hearing held before the  
 Planning, Building and Zoning Commission  
 (on Wednesday, November 12, 2014, at the  
 hour of 6:00 p.m. at the Village of  
 Hawthorn Woods, 2 Lagoon Drive,  
 Hawthorn Woods, Illinois.

Q & A REPORTING, INC.  
 7115 Virginia Rd., Suite 105  
 Crystal Lake, IL 60014  
 (815) 477-2230  
 qareportinginc.com

PRESENT:

- 1 SUSY REIN, CHAIRPERSON
- 2 JIM MERKEL
- 3 DAVE LINDQUIST
- 4 CHRIS DONOVAN
- 5 PHIL LaGRO
- 6 TOM RYCHLIK
- 7 JIM KAISER
- 8 DOMINICK DIMAGGIO, Trustee Liaison
- 9 DONNA LOBAITO, Village Administrator
- 10 MICHAEL CASSATA, Village Planning Manager
- 11 ERIKA FRABLE, Village Engineer
- 12 JENNIFER PAULUS, Chief of Police
- 13 AL MAIDEN, Rolf C. Campbell & Associates
- 14 LEE FELL, Christopher Burke & Associates

APPEARANCES:

- 10 ZANCK, COEN, WRIGHT & SALADIN, PC, by
- 11 THOMAS R. BURNEY,
- 12 On behalf of the Developer, William Ryan Homes
- 13 SCHAIN, BURNEY, KENNY & SCHWARTZ, LTD, by
- 14 PATRICK T. BRANKIN,
- 15 On behalf of the Village of Hawthorn Woods

PUBLIC SPEAKERS:

- 16 CATHY BAYER
- 17 ARNIE LIEPA
- 18 TODD DEGNER
- 19 ROBERT BIXLER
- 20 GEORGE SAMBOR
- 21 DANIEL SAMBOR
- 22 JUSTIN MERKYS
- 23 GARY CUNNION
- 24 NANCY SCHUMM
- COURTNEY SASIADEK

CHAIRPERSON REIN: Okay. I see many of the same faces here that we had here two weeks ago, and for some of you this will be a review, but for those who are new we owe it to them to explain what's going on and what will happen throughout the evening.

So again, I'm going to start first with some introductions so we know who all is participating. Up here on the dais you see seven Plan Commissioners who were introduced in the course of roll call, the six men out on the wing here and myself also. And I want to clarify too because this is not always known by those who attend the public hearings. All the Plan Commissioners are residents of the village, and they are appointed by the Mayor and Village Board to serve in this capacity, and they are volunteers in these roles. They all have jobs outside of this which provides them with experiences and perspectives that contribute to the efforts they provide here. Also up on the dais we have Dominic DiMaggio. He is our Village Board liaison. As such, he is the person who when he sits in the board meetings when the Village Board meets about the issues we do here he can provide additional clarity. I go to those meetings as well, so if they have any questions on details, we are there to provide those. Dominick is also a resident of the Village of Hawthorn Woods and is also a volunteer, but he is an official who is elected by the

residents of this village. Next to him is Pat Brankin, our village attorney. Next to me is Donna Lobaito, our village administrator and village clerk. And down here we have extra people who assist us. On this end we have Michael Cassata, who is our village planning manager. Next to him is Erika Frable, who is our village engineer. She runs our Public Works Department. And then we have Lee Fell who is with Christopher Burke Engineering; he serves us as a hired consultant on engineering issues. Next to him is Al Maiden with Rolf Campbell and Associates. He assists us in the planning realm. So I think that -- and we have Joan Holub, who is our stenographer this evening to take down everything we cover. So that are all the introductions.

To read into the record, the next item on our agenda is the public hearing for the continuation of Stonebridge-William Ryan Homes, consideration, review, and recommendation to the Village Board of a request for, one, a Special Use Permit for a Planned Unit Development including departures from the Zoning Ordinance, Land Subdivision Ordinance, and Building Regulations Ordinance of the Village to allow the property to be developed as a Planned Unit Development as set forth in the application or as amended during the course of public hearing process; two, Preliminary Plat of Subdivision approval; and three, such other relief or

1   approvals as the Commission and the Village Board may determine  
2   reasonably necessary.

3           The public hearing is already opened, and it  
4   was continued from our last meeting on October 28th, 2014, when  
5   we heard the developer's presentation as well as comments and  
6   questions from the public.

7           So especially for those of who weren't here  
8   last time, we're going review our order of procedures so we all  
9   know how this is going to go this evening. All persons  
10   addressing the Planning, Building and Zoning Commission shall  
11   be given an opportunity to testify and present evidence and an  
12   opportunity to ask questions. Any members of the Planning,  
13   Building and Zoning Commission may ask questions of any person  
14   giving testimony at the public hearing. We typically save our  
15   questions as Commissioners for the end of the meeting after  
16   everyone in the audience has had a chance to be heard, so  
17   that's when you'll hear us speaking. At our last meeting, we  
18   heard the developer's presentation and a good deal of public  
19   comment and questions. When we resume public comment tonight,  
20   the court reporter will swear everyone in as a group. After  
21   the swearing in, we'll begin where we left off by hearing more  
22   from designated members of the Acorn Acres Homeowners  
23   Association as they present their collective questions,  
24   comments, and concerns that are of primary importance to their

1   Homeowners Association. To gain a better understanding of how  
2   many of you agree with the comments made by those designated  
3   speakers, when they are done making their points I will ask for  
4   a show of hands of all who are in agreement with what that  
5   speaker has presented, and then I will verbally comment on what  
6   I see so that the stenographer can note that in the public  
7   record.

8           Acorn Acres has revised its presentation list  
9   a bit since the last meeting, and I have a copy of that up on  
10   the dais here. Once we've gotten through the Acorn Acres list,  
11   any other audience members wishing to address the Planning,  
12   Building and Zoning Commission regarding the application will  
13   be invited to step forward to the podium. When I invite you to  
14   step forward, we ask that each of you adjust the mic so you can  
15   be heard and state your name, spell your name, and you may also  
16   give your address at that time. To keep things moving, we ask  
17   that you keep your comments brief, keep your comments on point.  
18   Should anyone who is speaking start veering off the subject of  
19   tonight's public hearing, Attorney Pat Brankin or myself will  
20   ask you to get back to the point. Comments should be  
21   non-repetitive. If you agree with a point that has previously  
22   been made this evening or on the prior evening, please state  
23   that when you come to the podium. Just say on the road issue I  
24   agree with what Mr. So-and-So said tonight or two weeks ago or

1 whatever that may be. The record will reflect that you're in  
 2 agreement with that point. When people are speaking, please do  
 3 not interrupt people or applaud. And obviously we don't want  
 4 to interrupt because that's not polite, but the applause makes  
 5 it very difficult as does the interrupting for the stenographer  
 6 to take down what the speaker is saying. So again, we will  
 7 give you an opportunity to comment on your agreement with  
 8 something by a show of hands when the speaker is done. And  
 9 overall I ask that all of us show respect for all the speakers  
 10 this evening and participants in this hearing.

11 As the Chairperson, I'll allow  
 12 cross-examination of the applicants and their witnesses as well  
 13 as any members of the public or witnesses who present testimony  
 14 on behalf of the public. After the public has had its chance  
 15 to speak, we will hear questions and cross-examination from the  
 16 Plan Commissioners. Let me back up. Before we even go into  
 17 our questions, the Plan Commissioners, we will allow rebuttal  
 18 testimony from the developer and their witnesses. So the  
 19 applicant, the developer will be allowed to present rebuttal  
 20 testimony to matters raised by the Commissioners or by members  
 21 of the public. Any witness or audience member presenting  
 22 rebuttal testimony shall also be subject to the  
 23 cross-examination and/or questions by the public or by the  
 24 Planning, Building and Zoning Commission. Cross-examination of

1 persons giving testimony must be relevant to the matters heard  
 2 and confined to the points raised during the person's  
 3 testimony.

4 At the conclusion of all that, we will close  
 5 the public hearing and no further testimony or evidence shall  
 6 be taken unless the Commission continues the hearing to a  
 7 specific date for the purpose of taking further testimony and  
 8 evidence or unless the Planning, Building and Zoning Commission  
 9 reopens the public hearing pursuant to law. Once the public  
 10 hearing is closed, the Planning, Building and Zoning Commission  
 11 will make its motion and vote on recommendation it wishes to  
 12 make to the Village Board. It's our job as Commissioners to  
 13 host the public hearing, to make recommendations to the Village  
 14 Board, and to consider and approve findings of fact, but it is  
 15 the Village Board who will ultimately make the decision on this  
 16 proposal at its own public meeting. Any member of the  
 17 Planning, Building and Zoning Commission absent from all or a  
 18 portion of a public hearing who certifies that he and show has  
 19 he read the court reporter's transcript on any given matter  
 20 vote upon any statement before the Commission with respect to  
 21 such matter.

22 Tonight's meeting will go as late as  
 23 10:00 PM, or if we're at a natural cut-off point in our  
 24 proceeding, then we may end a bit earlier if that breaking

1 point is there. If the Commissioners have not have had a  
 2 chance to publically deliberate and make their recommendation  
 3 before this evening is over, then they will continue this  
 4 public hearing until Tuesday, December 9th, at 6:00 PM hear in  
 5 the Village Barn. That will be a special meeting held by the  
 6 Plan Commission. It isn't on your normal calendar.

7 And once again, I'd just like to remind the  
 8 Plan Commissioners and members of the audience and consultants,  
 9 always use your microphone when speaking. It can be very hard  
 10 to hear in the back here, especially when the heating system  
 11 goes on. If at any time one of us is not easy to be heard,  
 12 please let us know from back there so we can -- we want you to  
 13 hear.

14 All right. At this point will everyone in  
 15 the audience who intends to testify this evening, make  
 16 comments, ask questions please rise so the court reporter can  
 17 swear you in. That includes the developer, the developer's  
 18 applicants.

19 (Whereupon all witnesses were sworn.)

20 Picking up where we left off on October 28th  
 21 with more testimony from the Acorn Acres subdivision, we have  
 22 an organized presentation, and this evening they have revised  
 23 their agenda a little bit, and they wish to start with the  
 24 Homeowners Association President Cathy Bayer.

1 Cathy, would you please approach.

2 CATHY BAYER: It's Cathy, C-a-t-h-y, Bayer, B-a-y-e-r, at  
 3 10 Bruce Circle South.

4 Earlier today we, the homeowners and the  
 5 Acorn Acres, particularly the residents that are adjacent to  
 6 the property filed a written protest against the road being  
 7 connected from Stonebridge development through to Bruce Circle  
 8 North, and we just wanted to make sure that that was on the  
 9 record. We didn't know if everyone would be made aware of that  
 10 before this meeting, so we wanted to make them aware now.

11 And then I also had -- and I have a copy of  
 12 that.

13 CHAIRPERSON REIN: We can introduce that has an exhibit.  
 14 Do you want to give it to Donna, Cathy? Thank you.

15 CATHY BAYER: In the code that provides for that, it says  
 16 that you need a minimum of 20 percent of the homeowners  
 17 adjacent to the property, and I would just like it noted that  
 18 we were able to get a hundred percent of the homeowners  
 19 adjacent to the property to sign that.

20 Another question that a couple different  
 21 people have asked me and since we had this continuation it's  
 22 given us a little bit of time to do a little more homework is  
 23 there's some confusion about the code, and I don't know if this  
 24 is the appropriate time to ask this question tonight. You can

1 maybe answer it later. There's the understanding they have  
 2 applied for a special uses, but then there's also the planned  
 3 unit development. In one of these it talks about having a  
 4 preliminary plan with the public hearing, and then the other  
 5 one does not. Is this -- are we going by this Chapter 14 or  
 6 Chapter 15? Does anyone know?

7 MR. CASSATA: So the special use in Title 9, Chapter 14.  
 8 So there's special use in general, and there's also a special  
 9 use for PUD, planned unit development.

10 CATHY BAYER: So how do these work together? Because  
 11 there wasn't another chapter that says special use specifically  
 12 for planned unit development.

13 MR. CASSATA: There is a chapter -- or a subsection of I  
 14 think it's Chapter 14 --

15 CATHY BAYER: Of this one. Okay. Maybe that will help  
 16 answer.

17 CHAIRPERSON REIN: Michael, in the future you to need to  
 18 speak a little louder.

19 CATHY BAYER: That's what we wanted to make sure.  
 20 Thank you.

21 CHAIRPERSON REIN: Thank you, Cathy.

22 Okay. Next on the Acorn Acres presentation

23 agenda is water inflow into Acorn Acres presented by Arnie  
 24 Liepa.

1 ARNIE LIEPA: Good evening. Arnie Liepa, L-i-e-p-a, at  
 2 7 Lydia Court.

3 Seems such a short while ago.

4 CHAIRPERSON REIN: It was.

5 ARNIE LIEPA: So first of all, thank you. Thanks for  
 6 everybody. I would point out that the residents are encouraged  
 7 by some of the good works that have been done by the developer  
 8 and the consultants working for the developer recently.

9 So we wanted to just touch on a couple  
 10 points. One of those is the water inflow into Acorn Acres.

11 There's been some new information that's come to light since  
 12 our last meeting.

13 This isn't so easy to see.

14 The big question, I guess, when we were here  
 15 last, you may recall we saw some videos that showed significant  
 16 accumulation of water behind 5 Acorn Drive and how that was

17 flowing down a pace through Lydia Court back down to Acorn  
 18 Drive. And one of the questions we kept asking ourselves is --

19 it's clearly not the precipitation because this water is still  
 20 flowing at a voluminous rate long after the road itself. The

21 big question is, where is it coming from? How is the water

22 getting into Acorn Acres in such a significant volume to start  
 23 with?

24 So a couple of us walked up onto Old Mchenry

1 Road, and we believe we found something that's a significant  
2 contributor to the water ingress. And you could see a still  
3 photograph of it there. This photograph is taken from on the  
4 south side of Old McHenry Road just to the west of Acorn Drive  
5 possibly a hundred yards or so. What we discovered is a  
6 culvert. You can see the square grid there. We're going to  
7 show a video in a moment. Basically this culvert is connected  
8 to what appears to be about a 24-inch pipe culvert coming from  
9 Copperfield, and the flow of water is from Copperfield to Acorn  
10 Acres. The challenge is twofold; one, there's a 24-inch  
11 in-feed pipe coming into this culvert for only a 12-inch  
12 out-feed, and instead of the 12-inch going west towards the  
13 wetland and actually it goes east toward Acorn Drive. Probably  
14 more importantly is once that system becomes overwhelmed that  
15 grid is about, I would say, maybe three or four feet below the  
16 surface level of Old McHenry Road, but immediately to the left  
17 of this photograph the land falls off quite dramatically about  
18 another five or six feet and, guess what, feeds straight to  
19 No. 5 Acorn Drive which was the source of the flooding. So we  
20 may, we believe, have found the smoking gun of where the water  
21 is coming from.  
22 So I just want to go through a couple of points on that, and  
23 I'm sure Bill Loftus from Spaceco will be chipping in on this  
24 as he is one of the ones that's walked the property.

1 I just want to show this aerial view. What we're talking  
2 about -- it's not going to allow me to get the cursor.  
3 So it's coming -- the water, we believe, is coming in from  
4 just to the west of Acorn Drive and Old McHenry coming down  
5 through no. 5 and taking that path behind No. 9 Lydia Court and  
6 7, 5, 3, 1 and down to 21 Acorn Drive.  
7 Has Donna gone for a laser pointer?  
8 CHAIRPERSON REIN: I'm guessing that's what she's doing.  
9 ARNIE LIEPA: Excellent. That's what I wanted.  
10 So the culvert is about here. And the water  
11 flows as we know it accumulates here behind no. 5 Acorn Drive,  
12 and then we know that, as proven by the video, comes around  
13 here and down here. So we believe this is, if not the single  
14 source, certainly a major contributing factor to that. For the  
15 benefit of the audience, the culvert is about here, and, again,  
16 comes down, accumulates here behind 5, and water comes down  
17 creating this waterfall over here, which sort of doesn't look  
18 like it makes sense. You wouldn't expect water to go around,  
19 but because of the topography, that's exactly how the water  
20 goes.  
21 So let me just -- I'm going to escape from  
22 this one with one second to see if I can show you the video so  
23 you can get more of a bearing on this. Murphy's law. Let's  
24 see if it will work off the USB here. Never trust technology.

1 There we go. This is not going to play for me.

2 There's a video clip that shows the culvert  
3 and where it sits relative to Old McHenry Road. We'll go back  
4 and carry on with the presentation.

5 Okay. And then, just again, this is the  
6 video showing the flow that's coming down from there, and I  
7 think it's really important to make the point that the flow of  
8 water, the volume that's coming down here and the fact that we  
9 are talking millions of gallons, this is clearly not just  
10 something that's limited to Acorn Acres. This is coming into  
11 the community most likely through that culvert from Old McHenry  
12 Road.

13 So what do we need to do? Obviously we need  
14 some solutions on that, stopping the water coming into Acorn  
15 Acres instead of just adding a system to get the water out of  
16 Acorn Acres once it's there. And clearly if we can avoid  
17 getting flooded in the first place, that's going to be a lot  
18 more benefit to us than seeing the flood relief arrive faster  
19 after.

20 There's been a couple of site visits Mike  
21 Novotney from Lake County Stormwater Management. He sent a  
22 summary e-mail to the Village today, so Erika and the team  
23 already have a summary of his recommendations. He tends to  
24 agree that it looks like this is quite likely the cause and it

1 warrants further investigation.

2 Bill, I don't know if you want to talk  
3 about --

4 MR. LOFTUS: I'll comment on it a little later.

5 ARNIE LIEPA: So Bill also had a team go out there, and  
6 he's going to comment later on their findings and  
7 recommendations of what they've seen. Okay?

8 But I would encourage anybody that wants to  
9 that's curious to just walk along the south side of Old McHenry  
10 Road from Acorn Drive and go west, and what you'll see is the  
11 whole of the stormwater management along that section of road  
12 is basically wholly inadequate, and in fact from Acorn Drive  
13 for about the first 400 yards all of the stormwater not only  
14 through the culvert but also from Old McHenry Road will flow  
15 straight towards the community. There's nothing on that side  
16 of the road that acts as a barrier. There is no drainage along  
17 the south side of Old McHenry Road. I did get quite a bit  
18 further up by George Sambor's property, and then it's wholly  
19 inadequate because if you look down you'll see drain covers.

