

MINUTES OF THE PLAN COMMISSION & ZONING BOARD OF APPEALS
OF THE VILLAGE OF SOUTH BARRINGTON

Wednesday, September 25, 2013

The meeting was called to order at 7:30 p.m. by Chairman Mr. Michael McCombie. Roll call was taken.

PRESENT: Mr. Kwasek, Dr. Murarka, Dr. Fox, Mr. McCombie, Mr. Decker,
Mr. White.

ABSENT: Mr. Gillis.

A quorum was present.

Also in attendance were Mr. Raymond Wolfel, Village Building Officer, Mr. Brian Baugh, Village Attorney of Storino, Ramello & Durkin, and Mr. John Ambrose, Village Engineer of Baxter & Woodman Consulting Engineers.

Mr. McCombie stated that the first item on the agenda was the approval of the Minutes of the Plan Commission meeting held March 13, 2013. Mr. McCombie asked for a Motion from the Board to approve the Minutes of the meeting held March 13, 2013 as presented. Mr. Kwasek made a Motion. Dr. Fox seconded. Roll call was taken. By unanimous vote the Motion was passed.

Mr. McCombie asked that all participants that will be giving testimony this evening to stand and be sworn in. Mr. Baugh asked the participants to swear that the testimony they were about to give was the truth, the whole truth, and nothing but the truth. All participants answered yes.

Mr. McCombie stated that the next item on the agenda was the Public Hearing for the request for a side yard variance for 15 W. Penny Road in South Barrington. Dr. Fox excused herself from the Commissioner's table and joined the audience because the variance request was for her personal residence at 15 W. Penny Road. Mr. McCombie presented the secretary with Proof of Notification of Surrounding

Properties for the Public Hearing. Mr. Michael Fox, petitioner of 15 W. Penny Road stated that they are asking for a side yard variance to accommodate a proposed sports court measuring 49 feet by 31 feet which will be located on the west side of their home. Mr. Fox stated that they will need the side yard variance in order to center the court more evenly on the property, have access to the garage and accommodate the proposed landscaping for that area. Mr. Fox stated that the top portion of the court will consist of hard plastic interconnecting tiles laid over crushed compacted gravel. Mr. Fox stated that there will be a basketball hoop located on the west side and on the south side there will be a net rebounder measuring 10 feet high by 20 feet wide. Mr. McCombie asked why they were having it on that side? Mr. Fox stated that it was the least visible spot in their yard and far enough away from the road. Mr. McCombie asked what will the rebounder do? Mr. Fox stated that it was for hitting tennis balls against and rebounding back. Mr. Fox further stated that the net consists of a flexible fabric for noise and is spring loaded. Mr. McCombie asked what was the distance of the court to the garage? Mr. Fox stated that it is 30 to 31 feet wide and seventy feet between the garage and property line. Mr. Fox stated that they would prefer not to favor the garage side. Mr. Wolfel stated that a 25 foot setback would conform to an A-2 zoning if they decided to subdivide their property in the future which would be A-2 zoning instead of their current A-1, 5 acre zoning. Mr. Kwasek asked if they would be prohibited from becoming A-2 zoning? Mr. Wolfel stated no. Mr. McCombie asked if there were any ordinances prohibiting building the court in the side yard? Mr. Wolfel stated there was not. Mr. McCombie stated that they are asking for a variance to change from the A-1 classification of a 35 foot setback to an A-2 classification with a 25 foot setback. Mr. Kwasek asked how far off are the solar panels from the property line? Mr. Wolfel stated they are 16.4 feet from the property line. Mr. Kwasek asked if there was screening from the neighbors? Mr. Fox stated that there is a ten foot fence, ten spruce trees, and eastern hemlock trees. Mr. Fox stated that they would like to put in additional landscaping, possibly

