

In The Matter Of:

ZONING PLANNING & APPEALS COMMISSION

17-TA-1

Testimony of:

September 5, 2017

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VILLAGE OF METTAWA
ZONING, PLANNING AND APPEALS COMMISSION

September 5, 2017

Case Number 17-TA-1

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APPEARANCES:

- Mr. Joseph Krusinski, Chairman
- Ms. Wendy Clark, Commissioner
- Ms. Holly Hirsch-Bollhoffer
- Ms. Liz Leonard, Commissioner
- Mr. Mark Meluso, Commissioner
- Ms. Catherine Murphy, Commissioner
- Mr. Orren Pickell, Commissioner
- Mr. Bob Irvin, Deputy Village Clerk
- Ms. Sandy Gallo, Village Clerk
- Mr. Greg Smith, Attorney

1 CHAIRMAN KRUSINSKI: Well, everyone, welcome
2 to the regular meeting of the Zoning, Planning,
3 and Appeals Commission. My name is Joe
4 Krusinski. I'm the chairman of the ZPA.

5 I want to welcome you all tonight. And
6 I especially want to welcome our commissioners
7 and their work since December of last year on
8 these matters as well as the very expert help
9 that we've received in going through these
10 matters from Bob Irvin and from Greg Smith, who
11 have been invaluable in our research and in the
12 work we've been doing. This will be a recorded
13 hearing this evening as it typically is.

14 Will the secretary please call the
15 roll.

16 MS. GALLO: Commissioner Clark?

17 COMMISSIONER CLARK: Here.

18 MS. GALLO: Leonard?

19 COMMISSIONER LEONARD: Here.

20 MS. GALLO: Hirsch?

21 COMMISSIONER HIRSCH-BOLLHOFFER: Here.

22 MS. GALLO: Meluso?

1 COMMISSIONER MELUSO: Here.

2 MS. GALLO: Murphy?

3 COMMISSIONER MURPHY: Here.

4 MS. GALLO: Pickell?

5 COMMISSIONER PICKELL: Here.

6 MS. GALLO: Chairman?

7 CHAIRMAN KRUSINSKI: Here. I declare a
8 quorum present.

9 The first item of business is the
10 approval of minutes of our last workshop
11 meeting, July 26th. Is there a motion to
12 approve those minutes?

13 COMMISSIONER CLARK: I make a motion to
14 approve.

15 COMMISSIONER PICKELL: Second.

16 CHAIRMAN KRUSINSKI: We have a motion and a
17 second. Are there any revisions or changes that
18 are required for those minutes before we approve
19 them? No changes.

20 Secretary, again, please call the roll.

21 MS. GALLO: Commissioner Clark?

22 COMMISSIONER CLARK: Aye.

1 MS. GALLO: Leonard?

2 COMMISSIONER LEONARD: Aye.

3 MS. GALLO: Hirsch?

4 COMMISSIONER HIRSCH-BOLLHOFFER: Aye.

5 MS. GALLO: Meluso?

6 COMMISSIONER MELUSO: Aye.

7 MS. GALLO: Murphy?

8 COMMISSIONER MURPHY: Aye.

9 MS. GALLO: Pickell?

10 COMMISSIONER PICKELL: Aye.

11 MS. GALLO: Chairman?

12 CHAIRMAN KRUSINSKI: Aye. Motion is carried
13 and the minutes are approved.

14 For the information of everyone who is
15 here this evening, the work of the Zoning,
16 Planning, and Appeals Commission consists of
17 reviewing matters brought before us that affect
18 zoning and planning in the Village. This
19 Commission is a fact-finding body and has no
20 final authority.

21 As a result, we make no decisions
22 regarding any matter but only make

1 recommendations to the President and the Board
2 of Trustees of the Village of Mettawa. This
3 evening's proceedings will be transcribed by a
4 certified court reporter. All statements by the
5 public and all testimony given will be under
6 oath.

7 Following the public hearing, our
8 deliberations regarding those matters just heard
9 are open in the sense that all are intended --
10 I'm sorry, all are invited to listen and to
11 watch. The public may not speak during the
12 deliberations of the commissioners.

13 Beginning tonight, we are working
14 through a long list of amendments regarding a
15 variety of matters that were brought before us
16 by the Village of Mettawa. As I mentioned, this
17 work began in December of 2016 and was followed
18 by a number of workshop meetings. The first
19 step will be the Village, through its staff,
20 will provide a general description of each
21 proposed zoning ordinance amendment in the order
22 the amendments are presented in the proposed

1 zoning ordinance amendments document that has
2 been published and made available to the public.

3 Commissioners may ask questions or make
4 comments concerning each proposal in the
5 ordinance as each Commissioner deems
6 appropriate.

7 Step two following the presentation,
8 and that would be comments basically by Greg and
9 Bob, all members of the public, whether you
10 support or are neutral or are opposed to the
11 amendment in question will be allowed to make
12 your case regarding that specific item, in other
13 words, that specific amendment to a zoning
14 ordinance.

15 Commissioners may ask questions of any
16 member of the public who testifies. Note that
17 the testimony from members of the public will
18 only be taken on the item under consideration in
19 the order that was set forth in the ordinance
20 amendments.

21 For instance, if you are here to
22 address the horse and large stable requirement

1 proposed amendment, that item is number eight in
2 the proposed zoning ordinance amendments
3 document and will be addressed only after the
4 first seven items have been discussed.

5 What we're going to do again tonight,
6 which is a little different than past public
7 hearings where there is a specific case that's
8 going to be heard, is I'm going to ask everyone
9 at the outset of the meeting, everyone in the
10 audience to be sworn in. And, again, would ask
11 that prior to giving your testimony, you clearly
12 state your name and your address.

13 Subject to our timing, step three, is
14 around 9:00 o'clock, I will pause the public
15 testimony of tonight's hearing and give the
16 commissioners an opportunity to discuss those
17 items that have thus far been presented amongst
18 themselves. I will allow the commissioners to
19 give input on the items discussed.

20 Step four, if possible and likely that
21 the public hearing on the proposed text
22 amendments will not be completed this evening

1 and that additional public hearings will be
2 needed to address all of the items under
3 consideration, another public hearing may be
4 needed to complete our consideration of all
5 matters.

6 The Commission will make a motion at
7 the end of tonight's public hearing to continue
8 the public hearing to a date certain and that
9 date will be provided to the public. It will
10 probably be our next scheduled ZPA meeting,
11 which is the first Tuesday of each month, in
12 this case October 3rd.

13 Again, as I said with respect to
14 objectors or those wishing to give testimony, a
15 little change in format, as I mentioned, we are
16 going to ask again that specific evidence should
17 be presented as to why you believe any of the
18 information that's presented meets the standards
19 or the revisions for relief requested.

20 Our determination is not based on the
21 number of people for or against a proposal, but
22 instead is a judgment of whether or not a

1 proposal meets the standards as demonstrated by
2 the manifest weight of the evidence presented.

3 We will not hear repetitious or
4 irrelevant testimony that does not address the
5 standards which must be met for the type of
6 relief being sought or for the revisions being
7 contemplated.

8 Unless I hear an objection from a
9 member of the Commission, we will take up
10 deliberation of the case immediately following
11 the public hearing in order to consider making
12 our recommendation or revisions to the Village
13 Board while that evidence is fresh in our minds.

14 The Mettawa Village Code requires a
15 concurring vote of four members of the Zoning,
16 Planning, and Appeals Commission to make a
17 recommendation regarding the application.

18 Again, a lot of what's going to happen
19 tonight is going to be subject to the time
20 constraints. But the point I want to make clear
21 is that we're going to try to get through a
22 batch of these, cut it off, and then allow the

1 Commissioners to make their recommendations,
2 revisions, ask questions, and then come to some
3 conclusion on those specific changes from what's
4 been submitted in a draft form so far.

5 I will now call the hearing on case
6 number 17-TA-1 to order. For the record, again,
7 will the secretary, please, call the roll.

8 MS. GALLO: Commissioner Clark?

9 COMMISSIONER CLARK: Here.

10 MS. GALLO: Leonard?

11 COMMISSIONER LEONARD: Here.

12 MS. GALLO: Hirsch?

13 COMMISSIONER HIRSCH-BOLLHOFFER: Here.

14 MS. GALLO: Meluso?

15 COMMISSIONER MELUSO: Here.

16 MS. GALLO: Murphy?

17 COMMISSIONER MURPHY: Here.

18 MS. GALLO: Pickell?

19 COMMISSIONER PICKELL: Here.

20 MS. GALLO: Chairman?

21 CHAIRMAN KRUSINSKI: Here. I declare a
22 quorum present.

1 Case number 17-TA-1 arises from an
2 application filed by the Village of Mettawa.
3 The applicant seeks findings of fact and
4 recommendations from the ZPA on text amendments
5 related to the following matters: Item one,
6 residential lot coverages and accessory
7 structures requirements; item two, minimum
8 dwelling sizes; item three, short-term
9 residential rentals; item four, amortization of
10 nonconforming uses; item five, zoning
11 application fees, audio-visual and room rental
12 fees and notices to be given for zoning
13 applications; item six, time limit for appeals
14 from zoning administrator's decisions; item
15 seven, horse and large stable requirements; item
16 eight, commercial use regulations in residential
17 zoning districts; item nine, reorganization of
18 certain zoning ordinance sections; item ten,
19 timelines for construction and completion of
20 improvements approved by a special use permit;
21 item 11, height of structures in residential
22 zoning districts; and item 12, matters related

1 to those set forth above.

2 The text amendments, if adopted, would
3 affect property in the entire Village and the
4 amendments, if adopted, are not limited to a
5 certain parcel or parcels of property in
6 Mettawa.

7 Public notice of the zoning ordinance
8 amendments has been given repeatedly. For the
9 record, notice of the hearing on case 17-TA-1
10 was published in the Daily Herald on August 17,
11 2017, in the manner required by law. The
12 secretary has the newspaper certificate of
13 publication, which is admitted as the
14 Commission's Number 1.

15 Notice of the hearing was also given by
16 the Village by posting the agenda and proposed
17 zoning ordinance amendments document on the
18 Village website on August 16th, 2017, and by
19 e-mail to the village's e-mail list on
20 August 17th, 2017, and by mailing the agenda and
21 proposed zoning ordinance amendments document to
22 large stable owners by certified and regular

1 mail on August 17, 2017.