20 The largest diameter of the pipe there is about a 12-inch pipe,  
21 and given the amount of rainfall and amount of water flow, even  
22 if the water could get to the 12-inch pipe that it wouldn't be  
23 enough, and that tends to probably explain why George Sambor's  
24 house got flooded with the backup from Old McHenry Road back

1 into his house through that inadequate system. So we need a  
2 better solution along Acorn Drive.

3 The good news is, as I understand it from the  
4 Lake County Stormwater Management people, that road and the  
5 culvert immediately adjacent thereto are owned by Illinois  
6 Department of Transport. It's the Illinois Department of  
7 Transport that put that culvert under the road, not the  
8 Village. And so the Lake County Stormwater Management team  
9 were encouraging the Village to liaise with the Illinois  
10 Department of Transport because there could be some relief and  
11 there won't be financial burden either to the Village or to the  
12 Department but could greatly relieve the problem. Okay.

13 So has anybody got any questions for me  
14 before I move on to the subject of the trees to the east and  
15 south?

16 (No response.)

17 So on the subject of the trees, you may  
18 recall this was the subject of some debate at our last meeting.  
19 Greg Sagen came through and kindly hosted a walk-through on  
20 Wednesday the 5th of November with some of the residents.  
21 Personally I was most encouraged by that. I think that  
22 walk-through went very well. We learned a lot as residents.  
23 We certainly learned that the tree plans have been greatly  
24 improved from the initial plans. Greg and his team have

1 already moved the boundary lines to the southeast so the tree  
2 lines will be better protected. We're greatly encouraged by  
3 that. So thank you. And certainly the wooded area to the  
4 southeast would provide a very natural boundary and a wildlife  
5 habitat, and I'm sure all the residents would rather be looking  
6 out on a tree line than back-to-back houses. So that's very  
7 encouraging.

8 That said, that wooded area to the southeast  
9 does need some help. The woodland is in distress. There are a  
10 number of trees that are already in demise, and one of the, I  
11 think, astute observations from Greg is there wasn't an awful  
12 lot of new growth. There weren't a lot of new saplings. The  
13 natural refresh that one would expect to see in a wooded area  
14 is lacking, so that was discussed. And I would at this moment  
15 ask that the Village and the developer support a proposal to  
16 clean up and get some fresh plantings for the longer-term  
17 health of that woodland that I think would benefit everybody  
18 including the new residents in the new development.

19 Sorry. Yes?

20 COMMISSIONER MERKEL: Can you back up? Can you show us  
21 exactly where that is on the last map?

22 ARNIE LIEPA: I don't know it will be shown on that map.  
23 Yes. It's in the -- so for your benefit, it's this wooded rea  
24 here.

1 COMMISSIONER MERKEL: No.

2 ARNIE LIEPA: I'm sorry. Here.

3 So for the developer's perspective, this

4 would be the very southeast corner of the lot that they're

5 developing.

6 COMMISSIONER MERKEL: That's the part you said Mr. Sagen

7 walked through and it was a positive walk-through.

8 ARNIE LIEPA: Yes. So there's a tree line that goes

9 along the south edge of the lots here, and that goes along the

10 back of Bruce Circle. In here is actually, as you can see on

11 here, a wooded area, and in there there are some mature oak

12 trees, some of which are not in a very healthy condition at the

13 moment.

14 MR. BURNEY: Arnie, I'm sorry to interrupt you.

15 Mike, will you plug in our Power Point. We

16 have an aerial that might give you a better idea.

17 COMMISSIONER MERKEL: I'm a little fuzzy.

18 MR. BURNEY: Sure.

19 Chuck, if you wouldn't mind.

20 MR. HANLON: No problem.

21 ARNIE LIEPA: So on this plan, the wooded area actually

22 goes up this east boundary, so it goes from this juncture,

23 which is actually -- that point there is between No. 5, 3 and 5

24 Lydia Court for the current residents. There's a tree line

1 that goes across the back here, and the wooded area. This was

2 one of the points. You see, this particular diagram was one of

3 the things that caused concern to the residents because if one

4 looks at this the very area where the wooded area is is void of

5 any trees, and it looks like it's now just houses and

6 backyards. So hopefully you can understand why the residents

7 were so deeply concerned because this particular diagram does

8 not reflect the updated plans, and as I understand it, all of

9 the homes along that east boundary that will be moved very

10 slightly to the west, therefore, allowing the tree line to be

11 preserved, and on the specific tree plan, there's a very clear

12 demarkation line that's going to be a protective barrier to

13 prevent the construction traffic getting into that wooded area

14 and damaging the roots of the trees, and that has also been

15 moved to the west. That's a great improvement. There's still

16 some concern over a couple of mature oaks that will be

17 discussed in a moment.

18 Does that answer your questions?

19 COMMISSIONER MERKEL: The area that you said that they're

20 not -- you're not seeing any younger trees, that's to the

21 bottom?

22 ARNIE LIEPA: It's here, along the east side.

23 COMMISSIONER MERKEL: You're talking about the same spot.

24 ARNIE LIEPA: Yes.

1           Okay. All right. Is Greg here? Did Greg  
2 want to comment at this point or later?  
3           MR. SAGEN: I'll wait, Arnie.  
4           ARNIE LIEPA: You'll wait till later. Great.  
5           So I think Greg's got some good inputs on  
6 that area. And again, I just ask that anything that the  
7 Village and the developer can do to help maintain that area, I  
8 think, will be good longer-term.  
9           With that, I said there are some remaining  
10 concerns over mature oaks, but those are going to be addressed  
11 by somebody who knows a lot more about that than I do.  
12           So unless there's any questions for me, I'd  
13 like to hand it off now to George and Daniel Sambor.  
14           Thank you.  
15           CHAIRPERSON REIN: Arnie, on your agenda you've got  
16 Todd Degner.  
17           ARNIE LIEPA: Oh sorry. Yes. Todd Degner from Davey  
18 Resource Group also came out. If Todd's here, if he'd like to  
19 come up and pass comment.  
20           CHAIRPERSON REIN: Mr. Degner, have you been sworn?  
21           TODD DEGNER: Yes, I have.  
22           CHAIRPERSON REIN: When you get a chance, you can step  
23 forward and introduce yourself.  
24           TODD DEGNER: Hello. My name is Todd Degner, T-o-d-d;

1 last name Degner, D-e-g-n-e-r.  
2           I'd just like to first start by mentioning  
3 that I'm not being compensated for my visit here tonight nor is  
4 there any promise of any future work or future work  
5 opportunities for my presence here tonight making this  
6 presentation, and I will be brief. I do work for the Davey  
7 Resource Group which is a division of the Davey Tree Expert  
8 Company, and I personally am one of Chicagoland's experts on  
9 tree preservation; and in particular, ecosystem recovery. And  
10 our company works for developers, architects, and engineers on  
11 a daily basis. I'm not a resident of Hawthorn Woods. I'm a  
12 resident of Libertyville, 136 Sunnyside Place, Libertyville,  
13 Illinois 60048.  
14           With your permission, I do have an exhibit  
15 and some slides that will be coming up briefly, so for your  
16 perusal, I have a few copies for each of the Commissioners.  
17           CHAIRPERSON REIN: You may approach.  
18           Do you have a copy for the applicant? Take  
19 one.  
20           TODD DEGNER: I believe I have 10 copies. There should  
21 be ample copies.  
22           CHAIRPERSON REIN: Why don't you take a couple back to  
23 the applicant.  
24           TODD DEGNER: The slides will be coming up shortly.

1 So what the Commissioners will see on the  
 2 front page is an artist's rendering of what a tree actually  
 3 looks like, what a tree looks like underground, and it's an  
 4 important detail to keep in mind as we're making our way  
 5 through these comments. And I will be very brief.  
 6 I would just like to wait though for a  
 7 moment, if it's all right, so the folks in the audience can see  
 8 as well. I think they'll find it instructive.

9 ARNIE LIEPA: Unfortunately, it's not working from the  
 10 other laptop, so we're just going to dump the presentation on  
 11 the USB and show them on the laptop.

12 CHAIRPERSON REIN: I wonder if it would be helpful to  
 13 skip ahead to another topic while we're doing the technical  
 14 hookups, and that way we can keep everybody on time track.

15 Let's see, George and Daniel, your  
 16 presentation is quite lengthy. I'm wondering about Robert  
 17 Bixler, street lighting and ambient-light pollution. If you  
 18 want -- if you're ready to go now we'll do that while they're  
 19 getting their visual aids ready.

20 ROBERT BIXLER: Robert Bixler, R-o-b-e-r-t, B-i-x-l-e-r,  
 21 19 Acorn Drive, Hawthorn Woods.

22 My subject isn't near as weighty, so it  
 23 should be brief.

24 When we moved here over 40 years ago, the

1 reason my wife and I came to this community is we looked all  
 2 around us and it felt more like we were in tune with nature.  
 3 We didn't have streetlights everywhere and all these sidewalks,  
 4 and you could circle my house and no matter where I looked I  
 5 could see the stars at night. That's not true anymore. Any of  
 6 you that go out of this building right now and you look towards  
 7 Highway 12 where Home Depot is and everything, all you see is  
 8 an orange murky haze, and that's becoming more prevalent to the  
 9 north and over here in areas where this development would be.  
 10 The only way to reduce this is to keep light from shining up  
 11 into places where none of us can use it.

12 So what I'm proposing to do is for the  
 13 Village to consider, including this development, to consider  
 14 Dark Sky standards, and all they amount to is if this is a  
 15 light bulb and I've got a circle of light around it, if I put a  
 16 roof on the top it can't shine up. It can't go into any my  
 17 neighbor's windows and all that. We can't solve the problems  
 18 of the sky ourself because there's no County or State  
 19 standards, but we can make it a little bit better. So I'm  
 20 proposing that we follow the Dark Sky standards. And to quote  
 21 the governor of Homer Glen, the Dark Sky ordinance conserves  
 22 energy, protects wildlife, and reminds us all of the beauty of  
 23 a starry night. The choices when he used Dark Sky standards  
 24 are not closed off at all. You can use the same kind of

1 lighting variations and same manufactures as ones that don't  
 2 comply with these. The only different is you don't have the  
 3 murky haze. You don't have stuff shining in your windows. But  
 4 also if you do that, that means when you're driving at night  
 5 there's not as much glare or cars, not as much glare for people  
 6 walking. A minor thing if you're a tree-hugger, it turns out  
 7 that the City of Chicago had to change their lighting because  
 8 they were killing all the trees around it because the trees  
 9 weren't used to all that light at night. Okay?

10 So that's it. I'll close by saying I've got  
 11 a write-up here with a bunch of websites where you can get  
 12 lighting like this, such unknown places as Home Depot,  
 13 Amazon.Com, where we bought Dark Sky light for Acorn Drive in  
 14 our subdivision. The new lights we put in right off of  
 15 Old McHenry used those lights, and they're very attractive. So  
 16 I hope you consider that and consider things for the neighbors  
 17 and us for the future. Thank you very much.

18 CHAIRPERSON REIN: Thank you, Mr. Bixler. Would you like  
 19 to enter that list into evidence as an exhibit?

20 ROBERT BIXLER: Sure.

21 CHAIRPERSON REIN: If so, please approach and give it to  
 22 Ms. Lobaito. Thank you for preparing that. We'll let you know  
 23 that we have frequently considered and promoted Dark Sky  
 24 initiatives here as a Commission. It is a favorite subject of

1 ours, and we have looked ourselves --

2 ROBERT BIXLER: I think if developers look at it, they'll  
 3 find it doesn't close out any of their design standards. It's  
 4 just a conscious choice to take that into account. Thank you.

5 CHAIRPERSON REIN: And I believe it is also promoted in  
 6 our new comprehensive plan that was adopted in June.

7 Oh, thank you for reminding me, Dave.

8 Mr. Lindquist has reminded me that with the  
 9 conclusion of Mr. Bixler's comments regarding preference for  
 10 Dark Sky's light fixtures in terms of this development, I'd  
 11 like to see a show of hands of everybody who is in agreement  
 12 with Mr. Bixler's position.

13 (Audience raising hands.)

14 Let the record reflect that the vast  
 15 majority of the hands in the audience have been raised,  
 16 including the developers.

17 Thank you, Mr. Bixler.

18 MR. BURNEY: Chairwoman Rein, we can address that now, or  
 19 we can wait. What would yours and Mr. Bixler's preference be?

20 CHAIRPERSON REIN: You can go ahead and address it now.

21 MR. BURNEY: Mr. Hanlon.

22 MR. HANLON: Just briefly, as we raised our hands we are  
 23 in sync with what the residents are speaking of. I think is  
 24 already supported in your comprehensive plan to look at light

1 fixtures that would comply where Dark Sky standards, and we'll  
 2 certainly work with the Village on spacing, quantity, and  
 3 locations for safety, but we're not looking to over-light the  
 4 development at all.

5 CHAIRPERSON REIN: Could you please identify yourself for  
 6 the record, Mr. Hanlon.

7 MR. HANLON: Sorry. Charles Hanlon with WBK Engineering.

8 CHAIRPERSON REIN: Thank you. Thank you for that  
 9 comment.

10 Are we ready to go back to the tree topic?

11 TODD DEGNER: My name is Todd Degner, yes, for the  
 12 record.

13 So what you have before you here is an  
 14 artist's rendering of what a tree actually looks like. I'd  
 15 like to if I could for everyone's benefit point out that  
 16 traditionally in architecture and engineering it's purported  
 17 that the drip line is the extent of the root zone or that root  
 18 zone which must be protected in order for a tree to survive.  
 19 This works pretty well in say a two-year scenario. If you cut  
 20 off all the roots outside of the drip line, the tree will  
 21 probably still be standing when the developers drive off and  
 22 are completed with the project, but typically what would happen  
 23 in a three- to five-year window, especially with mature trees  
 24 and key trees which are in question on this site, the decline

1 takes five to seven years, and that decline, of course, is  
 2 irreversible. The roots don't get moved back. So it's  
 3 important to note that once those are gone they're gone. The  
 4 tree roots that are underneath the drip line are those that  
 5 hold the tree up, that allow it to stand upright. However,  
 6 trees receive all the oxygen and nutrition from -- and water as  
 7 well as from those roots that are located well inside the drip  
 8 zone, so all of its source of the nourishment comes typically  
 9 from outside the drip line.

10 Unless anyone suggests that that's just a  
 11 pretty picture, we can go out and verify this repeatedly in the  
 12 field. What you have in front of you are photographs of just a  
 13 typical tree root-zone investigation, and you'll see in some of  
 14 these photos that first of all roots sit very high, barely  
 15 below the leaf litter in natural areas such as the one in  
 16 question, particularly the southeast corner of this development  
 17 site. And you'll find for those who are interested in formulas  
 18 that the total root zone radius of this 23-inch-diameter tree  
 19 is a root-zone radius of 50 feet, and, therefore, a root-zone  
 20 diameter of a hundred feet. So the formula you can regularly  
 21 take to the bank that for every one inch of diameter, that is  
 22 trunk diameter, you'll have two feet of root-zone radius. So  
 23 this is an important consideration when you're siting and  
 24 siting disturbance and the edge of grading.

1 It's also important to note that trees need  
 2 three things to survive. It's oxygen, water, and nutrition and  
 3 in that order of importance. Any suggestion that filling over  
 4 top of root zones is somehow better for the trees's health than  
 5 cutting roots off is in correct.

6 These are just a few other illustrations for  
 7 your perusal showing where the drip line, that zone that's  
 8 typically used for tree-protection limits, what you find when  
 9 you uncover with air tool investigation, and it shows you what  
 10 the root zones look like.

11 These are tested various different sites all  
 12 around the Midwest, the eastern half of the United States.  
 13 This is how trees behave, with coniferous or deciduous trees.

14 Just another illustration of a note here to  
 15 show how in wooded areas such as those that the residents are  
 16 concerned about, how those fare and what they look like  
 17 underground and not too deep underground.

18 So just a few comments and conclusions.  
 19 First of all, there's a lot of good news here. The solution  
 20 for preserving the large key trees, large oak trees, is simple.  
 21 It's keep of limits of disturbance outside of that root zone as  
 22 illustrated by the slides I just showed you earlier in using  
 23 that formula. Secondly, I do believe it's worth noting that  
 24 our company -- and I know various other folks here tonight are

1 members of the Chicago Wilderness and, therefore, supporters of  
 2 the Biodiversity Recovery Plan and the Ecosystem Recovery Plan,  
 3 and corporate counsel members. That's something that my  
 4 company certainly does support. In the interest of full  
 5 disclosure, I thought this would be worth mentioning.  
 6 Additionally, some other good news here, Spaceco, a subsidiary  
 7 of Christopher Burke Engineering is also a counsel member with  
 8 Chicago Wilderness. So I have no doubt that they'll be on  
 9 board protecting those trees and promoting the biodiversity as  
 10 well as the ecosystem recovery.

11 So if anyone has any questions for me.

12 Yes, sir.

13 COMMISSIONER LaGRO: In this case we're talking about  
 14 trees. How do trees in particular utilize oxygen in their life  
 15 cycle of photosynthesis?

16 TODD DEGNER: Well, they extract it out of the soil.

17 It's simply -- the photosynthetic process is promoted by  
 18 healthy oxygen exchange. When that's taken away by excess  
 19 water or other hydrologic regime, you'll have problems. In the  
 20 case of young trees, rapid decline; in the case of older trees,  
 21 you're talking five to eight years.

22 COMMISSIONER LaGRO: This is very simplistic, but is it  
 23 accurate that trees and other plants, photosynthetic plants,  
 24 actually utilize carbon dioxide and give off oxygen?

1 TODD DEGNER: They do indeed.  
 2 Any other questions?  
 3 CHAIRPERSON REIN: This isn't normally our time to ask  
 4 questions, but I don't know if you might return to us later  
 5 when we deliberate. I'm not sure if you'll be here.  
 6 I'm just wondering, did you go on the tour  
 7 with Mr. Sagen and the residents? Or can you comment as an  
 8 expert witness on behalf of -- I think you're representing the  
 9 Acorn Acres. Can you comment on the tree preservation plan  
 10 liability that the applicant has presented.  
 11 TODD DEGNER: I did take a look at the trees actually  
 12 yesterday. I walked that property line, specifically the key  
 13 trees, tree 60, 74, 75, various others along the property  
 14 boundary, and the drawing that was presented to me at the time  
 15 showed the limits of disturbance; that is the limits of  
 16 excavation coming up to 10 feet within the trunks, which is  
 17 totally inadequate for preserving those trees.  
 18 Does that answer your question?  
 19 CHAIRPERSON REIN: Are you indicating that the limits of  
 20 disturbance are closer to the tree trunks than your prior  
 21 presentation would recommend?  
 22 TODD DEGNER: Yes, ma'am.  
 23 CHAIRPERSON REIN: Okay.  
 24 COMMISSIONER MERKEL: By how much?