two more trees. Mr. White asked if there was any proposed lighting for the court? Mr. Fox stated no. Dr. Fox stated that they already have existing lights on the garage. Mr. Decker asked if there would be any additional lighting in the future? Dr. Fox stated no. Mr. Kwasek asked Mr. Wolfel if there was anything in the ordinances which would prohibit a resident from putting lighting on their house that would shine on their side yards? Mr. Wolfel stated that there is not. Mr. White stated that on one of the drawings it stated concrete slab and asked if they changed the material? Dr. Fox stated that they were not aware of the crushed gravel material when that drawing was done. Dr. Fox further stated that the crushed gravel is a better material that can drain. Mr. McCombie asked if the court will be elevated from the grass? Mr. Fox stated that it may have a slight rise. Mr. McCombie asked if you will be able to see the court from the road? Mr. Fox stated you will not be able to see it from the road because there is a berm in front of it. Mr. Wolfel asked what the fencing material will be? Mr. Fox stated that they were considering chain link but decided to go with the elastic spring loaded fabric rebounder. Mr. McCombie asked what color it will be? Mr. Fox stated that it will probably be green or black. Mr. Fox displayed a picture of the rebounder to the Board. Mr. McCombie asked for comments from the audience. Mrs. Paula McCombie asked if the color will be black or green? Mr. Fox stated he would prefer green and the material that it's made from is very translucent. Mr. Decker asked if this requested setback would need approval from the neighbors? Mr. McCombie stated that all surrounding properties were notified of the Public Hearing. Mr. McCombie stated that the neighbor immediately west of them has written a letter stating they have no problem with the proposal. Dr. Fox stated that they had contacted their neighbor to the west before coming before the Board and they have no problem with the proposal.

Being no further comments, Mr. McCombie asked for a Motion from the Board to make a recommendation to the Board of Trustees to allow the side yard setback to be changed from 35 feet to 25 feet for the proposed sports court addition. Mr. White

made a Motion. Mr. Kwasek seconded. The secretary called the roll. Mr. Kwasek - yes, Dr. Murarka - yes, Dr. Fox - abstained, Mr. McCombie - yes, Mr. Decker - yes, Mr. White - yes. By majority vote, the Motion was passed. Mr. McCombie asked for a Motion from the Board to close the Public Hearing. Mr. Kwasek made a Motion. Mr. Decker seconded. The secretary called the roll. Mr. Kwasek - yes, Dr. Murarka - yes, Dr. Fox - abstained, Mr. McCombie - yes, Mr. Decker - yes, Mr. White - yes. By majority vote, the Motion was passed.

Mr. McCombie stated that the next item on the agenda was the request for the Preliminary and Final Subdivision for Village Enclave of South Barrington (Elias). Representing the petitioner was Mr. Joe Elias, Mr. Jerremy Foss, P.E. of Manhard Consulting Ltd., and Ms. Christina Brotto, Attorney of Brotto/Freel, LLC. Mr. McCombie stated that the Board had previously approved the Preliminary Plan for the Enclave of South Barrington approximately two years ago. Mr. McCombie further stated that since that time, the Preliminary Plan approval has expired, therefore the petitioner is asking for approval of both the Preliminary and Final Plan this evening. Mr. McCombie stated that during the Preliminary Plan process, the Board had many engineering questions which have been addressed in a letter by Mr. John Ambrose, Village Engineer of Baxter & Woodman Consulting Engineers, dated August 27, 2013, revised September 18, 2013. Mr. McCombie stated that in the letter, Mr. Ambrose stated on many issues that "the comment has been satisfactorily addressed". Mr. McCombie asked if that meant he approved of what they did? Mr. Ambrose answered yes. Mr. McCombie stated that on Page 3 it states that the whole subdivision will be graded before any building begins. Mr. McCombie asked if this will cause any additional runoff problems? Mr. Ambrose stated that the intent is to reduce problems by having the roadway higher than the lots. Mr. McCombie asked about references to the plant materials in those areas and asked if Ms. Ann Viger, Village Landscape Architect had looked at it? Mr. Wolfel stated that Ms. Viger had made three comments in her letter dated September 19, 2013 to the Village. Copy of