2 The Commission's process prior to this
3 evening's public hearing has been transparent
4 and open. The Commission held five workshop
5 meetings on the proposed amendments on
6 December 6th, February 16th, March 7th,
7 June 27th and July 26, 2017.

8 Agendas for all of the workshop
9 meetings were posted, and members of the public
10 attended those workshop meetings and
11 participated in the drafting of the proposed
12 amendments under consideration this evening.

13 I would like for the record to note
14 that we have received a number of correspond --
15 a number of pieces of correspondence. And they
16 will be entered as an exhibit and they have been
17 distributed to all the commissioners.

18 But, again, for the record, that list
19 includes a letter, as stated, to the large
20 stable owners dated July 17th, an e-mail
21 received on August 31st, from Kathy Nelson, an
22 e-mail and documents sent by Keith Gray dated

1 August 29th, an e-mail from Judy Friedman dated
2 September 5th. There was subsequent
3 correspondence from Keith Gray clarifying some
4 comments that he made in his e-mail dated
5 August 29th.

6 We also received correspondence from
7 the Law Offices of Craig L. Manchik dated
8 September 1st. And there was both an e-mail as
9 well as a draft revision that was submitted by
10 Peter Friedman of Holland & Knight attorneys on
11 behalf of Always Faithful Stables as well as an
12 e-mail that was attached to that document dated
13 8/31/2017.

14 And, finally, the Commissioners have
15 also reviewed ordinances that were provided from
16 the Village of Barrington Hills and the Village
17 of Wayne, both communities in the state of
18 Illinois.

19 I would ask everyone in the audience to
20 please stand, whether you intend on giving
21 testimony tonight or not, you never know. So if
22 everyone would please stand, raise your right

1 hand. Do you swear to tell the truth in the
2 testimony that you are about to give in this
3 matter?

4 (Chorus of "I do".)

5 CHAIRMAN KRUSINSKI: I would ask that, again,
6 a reminder to clearly state your name and
7 address for the record so the court reporter can
8 be sure to document your comments accurately.

9 I'm going to ask the Village
10 administrator, Bob Irvin, and our Village
11 attorney, Greg Smith, to begin with their
12 presentation on the items that we're about to
13 review and to give a little preface, again, to
14 the format we're going to use this evening.

15 So I'll start with you, Greg.

16 MR. SMITH: Thank you.

17 In the back of the room, the Village
18 has provided 30 copies of this document that's
19 also posted on the website entitled Zoning,
20 Planning and Appeals Commission Proposed Zoning
21 Ordinance Amendments. If you don't have a copy
22 of that in front of you, this will be the

1 document that will be referred to during the
2 public hearing on this matter. If you're unable
3 to find a copy back there, if they run out,
4 please advise and we will have copies made.

5 Does everyone who wants a copy of this
6 document have one? Is there anyone who does not
7 have a copy of this document that would like
8 one?

9 The document is organized into the
10 areas that the Zoning, Planning, and Appeals
11 Commission studied as part of this text
12 amendment proceeding.

13 The first of those items is residential
14 lot coverage, which is contained on pages 1 and
15 2 of the document. The changes here are
16 reflected in underlined text for additions and
17 stricken through text for deletions.

18 The ZPA is considering amendments to
19 definitions of certain definitions along with
20 changes to some of the requirements for
21 residential lot coverages. The proposed changes
22 are, first, in the definition of accessory

1 buildings or accessory structures to define
2 those types of improvements as being all of
3 those which are not a principal building and
4 then adding a list by way of illustration of
5 accessory buildings and structures to include
6 barns, garages, guesthouses, horse stables,
7 large stables, arenas, sheds, caretaker's
8 quarters or servant's quarters.

9 There is also a proposed revision to
10 the definition of building, which would have a
11 building include items under similar uses.

12 Similarly, the definition of principal
13 structure has been proposed to be updated to
14 include a -- to distinguish it, rather, from an
15 accessory structure or building and then
16 includes the list of accessory structures or
17 buildings.

18 The definition of structure is also
19 proposed to be amended to indicate that a single
20 structure is one which has similar uses.

21 On the second page, there is a proposal
22 to amend Section 15.105(C) of the zoning

1 ordinance to reduce the allowable percentage of
2 required occupied yard for accessory buildings
3 to be no more than 3 percent down from the
4 current 5 percent.

5 Also, there is proposed additions in
6 both the R-1 and R-2 residential districts in
7 Sections 15.1203(M), 1204(H), 1303(G) and
8 1304(I) to limit accessory buildings on a lot to
9 no more than three without a special use permit
10 first being granted.

11 So those are the proposed amendments
12 under residential lot coverage.

13 CHAIRMAN KRUSINSKI: Bob, if you can just, as
14 a preface, the genesis of the items that are
15 being considered tonight.

16 MR. IRVIN: Sure. It's been quite a few
17 years since the Village reviewed comprehensively
18 zoning code. And the mayor asked the Village
19 Board to submit areas that they thought should
20 be reviewed about a little over a year ago.

21 And over a course of a couple months,
22 about eight or nine items were originally

1 referred to the zoning board but came up through
2 Village Board members. There were a couple of
3 things mentioned by residents. And there were
4 so couple of things that came up during the
5 course of the workshop. So that's what got us
6 here.

7 The original list that the Village
8 Board referred were large stable regulations,
9 impervious surface ratio, definition of
10 commercial, minimum house size, short-term house
11 rentals, amortization rules, and zoning
12 application fees.

13 Most of the areas that are being
14 discussed tonight are surrounding those. There
15 were a few more added during the work of the
16 zoning board.

17 CHAIRMAN KRUSINSKI: Okay. So now at this
18 point, I would like to open this item up to the
19 residents or the audience for comments.

20 Again, if you would raise your right
21 hand, state your name and address prior to
22 making your comments.

1 MS. STEVENSON: I am Juliette Stevenson,
2 14371 Riteway Road. I just have a question, for
3 those residential lots that don't currently have
4 a principal structure under the new definitions,
5 what do they become?

6 In other words, if there is a large
7 stable that doesn't have a residence and it's in
8 the R-1 zoning, they're only made up of
9 accessory buildings then, how does that impact
10 the zoning going into the future? If that
11 property were to sell, does it run with the
12 land? Do they become nonconforming then they
13 have to build a house, but they are over
14 impervious? What happens going forward with
15 something like that?

16 CHAIRMAN KRUSINSKI: So we understand your
17 question, if there is an existing lot and it has
18 perhaps just a --

19 MS. STEVENSON: It's in the R-1 but does not
20 have a conforming R-1 house.

21 CHAIRMAN KRUSINSKI: Does not have a
22 residence on it and it's in operation, so to

1 speak?

2 MS. STEVENSON: Yes.

3 CHAIRMAN KRUSINSKI: What would be -- what
4 would it be subject to going forward?

5 MS. STEVENSON: Yes.

6 CHAIRMAN KRUSINSKI: As an example, they
7 wanted to build a house or they wanted to build
8 accessory structures?

9 MS. STEVENSON: Do they become grandfathered
10 in because they already currently have accessory
11 structures.

12 CHAIRMAN KRUSINSKI: My guess is they would
13 be subject to the revised ordinance.

14 MS. STEVENSON: So if they want to build a
15 house, but they're over impervious and they only
16 have principal structures, I'm just curious
17 because I live near some of them and property
18 values can be impacted and things like that. So
19 I'm curious.

20 CHAIRMAN KRUSINSKI: So they're nonconforming
21 to begin with?

22 MS. STEVENSON: Right. Now they will be

1 nonconforming.

2 CHAIRMAN KRUSINSKI: Now they would be
3 further nonconforming.

4 MS. STEVENSON: Yes.

5 CHAIRMAN KRUSINSKI: That changes things a
6 little bit.

7 MS. STEVENSON: Yes, that's my question for
8 the future.

9 CHAIRMAN KRUSINSKI: So we are clear on the
10 question. Thank you.

11 MR. SMITH: As a general principal, under the
12 zoning ordinance, if you're legal when you're
13 built, then you can continue to operate those
14 structures and maintain those structures going
15 forward. That's what's known as grandfathering.

16 Section 15.304 of the zoning ordinance
17 and the other sections, in the 300s of the
18 zoning ordinance, address legal conformities,
19 which is your situation.

20 These proposed amendments on
21 residential lot coverage doesn't directly
22 address the situation that you're talking about.

1 But if someone wants to build more -- if someone
2 wants to build more impervious area on their lot
3 than the zoning ordinance currently allows, the
4 mechanism is to seek a variation upon a showing
5 of hardship to allow them to do so.

6 MS. STEVENSON: Okay. So that would be a
7 principal structure and not an accessory or a
8 residence. That's my concern. If somebody
9 wants to actually build a residence, then that
10 makes them further nonconforming, how does that
11 get handled in the future?

12 MR. SMITH: That would have to be addressed
13 through a variation process because there is an
14 overall impervious limit on these properties,
15 which is not part of this package of amendments
16 under number one.

17 But, in general, if you are over the
18 impervious limits, then the way that you get a
19 building permit to allow for the structure or
20 improvements to be built, you must first obtain
21 a variation.

22 MS. STEVENSON: Thank you.

1 COMMISSIONER PICKELL: If the impervious is
2 15 percent, we're talking about the outbuildings
3 of this, the secondary structures to a primary
4 residence. So if, let's say the -- we will call
5 it the outbuildings or the barn or the garage
6 are over 3 percent, then we know they are over 5
7 percent, if they didn't go over 15 percent and
8 they wanted to build a house, would they have to
9 still get --

10 MS. STEVENSON: If they already are because
11 they're nonconforming without the residence --

12 COMMISSIONER PICKELL: But they're not over
13 the 15 percent. If they weren't over 15 percent
14 by adding a residence, would they still have to
15 get a special use or a variance?

16 MR. IRVIN: Let me ask a question maybe to
17 clarify something. I believe our zoning code
18 requires a principal structure be built before
19 any accessory buildings are built. Unless it's
20 in a special use, if you're talking about where
21 the Village in a special use has waived that the
22 principal owner live on the site but it has a,

1 say, caretaker, single-family house, that meets
2 the qualification of a single-family house and
3 the residency has been waived.

4 I can't think of any property in town
5 that has a permitted use, accessory building
6 only without a residential.

7 MS. STEVENSON: But you guys are redefining
8 caretaker quarters as accessory now. So that a
9 principal --

10 MR. IRVIN: If you're talking about
11 properties that have special uses on it that
12 have already waived that, then it would be a
13 nonissue because they have a special use on the
14 property.