1 TODD DEGNER: Well, let's just say substantially. In the  
 2 case of tree no. 60, which should be on the geometric plan,  
 3 again you'll see that the limits of disturbance are within 10  
 4 feet of the trunk location. Now, that tree, if I'm not  
 5 mistaken, is over 40 inches in diameter, so based on the  
 6 formula provided earlier, it's wholly inadequate. Whether it's  
 7 fill or whether it's cut, it's not going to matter.  
 8 COMMISSIONER MERKEL: What was formula? I know one inch  
 9 was --  
 10 TODD DEGNER: One inch of diameter equals two feet of  
 11 root-zone radius.  
 12 COMMISSIONER MERKEL: That's a lot. Is that your  
 13 equation?  
 14 Or does Mr. Sagen agree?  
 15 Is that a common mathematical formula you  
 16 use?  
 17 TODD DEGNER: Yes. For the actual root zone, it is  
 18 indeed. That can be confirmed by going out and examining these  
 19 trees using an air knife. That's one simple way to settle it.  
 20 Of course we've gone to great trouble and great lengths in the  
 21 interest of finding out how trees behave, learning the  
 22 physiology. That formula holds true.  
 23 COMMISSIONER MERKEL: I'd like to ask Mr. Sagen, does he  
 24 agree with that number?

1 MR. BURNEY: We might respond?

2 CHAIRMAN REIN: Yes.

3 MR. SAGEN: For the record, Greg Sagen, Signature Design  
4 Group, landscape architect; offices in Naperville, Illinois.

5 I'm sorry, what was the question?

6 COMMISSIONER MERKEL: The question was, Mr. Degner --

7 CHAIRPERSON REIN: Pull your mic closer.

8 COMMISSIONER MERKEL: -- mentioned that for the root zone  
9 one inch of diameter needs approximately two feet of distance  
10 not to disturb the roots. If you do the math, that's a big  
11 number. Is that a common equation you use in your practice?

12 MR. SAGEN: Typically it's one inch per one foot. It's  
13 not one inch per two feet or two inches per foot. And again,  
14 Mr. Degner, I'm not sure if his comment is talking about the  
15 entire root zone. If we're talking root preservation area,  
16 there's many variables you need to consider. If you're cutting  
17 entirely around the three, then the drip line often is  
18 inadequate, if you're using the drip line because you're  
19 severing the entire root line around the perimeter of the tree.  
20 In cases like this where we are able to preserve the entire  
21 half of the tree or 60 to 70 percent of the radius of the tree,  
22 we're only impacting one side, then that distance you can be a  
23 little more aggressive in that distance. What the distance is  
24 is determined by many variables. Obviously the farther the

1 better. Typically what we would use is on the disturbed side  
2 if we are preserving all the external roots and it's a key tree  
3 we would try to maintain at least one inch -- or -- excuse  
4 me -- one foot of distance for every one-inch caliper on the  
5 tree. In that disturbed side, preserving the other side then  
6 we will have a total what we feel is a very good way, very high  
7 success preserving that tree.

8 COMMISSIONER MERKEL: In this case --

9 MR. SAGEN: Mr. Degner's comments on disturbance, I think  
10 her was basing that on building box, which is an outline on the  
11 plans because we do not know what the disturbed area is going  
12 to be on those lots yet. So I'm not sure if Mr. Degner knows  
13 but the building box show, the potential for a house  
14 construction and in the case of trees no. 60 and 78 those  
15 building boxes are very close, within 10 feet of those two  
16 trees.

17 COMMISSIONER MERKEL: When you say building box, that's  
18 the lot or the physical building?

19 MR. SAGEN: The setback line. The box is defined by the  
20 setback lines both front and rear.

21 MR. BURNEY: Greg, can we pull up the Power Point and  
22 look at these two trees.

23 CHAIRPERSON REIN: That was Mr. Tom Burney asking if Greg  
24 Sagen with pull up the Power Point, for the record.

1 MR. BURNLEY: Thank you, Ms. Chairman.

2 MR. SAGEN: While he's doing that, I'd be very  
3 interesting, when we did the walk-through with the neighbors  
4 what we found is that woodland is significantly degrading and  
5 the oaks are in decline.

6 And Mr. Degner, being an expert, I'd like to  
7 ask him, because I think it's a resource to the neighbors, to  
8 the Village on those trees, those very valuable trees, what's  
9 causing the decline of the oak trees?

10 TODD DEGNER: Short answer is they're old. They're very  
11 old.

12 MR. SAGEN: Wow. Okay.

13 TODD DEGNER: There's no response, old, in context for  
14 trees can live to be 300 years old, and these probably in the  
15 250 category there's certainly still some time left. It is  
16 certainly correct that some of the trees in question are not in  
17 good condition. My comments earlier have nothing to do with a  
18 tree's conditions but rather tree physiology; that is to say  
19 these specific trees' condition. There is indeed some decline  
20 present. That is represented in the condition assessment that  
21 is also on the geometric plan. There is no doubt about that.  
22 COMMISSIONER MERKEL: Mr. Degner, do you agree with the  
23 comment, that the disturbance is only on one portion that that  
24 changes your equation?

1 TODD DEGNER: Well, it doesn't change the extent of the  
2 actual root zone. The question is whether or not a symmetrical  
3 root-zone loss; that is a perfectly circular loss as opposed to  
4 a one-sided loss. If I were to lose 50 percent of an entire  
5 root-zone mass and lose so equally all around the edges, I  
6 personally with some maintenance would feel much more  
7 comfortable with attempting to preserve that tree than a tree  
8 that has lost 50 percent of its root zone entirely on one side.  
9 For obvious reasons, that creates a tipping hazard; never mind  
10 the high likelihood that one entire half of the tree is going  
11 to die and become hazardous. This is another consideration  
12 too. One of the reasons to give these trees a little more  
13 elbow room is because they are large, and by their nature large  
14 limbs do present a hazard, in particular some of the trees that  
15 are in decline, and forgive me, I believe tree 74 is one if I'm  
16 not mistaken is in worse-off condition than others. I'd be  
17 greatly concerned about preserving of these trees when they'd  
18 be in close proximity to new homes given the potential for  
19 grading and also the potential for damage.

20 Does that make sense? Does that answer your  
21 question, Mr. Merkel?

22 COMMISSIONER MERKEL: Yes.

23 CHAIRPERSON REIN: I guess the follow-up question for  
24 that to Mr. Sagen is, even though you said you're only

1 impacting one side, for example, of those trees can you  
 2 quantify the percentage, putting in perspective what Mr. Degner  
 3 just said.

4 MR. SAGEN: Yes, I can. And maybe we can expand on  
 5 that comment. You know, we're all in agreement here that the  
 6 trees are a very valuable asset to the site. I mean, there's  
 7 eight large oak trees out there. Two are stone dead. Two are  
 8 in terrible condition; basically they're dead; they don't know  
 9 it yet, and they will be in a couple years. That's why I'm  
 10 inquiring because many of these trees were shown in the survey  
 11 only four, five years ago as being in much better health.  
 12 That's why I'm questioning the neighbors and why I'm  
 13 questioning Mr. Degner as to what's going on in this area. Is  
 14 it oak wilt? Do we have an underlying moisture problem causing  
 15 the hydrology to change in that soil? So we're all very  
 16 concerned about these trees, and how many roots we save on a  
 17 dead tree is kind of a moot point.

18 But anyway, back to my previous comment. We  
 19 are committed to saving the trees, my client is, and we hear  
 20 the neighbors loud and clear, and we share their passion for  
 21 these trees. So what we're suggesting to do, there's two trees  
 22 that really fall in close proximity to the house building pads,  
 23 and trees no. 60, which falls on lot 4, and tree no. 98, which  
 24 is on lot 7, okay, currently shown -- and if you look

1 at -- you all have the engineering, Spaceco's exhibit. If you  
 2 look at page -- it would be the second sheet, PE-1 -- it's the  
 3 tree inventory and general site conditions -- you will see you  
 4 can find these trees on the lot. Now, these trees are shown as  
 5 you're looking for -- I can talk you through it -- these tree  
 6 are shown, as I mentioned, within five feet of the building  
 7 box. So if we were to build a house all the way to the back  
 8 end of the building box, these trees would be significantly  
 9 impacted. What we're proposing to do in conversations with my  
 10 client after our meeting with the homeowners is putting  
 11 restrictions on those two lots on the houses that can be built,  
 12 and there was testimony to this effect at the first public  
 13 hearing. What we'd be looking at is reducing the front-yard  
 14 setback to 25 feet, which I think is permitted under the  
 15 overall plan, to give some garage variety and then also  
 16 limiting the house product on these lots to a maximum depth of  
 17 50 to 55 feet. In essence, what that would do is limit any  
 18 construction including over-dig to 30 feet from the trunk of  
 19 these two large trees. Keep in mind, we're keeping 30 feet  
 20 away from these trees, which in Mr. Degner's previous exhibit  
 21 showed all the way down a half-inch roots, so a significant  
 22 part of the roots saved. This would be outside of the drip  
 23 line of those trees, and we will then also be preserving the  
 24 balance of the root zone on the natural woodland side. We feel

1 comfortable in that approach in preserving these two trees, one  
2 which we identified in our survey as a key tree, as an asset  
3 for these lots and for this development.

4 CHAIRPERSON REIN: Greg, can you please repeat the number  
5 on the second tree. I believe you said lot 7.

6 MR. SAGEN: Lot 7.

7 CHAIRPERSON REIN: The tree number again?

8 MR. SAGEN: 98. So it's tree no. 60 on lot 4 and tree  
9 no. 98 on lot 7. Tree no. 60 is one of the two key trees on  
10 the site. The other one is either tree no. 100 by the old  
11 survey or 1828 by our supplemental survey. They're both very  
12 large oak trees.

13 So again, in doing that, of the eight large  
14 trees -- here we go. Beautiful -- so on this exhibit, for the  
15 audience this is tree 60 right here is -- and I'll show the  
16 Board as well -- that's tree 98. This is tree 60 -- excuse  
17 me -- this is tree 60, and this is tree no. 98 right there.  
18 You'll see it's on the back end of the building box. What you  
19 see on these exhibits is a 30-foot front-yard setback. The  
20 dashed line, you've got a 30-foot front-yard setback, an  
21 80-foot building box, and then 30 to 60 feet of rear yard  
22 outside of the building box. So that's what Mr. Degner was  
23 commenting as the disturbed area. It potentially could be  
24 disturbed, but by no means are they mandatory disturbed area.

1 MR. WYNSMA: Nate Wynsma with William Ryan Homes.

2 I just want to clarify something. We have --  
3 in our style of our architecture, we have some plans that have  
4 garage recessed behind the front facade of the home. So what  
5 we're proposing is in conditions where the garage is recessed  
6 from the front architecture we'd have a variety in front-yard  
7 setbacks: 25-foot minimum for recessed garage. If the garage  
8 was flush or forward at all, then it would be a 30-foot  
9 building setback line. What we've discussed doing and what I  
10 was trying to communicate to Greg is on lots 4 and 7 we were  
11 going to restrict ourselves to plans that have the recessed  
12 garages that could then be at a 25-foot front setback. Those  
13 plans range in depth, the buildings themselves, from 41 feet  
14 deep to somewhere over 50 feet deep. So 25 and in its deepest  
15 condition say 55 feet deep would be a combined 80 from the  
16 front property line. And I think what Mr. Degner saw on the  
17 plan is a 30-foot front setback and 80-foot building box which  
18 is the full limit to the setback. So instead of 110 feet,  
19 which is very close to especially the lot -- tree 60 on lot 4,  
20 instead of 110 feet from where the building would be we're  
21 talking something closer to 80 feet, so picking up 30 feet of  
22 setback there to preserve those trees. And then I'll let Greg  
23 address the other two things we discussed doing in this area.

24 CHAIRPERSON REIN: Thank you, Nate.

1 MR. SAGEN: Okay. Just briefly then -- Greg Sagen,  
 2 Signature Design Group -- the other two comments that were  
 3 brought up in our walk we shared by our residents as well as my  
 4 client is a preservation of these trees. As you'll see on the  
 5 exhibit, we have a nature-way common area where many of the  
 6 trees occur. We also have the balance of the east tree line  
 7 that runs all the way up to Old McHenry on lots 2, 3, 4, and 5  
 8 without the benefit of a common area or HOA-maintained.  
 9 Basically they're on private lots. So what my client is  
 10 considering and willing to do is to put a restriction on those  
 11 lots in the form of a conservation easement or a mechanism  
 12 that's agreeable to be worked out to protect the rear of those  
 13 lots and all those natural trees that occur on the private  
 14 lots. So those trees that we're preserving for our mutual  
 15 benefits -- we're screening a lot of our residents -- would be  
 16 preserved under this mechanism.

17 The final commitment my client is willing to  
 18 make is in our walk, I think my neighbors, your neighbors, our  
 19 neighbors shared this observation as well as, I'm sure,  
 20 Mr. Degner when he walked the woods, this is a very degraded  
 21 woodland. There's not a lot of natural succession going on.  
 22 So what do I mean by that? You walk through this woods and you  
 23 see those huge oak trees, many in decline, and then you see  
 24 literally a bunch of garbage on the bottom, some box elder.

1 Nature isn't restoring itself. There's not a lot of little  
 2 oaks, little hickories, little walnuts and maples coming up.  
 3 What we're willing to do -- this is valuable to both the  
 4 residents and ourselves -- is to start a reforestation program  
 5 where normally we would do buffer plantings and evergreens to  
 6 screen our neighbors. Here we'll help the woodland along to  
 7 the tune of 25 trees, let's say, two-inch caliper,  
 8 deer-protected, and we'll us indigenous understory trees.  
 9 We'll use oaks, hickory hackberry and black maple that would  
 10 all be tolerant of the big variety of conditions here, some of  
 11 the moisture levels, some of the shade level and naturally  
 12 understory. These are very common trees that will help some  
 13 promote and reseed, restore colonizing. We already have black  
 14 walnuts which will continue to colonized. This will help heal  
 15 and help nature along a little bit along. So these three steps  
 16 we feel confident will help this woodland which we both see as  
 17 a wonderful resource for our neighbors and the neighbors  
 18 adjacent to us.

19 CHAIRPERSON REIN: Thank you for clarifying that.

20 Mr. Degner, it seems you have another comment  
 21 you want to add or no? I thought I saw you popping up. Have  
 22 you concluded your testimony?

23 TODD DEGNER: Yes, ma'am.

24 CHAIRPERSON REIN: Thank you very much.

1 Okay. I see a hand going up from Mr. Bixler.

2 ROBERT BIXLER: I have an on-point question, very brief.

3 CHAIRPERSON REIN: If you would approach the mic, please.

4 ROBERT BIXLER: Certainly. Robert Bixler, 19 Acorn

5 Drive.

6 Several years ago we had a house built next  
7 door to us, and they put fill dirt about a foot and a half feet  
8 on top of some oak trees. It took seven years for these  
9 trees -- they're all over 150 years old, and they all died.  
10 The developer was long gone. The trees just slowly just faded  
11 away. So that's my comment.

12 My question too the experts is, you talked  
13 about cutting away the roots. But what happens when you leave  
14 significant amount of fill, like a foot or more of fill, on top  
15 of the roots? Doesn't that have the same effect of cutting off  
16 the oxygen and harming the health of the tree?

17 MR. SAGEN: Greg Sagen, Signature Design Group.

18 The gentleman is absolutely correct. Fill is  
19 as damaging to a tree as cutting off of the roots, especially  
20 oak trees which are very temperamental. The roots grow for  
21 very critical depth in the soil. They know where to go. You  
22 cover them up, the trees are going to decline and suffer. Your  
23 cottonwood will tolerate that. Some of your native riparian  
24 trees you grow in native soils will tolerate that.

1 What we're doing in along this stretch which

2 is our east property line current -- our preliminary

3 engineering but currently the intent is not to provide any

4 storm sewers or a lot of the utility structures back there so

5 we can preserve those roots, and it there will not have to be a

6 lot of regrading in this area. We can maintain existing grade.

7 The black line that's shown to the residents here is a tree

8 preservation fence. For the Board, the black line is a tree

9 preservation fence which will be the limits of our

10 construction; no filling, dumping, construction activities

11 beyond that line. Along the line where we're adjacent to these

12 critical key trees, we will do root pruning ahead of any

13 excavation, and there will be no filling beyond the limits of

14 our construction over the root zone. Beyond where the roots

15 are severed off, that obviously filling or whatever

16 construction activity is going to occur because the roots are

17 no longer there.

18 One point I will make, though, Mr. Degner

19 stated once the roots cut off that's done. Roots will

20 regenerate themselves also. Properly pruned and severed roots

21 will regenerate on a damage tree in a new area, but that's not

22 going to sustain the tree. You have to be careful about

23 preserving that. So no filling over roots beyond our limits.

24 Preserve these trees.

1 CHAIRPERSON REIN: Thank you, Mr. Sagen.  
 2 Mr. Degner, did you want to comment to that?  
 3 TODD DEGNER: Yes, if I may.  
 4 I am certainly in agreement around the  
 5 comment regarding fill is equally damaging in this case.  
 6 Again, I'm not speaking to zoning or any other matter except  
 7 for tree physiology. My concern even given this line, if  
 8 you'll allow me I call the limit of disturbance -- would you be  
 9 comfortable with that, Mr. Sagen?  
 10 MR. SAGEN: Sure.  
 11 TODD DEGNER: The limit of disturbance there, the tree  
 12 preservation line is that with that substantial loss especially  
 13 on a prevailing wind side, which is to the west, a falling  
 14 hazard is created to the east even given its proximity to the  
 15 line as shown here. So with those trees that are intended to  
 16 be preserved, tree 60 and tree 89, would likely be put into a  
 17 hazardous condition by any reasonable arborist's condition  
 18 assessment and analysis. That is my concern with those trees,  
 19 that while with that kind of root loss and if that line holds  
 20 true and if root loss or root damage or fill occurs up to that  
 21 line, then that will be a substantial enough loss to create a  
 22 hazardous situation.  
 23 CHAIRPERSON REIN: Mr. Degner, you mentioned tree 60 and  
 24 89. I believe earlier testimony was 60 and 98.

