

**MINUTES OF THE PLAN COMMISSION & ZONING BOARD
OF APPEALS OF THE VILLAGE OF SOUTH BARRINGTON
Wednesday, February 18, 2015**

CALL TO ORDER

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

PRESENT: Commissioners Kwasek, Fox, Decker, and Chairman McCombie

ABSENT: Commissioners Murarka, Gillis, and White.

A quorum was present. Also in attendance were Mr. Michael Moreland, Village Building Officer, Ms. Natalie Karney, Village Public Works Officer, and Ms. Melissa Wolf, Village Attorney.

Chairman McCombie stated that the first item on the agenda was the approval of the Minutes for the meetings held November 12, 2014 and December 15, 2014. Commissioner Kwasek made a Motion. Commissioner Decker seconded. Commissioner Fox abstained due to absence from both meetings. By unanimous vote the Motion was passed.

Chairman McCombie stated that the next item on the agenda was the request for final approval for The Glen of South Barrington Subdivision, Unit 14. Representing the petitioner was Mr. Warren Fuller of Fuller and Fuller, Attorney at Law and Mr. Len Kleinjan, PE of Haeger Engineering.

Mr. Fuller stated that the petition was filed on behalf of the family of William R. Rose, specifically called the William R. Rose Grandchildren Trust LLC, which is the owner of the majority of the property. Mr. Fuller further stated that the proposal is to subdivide the parcel into eight residential lots which would be characteristic with almost everything in the Village of South Barrington. Mr. Fuller stated that they have been working on engineering improvements with the neighboring subdivision of Willow Bay. Mr. Fuller stated that the main catalyst for doing this now is to do it before the deadline for the revised MWRD storm water regulations changes that will take effect on May 1, 2015.

Chairman McCombie asked Village staff for their comments. Mr. Moreland stated that the petitioner has taken care of the issues and comments from the preliminary approval. Mr. Moreland stated that the petitioner has agreed to have the existing drive become an emergency access. It will be a construction access first and revert to an emergency access when construction is complete. Mr. Moreland further stated that they have received clarification on the wetland issue and they have worked closely with the petitioner's engineers on the outflow and inflow from Lake Susan which will be of great help to the Willow Bay subdivision.

Ms. Karney stated that the septic fields have been revised to comply with the new State code that went into effect in 2013 and which the Village code will ultimately represent. Ms. Karney further stated that the other issue was the Natural Resource Assessment Report from the North Cook County Soil and Water Conservation District which the Village received a letter today requesting additional information before issuing their final report. Ms. Karney stated that they indicated that they will try to get the report to the Village before the Board meeting on March 19. Ms. Karney further stated that they are questioning the ability of the soil to handle septic systems. Ms. Karney stated that the petitioner has done additional soil borings on each lot, and she had no objection to the septic designs on lots 127, 128, 129, 130, and 132. Ms. Karney added that the other issue that the District brought up was the high water table and sump pumps in basements. Ms. Karney stated that when she talked to the District today, she told them that these issues would be handled during the building permit stage. Ms. Karney recommended that the Board's approval include the stipulation that the report be submitted to the Village.

Chairman McCombie stated that he felt the petitioner's packet was very well done. Chairman McCombie asked if the subdivision had been contacted about the driveway being converted to an emergency road? Mr. Fuller stated that they have been in contact and the Association will be taking this into consideration and this area will be part of Outlot S which should be conveyed to The Glen with the other outlots.

Chairman McCombie asked for comments from the audience. Mr. & Mrs. Ettels of 40 Willow Bay stated that they wanted to make sure that when the homes are built that whatever water is being generated will not create a problem for their subdivision. Mr. Moreland stated that there will be a 100 foot pipe constructed that will be closer to the lake. Mr. Kleinjan stated that there will be a swale down to the lake and if it is allowed in the Village, to have the sump pumps connected to the storm sewer. Chairman McCombie asked if there was a way to memorialize this in the documents? Mr. Fuller suggested that it be done in the Covenants.

Dr. Fox suggested that the Board stipulate that if there are any potential for issues with drainage from lots 131 and 132 that the issue must be taken care of by either connecting to the storm sewer or by some other solution for a house to be put on these lots. Mr. Fuller stated that they would prefer to have the Building Department determine this instead of having it be mandatory.

Chairman McCombie asked for a Motion from the Board to recommend to the Board of Trustees to give final approval for the Planned Unit 14 Subdivision with the following stipulations:

1. The emergency access be furthered discussed with the Homeowner's Association.
2. A covenant to be part of the approval that the drainage be reviewed and addressed by the Village Building Department on lots 131 and 132.
3. A final report of approval be received by the Village from the North Cook County Soil and Water Conservation District.