15 MS. STEVENSON: But going forward, if
16 somebody were to buy that property and want to
17 build an actual residence --

18 MR. IRVIN: They'd have to amend the special
19 use. And if I understand it correct, if the
20 recommendations for not intensifying the horse
21 uses on that property, that doesn't change the
22 residence part of it, correct?

1 MR. SMITH: Correct.

2 MR. IRVIN: So that should be okay.

3 MS. STEVENSON: Thank you.

4 CHAIRMAN KRUSINSKI: Any other comments?

5 Yes, sir.

6 MR. FRIEDMAN: Good evening. My name is
7 Peter Friedman with the law firm of Holland &
8 Knight. I represent Always Faithful.

9 Just a quick question, Greg, on page 2,
10 with regard to Section 15.105(C) and 15 -- the
11 two for the R-1 on the accessory structures, for
12 those with an existing special use permit that
13 allowed greater than that percent in 105(C) or
14 that number of accessory structures, I assume
15 these would not restrict or not apply to that
16 special use permit that already exists?

17 MR. SMITH: An analysis of the legal
18 nonconformity standards in Section I believe
19 it's 15.304 of the zoning ordinance would have
20 to be made.

21 But as a general principal, you are
22 correct, that a use that's legal at the time

1 it's built is allowed to continue to exist.

2 MR. FRIEDMAN: The only thing I would say is
3 we have a special use so that is not a legal
4 nonconforming. That is a legal conforming
5 situation. It's not a legal nonconformity, we
6 have a special use that grants us that. So I
7 want to confirm those restrictions don't apply
8 to us because we have an ordinance granting us
9 the ability to be higher than those.

10 MR. SMITH: I would give the similar answer
11 and I could certainly look at that and provide
12 an analysis to the appropriate entities in that
13 regard. I have not reviewed that in depth, but
14 we would certainly accept comment on it if you'd
15 like to make some.

16 MR. FRIEDMAN: Chairman, that's something to
17 clarify as you go forward.

18 CHAIRMAN KRUSINSKI: Thank you.

19 Any other comments on item one and the
20 revisions proposed?

21 COMMISSIONER PICKELL: I have a comment.

22 Just to make it clear, when it says "principal

1 structure, the main or primary structure," can
2 we say primary residential structure?

3 MR. SMITH: There are principal structures
4 outside residential districts which are not
5 residences. So a principal structure in the
6 hotel/office district would be for this lot the
7 hotel building.

8 COMMISSIONER PICKELL: So this isn't for R-1
9 or R-2?

10 MR. SMITH: These are generally applicable
11 definitions that apply across all your
12 districts, so they need to be more general than
13 specific in that regard.

14 COMMISSIONER PICKELL: Okay.

15 CHAIRMAN KRUSINSKI: We have a list of
16 definitions for a variety of things that runs
17 throughout the zoning ordinance, so we have to
18 maintain a standard of what that definition
19 would be as it applies to all zoning districts.

20 All right. We'll move to item two
21 unless there is any further questions from the
22 Commissioners to any of the comments in the

1 audience?

2 Okay. Item two is the minimum house
3 size. Greg, could you give a little background
4 on that, please?

5 MR. SMITH: The background on this is that
6 through December of 2013 or for some period of
7 years prior to then, the Village had a minimum
8 house size in the zoning ordinance. The Village
9 Board removed the minimum house size in December
10 of 2013 and the ZPA was asked to look at whether
11 or not a minimum house size should be reinstated
12 into the zoning ordinance.

13 After looking at the issue and
14 discussing that at the workshop meetings that
15 Joe previously mentioned, the ZPA is considering
16 minimum house size requirements be added to the
17 R-1 and R-2 districts in new Sections 15.1204(I)
18 and 15.1304(G), which would require that
19 dwellings have a total floor area of not less
20 than 2,000 square feet in a garage with a total
21 ground floor area of not less than 400 square
22 feet. That is the recommendation that's under

1 consideration.

2 CHAIRMAN KRUSINSKI: And you will note in
3 that area as well, we tried to simplify things a
4 bit. And we recognized in our deliberations
5 that there was basically two components as it
6 relates to property values. One obviously being
7 the land itself and secondly is the improvements
8 on the land. That's how your tax bills are
9 generated, not necessarily with respect to the
10 quality of the construction as has been pointed
11 out.

12 So this is a simplified version of that
13 recommendation that the Commissioners thought
14 appropriate.

15 Any comments from the audience on this
16 item? Any discussion from the Commissioners
17 further on this item? No. Thank you.

18 Item three, short-term rentals, Greg.

19 MR. SMITH: One of the items the Village
20 Board specifically asks for input on is whether
21 the zoning ordinance should include specific
22 references to short-term rentals. The zoning

1 ordinance does not allow for individual room
2 rentals within the R-1 or R-2 districts as the
3 permitted uses that are similar to those only
4 allowed for one-family attached dwellings, which
5 is defined as a single dwelling unit and so on.

6 This is on page 3 of the proposed
7 zoning ordinance amendment document, number
8 three.

9 The ZPA is considering the addition of
10 a definition of short-term rental that would
11 provide it is a single room dwelling or portion
12 thereof located within a residential structure
13 or mobile home offered for rent or rented for a
14 period of less than 90 consecutive days with the
15 addition to the unpermitted uses in the R-1
16 district and R-2 districts in Sections 15.1202
17 and 15.1203 that short-term rentals would be
18 specifically prohibited.

19 And the Village is a home rule unit of
20 government. There are several communities in
21 the state which have adopted similar
22 restrictions on short-term rentals and a similar

1 definition has been upheld in an adjudication
2 process in the Village of River Forest that I
3 was involved with. I think the language is
4 adequate for the purpose.

5 CHAIRMAN KRUSINSKI: Thank you. I would just
6 like to add to that during the course of our
7 workshops, there were a number of newspaper
8 articles that came -- that we came across that
9 talked about a number of other communities that
10 had significant problems when they allowed
11 short-term rentals. And one of the biggest
12 problems was enforcement.

13 And in our case, in the Village of
14 Mettawa specifically, enforcement would be a
15 very difficult program. We do not have our own
16 police force. We don't have the kind of staff
17 that could really monitor any complaints or
18 things that may come up because of
19 nonconformance to rental properties that may be
20 in use.

21 So this was something that, as Greg
22 mentioned, we've kind of learned from other

1 communities can potentially be quite a nuisance
2 and a huge enforcement problem.

3 So any comments from the audience on
4 the short-term rental revisions? I see one
5 there, sir.

6 MR. RUPEE: Michael Rupee, 14310 West Old
7 School Road. For short-term rental, if I give a
8 room to a vet student, per se, three, four, five
9 weeks as they're doing their internships,
10 locally they are charged no rent. Is that
11 considered a zero-cost rental? Am I allowed to
12 do that or am I going to get in trouble for
13 hosting a student?

14 MR. SMITH: Are you receiving any benefit
15 whether it's -- other than money or --

16 MR. RUPEE: Maybe they cook breakfast once in
17 a while, but that's about it.

18 MR. SMITH: The restriction is focused on a
19 commercial -- anyone that is considered a
20 commercial transaction. The offering of a room
21 in exchange for something of value.

22 If you are hosting a guest in your home

1 and you are not receiving some consideration for
2 it, then that would not be considered a rental.

3 MR. RUPEE: Thank you.

4 CHAIRMAN KRUSINSKI: Mr. Hines.

5 MR. HEINZ: Tom Heinz, 27157 St. Marys Road.
6 So anything that's over 90 days is considered a
7 long-term rental?

8 CHAIRMAN KRUSINSKI: That's what the
9 ordinance says. Yes. I'm sorry, I
10 misunderstood your question, I apologize.

11 MR. HEINZ: So anything 91 days or longer is
12 a long-term rental and that's allowed?

13 MR. IRVIN: No, it's just not considered
14 short term.

15 MR. HEINZ: That's why I'm asking a question.

16 MR. IRVIN: Anything over 90 --

17 MR. HEINZ: 91 days is a long-term rental and
18 that's allowed in the Village of Mettawa.

19 MR. IRVIN: Right now there is no
20 regulations. If this is approved, yes. Leases
21 would have to be no less than 90 days.

22 MR. HEINZ: So I am asking you, if you have

1 91 days or a hundred days or whatever past 90
2 days, is that considered a long-term rental and
3 is that allowed in the Village of Mettawa?

4 MR. IRVIN: Well, I'm not calling it a
5 long-term rental. What I'm saying is anything
6 over 90 -- anything 90 days or below would not
7 be allowed, considered short-term rental.
8 Anything above that would be allowed.

9 MR. HEINZ: Really?

10 MR. IRVIN: Yes, exactly. That's the
11 recommendation.

12 MR. HEINZ: I thought we were trying to
13 eliminate rentals.

14 MR. IRVIN: Tom, it was your recommendation
15 that we --

16 MR. HEINZ: I remember that.

17 MR. IRVIN: -- that we not allow Air B&B-type
18 rentals in the community. And most communities
19 that have effectively regulated them are
20 choosing to do it with a 90-day short-term
21 rental number.

22 No, there is no intent to -- we

1 probably have ten or more rentals in this
2 community right now. There is no intent to
3 restrict someone renting their property.

4 MR. HEINZ: Okay. Thank you.

5 CHAIRMAN KRUSINSKI: Any other questions on
6 the revisions for rental? Any other -- yes,
7 sir.

8 MR. RUPEE: It's Mike again. What about this
9 windmill thing, did you cover 12.02 yet? It
10 says including windmills or wind turbines or
11 energy conversion system, wind energy conversion
12 systems, do you not want us to think about
13 putting windmills in or is that not permitted?

14 MR. SMITH: That's language that's been in
15 the code for a number of years. It's currently
16 an unpermitted use. They aren't allowed to be
17 established in the Village at this time.

18 MR. RUPEE: I don't have one yet, but I would
19 love to have alternate energy at my house. Why
20 don't you strike it in the future?

21 MR. SMITH: If a resident was interested in
22 that, the zoning ordinance would have to be

1 changed to allow for it. And it's not one of
2 the areas under consideration at this time. So
3 the ZPA can't make a recommendation to change
4 that.

5 But the process is, if a resident is
6 interested to make a request for what's called a
7 text amendment that could move forward, this
8 body would deliberate on it and make a
9 recommendation to the Village Board, who would
10 ultimately decide if they want to allow
11 windmills or wind-type energy systems and what
12 kind of regulations there might be on it.