1 TODD DEGNER: Is it 98? It was behind 7.  
 2 MR. SAGEN: 98.  
 3 CHAIRPERSON REIN: So that's your concern.  
 4 TODD DEGNER: That's correct. 98. Yeah. And that would  
 5 be -- yes, that would be my concern. So we're in agreement  
 6 certainly around the impact of fill as similar to cut, but that  
 7 would be a substantial concern I would have again. And to be  
 8 clear, I have no commercial interest in saving these trees or  
 9 having them removed, either one. It's just a simple analysis  
 10 from my point of view that that kind of root loss creates a  
 11 hazardous situation.  
 12 CHAIRPERSON REIN: Thank you. I believe Mr. Sagen has  
 13 one more --  
 14 MR. SAGEN: Just as a followup -- Greg Sagen, Signature  
 15 Design Group -- we do have a vested interest in seeing these  
 16 trees are preserved, so that extent, Mr. Degner's comment about  
 17 where the line is, that line still reflects the old plan with  
 18 adjustments to our site plan and restrictions on lots 4 and 7.  
 19 That line will be moved further into the lot. So whereby if  
 20 we're preserving 30 to 35 feet of the structural roots, I think  
 21 Mr. Degner testified that those are the roots that hold up a  
 22 tree, so on the west side, preserving 35 feet of roots on the  
 23 side will more than substantially be good structural length for  
 24 those trees. God forbid they would full, prevailing western

1 winds, they will fall into a woodland area where many of there  
2 counterparts are there.

3 CHAIRPERSON REIN: Okay. I believe we have covered the  
4 tree situation pretty well here. I thank you all for your  
5 testimony.

6 Moving on with the Acorn Acres organized  
7 presentation, we will be covering conservation subdivision  
8 design development guidelines as presented by George and Daniel  
9 Sambor.

10 GEORGE SAMBOR: First of all, while my son, Daniel, is  
11 preparing this, I want to thank the Zoning and Planning  
12 Commission for the opportunity to be able to address you with  
13 the concerns that are so dear to our hearts. Let me introduce  
14 myself. I'm George Sambor. I reside at 25700 North Old  
15 McHenry Road, and we have lived there now for over 26 years.  
16 What we have -- I'm also -- for your background experience, I  
17 have been a licensed professional architect since the mid '70s.

18 I have practiced in more than 40 states of this country, so I'm  
19 aware of a lot of different zoning and regulation requirements.  
20 We have presented to different commissions, and I applaud you  
21 on behalf of your thoroughness and your ability to cover this  
22 because I know how emotional this becomes for everyone  
23 concerned. I know how the developer feels. He's entitled to  
24 go in and do the best development and appease the people on the

1 professional side, but he also has to deal with all the people  
2 that are going to have to live over here after he's gone, and  
3 then you have your responsibilities again to all of our  
4 neighbors.

5 DANIEL SAMBOR: I'd just like to introduce myself.  
6 Daniel Sambor --

7 CHAIRPERSON REIN: Use the mic, Daniel.

8 DANIEL SAMBOR: I'm a recent graduate of Brown  
9 University, degree in mechanical engineering and a focus in  
10 sustainable design and renewable energy techniques. I came  
11 back here this fall, and one of my purposes was to come and  
12 take care of the land, and upon hearing about this development,  
13 I made it a priority to stay here and work on the campaign to  
14 make sure that my childhood memories of my childhood forest  
15 will remain intact.

16 GEORGE SAMBOR: We had two other professional witnesses  
17 that we were requesting to attend. Unfortunately there is a  
18 conflict of interest. So I have letters on their behalf. One  
19 of them is from the Barrington Area Conservation Trust. In  
20 that sheet she does address the issues of the trees, which I  
21 know we've spoken about in great length and probably will  
22 continue to speak about them again. And we also have for  
23 representation that I brought up in the last hearing for Flint  
24 Creek Watershed Partnership. I would just submit these for

1 your records so that you can review them and not be redundant  
 2 in reading these letter out loud.

3 CHAIRPERSON REIN: We appreciate that. If you'd like to  
 4 bring them forward to Ms. Lobaito, we'll enter that into the  
 5 record as exhibits. And these will be copies for the  
 6 applicant? If you want to take at least one back to Mr.  
 7 Burney, Daniel. The attorney representing the applicant is  
 8 right behind George. Thank you. And then the Commissioners  
 9 will also get copies.

10 GEORGE SAMBOR: What Daniel and I would like to do is  
 11 address the issue of conservation design. This is for some  
 12 people a new concept. It's not clearly understood by  
 13 everybody. There's misgivings about how Hawthorn Woods has  
 14 operated in the past with what was a very successful  
 15 methodology of design for Hawthorn Woods. In the past most of  
 16 these developments would come about by having a developer buy a  
 17 parcel of land, and then he would subdivide the land according  
 18 to the rules and ordinances of Hawthorn Woods. Traditionally  
 19 these have always been on one-acre homesites. Well, we know  
 20 that the open land in Hawthorn Woods is diminishing and it  
 21 won't be available for future generations in short order. So  
 22 therefore, we understand why Hawthorn Woods and we applaud them  
 23 for adopting the conservation design methodology.

24 In the past what has worked fine for the

1 traditional way that was developed, a developer would sell off  
 2 each individual parcel, and he would make a profit just on  
 3 buying the bulk of the land, putting in the infrastructure,  
 4 which is the roads, any utilities, and then sell off to each  
 5 individual builder. Sometimes a homeowner would buy the land  
 6 directly. Otherwise it was given to a contractor. When a  
 7 homeowner bought the land directly, if he had the foresight he  
 8 usually got an architect involved. The architect then went  
 9 forward and designed a home very specifically-oriented to that  
 10 site. In his design he took a look at all the orientations,  
 11 the natural resources, and his neighbors. It also provided for  
 12 Hawthorn Woods a great diversity of building styles. That's  
 13 one thing that's always been pleasant, to drive down these  
 14 developments and you always see a variety of styles of homes.  
 15 So therefore, we now understand the benefit of the conservation  
 16 design, but with it we are developing in a different  
 17 methodology, and we have to learn to respect what worked for us  
 18 properly in the past here in Hawthorn Woods and encourage it in  
 19 the future.

20 So with that said, why did we go into  
 21 comprehensive conservation design? Well, one purpose of that  
 22 would be to stop cookie-cutter developments. It would provide  
 23 recreational space and better land-use planning. It would  
 24 preserve natural amenities and be sensitive to the environment,

1 and it would keep open space preserved for what still remains.

2 Specifics on when there are certain issues

3 that the residents of Acorn Acres have regarding this

4 environmental conservation development. It does not respect

5 the resources that conservation design was implemented to save

6 in the first place. Old-growth trees, we've heard a lot about

7 it. We're still talking about it and we're still in

8 disagreement with what has to be done. I think what we're

9 going to bring up in the future here is what are the rules for

10 preserving such amenities. The growth should be part of the

11 land conservancy because it absorbs rainfall, preserves views,

12 serves as a wind break, provides a habitat for wildlife and

13 bird sanctuary, has had hawks located there for years which has

14 decreased the local resident population, and now this year has

15 become a habitat for a pair of eagles, and it is stunning to

16 watch them fly around, and we hope that there will more in the

17 future if the trees shall last.

18 Another item of this conservation design and

19 why you have so many people show up for the meeting is it does

20 not respect the adjacencies of existing Hawthorn Woods

21 residents in regards to land development guidelines.

22 Specifically on the south property line and on the east, the

23 densities of those units and those lots do not reflect the

24 present property densities that they abut. I myself heard in

1 our previous meetings here that the developers spoke to us and

2 said, well, the reason we're doing down-sized lots here is so

3 that the people can afford the tax structure because they can't

4 afford to pay for an acre lot or a two-acre lot. This way they

5 pay for a smaller portion; they can afford the tax structure.

6 All right. They pay a smaller tax; great for them that they

7 can live here. But they get the benefits of looking at all the

8 other properties where all of these people have been paying for

9 20 to 30 or more years higher tax rates because they chose to

10 have that open land around them. They've invested into that

11 property. They've paid that higher tax rate. So now the low

12 tax rate residents will get the benefit that the higher tax

13 rate residents have invested for them. And how's this related?

14 Well, I specifically heard in the land use plan study where the

15 adjacencies were located and saying we are minimizing the

16 building setback requirements on the east property line because

17 there is open space there, so the residents will have some open

18 space to take advantage of. Well, that open space happens to

19 be my side yard that I've invested heavily into. So they're

20 getting a benefit for that. Are the residents in the community

21 there adjacent to this going to get the benefits of sewer and

22 water? I don't think so. But the new residents will get the

23 benefits of the open land that we've been paying for this

24 length of time because there isn't the proper buffer or

1 adjacency that balances what's already there existing.

2 So with that said, what we wanted to do is  
 3 say all right, let's applaud conservation design, but let's see  
 4 what conservation design really requires of this site. So with  
 5 that this mind, we have taken some excerpts out of a lecture  
 6 that introduces people to what the proper methodologies for  
 7 conservation design are, and we're going to take out some  
 8 points that I think are very relevant to this design.

9 The design system that takes into account the  
 10 natural landscape, an ecology of a development site, and  
 11 facilitates development while maintaining the most valuable  
 12 natural features and functions of the site. Conservation  
 13 design includes a collection of site design principles and  
 14 practices that can be designed to create environmentally sound  
 15 development.

16 I think I'll just try and skip through.  
 17 DANIEL SAMBOR: What he's showing you is he's made  
 18 bullet-point highlights. Bear with us.

19 GEORGE SAMBOR: The main principles are flexibility and  
 20 site design. As I said, has really worked well for Hawthorn  
 21 Woods in the past, but flexibility in design came from a  
 22 variety of the home builders, not just one home builder on one  
 23 site. So we have to keep cognizant of that.

24 Thoughtful protection and management of

1 natural areas, the reduction of impervious surface areas and  
 2 sustainable stormwater management.

3 Okay. We need to then arrange the

4 development site in order to maintain critical natural areas.

5 The building setbacks. Maintaining standard

6 setback requirements on the perimeter of the development site  
 7 eases concerns of neighboring residents and community leaders.

8 I think we've heard a lot of that, and we obviously have not  
 9 seen that in some of the property adjacencies on this  
 10 development.

11 The natural area protection in conservation.

12 Update ordinances to sustain, substantially restrict

13 development on or near natural areas and require or encourage  
 14 underdevelopment buffers around these areas.

15 Natural-landscape sensitivity. Encourages

16 developers to design sites to fit the topography features and  
 17 soils of the natural landscape. What we have here -- and I

18 hope you can see this -- this is what I refer to as a

19 prototypical generic conservation design plan, but it

20 illustrates several important issues here. If you notice,

21 there is a continuous perimeter setback around the whole new  
 22 development. Therefore, it respects the adjacencies. The new

23 homes have much closer setbacks and lot-line requirements, but

24 they don't conflict with the established residencies around

1 there because they provided them with a proper setback that has  
 2 a continuous recreational path that both the new community and  
 3 the adjacent residences could use. So what you see here also  
 4 are single-loaded lots where you try to provide for the new  
 5 development views where one home isn't backing onto another,  
 6 avoiding double-loaded corridors if at all possible.

7 Okay. To achieve this plan, the sustainable  
 8 sites initiative recommends three points to consider. They  
 9 suggests to assemble a group of knowledgeable, diverse group of  
 10 professionals to form and integrate a project team; prior to  
 11 making any decisions, conduct a complete, thorough assessment  
 12 of the site; and three is integrate all land practices that  
 13 replicate the functions of a healthy ecological system.

14 The conservation design concept rearranges  
 15 the development on each parcel that is being planned so that  
 16 half -- and that's an important item -- half or more of the  
 17 buildable land is set aside as open space. Same number of  
 18 homes can be built in a less land-consumptive manner allowing  
 19 the balance of the property to be permanently protected and  
 20 added to a network of community green spaces. Now, there are  
 21 four keys to this conservation: Envision the future by doing  
 22 community audits, protect open space networks through  
 23 conservation planning, do conservation zoning on a menu of  
 24 choices, and also subdivide the process of the conservation in

1 four different other steps. I will focus only on steps three  
 2 and four at this time.

3 On conservation zoning, you encourage  
 4 subdivisions that set aside at least 50 percent of the land has  
 5 permanently protected open space and to incorporate substantial  
 6 density disincentives for developers who do not conserve any  
 7 significant percentage of land. A developer would then be  
 8 permitted full density only if at least 50 percent of the  
 9 buildable land is maintained as undivided open space.

10 Step one of these last four steps process of  
 11 doing the subdivision design consists of first identifying the  
 12 land that should be permanently protected. The developer first  
 13 identifies all the constrained lands, wet, flood-prone, and  
 14 steep lands called primary conservation. He then identifies  
 15 which areas comprise noteworthy features of the property that  
 16 are typically under-protected under current codes, mature  
 17 woodlands, green ways and trails, rivers and stream corridors,  
 18 prime farmlands, hedge groves, individual free-standing trees  
 19 or tree groups, wildlife habitats and the like. After green  
 20 lining these conservation elements, the remaining part of the  
 21 property and only the remaining part of the property that falls  
 22 outside of these becomes the potential development area.

23 The second part of this last step involves  
 24 locating sites of individual houses within the potential

1 development area so that their views of the open space are  
2 maximized. The generic prototypical plan illustrated this.

3 Step three is simply involved connecting the  
4 dots with streets. In other words, you let the natural site  
5 map out what this subdivision is going to look like. Typically  
6 you used to have a civil engineer that would try to put up as  
7 many homes on a site as possible. Well, you can't do that now.  
8 You're letting nature design the site. That's what  
9 conservation design is all about. That's why Hawthorn Woods  
10 adopted it in their comprehensive plan.

11 Now, how does conservation design differ from  
12 clustering? A high percentage and quality of open space. In  
13 contrast with typical cluster zones, conservation zoning  
14 establishes higher standards for both the quantity and quality  
15 of open space that is to be preserved. Under conservation  
16 zoning 50 to 70 percent of the unconstrained buildable land is  
17 permanently set aside. This compares with cluster provisions  
18 that frequently require only 25 to 30 percent of the land that  
19 is to be conserved. That minimal open space often also  
20 included the most unusable land as open space and sometimes  
21 also included undesirable leftover areas such as stormwater  
22 management and land for other high-tension power. You can't  
23 use stormwater management as your open space. Under this new  
24 system full density is achievable for layouts in which

1 50 percent or more unconstrained land is conserved as permanent  
2 undivided open space.

3 All right. On the left you see a  
4 conservation template, the prototypical plan I showed earlier.  
5 On the right you see what a cluster plan is. What we have seen  
6 in the past, minimal open land. Differences are the buffers.  
7 The plan on the right doesn't have the buffers. The property  
8 lines go right up to the adjacent property lines. So there's a  
9 primary difference over there.

10 And does it matter where the open land space  
11 is located? Yes. Designated open space should be located to  
12 protect environmentally sensitive features.

13 Go ahead, Daniel.

14 DANIEL SAMBOR: Also in the left-hand corner it says open  
15 space should be the first thing the land owner and developer  
16 designs, not the last.

17 GEORGE SAMBOR: Under conservation subdivision anywhere  
18 from 40 to 70 percent of the land in addition to the wet,  
19 flood-prone, or steep areas is set aside as permanent  
20 conservation land. Conservation subdivisions do not give  
21 developers any special right to build attached units or at  
22 densities greater than has already generally been established  
23 through ordinances and by the community.

24 DANIEL SAMBOR: Notice here the conservation design is

1 built away from the trees and the woodland, and in the upper  
2 right-hand corner of each image. While the convention design  
3 puts houses right on top of the woodlands.

4 GEORGE SAMBOR: The Village has adopted its comprehensive  
5 plan Rural by Design by formalized conservation design. I'm  
6 going to quote from the book now: To protect streams and water  
7 quality, provide habitat for plants and animals, preserve rural  
8 atmosphere, provide recreational areas, protect home values,  
9 and reduce costs of municipal services. Conservation  
10 subdivisions are thus distinct from the mere clustering of lots  
11 where environmental concerns, aesthetics, history and culture  
12 are given relatively short ship.

13 I'll now move to know to using Rural by  
14 Design and illustrate just a few case studies to point out the  
15 differences between what was a typical design and what is true  
16 conservation design by what the book that Hawthorn Woods has  
17 adopted.

18 MR. BURNEY: Mr. Sambor, if I could just be excused for a  
19 second.

20 Madam Chairman, this has gone on for 20  
21 minutes. I'm sure the gentleman is not trying to filibuster,  
22 but it's seems to me that what the Village's Plan Commission  
23 should be grounded in is the ordinances of the Village and to a  
24 certain extent the comprehensive plan, and to now go to another

1 book that has not been adopted by the Village and to rely on  
2 that, your bible is your zoning ordinance, your comprehensive  
3 plan. So I realize you're a very liberal in terms of giving  
4 speakers an opportunity, but it seems to me that there's a  
5 relevance here. The Village Board has not chosen to adopt this  
6 book and that the testimony should be focused on the  
7 consistency or inconsistency with what's been codified. So I'd  
8 ask that the gentleman be limited in scope to a certain extent.

9 CHAIRPERSON REIN: I appreciate your comments,  
10 Mr. Burney. I know that our comprehensive plan and our  
11 ordinances are still working on coming together since our  
12 comprehensive plan was just adopted and we have much work to do  
13 on our ordinances. I believe this is one of the first  
14 subdivisions brought to us in recent times that is purporting  
15 to be a conservation plan-inspired. I do believe that much of  
16 what Mr. Sambor is presenting is relevant.

17 I do ask Mr. Sambor, how much time do you  
18 require to complete your presentation?

19 GEORGE SAMBOR: I think we only have slides --

20 DANIEL SAMBOR: I'd say five to 10 minutes.

21 And in response to the lawyer, actually the  
22 comprehensive plan does quote exactly from Randall Arendt's  
23 Rural by Design book, and the provisions that are used in the  
24 William Ryan Homes presentation last time actually comes from

1 the book. So we are just showing the developer parts of the  
 2 book to make sure that he understands conservation design as  
 3 the previous presentation showed that they were following  
 4 conservation design. But according to the book and to many  
 5 other articles that we're referencing the developer is not  
 6 following the conservation design principles, so we thought  
 7 we'd educate the Planning and Zoning Commission.