the letter was included in the Plan Commission packet. Mr. McCombie stated on page 4, item 16, of Mr. Ambrose's letter it states, "we support the recommendation that the Village consider obtaining a separate dedicated security against future impacts to The Ponds detention basin water levels and vegetation resulting from the Village Enclave detention basin as an additional measure of assurance that any issues that may arise can be properly mitigated. We recommend a 5-year time limit for the additional security." Mr. McCombie asked what type of security does he recommend? Mr. Ambrose stated that it should be a dollar amount, probably a bond. Mr. Ambrose stated that the concern was that The Ponds pond is two feet higher than the normal water elevation of the Enclave pond. Mr. Ambrose further stated they were concerned that over time that the water could seep through the existing berm on the west side of The Ponds subdivision. Mr. Ambrose stated that they had an independent firm analyze the material in the berm for seepage factors. Mr. Ambrose stated that the developer will include a clay liner on the new detention basin but the independent firm also recommended the five year additional security in case seepage occurs. Mr. White asked on page 4, item 16a. concerning the comment on the 24 inch outfall storm sewer. Mr. Ambrose stated that they have requested that it be put back on the plan. Ms. Therese Deserto-Cohen from The Ponds Homeowner's Association stated that they are planning on replacing a deteriorating culvert pipe, but did not want to do so until they were informed of what effect The Enclave development will have on the drainage of The Ponds. Mr. McCombie asked if the plan will alleviate the water problem in The Ponds? Mr. Ambrose stated that it would not alleviate the flooding problem in The Ponds, however it would not make it worse. Mr. Ambrose stated that in the past week IDOT had reviewed the drainage plan and have raised some hydraulic concerns. Mr. Foss stated that IDOT requires the berm around the ponds to be one foot higher than whatever the elevation is. Mr. Foss further stated that they are discussing several different ideas to achieve this requirement. Mr. Foss added that it would help having the two ponds be independent from one another and

having separate release pipes for The Ponds and The Enclave subdivisions. Mr. White asked if the water from both subdivisions flows west? Mr. Foss stated that all the rain water from The Ponds and The Enclave flows west into the Higgins Road ditch. Mr. Foss stated they are not changing the drainage pattern. Mr. McCombie asked which culvert pipe is missing from the plan? Mr. Foss stated that the 24 inch culvert pipe going from The Ponds into The Enclave is drawn on the plan. Mr. McCombie asked Mr. Ambrose if the recommendation this evening would have to include subject to approval of final engineering. Mr. Ambrose stated yes. Mr. White asked about the maintenance plan on page 5, item 19 concerning the storm water maintenance plan. Mr. Ambrose stated that eventually it would be the responsibility of the Homeowner's Association. Mr. Elias stated that they modified the plan last week to include the requested pipe being put back on the plan. Mr. Ambrose stated that the pipe location was not where they had recommended. Mr. McCombie stated that the Board's recommendation would include subject to final approval by the Village Engineer. Mr. White asked on page 6, item 23, has the drainage tile study been completed? Mr. Ambrose stated that it has been completed. Mr. McCombie stated on page 7, item 30 and 31, the permit from IDOT is still being worked on and asked if the permit from The CCHD will also be forthcoming? Mr. Ambrose stated that the permit from The CCHD is for the water main extension. Mr. Foss stated that they have approval from The CCHD, but the actual permit will not be issued until the contractor posts a bond. Mr. White asked about the wetlands study on page 7, item 33. Mr. Ambrose stated they received a report from the Corps of Engineers for the existing wetlands and the only wetland is where the pond is going to be. Mr. White asked on page 8, item 34 concerning lots 14 and 15 being in an area of one of the potential wetlands. Mr. Ambrose stated that they were listed as potential depression storage areas. Mr. Wolfel stated that those areas will need to be filled with proper materials for the septic system on those lots which will need to be done during the grading of the site. Mr. White asked about the cul-de-sac radius stated on

page 9, item 46, and if there were any letters received from the fire or school district concerning this matter? Mr. McCombie stated that they have received approval letters in the past from the fire district, but not from the school district. Mr. Wolfel stated that they can require a letter from the fire district approving the cul-de-sac radius as part of the approval for the subdivision. Mr. White asked about the Letter of Credit mentioned on page 14. Mr. Wolfel stated that they will continue to get updated as they get closer to construction. Mr. Ambrose stated that it will need to be updated as time goes by.