13 MR. RUPEE: Thank you.

14 CHAIRMAN KRUSINSKI: Any other questions on
15 short-term rentals? Commissioners?

16 Item four, amortization of
17 nonconforming uses.

18 MR. SMITH: So number four on pages 3 and 4
19 addresses changes to Sections 15.302, 15.306,
20 and 15.309 addressing how the Village deals with
21 nonconforming uses.

22 The changes to Sections 15.302 and

1 15.309 are cleanups from a prior set of
2 amendments in December of 2013 to the zoning
3 ordinance.

4 The change in Section 15.306 would
5 restrict the reestablishment -- the limitations
6 on the reestablishment of nonconforming
7 buildings destroyed by any means to more than
8 50 percent of its value to only nonresidential
9 structures. And those are the proposed changes
10 under consideration.

11 CHAIRMAN KRUSINSKI: Any comments from the
12 audience? Yes, sir.

13 MR. CASAS: Ed Casas, 855 North Bradley. My
14 understanding is it's pretty typically to safe
15 harbor existing conforming and nonconforming
16 legal uses when you make an ordinance change of
17 this nature.

18 So if we have another barn fire like we
19 did, this essentially says we couldn't replace
20 it. I'm trying to understand for people that
21 have put substantive investments into the
22 property, why would you limit an ability to

1 replace a structure because more than 50 percent
2 of the value was lost? It would seem to be
3 punitive and take away from the property value
4 and the property rights of the individual. Am I
5 misinterpreting this or is the intent different?

6 MR. SMITH: The section only applies to
7 nonconforming buildings. So if you have a
8 conforming stable, for instance, one that's been
9 established pursuant to a special use permit,
10 then that stable building would not be
11 nonconforming.

12 So this applies to nonconforming
13 structures. The classic example would be if
14 someone had a structure like a windmill, which
15 was subsequently not permitted in the Village
16 and they sought to rebuild it, then that would
17 be considered a nonconforming structure.

18 MR. CASAS: But it also says "nonconforming
19 uses."

20 MR. SMITH: That's correct.

21 MR. CASAS: So there is nonconforming uses,
22 nonconforming structures. If you lose a

1 structure that's supporting a nonconforming use,
2 what's the result? Are you out of business?
3 You can't have a large stable? I mean, it seems
4 ambiguous the way it's drafted. I'm trying to
5 clarify.

6 Everybody said the same thing, which is
7 no intent, when we have asked off the record, to
8 not grandfather safe harbor existing structures
9 under conforming or nonconforming legal uses and
10 that this is really about going forward.

11 And so I just want to note that from a
12 legal perspective as well as from a lay
13 perspective, it appears that there is, you know,
14 some conflicts within the drafting of this.

15 And there is also -- it doesn't clarify
16 what prevails as it relates to the permitted or
17 legal current uses, whether it's conforming or
18 nonconforming, if there is a conflict with
19 regard to the requirements of that.

20 And I think it's important for any
21 property right holder that is invested that is
22 no longer to be conforming or new, that anything

1 that's already been built permitted should be
2 safe harbor and grandfathered without exception.
3 There shouldn't be an ambiguity.

4 CHAIRMAN KRUSINSKI: Yes, Liz.

5 COMMISSIONER LEONARD: It was my
6 understanding when we did this, when we did this
7 particular ordinance, that -- to answer your
8 question from what I understood of this, is
9 that, first off, if you have got a special use
10 permit for something on your property, even if
11 it's nonconforming, if we have issued a special
12 use permit for it, it's considered conforming
13 and, therefore, can be rebuilt; is that correct?

14 MR. SMITH: It depends on the terms in the
15 special use permission. But as a general
16 principal that's correct.

17 COMMISSIONER LEONARD: Let's take Mr. Casas
18 for instance because he brought up the question,
19 if one of his barns was to burn down, even
20 though it might not conform, but because he had
21 a special use permit and we signed off on him
22 building that barn, he could then rebuild it if

1 something happened to it?

2 MR. SMITH: As a general principal, that's
3 correct. But if he has expressed concern that
4 this section doesn't acknowledge that special
5 use permits are treated differently from other
6 nonconforming buildings or uses, I believe,
7 that's what he was saying.

8 MR. CASAS: So some nonconforming uses -- for
9 example, our permit really doesn't relate to
10 uses, it relates to structures. So, you know,
11 there is an ambiguity as it relates to what is
12 really safe harbor and what is grandfathered.
13 This is all I'm trying to point out.

14 And I think you just need to be clear,
15 if you're trying to do something going forward,
16 whether people agree with it or not is a
17 separate issue, but it should not apply to
18 people that have already had the right to do
19 what they do and the buildings that they have
20 and not be the subject to an amortization as it
21 relates to an inability to replace or continue
22 that business or have that structure.

1 MR. FRIEDMAN: Mr. Chairman, if I can add to
2 that, I think the point -- the combined points
3 are whether or not that use is legally
4 nonconforming or just conforming, if that
5 structure houses a legal use but they're legally
6 nonconforming or permitted and that structure
7 is, you know, subject to a disaster like a fire,
8 so long as the special use permit authorized
9 that building, it should be allowed to be
10 rebuilt and not subject to the amortization
11 provision.

12 I think that's what Greg just said, but
13 that's the point I was trying to clarify.

14 MR. SMITH: I was simply explaining
15 Mr. Casas' point. I take no policy position.
16 That's up to you to decide if you would like to,
17 you know, entertain Mr. Casas' suggestion, the
18 language could be drafted.

19 His attorneys provided some language,
20 you know, in his proposed comments along those
21 lines as well.

22 CHAIRMAN KRUSINSKI: Yeah. Two points, one

1 is in our deliberation, again, as I said, if
2 there is any need for clarification, we can do
3 so. If we even want to ask Greg after we come
4 to some conclusion taking, you know, the
5 residents' comments into view, those
6 clarifications can be made to the language.

7 The other part of this, I got a comment
8 from someone that simply called me and had some
9 questions and comments.

10 But we may need to add some
11 clarification with respect to the extent of the
12 50 percent or more of replacement value, that we
13 clarify actually who makes that determination,
14 whether it's something that, you know, is done
15 by our building commissioner or something that
16 helps us define more carefully what the
17 parameters are for the ability to replace.

18 So, again, there may be some minor
19 things here that need to be wordsmithed a bit to
20 make sure that there is clarity in what we're
21 attempting to provide.

22 Any other comments, yes, on the

1 nonconformity.

2 MS. O'DONNELL: Leslie O'Donnell, 25575 North
3 St. Marys Road. When we bought the property --
4 I have a special use permit for the large stable
5 and that's not what I'm actually questioning
6 right now.

7 When he bought the property, there was
8 a main house, there was a podding shed, there
9 was a shed, and there is a detached garage.

10 The podding shed I have been pondering
11 just replacing it simply because it's getting
12 old. How do I know if a building is conforming?
13 Is there a way I can get that information to
14 find out what is and what is not? I don't know
15 from what was -- I was so consumed with my
16 special use permit, but I didn't really pay a
17 lot of attention to what was conforming or not
18 in the original purchase? Is there a way to
19 find that out?

20 MR. SMITH: Yes. The zoning administrator,
21 who is Yamin Yamin with Anderson Engineering can
22 be contacted. And as the zoning administrator,

1 he interprets the zoning ordinance, which would
2 include questions along that line.

3 MS. O'DONNELL: So I can call Yamin to get
4 clarification.

5 MR. SMITH: He can help you figure out if
6 there's a specific way the information is to be
7 requested, he can tell you. But as the zoning
8 administrator, that's one of his duties, is to
9 render interpretation of the zoning ordinance.

10 MS. O'DONNELL: Thank you.

11 CHAIRMAN KRUSINSKI: Thank you. Any other
12 comments?

13 MR. CASAS: Ed Casas, the time limitations
14 that you have in here, it's to be triggered by
15 issuance of a permit to begin construction and
16 some structures you wouldn't be able to do
17 within the time frames that are very narrowly
18 defined. I'm curious, is there a reason for
19 that rigidity?

20 CHAIRMAN KRUSINSKI: The discussion was,
21 again, that we wanted to create some urgency
22 that things would commence and then be

1 completed, that it wouldn't be protracted and
2 that that occurs in another portion.

3 So it was just a matter to be
4 realistic. And, again, one of the comments I
5 received is that if for any reason -- and there
6 may be a requirement in here, a force majeure
7 issue or other kinds of acts of God that would
8 delay the ability to be completed should
9 probably be added to clarify our desire to make
10 sure things happen in a timely manner, but that
11 it would also be specific to any things that
12 legally would give the right of the owner to
13 extend.

14 MR. CASAS: So just as follow-up, if I may,
15 if counsel is saying he is not certain on the
16 interpretation pending whether or not you would
17 agree to the clarifications and this gets
18 disputed between the Village and the property
19 right owner and you can lose the time and it's
20 an absolute to build the structure, right? Am I
21 reading that right?

22 MR. SMITH: There is no uncertainty about the

1 interpretation. The question is if the ZPA
2 wants to consider additional language that
3 you've proposed about specifically noting that
4 if you have a special use, then you are not a
5 nonconforming building or other structure or
6 use, that would just be exempt from this
7 requirement I think is what you're looking for.

8 If that's the question, then that's
9 what the ZPA should consider as part of its
10 deliberation on this, as a matter of policy, do
11 you agree with that? But you can take that up
12 under deliberations.

13 CHAIRMAN KRUSINSKI: As I said, I think the
14 issues here have to do with matters of getting
15 it done and doing so on a timely manner, not in
16 battling the legal issues with regard to the
17 placement. So, again, it's something that as we
18 deliberate, we should make sure that we take
19 those comments.

20 Any other comments on the nonconforming
21 use? Commissioners?

22 Item five is zoning app fees.

1 MR. SMITH: So number 5, which is on page 4
2 of the proposed zoning ordinance amendments
3 document, this is a matter that came up from
4 Village staff, I believe it was amongst Bob and
5 myself, that there is currently in the zoning
6 ordinance, there is a variety of zoning fees
7 based on what kind of relief is being requested
8 and based on whether or not it requires a
9 regular or special meeting of the Zoning,
10 Planning, and Appeals Commission.

