

**ZONING BOARD OF APPEALS**  
**June 21, 2010**

**CALL TO ORDER**

Chairman Celske called the meeting to order at 7:00 p.m.

**ROLL CALL**

Quid polled the members present: Zoning Board members, Celske, Dufern, Murren, and Schneider. Also present were Village President, Bob Nunamaker; Trustees, Duane Figurski, Jerry Menzel, Jim Tuman, Suzanne Blohm, and Mike Ireland; John Donahue, Village Attorney, John Spurgeon, B&F Technical Code Services, Al Maiden, Village Planner (Rolf Campbell); Larry Thomas, Village Engineer (Baxter & Woodman); Art Osten, Village Administrator; Jon Huizinga, Superintendent of Public Works; Chuck Stewart, Urban Forest Management; Brian Wright & Geoff Malia from SRBL Architects.

**APPROVAL OF MAY 26, 2010 MINUTES**

A motion was made by Dufern and seconded by Schneider to approve the minutes from the May 26, 2010 meeting. A voice vote followed with all in favor. The motion was passed.

**ZONING BOARD CASE 2010-04 – Special Use**

The public hearing opened at 7:05 pm. This is a continuation of the hearing on May 26<sup>th</sup> regarding the Village's request for a Special Use permit for a proposed Public Works garage facility on County Line Rd. Chairman Celske stated that the Village would begin with their presentation and the various reports by Village consultants would follow. Those wishing to ask questions would be given the opportunity following the presentations. Chairman Celske also wanted to remind those in attendance that we are not here to debate whether or not the Village needs a new garage facility, whether we can afford it or whether there is a better location for the facility. Those issues have already been addressed by the Village Board. Whether one agrees or disagrees with their decision is not the concern of the Zoning Board. The Zoning Board is taking the proposal, listening to the facts and testimony and reviewing the evidence. The ZBA has a special use permit provision in the Ordinance that lists criteria that a petitioner must meet in order to qualify for a Special Use permit. We are taking what we hear in these meetings, factually, and applying it to those guidelines and determining whether or not those guidelines are being met. He asked those in attendance to try to stay focused on the issues that bear with that Special Use permit request.

Those wishing to speak were sworn in.

Village President Nunamaker began with a slide presentation of the Project Overview. The Public Works function consists of the following:

- Streets (23 miles) – paved, patched & plowed;
- Parks (130 acres) – planned, equipped and mowed;
- Storm Water (10 miles of pipe, 565 structures) – collected and diverted;
- Drinking Water (2 plants, 4 wells, 500k tank, 20 miles of pipe, 1,716m, 164m gal/yr) – pumped, cleaned and distributed;
- Sanitation (1 plant, 3 life stations, 21 miles of pipe, 391M gal/yr) – piped, cleaned, and released;
- Misc – 126 street lights, 848 traffic signs, 21 miles of sidewalk, 1,520 trees, 334 commuter parking spaces, maintain 7 buildings, street banners, and 9 festivals.

The Public Works facility consists of 12 employees; houses 99 pieces of equipment and vehicles; 6 buildings and \$3.87M budget in 2010/2011 (exclusive of new garage). Currently, the Public Works facility is lacking in the following areas:

- Insufficient indoor vehicle parking;
- Noncompliant salt storage;
- EPA Wastewater Treatment Plant Regulations.

### **Bob Nunamaker, Village President**

President Nunamaker spoke with past Village Presidents regarding the history of this project. He explained that in September 1999, the Village recognized the need to modify the plant to comply with new standards. In December of that year, the EPA agreed on Nitrogen & Ammonia standards. He chronicled the stops and starts throughout the years. In August of 2003, the Village purchased the north 2 acres along County Line Road. In January, 2007, the Village purchased the south 2 acres of the property and contracted for soil borings. In July, 2007 there was a public presentation of an \$8M combined facility (Office, Repair, Bays, Vehicle Storage garage). May through December of 2008, it was determined that the asking price plus the renovations was too high. Throughout 2009, the Village examined other options such as using local shops or Townships for Public Works vehicle repairs. The Village then contracted SRBL Architects for Garage design work. In May, 2010, the Village contracted to sell the northern 1 acre of the north 2 acres. There is currently a contract on the property.

President Nunamaker explained that Subcommittees were established, a space needs analysis was done as well as a site selection. The Village consultants, (Engineers, Architects, Landscapers, Planners and Attorney) were brought in on the project. He explained that the consultants are present tonight to share their conclusions regarding the project. Preliminary design and cost estimates for financing were discussed. The result was a proposed \$3 million storage garage (in bonds) which would include a low interest rate because of the problems in the economy, an interest rate rebate on bonds of 35% due to federal incentives and the Village was told by the architects to expect low construction costs because people are looking for work. The timetable for the project has a projected completion date of July, 2011.