Mr. McCombie stated that he would like to open discussion on the CC & R's. Mr. McCombie stated that on page 5 concerning the Common Areas, it was his understanding that once 11 lots were sold, the Homeowners Association would be started and the Common Area land would be dedicated and given to the Homeowner's Association. Mr. McCombie further stated that on page 5, item 3, it states, "(11) Lots in the Subject Property are sold and conveyed by Declarant to Owners and Ten (10) years after the date the first Lot is conveyed by Declarant to another Owner." Mr. McCombie asked if they meant the language to read "or Ten (10) years", instead of "and Ten (10) years"? Ms. Brotto stated that they will change the language to read, "or" instead of "and". Mr. McCombie asked on page 5, item 4, concerning Village of South Barrington Rights, if instead of having the Village lien all properties for a "Non-Performing Party", could they make this a taxing district to alleviate the Village having to put liens on the properties? Due to the fact that common areas and other items were included in this item, no changes were made at this time. Mr. McCombie stated that on page 11, item 1, under Architectural Guidelines, RM Swanson is listed as the only Architect. Mr. McCombie expressed his concern that because there is only one architect named, what would happen if there was a problem in the future? Mr. Elias stated that as the Declarant, he has the control to change this if something does happen in the future. Mr. McCombie asked about the Review Committee on page 12, item 2, which has the right to approve or deny the Owner's selection of

builder. Mr. McCombie asked if this has been done in his past subdivisions? Mr. Elias stated yes and it was put in place in part to preserve the quality of building materials being used. Mr. McCombie stated on page 19, item 13, Accessory Uses and Structures, could they remove in ground pools because of the limitation of lot space? Mr. Elias stated that they could possibly be constructed, but must be approved by the Village. Mr. McCombie stated that in the section describing how to get a Building Permit, it implies that the Building Permit is issued by The Review Committee. Mr. McCombie stated that the Building Permit should be issued by the Village. Mr. Wolfel stated that the Village would issue the Building Permit. Mr. Elias stated that they will clarify the word "it" as being the Village of South Barrington issues the Building Permit. Mr. McCombie asked for clarification on page 27, item 13 concerning Perpetuities. Ms. Brotto stated that it basically means that things cannot go on forever. Mr. McCombie asked on page 22, item 2 under Management, why would there be a time limit of five years when hiring a management company? Mr. Elias stated that it was the same language used for Hidden Lakes. Mr. Elias asked for a suggestion on the language. Mr. McCombie asked if the time limits could be removed from the language. Mr. Elias agreed to remove the time limit language. Mr. McCombie asked on page 12, item (d), "Street cleaning will be charged to the builder at \$250.00 per occurrence without prior notice." Mr. McCombie stated he felt they should be given notice. Mr. Elias stated that the reason for the clause is that the cleanup must be done immediately. Ms. Brotto stated that they can remove the language, "without prior notice".

Mr. McCombie asked Mr. Wolfel if he had any further comments on the submitted documents? Mr. Wolfel stated that he was happy with the documents. Mr. McCombie asked for any further comments. Mr. White asked if the guard shack will be manned? Mr. Wolfel stated that it will be similar to what exists in Hidden Lakes and will have a call button. Mr. Elias stated that it will not be manned.

Being no further comments, Mr. McCombie asked for a Motion from the Board to

recommend to the Board of Trustees, the acceptance of the information seen by the Board for the Preliminary and Final Subdivision for the Village Enclave of South Barrington with the stipulation that the final engineering needs to be completed and approved by the Village Engineer, the East Dundee Fire District is going to issue a letter for turning radius, and the minor modifications will be done to the CC & R's that were reviewed this evening. Mr. Kwasek made a Motion. Mr. Decker seconded. Roll call was taken: Mr. Kwasek - yes, Dr. Murarka - yes, Dr. Fox - yes, Mr. McCombie - yes, Mr. Decker - yes, Mr. White - yes. By unanimous decision the Motion was passed.

Being no old or new business before the Board, Mr. McCombie asked for a Motion to adjourn the meeting. Mr. Decker made a Motion. Dr. Fox seconded. By unanimous vote the meeting was adjourned at 9:00 pm.

Respectfully Submitted,

Christine Latoria, Secretary

These Minutes were approved this 5th day of
February, 2014.