11 The proposal is to set a single zoning
12 application fee for all items. The Village has
13 a professional fees ordinance in Section 2.900
14 through 910 or 12 I believe of the code. And so
15 the Village receives payment back for the time
16 that its consultants or its out-of-pocket
17 expenses relate to applications.

18 So all fees are being proposed to be
19 set at \$250 to ease in the administration of the
20 zoning ordinance. Everyone pays the same thing.

21 Second, this body discussed some
22 clarifying language -- this is a recommendation

1 that falls outside the zoning ordinance but to
2 the Village Board that -- the Village also
3 recoup the cost of rental for any audio-visual
4 equipment used at a public meeting or hearing
5 relating to Zoning, Planning, and Appeals
6 Commission work. While this body only formally
7 makes recommendations for changes under the
8 zoning ordinance, this is related because there
9 are requests from time to time where residents
10 or other individuals will ask that a screen and
11 a PowerPoint or projector be arranged for.

12 So the ZPA is suggesting, it's not a
13 formal recommendation because it's outside the
14 zoning ordinance, that the Village Board look at
15 this language to be added to the professional
16 fees ordinance.

17 CHAIRMAN KRUSINSKI: Bob, I think you had a
18 comment that this was typical in other
19 communities as we were reviewing this initially.

20 MR. IRVIN: Well, what's more typical is you
21 have your own equipment because you're on your
22 own, you know, rental space. We don't. That's

1 the biggest difference.

2 CHAIRMAN KRUSINSKI: Any comments from the
3 audience in regards to this matter? It's really
4 to clean up and make life simpler in terms of
5 the application process and to be clear so that
6 we're -- the other part in respect to the fees
7 is to make sure there is a clarity. It's our
8 recommendation that everyone is treated equally
9 with regard to their requirement for paying for
10 special services that some applicants may need
11 but others may not.

12 Any other comments on this? I see
13 Dr. Fantus.

14 MR. FANTUS: Richard Fantus, 14253 West
15 Riteway. As far as the audio-visual who pays
16 that? Is that the applicant? Or what if
17 opposition testimony wanted to use AV equipment?

18 CHAIRMAN KRUSINSKI: Well, this addresses the
19 applicant's requirements.

20 MR. FANTUS: Thank you.

21 CHAIRMAN KRUSINSKI: Is that correct?

22 MR. SMITH: That's what's being suggested to

1 the Village Board. The Village Board can take
2 it up and decide if they want to make my changes
3 or not at their level.

4 CHAIRMAN KRUSINSKI: Okay. Any other
5 comments, questions, Commissioners?

6 Item six, time limit for zoning
7 administrator's decisions, Greg.

8 MR. SMITH: So item six, which is on page 5
9 of the proposed zoning ordinance amendments
10 document proposing changes to Section 15.901 of
11 the zoning ordinance to include the 45-day time
12 limit for an appeal of a zoning administrator's
13 decision. That time limit is set forth in state
14 law. It applies regardless of whether or not
15 it's in the zoning ordinance.

16 So the proposal is to add that time
17 limit into the Village -- the village's zoning
18 ordinance for clarification sake.

19 From time to time the zoning administer
20 will render an interpretation. When that
21 happens, if the person who has received it
22 disagrees, they have 45 days to challenge it.

1 Under Section 15.903(B), there is a
2 typo that's been in the code for some period of
3 years, the word "variation" instead of "appeal"
4 is listed. The change here is administerial to
5 correct a typographical error.

6 And then finally in Section 15.402(B),
7 the zoning administrator has a series of duties
8 under the zoning ordinance. One of the duties
9 that -- or one of the additions to those duties
10 that came up during the workshop meetings is to
11 have zoning administrator work with the Village
12 clerk to give additional courtesy notices, not
13 required by state law, by posting
14 applications -- rather, posting notices for
15 public hearings on village's website and then
16 e-mailing public hearing notices to recipients
17 on an e-mail list maintained by the Village,
18 both at least 15 days before the public hearing.

19 There is a number of communities that
20 will add these things for the sake of
21 transparency to their zoning ordinances. State
22 law requires for a special use or variation

1 request that you mail notice to people with the
2 -- owners within a certain radius and that you
3 publish in the newspaper.

4 With technology being what it is,
5 websites and e-mails are the more common way
6 that people get this information.

7 However given the issues involved with
8 technology, the second half of this addition
9 provides that if the -- if the materials, the
10 applications and notices are not available on
11 the website or don't go to the e-mail list or
12 are not received, this body can still go forward
13 and the Village Board can still go forward.

14 What you want to avoid is a situation
15 where someone didn't get an e-mail and they
16 claim that the zoning process is, therefore,
17 invalid. The Village must comply with state law
18 for the zoning applicants. The notices must be
19 mailed, if required, and published in the
20 newspaper.

21 If you're going to do these additional
22 things, the idea is that you will direct your

1 zoning administrator and clerk to do them. But
2 if for some reason they don't happen, the zoning
3 process would still continue.

4 CHAIRMAN KRUSINSKI: Any comments on this
5 revision? What happened too, and this happened
6 many times, is that even though we're trying to
7 do everything we can to communicate effectively,
8 in many instances, due to a variety of reasons,
9 filters and spam issues, sometimes information
10 that is coming from an unknown source could be
11 blocked from receipt in your computer and,
12 rightly so, because it's blocking from viruses
13 and spasm.

14 So that's why we have the caveat we
15 will do everything in our power to maintain our
16 lists and manage them and try to communicate
17 with everyone. But we have to have the
18 clarification, as Greg mentioned, with respect
19 to nonreceipt.

20 Any other comments on this item?
21 Commissioners?

22 Item seven is the variation regarding

1 public assembly that matter has been tabled.

2 Item eight is the horse and large
3 stable requirement.

4 MR. SMITH: So item number eight in the memo
5 from page 6 through page 9. I will describe the
6 proposed changes here.

7 First, in the definition of
8 agricultural uses in Section 15.201, there has
9 been a proposal to delete the phrase "and horse
10 ranching" from that definition.

11 Also in Section 15.201 under the
12 definition of large stable, there is the
13 proposal to add the underlined language there
14 that "a large stable may include an indoor
15 riding arena if approved separately in the
16 special use permit." That is consistent with
17 the zoning administrator's interpretation of the
18 definition, but it's clarifying an amendment due
19 to past practice.

20 In Section 15.201, the definition for
21 semiprivate stable is proposed to be deleted.

22 In Section 15.303(D) (4), this is in the

1 R-2 residential district, that's the small lot
2 zoning, there would be a deletion of a -- of the
3 phrase "a special use for semiprivate stable"
4 and the addition of the word "horses" there.

5 There's proposed changes to the stable
6 cleaning and manure management requirements in
7 Sections 15.1202(C) (3) and 15.303(D) (1) which
8 would require that manure be stored in covered
9 and secured containers. And that a pile
10 containing putrescible refuse and/or manure is
11 prohibited and shall not be construed as a
12 compost and shall not be permitted except as
13 otherwise allowed within the code.

14 Under Section 15.1202(C) (3), there is
15 proposed clarifying language here at the end of
16 the existing text that "provided no more than
17 five horses shall be permitted upon any lot" and
18 then three additional new sentences that "horses
19 are only permitted on a lot on which an occupant
20 of the lot is a resident. Public boarding shall
21 not be permitted. The requirements of this
22 Section 15.1202(C) (3) shall not be varied."

1 And then in Subsection (A) there, there
2 is a deletion of the text "unless a special use
3 permit, therefore, has been obtained pursuant to
4 the terms of this code."

5 Section 15.1203(H) is currently the
6 special use provisions for large stables, which
7 is proposed to be deleted.

8 The new Section 15.1209 is proposed to
9 be created entitled "large stables" which would
10 provide that no large stable may be established
11 in section A. In section B, that any legal
12 conforming -- excuse me, any legal nonconforming
13 or conforming existing large stable and existing
14 large stable related structures established
15 prior to the date of the ordinance imposing
16 these changes shall not be altered or expanded
17 in any manner except in compliance with this
18 chapter and the following. And then there is
19 allowances for alterations for the care and
20 maintenance of the existing large stable and
21 large stable related structures, and so long as
22 the alteration or expansion does not intensify

1 the existing large stable use of the land or
2 existing large stable related structures.

3 Onto page 8, in subsection C, large
4 stable established prior to the date of the
5 amendatory ordinance is subject to the following
6 requirements, in addition to all other
7 requirements of the zoning ordinance, the
8 Village code, and the special use permit.

9 And then you have here the existing
10 standards from Section 15.1203(H) of the code
11 which regulates special uses for horses with
12 some changes in Subsection (C) (4) relating to
13 horse shows, horse clinics, horse
14 demonstrations, and the manure standards in
15 Subsection (4) (f) on page 9 includes the same
16 changes previously mentioned that manure may
17 only be stored in covered and secured containers
18 and that spreading the manure on the property or
19 compost is not permitted.

20 And Subsection (D) provides that the
21 requirements of 15.1209 shall not be varied.

22 And, finally, with regard to horses and

1 large stables, the ZPA recommends without
2 specifics being included that the Village Board
3 adopt a licensing requirement for operators of
4 large stables to have operating standards,
5 routine inspections, and so on.

6 COMMISSIONER CLARK: Greg, one comment if I
7 can add, on page 6 and page 9, the first
8 section, 15.1202(C) maybe that first word
9 "stables" might be changed to "stalls." And on
10 page 9 (F), where it says "stables shall be,"
11 that maybe also should be changed to "stalls."

12 Again, I just made a wording change on
13 six at the beginning of Section 15.1202, instead
14 of "stables shall be cleaned daily," stables
15 should be replaced with "stalls."

16 And on page 9 item (F), also "stables
17 shall be cleaned," it should be "stalls."

18 MR. SMITH: I've got that noted. Thank you.

19 CHAIRMAN KRUSINSKI: Before we get comment,
20 is large stable described somewhere in the
21 ordinance? Do we have a definition for large
22 stable?

1 MR. SMITH: Yes, it is defined in Section
2 15.201.

3 CHAIRMAN KRUSINSKI: As six stalls or more?

4 MR. SMITH: It's a building providing
5 stabling for a number of horses in excess of
6 five. That's part of the definition.

7 CHAIRMAN KRUSINSKI: Excess of five. Okay.

8 Any or clarifications from what we
9 have? Thanks, Wendy.

10 Comments from the audience? Yes, sir.
11 Name and address, please.

12 MR. LYS: Thomas Lys, 25300 North Nektosha
13 Way. You said a large stable is a stable with
14 more than five stalls; is that correct?