**Larry Thomas, Village Engineer (Baxter & Woodman)**

Larry Thomas, Village Engineer, began his presentation by referring to the site map. He stated that the detention area was set up to serve the original property and then just recently an additional 2 acres was added to the Village parcel. The areas of concern are the surface run-off on the site, the use of salt storage, fuel storage and the roads that serve the property. As far as the drainage goes, the detention area in the southeast corner, discharges to the southeast and goes through a wetland area that's in Lake Barrington, comes across and goes through a culvert underneath the access driveway into what was the 5 O'clock Restaurant, follows a wetland area in front of the restaurant property, flows behind the FRG Motel and then follows along the east side of Doyle. It then crosses into a culvert underneath North Road, and at that point, most of the flow goes to the west and follows behind the new shopping center, goes underneath Rt. 22 into a culvert, then into the Norge property in a wetland area. There is another culvert underneath Gardner Rd. and then the flow follows through wetland areas and eventually ends up in the Fox River. A portion of the flow, when the water is backing up at Doyle Rd., also flows into a wetland area located in an area south of Rt. 22. That is, basically, how the drainage is handled for that whole parcel.

Mr. Thomas explained that the Village is proposing to break off 1 acre of the northern portion of the parcel that would be developed as 2 additional office buildings on the Talon property. The detention area was designed to handle the northern 2 acres but was not designed to handle the lower 2 acres. In order to be able to proceed with the planning on this project, we have to go through Lake County Storm water Management Commission and apply for permission to expand this basin to handle the additional flow from this 2 acre parcel. Our intention is not to increase the discharge rate from the basin but rather to increase the detention capacity for the additional capacity. Right now, the majority of this property sheet flows down to the property to the south. Once this property is developed, the entire piece will be redirected into the detention basin so there won't be storm water run off from this property on to the property to the south. Instead it will be going into the detention area and out to the existing culvert that is there in the berm.

Mr. Thomas then indicated a 20 ft. wide area along the east side of the property that would be reserved as a bioswale for helping to purify the water before it goes into the detention area. That is one of the reasons why the variance is being asked for a 30 ft. frontage instead of 50 ft. as a means of helping to clean up the water before it goes into the detention area. The detention carries 1-2 ft. of water in it all the time. That's where the invert of the discharge pipe is which was intended so this area would have aquatic plants growing along the edges. This would allow a portion of the water to soak into the ground rather than discharge downstream.

Mr. Thomas explained that the front portion of the property will drain toward the road and will include a grade break. Everything east of that grade break will go to the pond and everything to the west will go along the road into the roadside ditch.

The driveway has one entrance south of North Rd. All the traffic will come in through this roadway to the east and trucks that will be parked in the storage building will exit on County Line Rd. The road is 18-20 ft. wide. It was built with a 12 inch base and 3 inches of pavement which is very similar to all of the roads in Fox River Grove, so it's neither better or worse than other streets in the community.

#### Salt Storage Facility

Mr. Thomas explained that their intention is to have an enclosed salt storage facility using concrete floor and concrete lower walls. The roof will protect the salt from rain which would solublize it and subsequently soak into the ground. The facility is going to be more than 400 ft. from any private wells. The regulations state that it must be at least 200 ft. from private wells and 400 ft. setback for public wells. We are nowhere near the limitations for salt storage. There is an abandoned well on that property that we will need to locate. When it is located, we will have a representative from Lake County to witness the abandonment of that well.

With regards to the loading of that area, it will involve good housekeeping. The person loading the trucks will have to make sure that it's cleaned up following the loading operation and that any salt that spills is returned to the salt storage building.

#### Road Quality

The road will have a 12" base and 3" of bituminous concrete (asphalt) and will be maintained by the Village. There will be a couple of 2000 gallon, above ground, double walled tanks for the fuel. There is no underground storage on the property.

#### **Brian Wright and Geoff Malia, SRBL Architects**

Mr. Wright showed an overlay of the building on a Google earth map, pointing out the Talon Development and detention pond. He indicated the employee parking, vehicle storage, salt storage building, rows for parking, exits through the building and gates for buffering of the site. He indicated that there would be trees along the south, west and north edges of the property. He then referred to a floor plan of the proposed facility, angled parking a door on the north side leading out to staff parking, a wash curtain for the trucks and a trench drain running down the center of the building.

#### Project Goals

The building was designed to meet Public Works needs while working within the budget constraints through a pre-cast concrete building. They are making every effort to be a good neighbor, use quality materials and buffering from the neighbors as much as they can. The Village has asked them to look at sustainability as well and the "green" factors.

#### Sustainability Highlights

Geoff Malia explained that they will attempt to use native landscaping and storm water management, keeping it on site and filtering it through the bioswale. Within the building, they will be using low flow plumbing fixtures as well as a high performance gas unit, lighting and building envelope. They will also try to specify materials that are harvested or manufactured

locally so it minimizes the footprint on the environment. Finally, the indoor environmental quality in the building itself – there will be a number of windows up high to let the daylight in a minimize the use of lighting. They we also utilize the use of low emitting materials.

#### Project Imagery

Mr. Malia explained that the slide presentation illustrated some examples of roof accent options that would mirror some other buildings in the area. Along the County Line Rd. west elevation the precast will have a thick brick veneer with real brick imbedded into the precast resembling the texture of a residential building. Within the wall there is an insulation of concrete to minimize the heat loss. On the back of the building is an example of stained precast, which mirrors the front of the building more cost effective.