8 MR. BURNEY: In my mind, if the gentleman has points that  
 9 would not fall under conservation design we don't need to go to  
 10 all the source books. As we tried to do, we had a very lengthy  
 11 presentation. Here are six bullets only what they believe we  
 12 are consistent with conservation design. In terms of the  
 13 backup or support, what I'm used to seeing is that they're  
 14 relying on this book or this case study or whatever, so that to  
 15 me is how I thought and how I've seen testimony like this is  
 16 given rather than going to the source books. This is like a  
 17 proceeding by this Commission on a text amendment, where it's  
 18 going to consider the provisions for a some-day conservation  
 19 design zoning district, and that's a problem. And you've folks  
 20 have been very patient. So I just --

21 DANIEL SAMBOR: Well, I'll cut through the case studies,  
 22 and I'll go to my main points. So we'll skip some of these  
 23 case studies for now. I understand your question, and we'll  
 24 get through the main points.

1 GEORGE SAMBOR: You know, but in all fairness, I think  
 2 you originally said you had an hour presentation or an hour and  
 3 a half. You went to two hours. I didn't recall anybody who  
 4 was listening to this come up and ask you to speed it up.

5 (Audience clapping.)

6 CHAIRPERSON REIN: I wish to limit the debate between  
 7 parties here on the issue of how much time. I would ask that  
 8 Mr. And Mr. Sambor, if you could confine the remainder of your  
 9 presentation to your major points. I understand what your  
 10 objective is. I believe Mr. Burney does too. And I know we  
 11 have other topics that we need to hear this evening.

12 DANIEL SAMBOR: As long as we don't have any more  
 13 interruptions and stop bickering, we'll keep going through this  
 14 pretty fast. We'll skip some of these case studies.

15 GEORGE SAMBOR: There is one case study that is pertinent  
 16 to this, and that's the one we're showing you right now.  
 17 That's the last case study.

18 We have heard a lot of references from  
 19 residents, from board members and the like and the developer  
 20 about the fact that this is a similar development to the  
 21 Fields at Long Grove. The Fields of Long Grove have been used  
 22 in many meetings as an example of good conservation design, and  
 23 that is what we're trying to do. Long Grove is extremely proud  
 24 of that development. I would love Hawthorn Woods to be

1 extremely proud of this development. But here is a difference  
 2 of what is at Fields of Long Grove. The Fields of Long Grove  
 3 is 75 percent open space. It retains 50 acres of former  
 4 farmland restored to nature prairie. It preserves 10 acres of  
 5 oak forest, and it creates over three and a half miles of  
 6 walking paths. If we can get that whatever-percentage into  
 7 this development, maybe we can get a fair comparison. But  
 8 let's just remember right now what Fields of Long Grove is and  
 9 what we're trying to develop.

10 CHAIRPERSON REIN: When you say what we're trying to  
 11 develop, are you referring to the applicant's proposal?

12 GEORGE SAMBOR: Stonebridge. On that site.

13 All right. So this is the site. This is a  
 14 prototypical loose-laid land use concept plan. It identifies  
 15 particularities, idiosyncrasies, and important issues. Before  
 16 anybody puts one single home down on here, you do this  
 17 observation. So we see that to the north we have the existing  
 18 middle school campus. In between the new development and the  
 19 school, we have Flint Creek. We have one point site of entry.  
 20 We have to the south all of the existing homes on minimum  
 21 one-acre lots, and we have the oak grove forest, a buffer on  
 22 the southeast side. We have some minimal buffer to the south.  
 23 We have some views that people who travel through  
 24 Hawthorn Woods see on a daily basis. If you're traveling to

1 the southeast down Old McHenry Road, you have one of the last  
 2 rural vestiges of that tree line that exists and open farmland  
 3 and space. All right. So taking some of these amenities,  
 4 we're not going to build obviously close to the Flint Creek  
 5 property. I would try to keep away or max the existing homes  
 6 on minimum one-acre homesites to the south. You would respect  
 7 the natural amenities that are on the east, and you'd take a  
 8 look at where the views are. One thing is you wouldn't do on  
 9 the northeast corner is because that is obviously getting  
 10 proximate to Old McHenry Road, it has road noise, it is a wind  
 11 point; at very many times snow doesn't even stay down there  
 12 when the storms come through, so you keep those areas open.  
 13 But you have Flint Creek also. Flint Creek has been designated  
 14 for high-priority stream channel, maintenance and restoration.  
 15 This is from Lake County Stormwater Management. This has to be  
 16 part of the plan. I understand that when this plan gets final  
 17 submitted, that Lake County Stormwater Management will be the  
 18 final reviewers to see the appropriateness of all of this. So  
 19 we commend that from happening. But that has to be adhered to.  
 20 I also suggest that if you take a look, the middle school has a  
 21 great deal of hard surface area. If you take a look at what  
 22 their existing water detention areas are, the school has less  
 23 hard surface area than what this development proposes, yet take  
 24 a look at all of their detention areas. They're greater in

1 horizontal size, and they are -- if you walk out there you'll  
 2 see how deep they are. So that's something to keep in mind in  
 3 terms of hard surface areas and what conservation design is  
 4 trying to minimize.

5 We've taken a look at this, and we've come up  
 6 with some ideas of what after looking at the guidelines of  
 7 conservation design how it could be applied to this site and  
 8 how we take that interpretation as to what it means when you  
 9 outlay this site. This site here indicates the perimeter  
 10 buffers that stay in touch. It shows a continuous, green open  
 11 land space all the way around it. It shows a pedestrian  
 12 connection to the school and to Acorn Acres.

13 The next slide will show the fact that  
 14 Hawthorn Woods in their comprehensive design plan has said  
 15 minimize cul-du-sacs when possible. With that in mind, this is  
 16 a secondary alternative scheme that indicates no cul-du-sacs, a  
 17 continuous drive, no dead-ends. This plan also offers  
 18 something else in terms of solar orientation and environmental  
 19 orientation. These are all single-loaded corridors. If you  
 20 remember in design guidelines, we've pointed out that that is  
 21 the conceptual prototypical plan for conservation design. It  
 22 also gives us the opportunity to try to get lead into the  
 23 thing. Not only make this a conservation community but make it  
 24 environmentally sound in terms of sustainable energy and cost

1 of construction and cost of utility and maintenance. This kind  
 2 of plan, we feel, satisfies that. It honors all the buffers;  
 3 it brings in open space from the community; it gives you visual  
 4 access from Old McHenry Road, and it buffers all the existing  
 5 neighboring surroundings. It provides higher density where  
 6 those new residences have a great view of Flint Creek out their  
 7 backyards, and in the middle of the site plan there is open  
 8 space for that development. On the perimeter of the  
 9 development is open space to be shared by the community.

10 We took a quick look and said all right, what  
 11 does that mean to the development that you see there as being  
 12 proposed. Well, we took a look and said if you wanted to honor  
 13 these standards what would it take? And we quickly took a  
 14 look. That's a single-loaded corridor on the southeast side.  
 15 It's steps away from what you keep hearing everybody being very  
 16 concerned about. That existing tree lines need to be  
 17 maintained. Buffers need to be maintained. Adjacency to the  
 18 south residences, and open land is being maintained. You have  
 19 a single-corridor road development, and that's just a quick fix  
 20 with what we took a look the design guidelines really mean.

21 Now, that's --

22 DANIEL SAMBOR: I just thought I'd show a few pictures of  
 23 the site. Here you can see the key tree no. 60, which is a  
 24 clearly healthy tree, one of the trees not in decline. This is

1 definitely worth saving. This is the view from Old McHenry  
 2 that we all enjoy driving down. Right now it's one of the last  
 3 remaining vestiges of open space that we have in the village as  
 4 well as my dad pointed out. After the development goes in,  
 5 this scene would not exist. There would be big houses right in  
 6 the middle of this, and you would not be able to see these nice  
 7 beautiful old oak trees from the road, and this would be no  
 8 longer be a public enjoyable space. Now, I just thought I'd  
 9 show a visual of that 10-foot setback that we were talking  
 10 about earlier. This is what it would look like.

11 Now, I went on the site walk with Greg, and  
 12 we had a good walk. But the thing is, I don't understand, if  
 13 there's any doubt about keeping these trees healthy why not  
 14 just move it back a hundred feet. Why not just remove all  
 15 doubt about the decline and give the trees the space they  
 16 deserve, a true buffer; a true principle of conservation design  
 17 would mean to treat these trees as a principle natural scenic  
 18 resource, not just stick them into the corner of this  
 19 development and put houses right next to it. These were trees  
 20 that I grew up with as a kid. I played on them over day. I've  
 21 seen them for 22 years now. These trees are truly what gave me  
 22 the inspiration to pursue my career and got me to the point  
 23 where I am today, and I'd hate to see houses built right next  
 24 door to that because that doesn't mean children can go enjoy

1 it, can't walk into other people's backyard and play with them.  
 2 Once you put houses right next to these beautiful trees, the  
 3 whole wilderness aspect or feel of it is gone. They're truly  
 4 designated -- no matter what argument there is that they're 10  
 5 feet, 20 feet, no matter, as soon as you put a house next to it  
 6 the tree is going to die. We've seen trees, the trees have  
 7 been in decline because neighbors have ridden dirt bikes right  
 8 past. I'm sure if you put a house, whether it be 10 or 30 feet  
 9 as the maximum setback, even if the change the cookie-cutter  
 10 design on the developer and whatever plan A, plan B, or plan C,  
 11 still, the tree will most likely be in decline. It will be  
 12 after the developers leave, no doubt, but it will die. This is  
 13 a key tree, so if you treat it and label it as a key tree, why  
 14 not give it the buffer that it deserves.

15 CHAIRPERSON REIN: Daniel, I think we've covered the tree  
 16 thing, and I don't want to go into redundancy on that. If you  
 17 could make your final points.

18 DANIEL SAMBOR: Yes. I'm just going to say, having  
 19 studied design for the past four years, I know this development  
 20 does not follow principles that I've learned, and it clearly  
 21 does not follow conservation design but instead the almighty  
 22 dollar, and it would be a shame to lose my childhood  
 23 experiences to something that I'm so passionate about and I've  
 24 studied for the last four years. If this development goes in

1 as planned, I will probably not be back, and it would be a  
 2 shame to see my childhood trees gone like this because they  
 3 surely will die. I don't care what you're talking about.

4 GEORGE SAMBOR: But in case you might feel that we are a  
 5 little bit more emotionally involved than we should be on this  
 6 and that we have a prejudiced opinion of this because we're  
 7 looking at it as neighbor and adjacent owners, we have reached  
 8 out for professional observation and commentary on this.

9 DANIEL SAMBOR: First, I would just like to comment on  
 10 the developer's plan as is and describe why it does not follow  
 11 conservation design. The open space is far less than the  
 12 50 percent of buildable land required. The detention areas are  
 13 not even shown as inferred as open space. Wetlands should not  
 14 be considered open space. The community open space labeled  
 15 here is not a publically visual or desired site. The trees  
 16 should be that publically desirable site. This community open  
 17 space was simply chosen because it was the highest topography  
 18 on the site. It's better left to not be graded. And also  
 19 there's no buffers next to the neighbors.

20 Also, according -- this is taken from the  
 21 last slide. If it was truly conservation design, it would have  
 22 pointed out that there's 250-year-old oak trees in the  
 23 southeast corner, and it would have given it a true woodland  
 24 conservation. Notice in the bottom-hand corner that the image

1 is referring to, the woodland is buffered by the trees. The  
 2 trees are set back by quite a distance. The natural tree line  
 3 is left intact. However, the above plan does not do so,  
 4 leaving the two images grossly incomparable.

5 Also, quoting from Randall Arendt's book,  
 6 Conventional Design versus Conservation Design, I would see  
 7 that the convention design resembles Stonebridge much more than  
 8 it does the conservation design. In the new houses in the  
 9 convention design are put up right next to the tree line just  
 10 like they would be in the developer's plan as of now. However,  
 11 in a conservation design, which is all we're asking -- we're  
 12 just asking that the houses be moved back just a hundred feet.  
 13 Is that that much to ask? In a conservation design the houses  
 14 are buffered back and the natural tree line is allowed to  
 15 exist. If they were truly following this -- and this was in  
 16 their slide -- I don't see how they can compare these two in  
 17 the same slide.

18 CHAIRPERSON REIN: Okay. Are we wrapping up?

19 GEORGE SAMBOR: This is our last and final point because,  
 20 as I said, you don't have to take our word for it since we're  
 21 so emotionally involved in this, rightfully so. Why don't you  
 22 take the word of the author who authored Rural by Design that  
 23 Hawthorn Woods has now adopted. We have reached out to him.  
 24 He has provided us with a letter and commentary. Let me read

1 it to you now.

2 To members of the Hawthorn Woods Village  
3 Board of Trustees and the Planning, Building and Zoning  
4 Commission --

5 CHAIRPERSON REIN: Excuse me, Mr. Sambor, I'm just going  
6 to advise that since Mr. Arendt is not here to be subject to  
7 cross-examination we need to tender the letter as an exhibit  
8 that will be the distributed to the members because we can't  
9 literally cross-examination him.

10 GEORGE SAMBOR: He hasn't asked to be cross-examined. He  
11 doesn't need to be. He's not testifying. If you let me read  
12 the letter, you will know what he's saying. That doesn't mean  
13 testimony. I'd appreciate that. He doesn't need to be  
14 cross-examined. He is addressing issues in his book.

15 DANIEL SAMBOR: This is what the whole conservation plan  
16 allows in this plan. He's given his time in retirement to give  
17 us this letter. The least we can do is read this. It's a very  
18 important piece. We spent hours trying to reach out to him.

19 The least we can do is let us read this and forget any  
20 bureaucratic regulations --

21 MR. BURNEY: The legal requirements.

22 GEORGE SAMBOR: This is --

23 MR. BURNEY: Just a second, Mr. Sambor --

24 GEORGE SAMBOR: Wait. Excuse me. You've had your

1 chance --

2 CHAIRPERSON REIN: George, please. We can only record  
3 one person at a time.

4 MR. BURNEY: The Chairperson is allowing the letter to be  
5 submitted as an exhibit. But the gentleman here is offering  
6 this as expert testimony and he cannot be cross-examined, and  
7 that would violate due process. He'd have to be here so he'd  
8 be subject to questioning by the neighbors, this Board and  
9 myself. And I would ask you to sustain that. And it's  
10 certainly acceptable just like all the other letters that you  
11 have been receiving to receive this.

12 DANIEL SAMBOR: I just have a question. Where is it  
13 about the people that are not able to be here but -- not able  
14 to be here right now but their statements are being read by a  
15 proxy. Isn't that a very similar legal practice?

16 GEORGE SAMBOR: And let me just read this one sentence.

17 CHAIRMAN REIN: Excuse me one minute, please. In answer  
18 to your question, Daniel, those people weren't purported to be  
19 experts their field, so there is a difference. And if this  
20 man, which Randall Arendt is purported to be an expert in  
21 conservation design and planning, that becomes expert  
22 testimony.

23 So George, I would ask that you please -- I

24 am being advised that we need to enter that into evidence as an

1 exhibit that we as Plan Commissioners can read and will become  
2 part of the official record.

3 GEORGE SAMBOR: Even if Randall is saying that he's not  
4 advising or that this be approved or disapproved? He's  
5 explicitly stated that he is not advising that this plan be  
6 approved or disapproved, it is up to the Planning and Zoning  
7 Commission --

8 CHAIRPERSON REIN: I understand --

9 GEORGE SAMBOR: -- he is not advising the approval  
10 process.

11 CHAIRPERSON REIN: I understand that, and I'm not trying  
12 to be difficult. I am just following due process, and I need  
13 to ask that you please enter the letter as an exhibit into  
14 evidence.

15 DANIEL SAMBOR: Can I at least tell the members here what  
16 he told us over the phone?

17 CHAIRPERSON REIN: No. I'm sorry, Daniel --

18 GEORGE SAMBOR: You can ask me. I'm here to defend my  
19 conversation.

20 CHAIRPERSON REIN: That would be hearsay.

21 We need to move on, and we need to continue  
22 with the hearing. I appreciate that you reached out to him.

23 We will read it with all due attention, I'll assure you.

24 GEORGE SAMBOR: All right. Let me do a closing statement

1 here. The fact is that -- let's keep Randall Arendt and Rural  
2 by Design in compliance with his guidelines. I plead with you  
3 that you enforce the true guidelines, meaning, and purpose of  
4 Rural by Design and act responsibly with the decision-making  
5 authority your fellow neighbors have entrusted upon you.  
6 Please preserve the quality of life of your fellow residents.  
7 If you do so as respectfully requested by the existing  
8 community, you will reject this plan as currently proposed and  
9 request that it better conform with the guidelines you choose  
10 to implement. We all offered to work together to make this  
11 happen and bring our community closer together to improve on  
12 the quality of life for our children and for future generations  
13 to follow. I'm just trying to follow the letter of the law of  
14 the book that Hawthorn Woods has initiated as Rural by Design.

15 CHAIRPERSON REIN: Thank you.

16 DANIEL SAMBOR: Thanks. Randall Arendt's principles are  
17 involved, and I recommend that the Village disregard the model  
18 Rural by Design and accept something else because as we see  
19 here this development is clearly not conservation design, and  
20 I'd hate to have this played off as much.

21 CHAIRPERSON REIN: Before you take your seat, could you  
22 please bring the letter forward to Ms. Lobaito so we can enter  
23 it into evidence.

24 GEORGE SAMBOR: I'll also let you know Randall Arendt has

1 offered to be a consultant on this free of charge. He's  
 2 semi-retired. He'll be happy to work with Hawthorn Woods. I  
 3 think it would behoove us all to take that and have an  
 4 outstanding conservation design advised to us by the author of  
 5 the book.