15 MR. SMITH: That's part of the definition,
16 yes.

17 MR. LYS: Well, we have a stable with eight
18 stalls. Are we considered a large stable?

19 MR. SMITH: A large stable is defined as
20 being authorized by a special use permit, a
21 building which may include an indoor riding
22 arena for the stabling of a number of horses in

1 excess of those permitted in this chapter per
2 40,000 square feet of land. And in the case of
3 the lots in excess of 200,000 square feet in
4 area, a building providing stabling for a number
5 of horses in excess of five.

6 MR. LYS: So we -- all of these apply to us.
7 So I don't understand why we did not receive a
8 registered letter as indicated by the chairman
9 at the onset of the meeting.

10 CHAIRMAN KRUSINSKI: Was it on the list, the
11 Bob? We will check.

12 MR. LYS: I have another question. The other
13 question is it says here "and provided that no
14 more than five horses shall be permitted about
15 any lot." Is that irrespective of size?

16 So if you have 40 acres, a lot of
17 40 acres, are you still only permitted five? I
18 thought it was 40. I don't understand this
19 sentence. It's 15.1202(C)(3).

20 CHAIRMAN KRUSINSKI: That was the intent,
21 yes.

22 MR. LYS: So on 40 acres you are still not

1 permitted more than five horses?

2 CHAIRMAN KRUSINSKI: That's correct.

3 MR. LYS: But we have eight stalls.

4 CHAIRMAN KRUSINSKI: You're existing.

5 MR. LYS: So this does not apply retroactive?

6 CHAIRMAN KRUSINSKI: No.

7 MR. LYS: Thank you.

8 MR. CASAS: Ed Casas.

9 CHAIRMAN KRUSINSKI: Yes.

10 MR. CASAS: I just want to make sure -- and I
11 apologize if this is redundant. But I want to
12 make sure that what I just heard is correct,
13 which is that it is intended, even though this
14 language in (C) says if you're a large stable,
15 even after this date, all this applies, that
16 those that have current legal conforming or
17 nonconforming structures with uses are not going
18 to be impacted by what you're putting here in
19 the restrictions; is that correct? I see heads
20 nodding I want to make sure. But the language
21 for us isn't clear.

22 COMMISSIONER LEONARD: Bob, can I clarify one

1 thing? If I'm not mistaken, in our zoning
2 ordinances as they stand and has for quite a
3 while, it does say that five horses are the max
4 unless you come and get a special use.

5 MR. IRVIN: That's correct.

6 COMMISSIONER LEONARD: So this is nothing
7 new? This is the same old thing it's been for
8 years.

9 MR. IRVIN: You could have a hundred-acre
10 property and unless you came in and requested a
11 special use and had it approved, you would be
12 limited to five horses.

13 COMMISSIONER LEONARD: Correct.

14 MR. IRVIN: And that's been on the books for
15 a long time.

16 COMMISSIONER CLARK: I think Mr. Casas'
17 question for people like Always Faithful, we're
18 not taking anything away from anybody. These
19 are just ordinances going forward.

20 MR. IRVIN: Well, I believe that is your
21 recommendation. But you as the commissioners, I
22 think the intent was by the changes in this

1 ordinance, that this would only impact --
2 removal of additional large stables only impacts
3 ones that aren't out there.

4 So if that's what the intent is, then
5 that's what the language should reflect.

6 COMMISSIONER LEONARD: I believe that that
7 was always our intent, we never intended to
8 change anybody's special use as it stands now.

9 MR. SMITH: The Commission during the
10 workshop process did discuss changes to the way
11 that manure is addressed.

12 COMMISSIONER CLARK: That's the only thing,
13 the changes to how manure is handled by the
14 Village.

15 MR. SMITH: So that is one change. There was
16 also language provided by Commissioners Leonard
17 and Clark that dealt with some of the conduct of
18 stable operations relating to horse shows,
19 clinics, and demonstrations.

20 COMMISSIONER LEONARD: And a lot of that
21 language had been in there also previously. We
22 just kind of clarified it.

1 Again, I said that language had also
2 been in our ordinances and we just clarified
3 what was not allowed in large stables. And
4 there has always been -- there has always been
5 certain things that, even though you had a
6 special permit for a large stable, there is
7 still things that you couldn't do and that was
8 in there to start with.

9 CHAIRMAN KRUSINSKI: Just there was one open
10 question regarding to Mr. Lys' notification.

11 MR. IRVIN: Yeah. The Village has about a
12 dozen special uses for large stables, but there
13 are three that were permitted by the overall
14 subdivision approval and, Tom, with yours being
15 one of them -- and I think it was just a
16 miscommunication between the Village clerk and I
17 -- I said send them to the people with special
18 uses. But there is a -- yours, there is one in
19 Riverside Preserve and Deerpath Farm who do not
20 have special uses for those arenas, but they
21 were approved as part of the development
22 agreement.

1 So it's -- I would guess I would
2 have -- so, I'm sorry, that's why it wasn't sent
3 to you. But I guess in terms of how things
4 apply to large stables that don't necessarily
5 have special uses but were approved as part of
6 an overall subdivision, we may need to address
7 that to make sure that they also are not
8 impacted going forward because I don't think the
9 intent is to remove those either. But there are
10 three of those that exist.

11 CHAIRMAN KRUSINSKI: And just so it's clear:
12 One would be subdivision approval, planned unit
13 development?

14 MR. IRVIN: They are part of a PUD. In fact,
15 they probably -- I think all of them are PUDs.

16 CHAIRMAN KRUSINSKI: So they would all be
17 under the PUD situation?

18 MR. IRVIN: Yeah. But it's spelled out
19 specifically in the development agreement
20 between the Village and the developer.

21 CHAIRMAN KRUSINSKI: So we get the language
22 right.

1 MR. SMITH: And I don't have the benefit of
2 the planned development ordinances in front of
3 me this evening. But I do note that planned
4 unit developments in the R-1 district where I
5 believe Mr. Lys' property is located is a
6 special use.

7 So the PUD itself is authorized as a
8 special use in that district. So if the ZPA
9 wants some further input on that matter, I would
10 need time to review the documents and advise you
11 on it accordingly.

12 CHAIRMAN KRUSINSKI: That's the point. If we
13 need some clarifying language just, so we cover
14 that, we'll do so.

15 There is another question. I will go
16 in the back.

17 MS. STEVENSON: Juliette Stevenson, 14371
18 Riteway.

19 I just want clarification at the top of
20 page 8, point C, "a large stable established
21 prior to whatever date this would happen is
22 subject to the following requirements," which

1 would be the owner of the premises resides.

2 So even if they are already
3 established, now they have to conform to all of
4 these things, so they do have to change or they
5 don't? Because you guys are saying it was
6 intended that they don't have to change, but
7 this language suggests that they do absolutely
8 have to change. They have to have built-in
9 feeders, built-in water, the owner has to reside
10 upon the premises, et cetera, et cetera.

11 So I can understand why there might be
12 some large stables here that are concerned,
13 because the language is contradictory a little
14 bit.

15 I am not one of them. I don't own a
16 large stable. I'm just questioning.

17 COMMISSIONER LEONARD: I think she's right
18 about that. There are certain things in here
19 that I'm not sure we should have --

20 CHAIRMAN KRUSINSKI: Well, some of this, as
21 you said, was part of the existing ordinance.

22 COMMISSIONER LEONARD: Right. But I think

1 the question here becomes who has to comply with
2 this.

3 UNIDENTIFIED AUDIENCE MEMBER: Can you speak
4 to us, please, so we can hear you?

5 COMMISSIONER LEONARD: Right now we're trying
6 to just discuss a point if it should apply or
7 not apply. And what it comes down to is it --
8 if you have a special use permit and you've been
9 allowed to do something already -- like let's
10 say that you have a special use permit and for
11 some reason it has been waived that some --
12 somebody -- the owner did not have to reside on
13 the property, we're not -- as far as I can
14 remember our discussions, we were not saying
15 that now we're going to go back and say the
16 owner must reside.

17 MS. STEVENSON: This doesn't read that way.
18 "It says in addition to."

19 COMMISSIONER LEONARD: I just agreed with
20 you.

21 COMMISSIONER CLARK: We're agreeing with you.
22 We're saying the wording may be -- and that's

1 what we are here for, is to tighten up the
2 wording.

3 CHAIRMAN KRUSINSKI: Okay. I made a note.
4 And the other part of that is beyond something
5 as significant as a resident -- and, again, for
6 a guy that knows absolutely nothing about
7 horses -- what about the other requirements with
8 respect to built-in feeders and vet?

9 COMMISSIONER LEONARD: This is stuff, it's
10 all there already in the ordinance. Bob, is it?
11 I believe it's all there.

12 MR. SMITH: The reason it's underlined is
13 because it was moved from 15.1203(H) to a new
14 section 15.1209. The language that's in here is
15 the same as 15.1203(H) except with regard to
16 some language about horse shows, horse clinics,
17 horse demonstrations and exhibitions, and some
18 of the manure details.

19 MR. CASAS: So except for two-thirds of the
20 language.

21 MR. SMITH: No, it's not even close to
22 two-thirds of the language.

1 MR. CASAS: Mr. Chairman, I really appreciate
2 you guys clarifying the intent because I think
3 it's important.

4 But it's clear because counsel is
5 appropriately trying to protect the interests of
6 the Village that the answers have a level of
7 ambiguity that creates a clear amount of anxiety
8 for existing operators, independent of the
9 wordiness of some of the changes. Just the
10 notion of saying we're going to post this
11 retroactively if you have legal conforming or
12 nonconforming uses. It doesn't appear to be the
13 intent.

14 I guess the question is why don't you
15 just outright say it. It seems like there is a
16 little bit hedging and I just want to
17 understand, should we be worried or is that
18 clearly the intent?

19 MR. SMITH: It's a matter of policy. You
20 know, if you looked at the language over the
21 course of several meetings, and that can
22 certainly be added in, we just need to be told

1 that you want it and we can be brought back to
2 look at it.

3 MR. CASAS: So just for a point of
4 clarification, you're saying that our concerns
5 are valid based on the way it's currently valid.
6 And to be consistent with what we're asking and
7 the interpretation that some of the members have
8 already voiced as the intent, you would have to
9 modify this language. Am I getting this right?