Two illustrations of salt storage facilities were shown. One, a dome style, was constructed of concrete blocks with a fabric dome. The other had a concrete base and pad to prevent salt leakage as well as being able to push up against the walls. Above that is a wood frame structure with wood siding. This design would be more sensitive to the area and fit into the more rural setting.

#### Chuck Stewart, Urban Forest Management

Mr. Stewart began his presentation with a discussion of the lighting. The lighting rules state that exterior lighting will be for security only and shielded for a low spillage factor. The front door light will be moved to the north side of the building.

The fence is going to have an open gate, interclad cyclone, anodized aluminum with a dark look.

#### Landscaping

34 Spruce trees are planted along the south berm.

Functional issues involve:

What are the site characteristics?

What does the site give us to work with?

What is the use of the site going to be?

What are the needs of that use and what are the issues associated with that?

- Salt Storage
- Large paved area
- Bioswale
- Maintenance – try not to design something that is “maintenance intense”

Mr. Stewart would also like to avoid creating a large “salad” for the deer population that he believes might inhabit this area. He added that you must select plants by species and size according the scale of the building.

Mr. Stewart explained that the berm, depending on final engineering, will be 2-3 ft. tall. His plan is to have a staggered row of spruce trees about 8 ft. in height. He has some deciduous trees that are closer to the building that will be larger to give some scale to the building. The shade trees in front will be 4 – 4 ½ inches in diameter, 10-14 ft. tall when planted. Some ornamental trees will grow to 15-20 ft. tall at maturity. The proposed development to the north has a berm and a landscape buffer. There will be deciduous trees planted to the north, to keep it simple along the staff parking lot and allow room for snow storage.

There will be no trees in the bioswale; Larry Thomas will have to calculate the water flow.

Mr. Stewart will create a continuous plant hedge (deciduous plants) that will be 8-10 ft. tall along the fence line in the front. Their goal is to provide landscaping to the site, provide screening and provide a nice look to the scale of the building.

**Al Maiden, Director of Planning (Rolf Campbell & Associates)**

Mr. Maiden explained that 50% of his work is for municipalities and other governmental agencies and 50% is for private applicants coming in with a private land use for a particular area. This gives a rather unique perspective in regard to the preparation of comprehensive plans for municipalities because he looks at both public and private land uses of what is required. There are a range of activities that one has to address with a comprehensive plan. He has been the Village Planner for over 15 years. The Village has prepared several comprehensive plans and various updates. The current plan is the 2007 Plan as seen on the exhibit. The 2002 Plan, was the first time the possibility of the Eastgate area was mentioned and its development. The changes seen over this time period, the Picnic Grove Subdivision, the Rt. 22 office complex, 1111 Rt. 22 offices – all went through a Special Use review. That's part of the purpose of this. Many of the special uses of this type occurred in residential zones. By using the Special Use process, the various experts are given an opportunity to give input as well as from the public.

Mr. Maiden stated that in regard to the 2007 Plan, the Eastgate Development is planned for a mixed group of uses which includes both residential, non-residential, commercial etc. as spelled out in the Comprehensive Plan. The Comprehensive Plan is a document that individuals can use should they decide to move into the community and want to know what the future plans are for the area. It's not a zoning ordinance – it provides general guidance for the future. While there are differences in regards to the location factors for special uses, whether they be public or private, the standards one may be addressing in regards to how do they meet the zoning ordinance, or the concerns of the character of the area – those are a different matter.

The Eastgate Development is defined generally as that area of the Village bounded by Route 14, Route 22, and the eastern corporate limits. As the gateway to Fox River Grove from the east, it has a major impact on the perceived character of the community. The area can accommodate a variety of uses.

- Continue to expand commercial, condo/townhome, and nonresidential uses south of Highway 22 in the Eastgate redevelopment area with due respect to the currently existing single-family dwellings in the area.
- New locations are needed for existing light industrial uses to relocate and retain those businesses and employees who may be potentially displaced by any future redevelopment of the downtown.

Mr. Maiden explained that the boundaries of the Eastgate areas were selected because many of the areas are filling in over the past 15 years with commercial and residential and there are not a lot of areas left to locate these facilities. What was seen in the Eastgate area were changes along Rt. 14 and Rt. 22. This area is the interior convergence of those two trends.

He stated that the existing public works facility is in a residential area. Some public uses are permitted uses in the residential zoning districts. For a permitted use, a public hearing isn't needed. This type of use does have the opportunity for individuals to give positive feedback and make recommendations for refinements. That's why a Special Use approach is always recommended in a residential area.

The types of homes in the Eastgate area include homes that have heavy truck traffic parked at the home and trailers parked in front of other homes. The architect is trying to design roof lines, etc. in conjunction to homes in the area.

#### Buffering

- Berms
- Landscaping
- 50 ft. green space setback giving a lot more area for landscaping
- Off-site landscaping – will be open for discussion should residents feel more is needed
- Architectural features – there will be an opportunity for refinements as well

#### Zoning Compliance Table

The Village Zoning Ordinance has a provision that says for a Special Use, one must meet the standard for the district where it is located. Except as regulations that may be specifically modified for the Special Use by the Village corporate authorities. The Zoning Board is group is a recommending body and the Village corporate authority will make the final decision what standards they do or do not modify. In regard to going through the standards of the R1 district, there is only one area that has an exception, and that is the front yard setback for a portion of the building. The typical standard is 50 ft. and they are requesting 30 ft. The front yard setback will consist of additional landscaping and berming. The Village Engineer already testified why the building cannot be moved back to the 50 ft. due to the drainage. There is only one standard that has a slight departure. Looking at that, in my opinion, this Special Use does comply with the factors listed in the zoning ordinance and is consistent with those standards for granting a Special Use.