Commissioner Fox made a Motion. Commissioner Kwasek seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Decker - yes. By unanimous vote the Motion was passed.

Chairman McCombie stated that the next item on the agenda was the final approval of The Munao Subdivision. Representing the petitioner was Mr. Frank Munao, petitioner and Mr. Eugene DiMonte, Attorney at Law. Mr. Munao stated that he had received a letter from the North Cook County Soil & Water Conservation District requesting additional detail pertaining to the delineation of the lots so they can prepare their report. Mr. Munao stated that he was not sure what they needed because he had already sent them a preliminary plat. Ms. Karney stated that she had called the person from the District who wrote the letter and he indicated that he did not receive a Plat of Survey that showed the delineation of the three lots. Ms. Karney stated that she did E-mail him a copy of the Plat of Survey showing the information they requested. Ms. Karney stated that she will let the petitioner know if there is anything further that they will require.

Mr. Munao stated that he had read the report by Ann Lindsey Viger dated 2/16/15 with her comments concerning his subdivision. Mr. DiMonte stated that he was present this evening to answer any questions the Board may have concerning the request for final approval. Mr. DiMonte further stated that, in reference to the report from the District, they do expect to get the report and the only requirement that was missing was the dimensions on the Plat which has now been submitted.

Chairman McCombie asked Village staff for their reports. Mr. Moreland stated that they have been working closely with the petitioner and have resolved many of the issues. Mr. Moreland further stated that they recently received a landscaping plan that is an aerial photograph that has been identified as the landscaping plan because the petitioner requests that the landscaping be left as is. This is how it has been submitted and does satisfy the Village requirements for submittal of a landscaping plan. Mr. Moreland stated that Public Utility Easements beyond the 33 feet Public Road Dedication had not been provided. Mr. Moreland stated that Mr. Munao indicated that the utilities for gas, electric, telephone, and cable are already in the dedicated street right of way. Chairman McCombie asked if it would be normal to have land dedicated in addition to the 33 feet? Mr. Moreland stated that because the utilities are already in the 33 foot easement, he did not see an issue with it.

Mr. Moreland stated that they had requested a Conservation Easement be provided above the flood plain area and the petitioner had declined to provide it. Ms Karney stated that she had recommended that they have it just adjacent to include the flood plain. It was a recommendation to have a Conservation Easement there so that it would show up on the individual Plats of Survey so whoever buys the lot will know this is a restricted area that they cannot do any building in. Dr. Fox asked if this is not on the Plat, how would a buyer know? Ms Karney stated that when a buyer would come in for a building permit, they would see everything on the lot. Mr. Munao stated that the flood plain elevation is stipulated on the Plat of Survey. Mr. Munao further stated that he is not in favor of putting this document on the Plat because he does not know what it means. Who is the easement to and what conditions does it include. Mr. Munao stated that he felt everything is well documented for anyone who purchases the property. Mr. DiMonte stated that a surveyor would also be aware of the areas on the property. Chairman McCombie asked if the Conservancy line also represents where the flood plain is? Ms. Karney stated that if you call it a Conservancy Easement then there will be covenants which would address what it means. Mr. DiMonte stated that this is usually done for larger lots. Ms. Karney stated that the Conservation Easement would probably include more than where the flood plain line is which may reduce the buildable area on the property. Ms. Karney further stated that this was a recommendation to the let a buyer know that there are restrictions on the lot. Ms. Karney stated that it will definitely show up when someone comes in for a building permit.

Mr. Moreland stated that the easements for the existing storm sewer at the north end and southwest corner of the property have been added as requested.

Ms. Karney stated that there were a few items in the Covenants that the Village had requested that were not shown on the final.

Ms. Karney stated that the first item was under Article 3, paragraph 1 under Architectural Control which states, "The finished first floor elevation on the house to be built on lot 3 shall not exceed 850.0 feet per a topographical survey." Ms. Karney stated that she did not disagree with the language, but suggested putting in a statement that the "minimal elevation" be added because of the flood plain in that area. Ms. Karney further stated that she was not too concerned with this because it is a requirement that they have to build two feet above the flood plain elevation. Ms. Karney stated that the second item was in Article 4, Exterior Maintenance, which she had recommended different verbiage for the second sentence. The verbiage currently reads, "The ponds and retention areas shall remain and shall not be filled or otherwise altered by the owners in any way which would adversely affect the functioning of such areas as ponds, retention or detentions areas." Ms. Karney suggested that the language be changed to, "The ponds, flood plain, and wetlands shall not be filled or otherwise altered in any way. A natural vegetation strip shall extend landward a minimum of twenty-five (25') from the ordinary high water mark of lakes, ponds, natural streams, and waterways, or from the delineated edge of a wetland". Mr. DiMonte agreed to change the verbiage as requested. Ms. Karney stated that in Article 5, Section 5, the first sentence should be revised to "wetland" as requested. Mr. DiMonte agreed to change verbiage. Ms. Karney further stated that the last item was that she wanted to add the following to the Covenants: "When a building permit application is submitted for either Lot 1 or Lot 3, verification must be provided on the location of the existing septic treatment area and 20% expansion treatment area for Lot #2. If any part of these treatment areas extend to within 10 feet of the property line, the treatment area for Lot #2 must be modified to meet code requirements by relocation or replacement." Mr. DiMonte will agreed to add the requested language.