10 CHAIRMAN KRUSINSKI: I said at the outset of
11 the meeting that the purpose of this meeting, in
12 addition to the -- obviously the residents'
13 input, is for us to review this and to make any
14 revisions that we feel are necessary based on
15 resident review and things that may have come up
16 that are prompted by just our discussions.

17 So just to be quite clear, it's our
18 intention after -- when we begin deliberation,
19 to incorporate these comments and we may have to
20 go back to creating some revisions, some of
21 which may require some legal research, but
22 nevertheless revisions, that will ultimately be

1 our recommendation to the Board.

2 MR. CASAS: Thank you.

3 COMMISSIONER CLARK: And some of these,
4 Mr. Casas, like number one, obviously, we can't
5 go back and say now you have to live on your
6 property. There are things that you can't do
7 retroactive.

8 But a lot of this, as Greg said, the
9 facilities for horses, these are all -- have
10 always been in the ordinances about an inside
11 stall for each horse. If you go line by line,
12 most of these have been in the ordinances for a
13 long time.

14 What we were changing or one of them is
15 the conduct and no more than one horse, those
16 are all just in this new ordinance.

17 Some of the primary ones are how manure
18 has been handled in the Village in the past and
19 going forward. And some of those we may say
20 this should be retroactive, that maybe you used
21 to dump manure in this spot, now we would like
22 all the Village to comply with one set of

1 ordinances.

2 MR. CASAS: Just from a matter of process,
3 when can we expect to have clear delineation of
4 those things that you are trying to
5 retroactively impose?

6 CHAIRMAN KRUSINSKI: As I said, we will
7 continue probably this discussion at our next
8 meeting. But in the interim, you know, and
9 based on tonight's input, we will be making some
10 changes.

11 If we can complete all the items, then
12 we'll submit a new draft and that will be part
13 of our recommendation and be part of the public
14 record.

15 The other option always, as we said at
16 the outset of the meeting, Ed, these are our
17 recommendations. They're submitted to the
18 Village Board and they're deliberated there as
19 well. So, again, you have, in essence, a second
20 opportunity to bring up any comments that, you
21 know, you feel necessary at the Village Board
22 meeting who makes the ultimate decision on

1 language.

2 We have a couple comments. I got yours
3 already. But this man here.

4 MR. SELLERS: Sean Sellers, 14341 West Old
5 School Road. It says all stables should have
6 built-in feeders and water available. I agree
7 with the water. But the way I run my
8 establishment, it goes by the horse's individual
9 needs. Some need hay bags, some eat on the
10 floor and properly sanitize my feed dishes, they
11 get cleaned every day. That would be kind of a
12 pain if it's permanently stocked to the wall.

13 COMMISSIONER LEONARD: I would agree with
14 that.

15 COMMISSIONER CLARK: We can take out
16 built-in.

17 CHAIRMAN KRUSINSKI: Was this the original
18 language?

19 COMMISSIONER LEONARD: I think it was.

20 CHAIRMAN KRUSINSKI: So we can clarify the
21 feeder issue.

22 COMMISSIONER LEONARD: Yes.

1 CHAIRMAN KRUSINSKI: Thank you. That's a
2 good point.

3 MR. SMITH: So the idea would be to strike
4 built-in feeders.

5 COMMISSIONER LEONARD: It would be just all
6 stalls shall have feeders and water available.

7 COMMISSIONER CLARK: Without built-in.

8 COMMISSIONER LEONARD: Because very few
9 people have built-in feeders.

10 MR. SELLERS: Are you saying feeders for hay
11 also because some people don't feed --

12 COMMISSIONER CLARK: That would be feeding,
13 hay, grain.

14 CHAIRMAN KRUSINSKI: Okay. And there is a
15 gentleman right behind him.

16 MR. GRAY: Keith Gray, 15540 Old School Road.
17 This has to do with the bottom of page 6,
18 clarity on the storage of manure, hundred feet
19 from the property line and 250 feet from any
20 dwelling. Effectively, as I pointed out, it
21 makes it almost -- well impossible in many cases
22 to store manure.

1 So does that include the dwelling of
2 the owner of the manure or the neighbors?

3 CHAIRMAN KRUSINSKI: Well, by the way this
4 language has been, again, language that's been
5 in the ordinance.

6 COMMISSIONER PICKELL: Forever.

7 CHAIRMAN KRUSINSKI: I think from the get-go.
8 So we're really not revising this. But the
9 dimensions are as they are stated. And I
10 appreciate the graphic that you sent, which
11 became clear that, in some instances, depending
12 on the geometry of the lot and some other
13 situations with respect to the location of the
14 house, that it became very, very difficult to
15 position the manure shed appropriately.

16 So I don't know whether we reconsider
17 this or we leave it up to the zoning
18 administrator.

19 COMMISSIONER MELUSO: All you have to do,
20 there aren't that many people, Keith, with a lot
21 shaped like you have. You just qualify as a
22 hardship because of your lot dimension. So you

1 just come up and say, "Hey, I can't do it,
2 trying to conform, okay."

3 CHAIRMAN KRUSINSKI: But you're existing at
4 this moment. But it was installed
5 nonconformance with the ordinances, if I'm
6 understanding it.

7 MR. GRAY: I appreciate that. I guess a
8 suggestion might be for the purpose originally
9 of this group was to clean up a lot of old
10 things and take on the new ones. This might be
11 an old one that you look at.

12 And I might suggest that this has to do
13 with 250 feet from a neighbor. I mean, if I
14 don't mind it out my back door, I'm not sure if
15 anybody cares about that. But I'm away from the
16 lot line and away from my neighbors.

17 COMMISSIONER LEONARD: I would say yes.

18 COMMISSIONER MELUSO: The other thing we were
19 trying to do, too, it used to say manure
20 spreading was okay. And what we're saying is
21 it's not okay, put it in a can. I don't think
22 that's unreasonable.

1 MR. GRAY: I'm not questioning that. So it
2 really has to do with the storage.

3 COMMISSIONER LEONARD: I think he is right.
4 I think he's right. I think if you want it in
5 your kitchen, be my guest. Just not in your
6 neighbor's kitchen.

7 CHAIRMAN KRUSINSKI: Just a second before we
8 get off this, Greg, maybe you can just clarify
9 this.

10 COMMISSIONER CLARK: Greg, excuse me, wasn't
11 this originally when we were talking about large
12 stables, we were talking about as in Corporate
13 Way having a building for manure and now we're
14 eliminating storing manure. We're saying people
15 need to put it in a can and have it removed once
16 a week. We were not stocking.

17 COMMISSIONER LEONARD: It's a dumpster, not a
18 building, not a building.

19 MR. SMITH: The last sentence of the
20 manure-related amendments, on page 6 onto
21 page 7, the last sentence says that you can't
22 compost it any longer. And if you go back onto

1 page 6, it says that manure may only be stored
2 in covered and secured containers, whereas the
3 current code states manure may be stockpiled
4 providing the stockpile is at least 250 feet
5 from any dwelling. Mr. Gray, it's not just your
6 neighbors, it says any dwelling.

7 So the ZPA wants to allow people, under
8 the new language, put the container five feet
9 from the back door, at their backdoor, whatever.

10 I can modify that any dwelling language to
11 reflect that it's a dwelling not on the lot or
12 I'll come up with appropriate language.

13 COMMISSIONER LEONARD: I don't know how you
14 guys feel. I'm thinking that as long as it's in
15 a container where you don't have to worry about
16 it, you know, getting into somebody's, you know,
17 your -- even your own water supply or causing a
18 health issue even to the occupants of your own
19 house. If it's in a dumpster and it's not
20 leaking out places and you want it right next to
21 your house, you know.

22 CHAIRMAN KRUSINSKI: I think the point is

1 well taken. And I think Greg's recommendation
2 of some minor language revisions there is
3 appropriate. Just so we can move on because
4 there was some other questions.

5 MR. RUPEE: Mike Rupee, 14310 West Old School
6 Road. I do not want to put my manure into a
7 closed container. I do stockpile it. Six
8 months later I put it in my flower garden or
9 around my trees. It is wonderful compost and I
10 do not want to fill a landfill with it.

11 So my recommendation is do not force us
12 to put it in into a container. It's got to be
13 worse than a baby diaper container when you open
14 it up after a couple days. And I don't remove
15 it weekly.

16 So I'm a peat moss guy. I mix my horse
17 manure with peat moss. It composts extremely
18 well and then I do spread it on the lawn once
19 it's completely composted and it's a wonderful
20 fertilizer for my flowers, my vegetables, and my
21 tree.

22 So I do not intend to put it into a

1 container, nor do I intend to remove it once a
2 week. I think that's just a waste of a
3 landfill.

4 CHAIRMAN KRUSINSKI: I think there was a
5 couple of other comments with respect to that
6 issue, and I don't know if the Commissioners
7 want to consider some alternate language that
8 deals with a -- and I will call it -- an
9 approved, acceptable composting program. That's
10 a thought just for consideration.

11 But there has been more than one
12 comment with regard to the --

13 COMMISSIONER LEONARD: We actually have some.

14 COMMISSIONER CLARK: I think in our original
15 discussions we talked about it becomes how do
16 you manage that, how do you consider that
17 someone is just not taking it right out of the
18 stall, stockpiling at the end.

19 And the problem is that we have had
20 homeowners that are irresponsible in their
21 manure management. They're spreading it right
22 out of their stalls, taking it from the stalls

1 and spreading it on the land. That's not
2 composting. I've done research.

3 MR. RUPEE: That's what a horse does.

4 COMMISSIONER LEONARD: If it's a horse, when
5 a horse is out on a pasture, let's say, if you
6 are not mixing it with bedding and urine-soaked
7 bedding and just putting that in a pile. It's a
8 lot different when it's just manure and it dries
9 and then it's spread that's a lot different than
10 what you're taking out of a stall.

11 MR. RUPEE: I would disagree. When I compost
12 with my peat moss and my horse poop and my
13 urine, the peat mouse has little bugs in there,
14 that's what they use for, you know, waterless
15 toilets in the fields, as we for people. So it
16 is a wonderful way to compost.

17 And so put responsible composting in
18 the paperwork and then I'm fine. You can come
19 and smell my pile anytime you want, you know,
20 because it is a wonderful by-product and I do
21 repurpose it six months later.

22 COMMISSIONER CLARK: And that's what we kind

1 of talked about, perhaps you come to the Village
2 and say I would like an exception from having to
3 have my manure based on these reasons. But it
4 has to be done responsibly.