6 MR. BURNEY: Can I ask Mr. Sambor a few questions?

7 CHAIRPERSON REIN: Yes, Mr. Burney, you may.

8 MR. BURNEY: Mr. Sambor, can you take the microphone.

9 I think we all know this, but I just want to  
 10 make it clear for the record.

11 You own land in the immediate vicinity of  
 12 this property, is that correct, this Stonebridge?

13 GEORGE SAMBOR: Yes.

14 MR. BURNEY: Your property is not part of the Village of  
 15 Hawthorn Woods; is that correct?

16 GEORGE SAMBOR: Yes.

17 MR. BURNEY: Can you explain why it is that you have not  
 18 annexed your ground into the Hawthorn Woods?

19 GEORGE SAMBOR: I have a choice in the matter. It was  
 20 never annexed when I bought it. I've never pursued it. No  
 21 one's ever pursued me. It's either annexed tomorrow or it  
 22 isn't annexed for another generation. That land was in before  
 23 there was Hawthorn Woods. That land does not conform to  
 24 typical standards of Hawthorn Woods because it is a

1 free-standing old farmstead. The people who originally owned  
 2 that land chose to develop Acorn Acres but also chose to keep  
 3 that land separate from Hawthorn Acres so it maintains its  
 4 rural character.

5 MR. BURNEY: Are you saying that you cannot annex it into  
 6 Hawthorn Woods without maintaining its rural character?

7 GEORGE SAMBOR: I didn't say that.

8 MR. BURNEY: By not being part of Hawthorn Woods, you're  
 9 not paying real estate taxes to the Village; is that correct?

10 GEORGE SAMBOR: Not directly to the Village.

11 MR. BURNEY: And we heard some testimony about these  
 12 old-growth oak trees, and I'm wondering, when you drive down  
 13 Old McHenry Road you can see these trees and you have to look  
 14 through your property to see those --

15 GEORGE SAMBOR: No.

16 MR. BURNEY: -- at some point; is that correct?

17 GEORGE SAMBOR: No. You don't have to look through my  
 18 property. You can see them directly off Old McHenry Road  
 19 through the property that you're currently proposing and --

20 MR. BURNEY: I'm sorry, sir. You can also see them -- if  
 21 your property was developed, you would also be able to -- you'd  
 22 be prohibited from being able to see those trees from Old  
 23 McHenry Road, from some portions of McHenry --

24 GEORGE SAMBOR: You're 100 percent incorrect. You cannot

1 see those trees from Old McHenry Road by looking through my  
2 property. Physically impossible.

3 MR. BURNEY: Have you imposed a conservation or a  
4 view-shed easement on your property to preserve the views from  
5 Old McHenry Road? You're not --

6 GEORGE SAMBOR: No. Excuse me. Why is this relevant  
7 to --

8 MR. BURNEY: I'm just asking you if you've done that.

9 GEORGE SAMBOR: I don't see why your question is relevant  
10 to how you're designing your --

11 MR. BURNEY: You don't have an answer to that question?

12 GEORGE SAMBOR: I don't need to answer that question.

13 MR. BURNEY: No, you can't.

14 GEORGE SAMBOR: I don't see the relevancy to your  
15 development by you asking that question, I really don't.

16 CHAIRPERSON REIN: I think we need to move on.

17 And Daniel, no you can't answer his question.

18 Mr. Burney, do you have any more questions of  
19 Mr. Sambor based on his recent testimony?

20 MR. BURNEY: Yes. Just two others.

21 Are you testifying that you intend to develop  
22 your property when it gets developed pursuant to the standards  
23 that you laid out here before this Planning, Building and  
24 Zoning Commission?

1 GEORGE SAMBOR: I'm not developing any property. Your  
2 property is the one under development, not mine.

3 MR. BURNEY: What I want to know is the rules -- what I  
4 want to know is, are the rules that you laid out here the ones  
5 that you are testifying will be followed when your property is  
6 developed?

7 GEORGE SAMBOR: I'm not developing my property.

8 CHAIRPERSON REIN: Mr. Burney, I don't believe that  
9 question is on point.

10 Mr. Sambor -- Daniel, please sit down.

11 GEORGE SAMBOR: I'm not developing the property.

12 CHAIRPERSON REIN: Mr. Sambor has not made a proposal for  
13 a subdivision application, so we aren't considering development  
14 of his property. This is outside --

15 MR. BURNEY: I thought it was only fair to inquire when  
16 it comes time to develop his property if he's testifying --

17 CHAIRPERSON REIN: That is not an issue this evening,  
18 Mr. Burney. It isn't on point.

19 MR. BURNEY: Then I have no further questions.

20 Thank you.

21 CHAIRPERSON REIN: Thank you.

22 Okay. We have the next item on our agenda --

23 MR. BURNEY: Can we respond to a couple of the points  
24 here that Mr. Sambor made?

1 CHAIRPERSON REIN: Yes, you may.  
 2 MR. BURNEY: Thank you.  
 3 MR. WYNSMA: This isn't necessarily --  
 4 CHAIRPERSON REIN: Will you please introduce yourself.  
 5 MR. WYNSMA: Yes. Nate Wynsma with William Ryan Homes.  
 6 This isn't necessarily rebuttal. It's just  
 7 simply while it's fresh in everyone's mind I want to just read  
 8 these figures into the record. This project has in  
 9 deed-restricted open space, either Homeowners  
 10 Association-controlled or park dedication, a total of 34.86  
 11 acres of open space, which is equivalent to 58.89 percent.  
 12 Private open space, which would be equivalent to roughly  
 13 two-thirds of the lots themselves, areas that aren't covered by  
 14 building, patio, service walks, driveways, et cetera, is  
 15 approximately 10 acres, 16.89 percent, for a total of 45 acres  
 16 open space either public or private and a total of 76 percent  
 17 of the gross land area. So from an impervious standpoint, if  
 18 you look at the average impervious area on each lot times 60  
 19 lots, the private impervious area covered by driveways,  
 20 buildings, patios, service walks is approximately 6.2 acres or  
 21 10.4 percent of the site. And then the impervious area within  
 22 the right-of-way, either covered by roads, curbs, or sidewalks,  
 23 is going to be about 3 1/2 percent or 6 percent. We're talking  
 24 about 16 1/2 percent roughly impervious surface area.

1 I just wanted to read these figures.  
 2 Thank you.  
 3 CHAIRPERSON REIN: Okay. I see the Homeowners  
 4 Association President seems to have a question on this  
 5 particular topic; is that correct?  
 6 CATHY BAYER: Cathy Bayer, 10 Bruce Circle South.  
 7 I was just going to -- since Mr. Sambor is  
 8 not allowed to read the letter, that he wanted to e-mail me a  
 9 copy and I can forward it to all of the neighbors and most  
 10 people that are here for them to be able to have it also,  
 11 because I don't know what their access will be. I know you  
 12 assured us that all the Trustees and the Mayor will get a copy,  
 13 but he really seemed to want everyone to hear what it was going  
 14 to offer.  
 15 CHAIRPERSON REIN: That's a nice of you. I'll let you  
 16 take that up with Mr. Sambor. I can assure you the letter will  
 17 become part of the record.  
 18 Mr. Sambor, is there something new?  
 19 GEORGE SAMBOR: I've got a question regarding the open  
 20 space, the open land.  
 21 CHAIRPERSON REIN: Can you approach the mic.  
 22 GEORGE SAMBOR: Your percentage of open land, is that  
 23 just buildable land or are you including the other areas?  
 24 Because when we took a look at these statistics, we saw that

1 what you were using as a water detention, as wetlands, and  
 2 other unbuildable areas were being used as your open space.  
 3 The percentage needs to be taken from only what is buildable  
 4 land.

5 MR. WYNSMA: Well, based on your testimony and the slides  
 6 that you have offered, one of the figures that was used I  
 7 believe it was a larger than 50 to 70 percent of the gross area  
 8 should be in open space.

9 DANIEL SAMBOR: Gross was 20 to 30 percent.

10 MR. WYNSMA: I'm referring to one of the slides. It's in  
 11 your testimony. They can research it. But we have 58.89  
 12 percent in deeded open space, either Homeowners  
 13 Association-restricted open space or park. That's just the  
 14 public open space.

15 GEORGE SAMBOR: That's gross?

16 MR. WYNSMA: That's off the gross area of land. Roughly  
 17 60 percent of the land in total is restricted open space.

18 GEORGE SAMBOR: Not buildable.

19 COMMISSIONER MERKEL: What was the number?

20 MR. WYNSMA: Of the entire site, roughly 35 acres,  
 21 34.86 acres is in permanent open space, either Homeowners  
 22 Association outlot deed-restricted area or park.

23 COMMISSIONER MERKEL: What's that percentage?

24 MR. WYNSMA: 58.89 percent.

1 COMMISSIONER MERKEL: Thank you.

2 MR. WYNSMA: Anyway, by our calculation the private open  
 3 space within the areas of the lots is roughly 16.89 percent.

4 CHAIRPERSON REIN: We have this in the record.

5 DANIEL SAMBOR: If I could just show my previous slide,  
 6 that shows it's incredibility.

7 CHAIRPERSON REIN: We've seen it, and it goes in the  
 8 record. If you wanted to submit your slide show as an exhibit  
 9 that we can look at further. I understand what you're trying  
 10 to say. We heard your presentation, so we understand the  
 11 difference between what you're both saying.

12 DANIEL SAMBOR: Thank you.

13 CHAIRPERSON REIN: Thank you for clarifying. And if you  
 14 would submit your slide presentation and we will record that as  
 15 an exhibit.

16 Okay. I know that our court reporter will  
 17 need a break by 8:30. So then let's move on to the next topic  
 18 on the Acorn Acres agenda, and that is school rezoning as  
 19 presented by Justin Merkys.

20 JUSTIN MERKYS: Hi. Justin Merkys, 20 Bruce Circle  
 21 North, M-e-r-k-y-s.

22 I want to ask the Village Board --

23 CHAIRPERSON REIN: I'm sorry. I apologize for  
 24 interrupting you.

1 I forgot to do something after that last  
 2 presentation on conservation design and the points that were  
 3 made by Mr. And Mr. Sambor. Could I see a show of hands from  
 4 everybody who is in agreement with the position that they made.

5 (Audience raising hands.)

6 Okay. The majority of hands going up.

7 Thank you.

8 I'm sorry to interrupt you.

9 JUSTIN MERKYS: So, the parent of two small boys, live on  
 10 the curve with the proposed connection to the roads, so I see a  
 11 lot of bad traffic that flies by.

12 But my bigger concern is what priority will  
 13 the Village have over non-rezoning of school access to Loomis,  
 14 Spencer Loomis. So will you be able to guarantee that --- one  
 15 of the reasons I moved into the neighborhood was access to  
 16 certain schools, that the school zone will not rezone, and I  
 17 will not see precedent for my children to go to that school.

18 CHAIRPERSON REIN: It is my understanding that the  
 19 Village has no authority over the school district.

20 But would you like to comment further on  
 21 that, Michael? Do you have anything to add?

22 MR. CASSATA: No. I would agree with your comment. And  
 23 one of the issues that has come up with the bussing and I think  
 24 that is going to be coming up from one of the other

1 residents --

2 CHAIRPERSON REIN: Raise the microphone.

3 MR. CASSATA: -- I don't believe that the Village does  
 4 not have a say, and so the School Board will address that  
 5 issue. What they've told us, they'll address it once the  
 6 development is in. They will do an analysis.

7 JUSTIN MERKYS: Is there any reason why we would not  
 8 approach this prior to as part of consideration?

9 MR. CASSATA: We brought this up, and they said that's  
 10 not their policy. The way they handle it is once the  
 11 development gets in then the --

12 JUSTIN MERKYS: There's no true, real guarantee that it  
 13 wouldn't be rezoned.

14 MR. CASSATA: We can't guarantee that.

15 CHAIRPERSON REIN: That's not within the purview of the  
 16 Planning and Zoning Commission or the Village Board. They're  
 17 different jurisdictions than we are.

18 JUSTIN MERKYS: Understood.

19 MR. BURNEY: We've discussed this with the School. We  
 20 have a map as part of our slide show. We could show the  
 21 gentleman off the record during the break. The elementary

22 school, this is the only place that the elementary school would  
 23 go. And I take the gentleman to be talking about zoning that  
 24 the students from Acorn Acres will continue to go to the

1 Spencer -- I don't want to call it Spencer school.  
 2 CHAIRPERSON REIN: Spencer Loomis Elementary.  
 3 JUSTIN MERKYS: Or my neighboring community.  
 4 MR. BURNEY: But look at where the elementary schools are  
 5 and we'll be happy to --  
 6 JUSTIN MERKYS: Is it something we would want to present  
 7 here?  
 8 MR. BURNEY: Why don't we keep things going. We'll put  
 9 the map up and address it later.  
 10 CHAIRPERSON REIN: So you can look at it during your  
 11 break.  
 12 MR. BURNEY: Why don't we do it during the break.  
 13 CHAIRPERSON REIN: Would you be okay with that, Justin,  
 14 during the break?  
 15 JUSTIN MERKYS: Sure.  
 16 CHAIRPERSON REIN: Did you have another question or  
 17 comment that needs to be addressed?  
 18 JUSTIN MERKYS: Clarification. Mr. Cassata, on your  
 19 question that Cathy posed regarding Chapter 14 and 15, not very  
 20 clear on how we've gotten to this point in this proposal.  
 21 Based on my quick, brief overview of those two pieces of our  
 22 ordinance and with giving some respect to our intentions to  
 23 align for the future planning that we're trying to enact, how  
 24 did we get to that point and what chapter and have we followed

1 all those steps inclusive of an initial plan and approval,  
 2 et cetera? It's unclear to me.  
 3 MR. CASSATA: Sure. So the process is that a developer  
 4 will submit a concept plan to the Village --  
 5 JUSTIN MERKYS: Under which provision?  
 6 MR. CASSATA: That's something we do to streamline the  
 7 process so we can vet it up-front and let them know whether  
 8 they're in the ballpark. From that they will then submit a  
 9 preliminary plan, which is where we're at right now. So we vet  
 10 that up at a certain point prior to coming to the public  
 11 hearing, and then it is vetted in a public hearing, goes to the  
 12 Village Board. They do the same, and then if it proceeds  
 13 there, to the final plan, final engineering, and so forth.  
 14 JUSTIN MERKYS: Chapter 15 then?  
 15 MR. CASSATA: Chapter -- I don't know the chapter.  
 16 Title 9. And that is the process.  
 17 JUSTIN MERKYS: Okay.  
 18 CHAIRPERSON REIN: Before you leave the mic -- and I know  
 19 we will be seeing a map later after the break that the  
 20 developer has -- I just want to be clear, Mr. Merkys, before I  
 21 see a show of hands, your statement was that you prefer to have  
 22 your children continue to go to the same school as they  
 23 currently attend or are slated to attend?  
 24 JUSTIN MERKYS: Correct.

1 CHAIRPERSON REIN: Okay. Would everybody in the audience  
2 who feels that same way about the schools that the children are  
3 attending or are slated to attend with a preference to keep  
4 that the same as it currently is please raise your hand.

5 (Audience raising hands.)

6 COMMISSIONER MERKEL: It was not relevant. We have no  
7 control of that.

8 CHAIRPERSON REIN: That's true.

9 COMMISSIONER MERKEL: Zero control.

10 CHAIRPERSON REIN: That's a really good point. Thank  
11 you. Sorry. There were a lot of hands that went up. I thank  
12 you for that reminder, Mr. Merkel.

13 In case you couldn't hear that, Mr. Merkel  
14 told me that's kind of not relevant to us because --

15 JUSTIN MERKYS: Any influence we could do as a Village to  
16 assure that?

17 CHAIRPERSON REIN: But you as school district residents  
18 or whatever you want to call it, you can certainly approach the  
19 School District or School Board at any time.

20 JUSTIN MERKYS: Thanks.

21 CHAIRPERSON REIN: Thank you.

22 Okay. It looks likes we have time maybe for  
23 another topic before our quick break, and that is on the agenda  
24 Acorn Acres Housing Association guidelines and covenants as

1 presented by Tammy Cunnion.

2 You don't look like Tammy.

3 GARY CUNNION: Tammy isn't feeling good. Gary Cunnion,  
4 C-u-n-n-i-o-n, 27 Acorn Drive.

5 My comments will be very brief so we can get  
6 to the break.

7 We, as the Homeowners Association, have a  
8 concern that whatever the final product and plan that might get  
9 approved here we would like to insure that written into those  
10 homeowner covenants are the same village-wide  
11 protections--fences, outbuildings, sheds--that sort of thing  
12 that the character of the yards, if you will, are maintained  
13 whenever this development comes.

14 And I know we've heard a lot of testimony  
15 tonight about trees and about drainage and about subdivision  
16 construction. I'd also just like to remind the Board that we  
17 have not warmed up to the idea of the access road either and  
18 that they're still adamantly opposed to that. We spent a lot  
19 of time last week, so I won't go into that.

20 Thank you.

21 CHAIRPERSON REIN: I believe our attorney wants to -- oh,  
22 I'm sure --

23 MR. WYNSMA: I just wanted to -- Nate Wynsma -- we're  
24 agreeable to that. Our covenants and guidelines will be

1 consistent with the rest of the village. And some of those  
2 standards of out-buildings, fences we're agreeable to that.

3 CHAIRPERSON REIN: Thank you for clarifying that, Nate.

4 Many of the things that Mr. Cunnion

5 referenced in his list of preferences are actually village  
6 ordinances and not just neighborhood covenants. Therefore, the  
7 Village would control that village-wide, so especially the ones  
8 you named I'm familiar with those in the ordinances. I know  
9 developer has already agreed that they are in agreement.

10 Just for the record, taking a show of hands  
11 for everybody that agreed with Mr. Cunnion's statement please  
12 raise your hand now.

13 (Audience raising hands.)

14 For the record, the majority of hands have  
15 been raised.

16 It looks like we can move on to footpaths and  
17 public walkways, resident to be determined. Do we know, Cathy  
18 or Arnie, who is going speak on that?

19 ARNIE LIEPA: Arnie Liepa again. 7 Lydia.

20 It was just to get the clarity. And a number

21 of the residents raised the concern at the Homeowners

22 Association meeting on the footpaths and public walkways,

23 trying to get clarification on what is being proposed,

24 particularly to make sure that there's no motorized vehicles,

1 snowmobiles and the like running around the community. By the  
2 way, on this subject some of the residents thought it will be  
3 wonderful to have a cycle path and walking path around the  
4 community. Others thought it would be a great security risk  
5 and might invite people walking around properties that would  
6 otherwise not be doing so. There are some mixed views on this  
7 subject, so I'm not necessarily proposing one or the other.  
8 This was just for clarification on what is proposed.