Village Administrator Osten distributed the Proposed Findings of Fact to be completed by the Zoning Board. He explained that every petition for a Special Use that comes before the Zoning Board is required complete a Findings of Fact. He stated that, based on the presentation tonight, the ZBA could modify it as they wish. Chairman Celske would prefer to hold off on the Findings of Fact until the Zoning Board has gone through the entire hearing and heard from everyone wishing to speak.

Chairman Celske asked Mr. Osten for a hard copy of the presentation and marked it "Group Exhibit 6". Mr. Osten also provided a copy of the resumes for Mr. Osten, Mr. Stewart, Mr. Thomas and Mr. Maiden which will be marked "Group Exhibit 7".

### **ZBA Q & A with Village Consultants**

#### **Larry Thomas, Village Engineer**

Chairman Celske: With the anticipated increase in vehicular traffic truck traffic, we're told that the Village has 99 pieces of equipment to be stored in this facility. You said that County Line Rd and North Rd have a 12 inch base and 3" of pavement. Over the long run, is that base and pavement sufficient to withstand the wear and tear of this traffic? Would it be advisable to make any road improvements in anticipation of that increased traffic?

***Mr. Thomas explained that it will withstand as well as current streets. With the new location, there will be less impact on Village Roads because they will be traveling more distance on a State highway. No road improvements will be done.***

Chairman Celske: Several residents expressed concerns, not only about the possibility of this proposed facility putting an undue burden on that drainage system in that area, but also there being current drainage problems that have manifested in the back yards and over some of the roads. Has the Village looked into that and have they asked you to review it in the past?

***Mr. Thomas stated that it has been that way for many years. Those are natural low areas that have been cut off from their natural drainage path from Rt. 22. For the last 3 or 4 years, those areas have had standing water from heavy rainfall. The area in front of the former restaurant is a natural wetland with the drainage path behind the Motel and Doyle Rd. That drainage was disturbed when the railroad was put in. Under Rt. 22, the drainage is not free flowing and that's the reason they have the wetland area off of North Rd.. The culvert pipe under Rt. 22 heads to the south and doesn't hit North Rd. which blocks the flow of water and that's why that area fills up with water and doesn't drain. The Village has attempted to mitigate that problem with the development of the small shopping area. They've improved the drainage swale through there and improved the flow of water underneath Rt. 22 to help move the water more quickly to the Fox River. What we're proposing to do is not going to hurt the situation but it's not going to help the situation either.***

Chairman Celske: What do you have to do to in terms of the retention pond, to give it adequate capacity in light of those additional two acres that were not taken into account when that was excavated?

**Mr. Thomas stated that it will be up to the County to make the final decision on that. What we're proposing is to add an acre foot worth of capacity to the basin. The storage volume in that basin from lower water level to higher water level is about 3 feet. We will be excavating the surface area of 1/3 to 1/2 acre to give it the surface area that it needs to store the additional water. It will be wider but not deeper. We will be pulling that west bank back and squaring off the basin. The northwest corner will not be squared off.**

ZBA Member Murren: What is the traffic ratio using North Rd. to County Line Rd. in getting out every day?

**Mr. Thomas explained that coming into the property will be primarily down Rt. 22 to County Line Rd. and exiting, depending on where they're going, it would be safer to make a right hand turn on to Rt. 14, so that would mean they would go down North Rd. to Doyle.**

ZBA Member Schneider: The weight per axle on the salt trucks – is that greater than anything we have with our Village trucks? Is it equal to or greater than? Are we limited on our streets?

**Mr. Thomas stated that he would guess it would be greater than. But it would be within the State limits. We are not limited on any of our streets. Heavy trucks do damage but not any more than it is currently.**

ZBA Member Schneider: Does the new detention pond help?

**Mr. Thomas explained that It may help the property to the south somewhat. That homeowner is having property with some surface drainage coming onto his driveway from the north. Right no, two acres of that property do drain in that direction. That two acres, instead, will be taken back to the detention basin and released in the southeast corner. Those two acres will no longer be draining in his front yard. The berm will help as well.**

ZBA Member Schneider: What is a bioswale?

**Mr. Thomas explained that coming off of any paved surface, a lot of sand and grit accumulates when it rains. The intention of a bioswale is to filter out those solids and keep them going into the basin. As a result, the bioswale has to be cleaned out periodically. Also, the nutrients in the flow would get picked up by the plants in the swale. The intention is to try to help improve that flow by moving the water through that swale before it releases directly into the pond.**

ZBA Member Dufern: Is there a way to improve the water situation by increasing the size of the detention basin? Flooding now comes across Ski Hill and Woodbine as part of the natural flow back to the river.