Mr. Munao asked when the recommendation would go before the Board of Trustees? Mr. Moreland stated that it should be able to come before the Board at the Trustees meeting scheduled for March 19, 2015 which should be in time for the MWRD May 1, 2015 deadline they are trying to meet. Mr. Munao questioned if the approval would be based on notification of the North Cook County District or their approval? Ms. Wolf stated that the law requires that the District have notification of a variation taking place which has been submitted and the requirement met by the petitioner. Ms Wolf further stated that it is the obligation of the District to submit a report to the Village for consideration. Ms. Wolf stated that there is no Village Ordinance requiring the petitioner getting the report from the District. Mr. Moreland stated that the Village uses the report from the District as a resource. Ms. Karney stated that the District normally sends a cover letter summary with their recommendations. Ms. Karney stated that she did talk to the District today concerning the request for additional information and the District is aware that this has caused delays in the past so they will try to get the letter out before

the Board meeting. Ms. Karney stated that the petitioner has met the requirement of notification to the District. Ms. Wolf stated that the statutory requirement of submitting and application to the District has been met by the petitioner. Ms. Karney stated that the District will try to get the letter back to the Village before the Village Board meeting. Mr. George Kanagin of Phoenix and Associates, stated that the primary function of the District is to assure that during construction there is no improper discharge of silt sediment into creeks and storm sewers from a property. Mr. Kanagin stated that applicants need to give notice to the District and then they give a report to the Village.

Chairman McCombie stated that the Board had received a report this evening from Ann Lindsey Viger concerning landscaping. Chairman McCombie stated that Ms. Viger's report recommended possible removal of Buckthorn from the right of way along Witt Road because it is an invasive species and can cause damage to desirable species. Chairman McCombie stated that he had received comments from one to the Commissioners who was not in attendance this evening, who agreed with the removal of the Buckthorn along Witt Road. Chairman McCombie agreed with the removal of the Buckthorn. Mr. Munao asked if there was a requirement for a landscape plan for along Witt Road? Chairman McCombie stated that there is a requirement for a landscape plan. Mr. Munao stated that he felt there were two issues for along Witt Road. Mr. Munao stated that if the Board was just talking about removal of the Buckthorn along Witt Road, he could deal with that issue. However if the Board wanted a landscape plan provided for along Witt Road, then he had a problem with that requirement. Chairman McCombie stated that every subdivision that he has had come before the Board had a landscape plan. Mr. Munao asked if the Board will be satisfied with the removal of the Buckthorn? Chairman McCombie stated that if the Buckthorn is removed, there may be some landscaping that may need to be added. Mr. Munao stated that he will commit to removal of the Buckthorn only along Witt Road. Commissioner Fox stated that she did not feel they would need to add landscaping if the Buckthorn was removed. Commissioner Kwasek stated that the Buckthorn did not bother him. Commissioner Decker stated that if it is a general practice for the community to clean up this type of shrubbery, then he felt it should be done in this case.

Chairman McCombie asked for any further comments. Being none, Chairman McCombie asked for a Motion to recommend to the Board of Trustees for the final approval of the Munao Subdivision with the following modifications:

1. Covenants - per staff recommendations Item 15, b, c, d, and e.
2. Receipt of recommendation letter from the North Cook County Conservation District.

3. Removal of Buckthorn along Witt Road in Spring.

Commissioner Decker made a Motion. Commissioner Fox seconded. Roll call was taken. Commissioner Kwasek - yes, Commissioner Fox - yes, Chairman McCombie - yes, Commissioner Decker - yes. By unanimous vote the Motion was passed.

Being no further business, Chairman McCombie asked for a Motion from the Board to adjourn the meeting. Commissioner Fox made a Motion. Commissioner Decker seconded. By unanimous vote the meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Christine Latoria, Secretary

These Minutes were approved this _____ of
_____, 20__.