9 CHAIRPERSON REIN: Does the developer want to respond to  
10 that at this time?

11 MR. WYNSMA: Yes. We are agreeable to whatever  
12 standards, whether it's part of the CCNRs or whatever has to be  
13 written in with regard to the open space and to the Homeowners  
14 Association outlots. Obviously a dedicated park is under the  
15 jurisdiction of the Village already, but it would be restricted  
16 to pedestrian use only. Other than the pathways themselves for  
17 bike use and connection to the park or connection to the school  
18 and Old McHenry, we would restrict any motorized vehicles or  
19 anything like that from any one of those open space areas.

20 CHAIRPERSON REIN: Do you want to -- while you're at the  
21 podium, do you want to point out the paths as those pathways  
22 currently planned. I believe that was part of Arnie's  
23 question, is what is planned for at this time.

24 MR. WYNSMA: Sure. Well, up here -- I'll do here first

1 for the public's benefit. We have a proposed walkway along  
 2 Old McHenry which I know the Village has plans to extend from  
 3 the school on up to the aquatic center. We're going to build a  
 4 section of that pathway, interconnect that into the northeast  
 5 corner of the site into the public walkway system. We have  
 6 public walkways on both sides of the road throughout the public  
 7 right-of-ways. We have some pedestrian connections through  
 8 this what we're referring to as West Island Park and seating  
 9 areas, gathering areas in that park, small play area and then  
 10 interconnecting between the main entry road coming in through  
 11 the park. We have a pedestrian walkway then connecting to the  
 12 aforementioned connection or sub street that that's the extent  
 13 of, and that would also link to this seating area and then play  
 14 areas within the park that are planned. That's the extent of  
 15 the walkway pedestrian areas on the site.

16 CHAIRPERSON REIN: Thank you.

17 MR. WYNSMA: Does anybody need me to point to it on here?

18 CHAIRPERSON REIN: Are the Commissioners good with that?

19 Okay. I'm trying to think how to take a show  
 20 of hands. Obviously Arnie represented that there are mixed  
 21 views on walkways, but he was curious about perimeter pathways,  
 22 which I don't believe that I'm seeing what I would consider a  
 23 perimeter pathway in your plan.

24 MR. WYNSMA: No. We don't intend to. I think along

1 those same lines there's often objections to pathways within  
 2 areas in rear yards. I think the conservation on the east and  
 3 south side of the property are towards drainage and tree  
 4 preservation. Along the north and west side it's a question of  
 5 topography and to those natural wetland drainage areas. So  
 6 there really isn't in our mind a good place for what would be  
 7 maybe a perimeter walking path.

8 CHAIRPERSON REIN: Okay. Thank you, Nate.

9 I guess it doesn't lend itself to a show of  
 10 hands since there isn't a perimeter walkway that was questioned  
 11 about.

12 I think because the next item on the agenda  
 13 is open forum for any additional questions that have not been  
 14 covered as primary points by the official presentation by Acorn  
 15 Acres residents, this is a good time for our break. We will  
 16 give our stenographer some time off, and we will reconvene at  
 17 8:30. Thank you.

18 (Recess taken.)

19 CHAIRPERSON REIN: All right. We are ready to resume our  
 20 meeting.

21 Before the break we concluded Acorn Acres'  
 22 organized presentation of its primary points of interest for  
 23 members of its Homeowners Association. I am aware that there  
 24 could be other people in the audience who wish to add different

1 views or points that have not previously been stated in the  
2 public testimony we've heard so.

3 For those of you who may be new to the  
4 audience tonight and weren't here on October 28th, the first  
5 time we took public testimony, I'm going to quickly review the  
6 topics that we covered in great detail with public comment. We  
7 started out that evening with talking about the proposed road  
8 connection to Bruce Circle North that would connect this  
9 subdivision with Acorn Acres. We also heard testimony on the  
10 number of houses facing current residents' properties on Bruce  
11 Circle Court. We covered stormwater management in great  
12 detail, much greater detail than we wanted to tonight. Tonight  
13 was simply new information, but we covered it extensively on  
14 the 28th. We also talked about village ordinances and  
15 variances, lot sizes down to quarter acre, total number of  
16 houses for the buildable area, and we touched on the Flint  
17 Creek Watershed. Now, I know that if you're new this evening  
18 you don't know exactly what we've been covered on those topics,  
19 and if you feel you have a pertinent point on this topic, I  
20 will invite you to come forward. But if you start crossing  
21 into something we've already heard on the record, I will  
22 politely tell you that and ask you to move on to your next  
23 point.

24 But at this time I would welcome anybody to

1 the mic who has new, additional information or questions,  
2 comments, or suggestions that we haven't already heard  
3 presented. And for those of you coming forward, I'm just going  
4 to ask each of you if you have been sworn.

5 NANCY SCHUMM: Yes.

6 CHAIRPERSON REIN: Thank you. Please state your name and  
7 address.

8 NANCY SCHUMM: My name is Nancy Schumm, N-a-n-c-y,  
9 S-c-h-u-m-m. I represent the Village of North Barrington. I  
10 work as an environmental consultant for the Village. I'm a  
11 certified wetland specialist and help with drainage issues  
12 throughout the Village as well as MS4 specialist.

13 And I'm only here -- I have to clarify that I  
14 am not here to tell the Village of Hawthorn Woods how to do  
15 their zoning, because we do have a good relationship with you  
16 and we don't want to taint that in any way. What I here to  
17 tell you, however, is that we have really serious flood issues  
18 downstream, and this property has been identified as a  
19 regionally significant storage location for flood reduction in  
20 the future development of the site. Again, this was the Flint  
21 Creek Watershed plan that identifies problem areas and  
22 potential solutions. It doesn't tell you how to conduct your  
23 zoning. But we are very concerned because of the way that this  
24 development is designed. We are concerned about flood volume

1 increasing, and we already have truly significant problems  
2 downstream.

3 That's all.

4 CHAIRPERSON REIN: Thank you, Nancy.

5 COMMISSIONER LaGRO: Is this property in any way  
6 considered to be the headwaters of the Flint Creek.

7 NANCY SCHUMM: Yes. Of North Flint Creek. It's  
8 considered a pollution-loading hotspot where it drains a lot of  
9 areas into here and conveys it downstream. And the state law  
10 says that anybody upstream can release water downstream, and  
11 anybody downstream doesn't have the right to block it. It's an  
12 old law that dates back to Spanish times and English ownership.

13 But we know that from development we see an increase in  
14 drainage downstream, and we also have a lot of investments  
15 downstream in trying to improve those flood issues. So we just  
16 want as your neighbor for you to be aware that any increase in  
17 flooding or permeable surfaces will dramatically impact our  
18 lives as well downstream.

19 COMMISSIONER LaGRO: It sounded like you were suggesting  
20 that this was designated as a storage area, as an upstream or  
21 headwaters storage area. Could you elaborate upon that?

22 NANCY SCHUMM: Well, as the headwaters, sometimes people  
23 consider that a good detention area. It's one of the last  
24 properties to be developed, so yes, detention on-site could be

1 increased to reduce downstream flooding, retain water for  
2 longer periods of time during significant storm events. You  
3 know, again, with storm events that we've had in the last  
4 couple years, we are all seeing drainage issues, so it's --  
5 while the regulations haven't caught up to that in that you  
6 don't necessarily have to plan for long-term events and a  
7 hundred-year storm events on a regular basis, we are seeing a  
8 hundred, 200-year storm events that do have regional impact.  
9 We don't control that, but it's been happening.

10 COMMISSIONER KAISER: Have you looked into the drainage  
11 plan and retention of the subject property as it relates to  
12 this and whether it improves that situation or makes it worse?

13 NANCY SCHUMM: So, well, anything that increases the  
14 release -- you know, you are in compliance with the statutes by  
15 your release rates. What they say in the WDO, the Watershed  
16 Development Ordinance, is that they are requesting that  
17 discharges are conveyed with adequate downstream stormwater  
18 capacity. So without a regional flood study completed, it's  
19 hard to really determine what that might be.

20 The DiMucci property, for instance, is  
21 allowing that the majority of stormwater will be kept on-site,  
22 so they have green design incorporated into their requirements  
23 for the development of the DiMucci property, which includes  
24 rain gardens and storm sewers and permeable pavement throughout

1 the site and a green concept design that allows buffer and will  
 2 ideally keep all stormwater on-site, even during significant  
 3 rain events. So that's a design feature.

4 COMMISSIONER LINDQUIST: Now, just to put your mind a  
 5 little bit at ease, our local regulations for stormwater  
 6 release is like one-third of the county, of Lake County's  
 7 requirement, so we're already pretty restrictive on the release  
 8 rates. I don't know if that gives you any comfort. But I'm  
 9 sure that the developer has not planned to maintain all  
 10 stormwater on the site. That would make it a conservation  
 11 subdivision.

12 NANCY SCHUMM: True.

13 Any other questions?  
 14 (No response.)

15 CHAIRPERSON REIN: Thank you.

16 Bill, are you commenting on Nancy's question?  
 17 MR. LOFTUS: For the record, my name is Bill Loftus.

18 Ms. Schumm said that correctly. It was

19 great. We are, as Commissioner Lindquist pointed out, we are  
 20 providing, as I testified previously, at the Hawthorn Woods  
 21 rate, which just to remind everyone the detention right on site  
 22 is 13.2 acre feet. This particular subdivision if it followed  
 23 the Lake County standards would be providing 10.75 acre feet.  
 24 So we're at an increase of, what is that, about

1 30 percent roughly.

2 And then I've just got a couple  
 3 clarifications to Arnie's testimony earlier. So the map I've  
 4 got on the screen here, most of you who were here at the  
 5 previous commission meeting had seen this. We brought in this  
 6 step by step. For purposes of time, I've just put it all on  
 7 the screen here and added this area outlined in blue. For the  
 8 audience this outline here along Old McHenry Road. That is the  
 9 defined tributary area that drains to the culvert that Arnie  
 10 pointed out in his earlier testimony. It represents about  
 11 1.7 acres of real estate. Copperfield drains primarily to the  
 12 northeast. Their detention ponds are up in this area, you  
 13 know, way off the screen, and our tributary ultimately to the  
 14 Bruce Tributary. Arnie's absolutely right; his testimony is  
 15 accurate. There's a 24-inch culvert under Old McHenry Road.  
 16 It discharges into a 12-inch pipe, and I don't think, as he  
 17 said, that it was the smoking gun, but it is a contributing  
 18 factor to the stormwater story.

19 So if you remember, after lengthy testimony  
 20 last time we went through, what does it all mean? So I put  
 21 this additional 1.7 acres of real estate into our model, and  
 22 those are the new numbers. So basically we've got the  
 23 April 18th event under the existing condition. That is  
 24 basically measured as what was commonly referred to as the

1 overland flow point, lot 21. It was the very compelling video  
2 that showed the spillway at the driveway at 21 Acorn Drive. So  
3 under the April 18th event, the actual existing condition at  
4 7.7 cubic feet per second. Under a hundred-year event, which  
5 we've seen more frequently than we'd like to care to admit,  
6 28.2 CFS per acre. Under the proposed condition now, under  
7 that same April 18th event we would still be at zero, and  
8 instead of the 4.3 as previously -- my previous testimony we're  
9 at 6.2 CFS per acre, which represents 78 percent reduction to  
10 the hundred-year event.

11 CHAIRPERSON REIN: Mr. Loftus, that's with the  
12 improvements that are showing on your preliminary plan, not  
13 with any improvements proposed for Old McHenry Road?  
14 MR. LOFTUS: That's correct. So anything that is done  
15 at the local Lake County DOT level would be an additional  
16 improvement. Thank you for that clarification.

17 At some portion of the last meeting and I  
18 think we were talking about our proposed improvement plan, this  
19 is -- it's a little bit difficult to read, but if you remember  
20 I showed just a graphical depiction of how we might drain the  
21 side yard of the Lydia Court home. So there was some question  
22 because there was testimony that a small pipe had been  
23 installed along this frontage, and it was absolutely correct. I  
24 think, Commissioner Lindquist, you had brought it up, that we

1 were fighting cover and there was some skepticism whether a  
2 24-inch pipe could even be physically constructed in that  
3 space. And the reason our topography says and I put it in this  
4 plan profile for you which shows the existing grade elevation  
5 along the center line of the pipe. And for the audience's  
6 benefit that would be this dashed line. It shows -- this line  
7 represents the slope of the pipe and the profile portion, and  
8 it shows that cover does exist. The only reason we were able  
9 to obtain that cover was because of how far we took this pipe  
10 down the right-of-way line. You can see in both these views  
11 and very faintly here on the overhead that those various  
12 contours that cross perpendicular to the pipe, and, therefore,  
13 we were picking up that grade change and allowing the 24-inch  
14 pipe to go in. So the testimony tonight is saying we've gone a  
15 step further and confirmed that we feel the 24-inch pipe is a  
16 viable option.

17 And lastly, there was testimony at the very  
18 end of last week's hearing, and I just want to read this into  
19 the record because there's been talk with the Flint Creek  
20 Watershed Partnership. So we went ahead and -- the slide one  
21 way or the other, either here or there -- I've got four of the  
22 six goals listed. The two goals I've ignored for purposes of  
23 this hearing are related to education. I feel like we've  
24 almost hit that by going through these hearings. If you will

1 allow me to read these into the record or just submit them, but  
 2 I think they're relatively short: Protect surface and  
 3 groundwater resources, enhance overall water quality in the  
 4 lakes and streams of the watershed. That's goal A. The  
 5 proposed Stonebridge development will feature wetland buffer  
 6 areas and naturalized detention basins and bioswales, which  
 7 will improve water quality and reduce runoff. Goal B, identify  
 8 and protect important natural areas/open space in the watershed  
 9 and provide appropriate passive recreational benefits. The  
 10 proposed Stonebridge development will provide conservation  
 11 outlots also containing naturalized stormwater detention  
 12 facilities, wetlands, wetland buffers. The principles of  
 13 conservation design are reflected in the proposed site plan  
 14 which includes a generous amount of open space. Goal C, reduce  
 15 existing flood damage in the watershed and pavement flooding  
 16 from worsening downstream. The proposed Stonebridge  
 17 development will apply storage and stormwater detention in  
 18 accordance with the Village and Lake County WDO, which is a  
 19 reduction in the peak flow rates from the site to downstream  
 20 areas.

21 And at this point -- I forgot to advance the  
 22 slide for you -- there's a chart that basically goes through  
 23 some of the -- this is engineering speak now. The 10-year  
 24 critical event. And this is showing the site in an existing

1 versus proposed state. So this is for our neighbors  
 2 downstream. What is the net effect? So under the 10-year  
 3 critical event, the existing site discharges almost 30 CFS.  
 4 Under the proposed condition it discharges 4.1 cubic feet per  
 5 second. Under the hundred-year event, under the existing site  
 6 we're discharging 81.9 CFS. Under the proposed site, 11.2,  
 7 representing approximately 86 percent reduction.  
 8 And the fourth goal of the Flint Creek  
 9 Watershed Partnership, improve aquatic and terrestrial habitat  
 10 in the watershed. The proposed buffer areas, landscape, open  
 11 space will include the native plants.

12 Thank you. And that concludes my testimony  
 13 CHAIRPERSON REIN: Mr. Loftus, would you be willing to  
 14 submit these slides into the record as an exhibit?

15 MR. LOFTUS: Yes.

16 CHAIRPERSON REIN: Thank you.

17 Okay. Is there anybody in the audience who  
 18 wishes to still come forward at this time? This is our last  
 19 opportunity for public comment. If there's something you wish  
 20 to comment on that hasn't already been covered. I see someone  
 21 approaching.

22 Have you been sworn?

23 COURTNEY SASIADEK: Yes. Courtney Sasiadek,  
 24 S-a-s-i-a-d, as in David, e-k, 14 Robin Crest Road.

1 Good evening, members of the Board. I have  
 2 to say that I agree with the majority of what the speakers have  
 3 brought up before me. My family and I are relatively new  
 4 residents to the village, as we too moved here because of what  
 5 the village had to offer, rural but close to everything. There  
 6 were no lights to interfere with the stars at night, the  
 7 occasional wildlife to share with my small children and enough  
 8 land for them to safely play. There was the ability to not see  
 9 my neighbors eating in their kitchen while we did the same and  
 10 yet close to all the amenities that we desire. I don't really  
 11 need a developer to build me an adventure park because I have  
 12 that in my backyard, as do many of these people. I know that  
 13 many people have spoken to the same thing, but I believe that  
 14 it cannot be said enough that the reasons we moved here are  
 15 being altered. I do not oppose the property development as a  
 16 whole, nor do I believe that the property would never be  
 17 developed. However, I do believe that you as board members and  
 18 the other village officials will do their job in sticking up  
 19 for us as the residents for our ordinances and being the voice  
 20 to fight against outside entities who want to come and change  
 21 what this village is.  
 22 I have taken the time to read the nearly 400  
 23 pages of argument for and against the Pulte development, and I  
 24 am disheartened to the fact that we stand here as a

1 neighborhood arguing nearly the same points and fear that they  
 2 will be ignored. It makes me angry to think that the Village  
 3 is willing to bend the knee to any company that comes in  
 4 waiving tax dollars and not only that but to provide guidance  
 5 as to how to circumvent the ordinances that are already in  
 6 place and that we as residents abide by.  
 7 If you approve this subdivision as is, the  
 8 ordinances will basically mean nothing. I don't see reason why  
 9 any other resident shouldn't feel they could do what they want  
 10 with a couple applications for variances and back their  
 11 arguments with the fact that you've already bent the rules to  
 12 accommodate others. I know it's unlikely, but it leaves room  
 13 for hope for anyone of us to sell our property and the people  
 14 purchasing it have a reasonable argument to turn any one of our  
 15 properties in several homes. You are in effect providing  
 16 changes to the exact reasons why I move here instead of another  
 17 town. We will be no different than Lake Zurich, Buffalo Grove,  
 18 Island Lake, Wauconda, Cary, Mundelein, Fox River Grove, or any  
 19 other town that I could stand here and list.  
 20 To the point of the second entrance that will  
 21 connect to our subdivision, I think that there could be  
 22 alternative options. As I work for another municipality, I  
 23 have seen the idea of gates and chains not really work in the  
 24 way that residents hope. However, I have seen in a number of

1 areas the idea have making the road less desirable. I've seen  
 2 two rows of pavement with grass between. I've seen solid  
 3 pavers with grass between, simply leaving it gravel and yet  
 4 other methods that would make it look more pedestrian than an  
 5 everyday route yet still safe for emergency vehicles. My  
 6 concern follows much of what others have previously stated.  
 7 I too, though, doubt the traffic studies that  
 8 have been provided. I would like to point out that the  
 9 gentleman who presented the study and statistics stated an  
 10 additional 50 to 60 vehicles would be added, I believe.  
 11 Correct me if I'm wrong. But I would argue that even with 50  
 12 homes being built that would easily bring 100 vehicles. Most  
 13 families especially in this area have two, three, or more cars  
 14 depending on how many children they have or in-law situations.  
 15 I would argue that it's not just our neighborhood and the  
 16 residents off Miller that would be heading north but that you  
 17 would see a number of high school students coming south as  
 18 well. I think as a person who was once a teenager -- and while  
 19 I am not an expert in the area, I believe everybody else here  
 20 was a teenager at one point -- I would make the statement that  
 21 teenagers are not the best drivers. There are reasons why  
 22 police departments have campaigns against distracted driving,  
 23 why teens are required to have graduated licenses, and why  
 24 insurance for teen drivers is more expensive. Our roads

1 leading through our neighborhoods do not leave enough room to  
 2 correct and avoid accidents. We are creating a problem that no  
 3 one in the village wants to be responsible for or have on their  
 4 heads.  
 5 Finally, I believe that our current village  
 6 infrastructure is taxed and on the line of being overwhelmed.  
 7 When it comes to our streets being cleared of snow and debris  
 8 in a timely manner, we lack. When it comes to water  
 9 management, we lack. When it comes to traffic on major  
 10 streets, it's increasing. When it comes to addressing our  
 11 concerns, we are told it's not the Village's responsibility,  
 12 but you still want to be notified of every little change. And  
 13 when it comes to class sizes, we have the potential to be  
 14 overwhelmed.  
 15 With all that being said, this is my life. I  
 16 moved here with my family with the understanding this would be  
 17 my forever home and our grand kids would have to drag us out to  
 18 some assisted living place. I don't think it's fair for a  
 19 developer to literally drop a subdivision in our backyard. We  
 20 should not be penalized as residents for not paying our own  
 21 experts to question things that we already know the answers to.  
 22 We don't need experts to argue our point, to present findings  
 23 that say what we want them to say or statistics that show what  
 24 we want them to show. Our voices should hold more weight than

1 theirs because we pay taxes here. We vote here; we live here.  
2 This is our home, not theirs.