**Mr. Thomas stated that they are going to keep the flow rate out of the basin the same as it is currently. We are not going to enlarge that pipe. We are going to retain all of the original water within the basin at the existing rate. We have a right to come in and ask for an increase in that flow rate but we're not going to do that. The areas along Rt. 14 that have standing water in them right now will continue to have standing water.**

ZBA Member Dufern: Does the bioswale filter out chemicals like fuel spills and salt that may be on the pavement?

***Mr. Thomas explained that in terms of the fuel, we don't anticipate that there will be any fuel spilled. The tanks have double containment on them so there will be no breakage situations. But, there will be occasional dripping from the vehicles. That does go into the bioswale that will help remove those materials. As far as the swale goes, our intention is to have good housekeeping. If you have too much salt, you kill the plants in the bio swale so, obviously, that is one reason to control it. Plants don't filter out the salt. The salt would be absorbed into the soil. The containment of the salt should prevent water damage. The Village must make sure there are good housekeeping techniques which are enforced when trucks are being filled and cleaning up afterwards to make sure the salts are not going into the bioswale.***

ZBA Member Dufern: Concerned about the 30 ft. setback. Have there been any alternate plans to position the building any differently on the site to maintain that 50 ft. setback on that western boundary? ***Mr. Thomas explained that the building has been turned every which way, trying to come up with the optimum position of the building.***

Attorney Donahue: The property will drain from the west to the east after it is graded. That would help the property owner to the south from the sheet run off he currently experiences. Some of that water that flows south on his property also makes its way into the drainage area which then flows around to Rt. 22 so is there also some benefit to the whole drainage area by grading it from west to east?

***Mr. Thomas explained that on those two acres, the flows go south on his property and they move from the southeast to the northwest, moving toward that low area in the center point of North Rd. Those two acres won't be making that route anymore.***

Attorney Donahue: Are there environmental regulations that govern the storage of above ground fuel tanks? Are there protections for spills involved? From an engineering standpoint, these storage tanks are designed according to current regulations?

***Mr. Thomas stated that there is containment on the facility so if there is a puncture of the tank, it will be captured within the shell. You could cause a spill through the hose if the fuel is pumped improperly but that is an operator issue. The tanks meet current regulations.***

Attorney Donahue: How is the grading around the salt storage? Is there anything special done with that?

***Mr. Thomas explained that the salt storage facility will be slightly higher than the surrounding driveway so the water flowing from the west to the east will go around the building and into the bioswale. There will be a concrete apron into the building for the salt storage and loading operation.***

Attorney Donahue: One of our standards is whether adequate utilities have been or will be provided.

***Mr. Thomas stated that both the water and the waste water facilities building are located at the southwest corner of the Talon Office Park with a water main that terminates at the joint of the property. We will be extending that water main across the front of the property and a***

*water service line will be brought into the east end of the Village. As far as the sanitary sewer, we will be putting in a small lift station at the east end of the garage which would serve the sanitary waste in that location. The sanitary sewer is located at the southeast corner of the Talon property.*

Attorney Donahue: Electric is available to the site? Natural gas?

*Mr. Thomas stated that electric is available to the site. He, however, has not done any work confirming the size of the lines. Natural gas is available to that site as well.*

Attorney Donahue: Attached to Exhibit 6 is a bigger site plan. The bioswale is listed at 22 ft. 4 inches. You mentioned it was 20 ft. Is that the actual dimension?

*Mr. Thomas stated that the actual size is 22 ft. 4 inches.*

### **Resident Q & A for Village Engineer, Larry Thomas**

Jerome Ziomek, 1014 North Rd.

- Concerned about the portion of the property that will drain into the ditch. *Mr. Thomas explained that although he hasn't designed it yet, he anticipates that the first 20 ft. of driveway will be tilted toward the road but there would be a pitch point for the rest of it to go to the east.*
- Will the small lift station handle all of the sewage and where will all of the run off from all of the vehicles go within the building? *Mr. Thomas explained that there will be a triple basin separator before it goes into the grinder pump station. From the grinder pump station it goes up into the sanitary sewer system. Everything from the building will go into the sanitary sewer.*

Kurt Wandrey, Lakewood Real Estate Solutions (Planning Consultant hired by residents)

- How does the bioswale work in the winter when the plants are dormant? In the event of an emergency or some neglect or failure to do it right, how do you control for that and where is your protection in the dormant months? *Mr. Thomas explained that the intention is not to be releasing salt into the bioswale area. The intent of the salt storage facility is to keep the salt out of the weather and the protection will be in the training of the crews and making sure that they're doing their operation properly.*
- Deliveries will be coming in with 800 tons of salt which is going to be a heavy truck. Is it because it is being delivered directly that the weight requirements from the State aren't covered on local streets? *The State has a limitation on how heavy the axels can be. That truck will spend most of its trip, in this case, on state highways and will have a distance of 500-600 ft. to go to get from Rt. 22 to the entrance drive going down to the site. When it comes out, the truck is empty.*

- If I were an auto repair shop and contractor's storage yard and I was asking this Board to consider it today, would the community make me rebuild that street with a bearing ratio equal to the proposed impact that's likely to occur? ***Mr. Thomas did not have an answer to that.***

Glenn Kayler, 1017 North Rd.

Mr. Kayler is concerned about salt contamination affecting his well. He anticipates salt spilling out as the trucks bump along the road as well as when the trucks load and unload. ***Mr. Thomas doesn't agree. A salt storage facility is being built to guard against salt contamination. He reiterated that the separation required from a well is 200 ft. and the storage facility will be in excess of 400 ft. from his well.***

Joe Sgarbossa, 1006 South Rd.

- Mr. Sgarbossa is concerned about not increasing the rate of water of the detention pond. When you start paving those 4 extra acres there is going to be extra volume. It might not come out as fast but it's still going to continuously come out during flood time. Mr. Sgarbossa has pictures before, during and after a 3 ½ inch rainstorm and even before the rain it was full to the top and it was draining. He doesn't believe that it has the capacity for the land that is there now.
- Is the salt laden snow is going to be pushed into the bioswale with the dormant vegetation? The way the bioswale is currently, the top of the pond is much higher than the site so you're going raising the elevation of the site. The side of the retention pond is more like a dam. It seems as though it will need to be raised a few feet over the top of the detention pond. Half of the berm will be draining into your site and the other half will be sending more water into the neighbor at the north. ***Mr. Thomas explained that the snow that is on the site will be pushed to the east to the bioswale. He also stated that the garage site will be graded so it flows from the west to the east and none of the flow will go to the south.***
- There will be more water going toward the south to the street. There is already a flooding problem on the south end of the street. Also, the street is not 20 ft. wide. It is only 18.6 ft. wide. ***Mr. Thomas stated that he did not say that they would be sending more water to the south down County Line Rd. He simply stated that the apron of the driveway would be going in that direction. There is already water going from that property long there. As far as the street width, 20 ft. was only an estimate.***
- Is there any plan to widen the road? This is going to cause a traffic problem because people park on that street. The standard for streets in an industrial area is 30 ft. wide. There is a 30 ft. wide street at the current public works facility – although it was widened with gravel. The gate entrance is 36 ft. He stated that their kids travel down Doyle Rd. with no sidewalks and street lights. The snowplows will be traveling on those streets at night and it will be dangerous for our children. There are also curbs on the proper street and the curbs have storm drains that carry the run off from the streets

into the water. The water does not go into the ditches. These storm sewers are supposed to drain to the river with all the pollution from all the traffic. If your housekeeping is not right, the contamination is going into the soil and our aquifer that we all drink from. Some aquifers travel underground for blocks bringing contamination all over. Although the standard might be 200 ft. or 400 ft. for municipal wells but, in truth, with the aquifers underground and the very poor soil, the water can travel for miles underground. Lake Barrington has jurisdiction on their site and their well was less than 400 ft. from the site and he is down stream. Maybe you need permission from Barrington also, because they have stricter zoning regulations. It is a recognized FEMA flood zone and you're adding 4 more impermeable acres. **Mr. Thomas stated that there are not plans to widen the road.**

- Mr. Sgarbossa also stated that it is just the end of the culvert that's raised up under Rt. 22. Under the street it's perfectly level.
- Mr. Sgarbossa believes that there is supposed to be a rear setback on the property. Your setback is going to be the bioswale. What is the side yard setback? **Chairman Celske stated that the rear setback for residential is 60 ft. Side yard setback is 15 ft.**

ZBA Member Rich Murren

How wide is North Rd? There is has been a semi truck parked on a property on North Rd. for 30 years. That resident has done more damage to North Rd. over these years than these trucks have the potential to do. Under current conditions in this town, you're not allowed to park a semi-truck in a residential area. Who knows what he's hauling or spilling out the back. He is non-conforming with that truck. Anything we do will be an improvement. **Residents argued that the truck just sits there and never moves.**

Diane Durso, 424 Concord

She stated that since the truck is empty it should be a non issue.

Ms. Durso asked about the culvert on Rt. 22 and that fact that it was improperly installed. **Mr. Thomas explained that the invert of the north end of the pipe is higher than the invert of the pipe on the south end.** Is that a Village issue, a township issue? **Mr. Thomas explained that it is state highway.** Is this the first time the Zoning Board has heard about this culvert? Will someone in the Village pursue the state to try to correct the flooding in this area? **Chairman Celske stated that this is the first time many of the ZBA members have been made aware of the culvert. It is not the Zoning department's authority but it might be something worth talking about.**

Larry Huerta, 1012 North Rd.

- Mr. Huerta would like to know if there is a possibility of eliminating North Rd. altogether as an access Rd. using County Line Rd. instead. Could a traffic signal be installed? ***Mr. Thomas explained that the Village has a concern about trucks making a left turn onto Rt. 22. We would never have enough traffic to warrant having a traffic signal at that intersection.***
- What about the 99 vehicles as stated previously? ***Mr. Thomas explained that there are 99 pieces of equipment. Jon Huizinga, Superintendent of Public Works explained that there are 23 parking stalls in the garage and only 4 heavy trucks, 3 light trucks 3 medium duty and the rest are mowers, trailers, etc.***
- The roads are 18 ½ ft. wide and when company comes over, people have to park on the road which is going to block part of the road for trucks. They won't be able to get around very well. Should that be considered an issue? ***Mr. Thomas explained that the current facility has the same issues on Hillcrest.*** Mr. Sgarbossa corrected that Hillcrest is 21 ft. – he measured the road.