3 I ask that you do not approve this  
4 subdivision as proposed by reducing the number of homes,  
5 increasing the lot size and finding another option for the  
6 second entrance. Thank you.

7 (Audience clapping.)

8 CHAIRPERSON REIN: Thank you, Courtney.

9 Is there anybody else who has anything new  
10 that they would like to add to public comment?

11 (No response.)

12 Okay. Seeing none, at this time I would like  
13 to invite the developer and applicant to come forward and do  
14 any cross-examination of witnesses or rebuttal testimony.

15 Excuse me, Mr. Burney.

16 Cathy, did you change your mind?

17 CATHY BAKER: Were you going to be able to speak to this?

18 MR. CASSATA: Point of clarification. It was --

19 CHAIRPERSON REIN: I'm sorry. Hold the mic to your  
20 mouth.

21 MR. CASSATA: Is that better?

22 CHAIRPERSON REIN: Yes.

23 MR. CASSATA: So I think it was Mr. Merkys had a question  
24 about the process, and if you look at Section -- or Title 10,

1 Chapter 2, that will outline the process and the requirements  
2 for subdivisions.

3 And then with regard to -- I think a lot of  
4 people had a question as to what the standards are for this  
5 development and special uses, in particular planned unit  
6 developments. If you look at Section 9-14-4, Processing, that  
7 is for special uses in general. So not all special uses are  
8 planned unit developments. For example, a gas station will  
9 require a special use permit, so those standards in  
10 Subsection B1, 2 and 3 would have to be met.

11 And then for planned unit development,  
12 specifically if you look at Section 9-15-7, those are the  
13 standards that apply for planned unit developments. And so  
14 what the Commission will be doing is when they make their final  
15 determination they'll be weighing whether the proposal meets  
16 those standards.

17 And one thing I'd like to point out is pay  
18 particular attention to Subsection D, Variations of Minimum  
19 Requirements. So essentially a planned unit development is a  
20 special use. It's not a variation, which is a different  
21 mechanism. So a special use, especially this subsection,  
22 allows for nonconventional zoning standards to apply.

23 CHAIRPERSON REIN: Thank you, Michael. And I know that  
24 in our stack of documents here we have extra copies of those

1 very ordinances he's speaking to that we look to as we  
 2 ultimately go into our own deliberations. Thank you for  
 3 clarifying that for the public.

4 JUSTIN MERKYS: I have one question.

5 CHAIRPERSON REIN: Justin, you need to come to the mic.  
 6 We've got to make sure the court reporter can hear every word  
 7 and the audience.

8 JUSTIN MERKYS: Just so I understand correctly,

9 because the nature -- Justin Merkys, 20 Bruce Circle North.  
 10 Because of the nature of the deviations presented in this  
 11 specific proposal it is classified as a special use?

12 MR. CASSATA: No. This is a planned unit development  
 13 which is a special use.

14 JUSTIN MERKYS: All new proposed subdivisions that are  
 15 put forth are considered special use if they don't follow  
 16 village code.

17 MR. CASSATA: This is following special use for a planned  
 18 unit development is following the village code. It's a section  
 19 of the village code. So there's a separation between what  
 20 you're talking about as a traditional zoning and a planned unit  
 21 development. Different rules apply.

22 JUSTIN MERKYS: Again, I just want to try and understand.

23 I've got a thick skull, and my wife would attest to that.

24 Under one chapter it speaks about proposals

1 for subdivision or planned subdivisions; correct?

2 MR. CASSATA: Correct.

3 JUSTIN MERKYS: However, you made reference to -- or  
 4 correct me if I'm wrong -- that this specific proposal with the  
 5 amount of variations associated qualifies it as -- therefore,  
 6 it falls into a special use permit; is that correct?

7 MR. CASSATA: It's a special use permit that is being  
 8 applied for.

9 JUSTIN MERKYS: Why?

10 MR. CASSATA: Because of the nature of the development.

11 JUSTIN MERKYS: What is the nature of the development?

12 MR. CASSATA: A planned unit development which is a  
 13 mechanism that is used to produce the highest and best use for  
 14 a particular piece of property where a conventional zoning  
 15 standard would not -- would restrict it.

16 JUSTIN MERKYS: Would there be situations for the  
 17 developer to propose this planned subdivision that would not  
 18 qualify as a special use permit or require a special use permit  
 19 under village code?

20 MR. CASSATA: They would not apply for a special use.

21 They would not apply for this subdivision as a straight zone.

22 JUSTIN MERKYS: They would just follow basic village  
 23 code.

24 Has any specific proposal from a developer

1 been entered for that, or has there only been one?

2 MR. CASSATA: I don't think we're on the same page.  
3 Okay. So there are two types of developments that can go  
4 forward for subdivisions, for residential subdivisions and --

5 CHAIRPERSON REIN: Michael, you've got to raise the mic.  
6 MR. CASSATA: So there are two types of subdivision  
7 applications that can go forward, one for residential  
8 specifically and one is straight zoning, which is what  
9 Acorn Acres was originally applied for and used, and so that's  
10 the historical one acre, one lot. Okay? That's straight  
11 zoning. If they need variations, there might be one or two,  
12 and they would apply as variations.

13 JUSTIN MERKYS: Under that?

14 MR. CASSATA: Under straight zoning --

15 JUSTINE MERKYS: Got it.

16 MR. CASSATA: -- Chapter 15.

17 As a planned unit development, which allows  
18 for the contour of the land, the different makeup to apply,  
19 different types of buildings in a larger subdivision that might  
20 have commercial and residential combined, it allows for that to  
21 take place without having to go through the traditional zoning  
22 requirements.

23 JUSTIN MERKYS: Why?

24 MR. CASSATA: To allow for the highest and best use.

1 MR. BURNEY: That's what we're trying to do. That's why  
2 we presented this evidence, to show the Plan Commission that we  
3 have met the standards for a planned development, and that's  
4 where Mr. Cassata referenced the standards that are in the  
5 planned development, and it's up to this Planning, Building and  
6 Zoning Commission to determine whether we satisfied it.

7 One of the benefits to the Village is the  
8 permanent open space and a homeowners association so that all  
9 that open space and private public -- or private ownership, but  
10 it's in a homeowners association. That's just one of the  
11 benefits that the tool of planned developments allows you to  
12 proceed with.

13 Now, that's the answer.

14 JUSTIN MERKYS: Why does special use factor into planned  
15 developments?

16 MR. BRANKIN: Because that's how it's designated under  
17 the zoning ordinance. So under a zoning ordinance, you have  
18 traditional -- you have permitted uses, you have special uses.  
19 Special uses can be like a gas station. They can be a planned  
20 development. So this is a planned development. It's just like  
21 if they came in and were applying for a gas station. They have  
22 to meet certain standards in order to prove up that they  
23 arguably are entitled to a planned unit development. It's the  
24 way the zoning ordinance is structured. It's the way that the

1 public hearings -- and that's why you have a public hearing, to  
 2 determine through the presenting of evidence whether or not  
 3 they've met the standards in order to be able to obtain a  
 4 special use for a planned unit development, just like it would  
 5 be -- put planned unit development out of your mind. Just like  
 6 it would be a special use for a gas station from the Village  
 7 Board. So does that help?

8 JUSTIN MERKYS: Yeah. I'm just trying to understand.

9 MR. BRANKIN: Sure.

10 JUSTIN MERKYS: It's an application to deviate with  
 11 whatever guidelines are presented from the village code.

12 MR. BRANKIN: No. It has to follow the guidelines that  
 13 are set forth in the planned unit development section, which is  
 14 Section 9-15. If you look at that and you look at the  
 15 standards and then you go through that section.

16 CATHY BAYER: Cathy Bayer.

17 So if we go into this other code then, it  
 18 says that the Village Board may vary the applicable minimum  
 19 requirements to the subdivision regulations and this title  
 20 which may include but not necessarily be limited to the  
 21 following, and then it goes on and on.

22 MR. BRANKIN: Right. So that's what a planned  
 23 development does. It allows for a flexibility in design so  
 24 long as the standards have been met, and that's what this Board

1 is here to determine. You've honed in on the applicable  
 2 sections, and that's what the job of this Board and ultimately  
 3 the Village Board is to determine, whether or not the standards  
 4 have been proven up in order for that relief to be granted.

5 CATHY BAYER: So then the other question we had then, the  
 6 standards in there in this same chapter, it says for a cluster  
 7 subdivision. So is this not considered a cluster subdivision  
 8 so this doesn't apply?

9 MR. BRANKIN: You have to read the ordinance as a whole.

10 COMMISSIONER LINDQUIST: It's not a cluster subdivision.

11 CATHY BAYER: It's not. Okay. So the thing where it  
 12 says in no case shall the lot size --

13 MR. BRANKIN: Right. You have to go to that Subsection  
 14 D, which you referred to earlier --

15 CATHY BAYER: Okay. And then back to D, which basically  
 16 says that you, the Planning Commission, and everybody else, the  
 17 Village Board, can make any variances that they want to.

18 MR. BRANKIN: That's how the ordinance works. You're  
 19 correct.

20 CATHY BAYER: So in so many words, it's basically saying  
 21 that you guys can throw the code out the window if you see fit.

22 MR. BRANKIN: I don't agree with that, but that's your  
 23 interpretation. The ordinance speaks for itself.

24 CATHY BAYER: So again, I'll read it. It says the

1 Village Board may vary the applicable minimum requirements --

2 MR. BRANKIN: You're reading the right section.

3 CATHY BAYER: Am I --

4 MR. BRANKIN: You're reading the right section.

5 CATHY BAYER: I am. Okay. All right.

6 CHAIRPERSON REIN: Mr. Lindquist believes he has a point  
7 to add. Clarification?

8 COMMISSIONER LINDQUIST: It doesn't give them the right  
9 to do anything. It gives them the right to do anything that  
10 the Board of Trustees will permit. So there are brackets  
11 around this. But it's up to the Plan Commission to make a  
12 recommendation to the Board of Trustees and then for the Board  
13 of Trustees to act either for or against that recommendation.

14 But it doesn't leave it open to anything. It has to be  
15 accepted -- the Plan Commission does not have a final say in  
16 this. We only make a recommendation to the Trustees. It's up  
17 to the Trustees to make the final decision. We have moved, and  
18 we're going to be requiring a super majority of the Board of  
19 Trustees to approve the subdivision. So we've acted -- or  
20 Acorn Acres has acted and we'll see, so we have that going.  
21 But it is still up to the Trustees to determine what is  
22 acceptable within the planned unit development classification  
23 and what is not.

24 JUSTIN MERKYS: So Mr. Brankin suggested that there were

1 standards those were going to be evaluated to. Are those  
2 public record?

3 MR. BRANKIN: They're in the ordinance.

4 CHAIRPERSON REIN: They're in the ordinance you have in  
5 your hand. You have to see how every section relates to the  
6 other. It isn't easy admittedly, but it takes some quiet  
7 reading and studying. It's very typical for municipalities.  
8 It's not just what we have here.

9 CATHY BAYER: Just as a side note, I would like to say  
10 and I know we've mentioned this before, we had several meetings  
11 at my home because this is a very emotional issue for everyone,  
12 and we did that so that people could get some of the emotion  
13 out even though it may not be apparent that we were successful  
14 with that the way things went tonight. But it's frustrating  
15 for us when we really feel like we tried to get some of the  
16 answers to some of these questions from the Village previous to  
17 this, and because of the Open Meeting law, no one would talk to  
18 us. So we hope -- you know, we appreciate your patience and  
19 listening to us and answering our questions and clarifications  
20 because we couldn't get these types of things answered  
21 previously because no one would talk to us.

22 TRUSTEE DIMAGGIO: It's not that no one would talk to  
23 you. It's we can't.

24 CATHY BAYER: I understand that.

1 TRUSTEE DIMAGGIO: We're bound to follow the ordinance of  
2 the law.

3 CATHY BAYER: Three different times people at the Village  
4 scheduled a meeting with myself and Mr. Liepa, and in less than  
5 24 hours beforehand it was canceled. So if they were aware of  
6 that and they were not allowed to meet with us, they never  
7 should have scheduled the meeting in the first place, and it  
8 created a lot of confusion and frustration on our part, and I  
9 hope you can appreciate that.

10 Thank you.

11 CHAIRPERSON REIN: Thank you for sharing that, Cathy.

12 Okay. We are back to --

13 MR. BURNEY: Chairman Rein, a little while ago you asked  
14 if we had any rebuttal, and because of the way that the  
15 neighbors organized this and because you've granted us the  
16 ability to respond, we feel that we've adequately -- and I  
17 don't think it was rebut. It was trying to answer the  
18 questions that they raised. And again, as I started off, this  
19 was the best, organized neighborhood presentation that we've  
20 ever seen, and we appreciate that, and it's helped to move  
21 things along.

22 We don't have any other witnesses. We have  
23 no more questions of anybody who's testified. I'd like to try  
24 to, in my own mind, wrap this up. I guess it's time for you

1 folks to get to ask questions.

2 CHAIRPERSON REIN: It is. But looking at the hour and I  
3 know that some information was raised this evening that I know  
4 we all come in here with lists of organized questions and we  
5 heard further testimony. I'd taken a straw poll up here, and  
6 the amount of the questions cannot be completed.

7 MR. BURNEY: Can't we start on the questions? I mean,  
8 we've got an hour.

9 CHAIRPERSON REIN: I think we strongly prefer that we  
10 organize our questions and do them when we're fresh and when we  
11 can still deliberate. At least that's the response I got from  
12 our group. And I want to make sure that we give it the energy  
13 and attention that is deserves, not only of ourselves but of  
14 you and the audience. This is an important issue.

15 So if you have no -- you're saying you have  
16 no further cross-exam or rebuttal?

17 MR. BURNEY: No.

18 CHAIRPERSON REIN: And the audience has no further  
19 testimony.

20 So what I would be looking for based on what  
21 the Commissioners have expressed with the amount of questions  
22 they have is a motion to continue this hearing. It remains  
23 open so that you all can ask your questions, and that's what we  
24 will begin with next time.

1 COMMISSIONER MERKEL: So moved.

2 CHAIRPERSON REIN: So the continuation -- the motion to

3 continue for the sole purpose of Commissioner questions with

4 deliberation prior to the close of the hearing, which then we

5 would make our motion and discuss amongst ourselves, and at

6 that point we are not -- for those of who are new, we would no

7 longer -- once the public hearing is closed the interacting

8 back and forth with the applicant or the audience members in

9 terms of our questions and cross-exam, these need to come

10 before we close the public hearing.

11 So if we are all clear, I'm seeking a motion

12 to continue to December 9th at 6:00 p.m.

13 COMMISSIONER MERKEL: So moved.

14 COMMISSIONER DONOVAN: Second.

15 CHAIRPERSON REIN: Moved by Mr. Merkel; seconded by

16 Mr. Donovan.

17 Is there any discussion?

18 (No response.)

19 Hearing none, I would call for a voice vote.

20 After we vote on this, please stay put call for a voice note on

21 the motion to continue.

22 All in favor say aye.

23 (Response.)

24 Any opposed?

1 (No response.)

2 That motion has passed. That completes

3 tonight's agenda.

4 I'm now seeking a motion to adjourn.

5 COMMISSIONER MERKEL: So moved.

6 COMMISSIONER RYCHLIK: Second.

7 CHAIRPERSON REIN: Mr. Merkel moved; seconded by

8 Mr. Rychlik. All in favor of adjournment say aye.

9 (Response.)

10 Any opposed?

11 (No response.)

12 We are adjourned. Thank you all.

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1 STATE OF ILLINOIS )  
2 COUNTY OF McHENRY )

3  
4  
5  
6 I hereby certify that I reported in  
7 shorthand the proceedings at the above-entitled public  
8 hearing and that the foregoing reported proceedings,  
9 consisting of pages 3 through 120, inclusive, is a true,  
10 correct, and complete transcript of my shorthand notes  
11 so taken at the time and place aforesaid.

12  
13  
14 JOAN M. HOLUB  
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