ZBA Q & A for Architect, Brian Wright

ZBA Member Murren: What is the total height of the building? ***Mr. Wright stated that the proposed height is 27 ft. with an overhead door of 14 ft.*** What is the highest lift on a bucket? ***Mr. Huizinga answered 16 ½ ft. but several feet above that is needed.***

ZBA Member Dufern: Is there a possibility of omitting one of the entrances so there are 2 instead of 3 or 1 entrance and 1 exit going on to County Line? ***Mr. Wright stated that operationally it works as a "U". The design is based on being able to get around the building and back out instead of turning around and creating a bottleneck.***

ZBA Member Dufern: Are there any additional height accommodations for mechanical bays to be constructed as far as lift stations? Any plans of how Phase 2 will be incorporated into this facility? ***Mr. Wright explained that there was talk early on of the storage needs of the Village. As far as structural enhancements needed, it was decided that the building would remain exclusively a storage facility and address the repair site at a different time.***

ZBA Member Murren: Is it possible to take the southern driveway, instead of coming out on County Line, come to the edge of the building, take a right and you're into that second driveway and then exit? ***Mr. Wright isn't sure they could make that turn but that is something to look at.***

Chairman Celske: What are the width and lengths of the proposed structure? What is the size of the current public works facility? ***Mr. Wright stated that the proposed structure is 87 ft. wide, 226 ft. long and 19,854 sq. ft. total. Mr. Huizinga stated that the current storage facility on Hillcrest includes a 144 sq. ft. maintenance building and a 3500 sq. ft. storage facility.***

Chairman Celske: In other words, we are proposing to build a facility that is roughly 3 ½ times the size of our existing storage facility, consisting of 2 buildings. Chairman Celske is concerned that this building is going to be crammed up against the road and he's not persuaded that we need a building of this size. If you shorten the building you could create a much more sufficient buffer and setback.

Chairman Celske: Have you thought of limiting the traffic to County Line Road? Chairman Celske explained that he sat on County Line Rd. at 7am on a weekday morning observing the traffic for around 15 minutes. He stated that there are large gaps in the traffic and doesn't see it as a problem turning onto Rt. 22. He is concerned about turning North Rd. into a driveway. ***Mr. Huizinga stated that diesel trucks don't have acceleration like a passenger vehicle. He doesn't want his vehicles to be causing accidents. He sees it as a problem.***

Village Administrator Osten explained that a space needs study was performed that determined that in order to preserve the vehicles they must be protected. If the garage is shortened, vehicles would have to be parked outside. Some vehicles will still be parked at the pumping station and waste water treatment plant. Mr. Huizinga explained that vehicles with trailers would have difficulty and would end up hitting walls and other vehicles. Mr. Wright stated that it would lengthen response time in getting plows out of the garage.

#### **Resident Q & A for Brian Wright, Architect**

##### Jerome Ziomek

Mr. Ziomek asked about the design of the salt storage facility. ***As explained previously, Mr. Wright stated that the proposed facility would have a concrete base and pad to prevent salt leakage. Above that is a wood frame structure with wood siding and a thermoplastic roof which will be white/reflective.***

##### Janice Molenaar

Ms. Molenaar asked about the dimensions of the salt storage facility. ***Mr. Wright explained that the proposed facility would be 35 ft. tall and 60 ft. deep providing 100% coverage from the rain. It would hold approximately 800 tons of salt.***

##### Glenn Kayler

- Mr. Kayler's property is directly across from the proposed facility. He is concerned that headlights will be shining into his home. He currently has his home for sale because of this facility. He is also concerned about 3 entrances. No other townships (Cary, Algonquin) have more than 1 entrance. He also stated that the property is a wetland and the building will be on saturated soil. How will the building be supported with that soil? ***Mr. Thomas explained that the Village had soil borings done on the site. Portions of the site will be raised and portions will be lowered. It has not been designed yet.***
- Mr. Kayler also has a problem with the chain link fence which will provide no barrier. He bought his home 4 years and has experienced a total loss of property value. He stated that this facility doesn't belong in a residential area.

Questions followed regarding lighting in front of the building. Mr. Wright explained that the lighting hasn't been designed yet.

Chairman Celske suggested taking a short break at 9:25pm.

The meeting resumed at 9:35pm. Chairman Celske asked for a show of hands from resident that still wanted to make comments. After conferring with Zoning Board members, it was determined that it's not realistic to try to finish all the public comments, testimony, and evidence tonight, deliberate amongst members of the Zoning Board and complete the Findings of Fact. He stated that he would let those remaining speak and then close the public portion of the meeting. The Zoning Board will select a date to reconvene the meeting to begin their deliberation and make a recommendation. Mr. Sgarbossa argued that there have already been 2 hearings and that they should try to finish tonight. Chairman Celske disagreed and continued with the meeting.

#### **ZBA Q & A for Chuck Stewart, Urban Forest Management**

Chairman Celske: There is a natural wooded barrier along County Line Rd. Has the Village considered keeping it? *Mr. Stewart explained that grading is a problem. They will try to balance the site by cutting down higher areas and adding to lower areas. All of the grading will destroy the trees that are there. The planting plan proposed provides for a hedge that runs the full length of the property adjacent to the fence around the building. The plants could be maintained at 8-10 ft. high. The rest of the plants on the west side are designed to keep their limbs close to the ground. There would be two rows (7 ft. from the fence and 7 ft. from the parking lot) with 6 ft. between those 2 rows. The staggered rows would fill in the gaps.*

*The deciduous plants will have the proper scale for the building. The canopy trees will be 60 ft. at maturity. Mr. Stewart would also like to include some oak trees. Flowering plants would be 25 ft. high and 25 ft. wide. It all has to be maintained. All of these plants and trees are very maintainable for the site (sustainability).*

*There will be native plantings for the bioswale. The contaminants aren't necessarily absorbed by the plants but the soil.*

ZBA Member Murren: All of the trees and plants are inside the fence line? *All evergreens and canopy trees are outside the fence line on the west.*

#### **Resident Jerome Ziomek**

What is the cost of taking existing 50 year old oaks and replanting them? *If you want to move an oak tree, you need to prepare it for 2 years and it could cost as much as \$35,000 - \$1 million to move a tree. Is it realistic? No it's not.*

**Resident Q & A for Al Maiden, Village Planner**

Kurt Wandrey

- Mr. Wandrey asked that the presentation be placed on the website. Does this building belong here? Should the Village be trying to work this Special Use into residential zoning? Of the .25 Floor Area Ratio (FAR), did you include the proposed office expansion and are there more than one floor of offices in the FAR? ***Mr. Maiden stated that, yes, it did include the FAR for the expansion of the garage. Village Administrator Osten will make sure the presentation is posted on the Village's website.***
- The side yard setback appears to be standard but did it take into consideration that your building is beyond 20 ft. high. The salt storage facility is characteristic of an accessory use. This building is 4-500% greater than what an accessory building should be. He questioned the rear lot line. ***Mr. Maiden explained that they used the rear property line which is 60 ft. in.***
- Mr. Wandrey stated that now you have a building that is an accessory use in a required rear yard that is 400% larger than would be your standard in a residential zone. ***Mr. Maiden explained that the setback requirements are substantially more than what is required. The interior side yard is 15 ft. You mentioned about the height. We have a 60 ft. setback and a 90 ft. setback that are nowhere near the requirements for the building setbacks. As far as the accessory use, we will have to look at that. Clearly, a salt facility at a garage is an accessory use and we see that in many communities.***
- Mr. Wandrey stated that structural coverage and pavement coverage in the adjacent properties is totally out of character. He is trying to understand how this could be classified conventional zoning. In reviewing all of the permitted uses in all the zoning districts in the Village's ordinance, the closest he could come was a vehicle repair shop which is only allowed in B1-4; parking lot or storage garage B1-5; outdoor storage, contract material & equipment is not allowed in any residential district. There is an interesting restriction in B-1 where the parking of trucks over 1 ½ ton can't be within 150 ft of a residential zone. If you're over 1 ½ tons, you can't park overnight. Those are the issues that Mr. Wandrey looked at when he tried to describe the character of the area and whether it is compatible with the surrounding land use. He explained that we really need to be looking at the burden of proof for Special Uses and those are very clearly identified in the Village's ordinance. After reviewing the ordinance, he doesn't understand how the Zoning Board can grant this. The residents' earlier objection at the last meeting was why the Village is allowing a clearly industrial use as a permitted Special Use in a residential zone – it doesn't seem to make sense. There was a reference that it wasn't any worse than a water filtration plant and those are horrible things, so let's put another horrible thing next to it since that's ok and it's already permitted as a Special Use.

Joe Sgarbossa

Mr. Sgarbossa distributed handouts (Group Exhibit 8). Standards were listed as well as photos of North Rd., South Rd., Doyle and surrounding areas. He also showed the existing public works facility, the road leading to the facility and the public works facility in Cary. He also showed the surface of the shallow Talon detention pond which was full before a 3 ½ inch rainfall.

Larry Huerta

Residents of North County Line Roads paid to have the roads paved in the early 1990's. Why not utilize the existing entrance for the Talon Development and use Rt. 22. If that road gets messed up, it doesn't come out of Fox River Grove to repair it. The road will become destroyed with all of the heavy trucks.

Glen Kayler

He noted that a core truck was parked on the road for ½ day and made an indent in the road. He stated that the roads will be damaged with all of the heavy trucks.

Chairman Celske closed the public portion of the hearing at 10:06 p.m. The remainder of the process will be for the Zoning Board to deliberate, discuss and decide what the Finding of Facts will be and make a final recommendation.

**NEXT MEETING**

*A motion was made by Dufern and seconded by Murren to continue the hearing on Monday, July 12, 2010 at 7:00 p.m. A voice vote followed with all in favor. The motion was passed.*

**ADJOURNMENT**

A motion was made by Murren and seconded by Dufern to adjourn the meeting. A voice vote followed with all in favor. The meeting adjourned at 10:10 p.m.

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Daniel A. Celske, Chairman

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Karen Quid, Secretary

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Date approved