5 I did hours and hours of research,
6 University of Colorado, University of North
7 Dakota, Illinois, all agricultural departments
8 at the universities and their guidelines for how
9 you make compost. And some people dumping it
10 behind their shed and letting it sit there for
11 six months is not compost.

12 MR. RUPEE: Mine is. And admittedly I'm
13 married to the director of sustainability at
14 Oakton College, so I have to live with being the
15 appropriate composter.

16 COMMISSIONER CLARK: We're not saying today
17 that you're not allowed to do that. We're just
18 saying we should entertain maybe that you ask
19 for an exception to that, that this is how you
20 want to do it.

21 MR. RUPEE: Will we have a paperwork document
22 that says I need an exception to compost

1 properly?

2 COMMISSIONER LEONARD: I guess that's what we
3 have to talk about.

4 COMMISSIONER MELUSO: If we're going to have
5 to do that, then it's got to be inspected.

6 MR. RUPEE: Come inspect.

7 COMMISSIONER MELUSO: Okay. Who's going to
8 pay for that?

9 MR. RUPEE: Not me. I mean, do I just kind
10 of do it and not tell anybody and you see flies
11 all over the place and you come to my house.

12 COMMISSIONER MELUSO: The problem is we have
13 had several instances where people were not
14 responsible.

15 MR. RUPEE: Okay. So punish them.

16 COMMISSIONER PICKELL: In order to punish
17 people, you have to have a rule of law. All
18 right. And if the rule of law we say wherever
19 the composing requirements and guidelines are
20 from, you know, the college and wherever, right,
21 whatever those are, if you're composting within
22 those limits, then great.

1 But I can tell you, if people aren't
2 composting that way, it's the neighbors who are
3 going to say "place wreaks to high heaven and I
4 would like you to do something about it, Bob,"
5 right. And now you can send an inspector there
6 and it's obvious it's not being done according
7 to whatever the specified regulations are for
8 composting and you can stop it.

9 That's what we really want, is the
10 ability for neighbors to stop their other
11 neighbors from causing a real issue in the
12 neighborhood. That's all.

13 MR. RUPEE: So if my neighbor complains, you
14 are more than welcome to come to my house with
15 an inspector and say my pile is --

16 COMMISSIONER PICKELL: We can do something
17 like that.

18 CHAIRMAN KRUSINSKI: What I think it's all
19 coming down to a little more language revisions
20 on this.

21 COMMISSIONER CLARK: And Wendy does have all
22 of the specifications from several extensions on

1 what is required to actually compost.

2 CHAIRMAN KRUSINSKI: Do you have rules and
3 guidelines?

4 COMMISSIONER LEONARD: Yes.

5 CHAIRMAN KRUSINSKI: So I know, too, that
6 there was another question in the back. Go
7 ahead.

8 MS. O'DONNELL: Leslie O'Donnell, 25575 Saint
9 Marys Road. My issue isn't around the
10 container. I mean, I currently keep mine in a
11 dumpster and haul it out regularly and have had
12 no issues. I check with my neighbors frequently
13 and am fine.

14 My issue is that when you have -- like
15 say you have got a special use permit and you
16 have six horses, that requiring of weekly
17 removal when you have six horses versus somebody
18 with 40 horses, I feel there should be some
19 language and some sort of calculation based on
20 the number of horses that are currently in -- I
21 can't fill a 20-yard dumpster in a week. And it
22 just becomes financially, you know, costly to

1 have to remove it as every -- it's a \$350 charge
2 every time they take it.

3 UNIDENTIFIED AUDIENCE MEMBER: It's \$2,560 a
4 month.

5 MS. O'DONNELL: For you it's a lot. I want
6 it removed. As soon as it's filled and ready to
7 go, we call and it's gone. I mean, we don't let
8 it sit around. It doesn't cause problems.

9 I do think having a weekly -- saying it
10 must be weekly is a little bit inflexible and
11 doesn't take into account the difference sizes
12 of barns that are in Mettawa and the numbers of
13 horses that we're talking about, so I would like
14 that to be considered.

15 COMMISSIONER LEONARD: The only thing I'm
16 going to say, Leslie, is this. If you call --
17 and I'm assuming that Lakeside is doing your
18 removal or whoever is doing their removal -- not
19 Lakeside. Well, they all offer many different
20 sizes of dumpsters.

21 For instance, when I had more horses, I
22 had a bigger dumpster. Now that I only have one

1 horse, I have a smaller dumpster. It's a lot
2 less expensive. They still come and take it
3 once a week. But it's -- they charge you by the
4 size of the dumpster. They're coming every
5 week. So you just get a smaller dumpster and it
6 doesn't cost as much.

7 MS. O'DONNELL: I have a smaller dumpster
8 just for other garbage that I have removed
9 weekly. And it still would be difficult
10 financially. We still don't come out by --
11 quite the same. You're still spending a little
12 bit more on manure removal. But that's my -- I
13 just wanted to make note.

14 CHAIRMAN KRUSINSKI: Tom.

15 MR. LYS: Tom Lys, 25300 North Nektosha Way.
16 I have a question: How do you perceive
17 inconsistencies in the code to be handled? I
18 can give you an example. Our PUD specifies that
19 we can have up to 40 horses. We currently have
20 eight stalls. But there is also a provision,
21 since we are a large barn, we can't add any more
22 stalls.

1 So on the one hand, we are allowed to
2 have another, whatever, 32 horses. On the other
3 hand, we can't because we are not allowed to add
4 stalls. So how will the code deal with such
5 inconsistencies?

6 COMMISSIONER PICKELL: The code is very clear
7 actually. It says no more than five horses and
8 it always has. You can have a hundred acres,
9 there is no more than five horses.

10 MR. LYS: Orren, our PUD says 40 horses.

11 COMMISSIONER PICKELL: If your PUD says 40
12 horses, that's a different story.

13 MR. LYS: Yes, it does. So that's my
14 question is: Can I add stalls if I buy more
15 horses? That's the question. Because part of
16 the code says that I can't add stalls. That's
17 my question.

18 CHAIRMAN KRUSINSKI: What does your original
19 PUD say?

20 MR. LYS: 40 horses.

21 CHAIRMAN KRUSINSKI: With respect to the
22 stalls? Does it speak to stalls?

1 MR. LYS: No.

2 CHAIRMAN KRUSINSKI: It's a legal question
3 that I cannot answer.

4 MS. GALLO: You can draft -- the text of the
5 amendment can provide that someone who has been
6 granted approval for a number of horses who has
7 not yet constructed those could build to that
8 number of allowed horses.

9 I don't know if Mr. Lys is the only one
10 with the situation where he has been granted
11 more horses than stalls or if there are others
12 in that situation.

13 The language that's proposed on page 7
14 in 15.1209(B) that you previously looked at
15 would not allow him to build the additional
16 stalls. If you think that, you know, taking
17 into consideration that he has been granted the
18 ability in the PUD to have 40 horses but he only
19 has an eight-stall stable on his property at
20 that time, if you think it would be fair to
21 allow him to build up the number of stalls equal
22 to the number of horses, then that language

1 would have to be changed. Whether or not it's
2 changed is a policy point for you all to
3 discuss.

4 MR. IRVIN: I think we have to look at that
5 subdivision closer. My notes say the ordinance
6 says approval -- excuse me, approved with the
7 allowance for a stable and arena not exceeding
8 30,000 square feet operated by the association
9 for the full use of the residents and their
10 guests. Each lot may include a private stable
11 and loafing shed. The total number of horses on
12 the property shall not exceed 40.

13 The property is 37 acres with eight
14 lots. Now, that would suggest the arena and
15 stall that you have now could not be enlarged
16 and each of the remaining seven lots could each
17 have five horses I assume -- well, they're
18 smaller than five acres, though.

19 But if each lot has an individual
20 private stable, that's going to -- would be
21 additional horses. So we have to look into the
22 details of that. But there may be limiting --

1 and I know you placed the stable and arena on
2 lot two, if you ever recorded the subdivision
3 document. So that's -- it's probably a
4 combination of individual lots and the stable
5 arena that's been built which would determine
6 that.

7 CHAIRMAN KRUSINSKI: There will be exceptions
8 and it's subject to the documents, as Bob just
9 said, that establish your PUD. So, obviously,
10 it's a complex issue and probably one that we
11 can't resolve in just a blanket zoning matter.
12 It has to be specific.

13 There was a couple of other comments
14 that I received, but just so I don't forget it.
15 With respect to the number of horses and stalls,
16 is there any provisions or discussion in the
17 existing ordinance when perhaps you have five
18 horses and one of them is in foal and then now
19 all of a sudden you have got six horses.

20 COMMISSIONER CLARK: Why did you say that out
21 loud?

22 CHAIRMAN KRUSINSKI: Because someone asked me

1 and I don't know anything about horses. All I'm
2 suggesting is that perhaps there needs to be
3 just something that allows that.

4 COMMISSIONER LEONARD: Well, the only thing I
5 will say about that is if you do that, you've
6 intentionally done it. This isn't like stray
7 dogs. Okay. It's not like -- do you see what
8 I'm saying? So somebody is intentionally going
9 to try to get another horse. So they have to
10 make that decision if they want that's a -- you
11 know, that's a conscious decision that they're
12 making to have a horse in foal.

13 CHAIRMAN KRUSINSKI: I'm not saying -- and
14 the person asked me this. There is not -- it
15 was not on a permanent basis. It was just on --
16 you know, on a temporary basis that -- is that
17 something that should be addressed?

18 COMMISSIONER LEONARD: I don't think so. I
19 think you are nitpicking that. I don't know
20 anybody -- I mean, if they were going to keep it
21 permanently, that's a different story.

22 CHAIRMAN KRUSINSKI: It's just a temporary

1 situation, that's really not an issue.

2 COMMISSIONER LEONARD: I wouldn't think so.

3 Wendy, do you think so?

4 COMMISSIONER CLARK: No.

5 CHAIRMAN KRUSINSKI: Thank you. Perfect.

6 There was a question in the back.

7 MS. TRELISON: Kathy Trelison, 15101 West Old
8 School Road. I just have a question. Wasn't
9 there part of an ordinance that you had to have
10 your manure picked up every week. I built my
11 barn in 2000 and I was told that, so I got a
12 dumpster. I mean, when I built, we were -- in
13 the year 2000, we were told you had to remove
14 the manure once a week. So that's just my
15 question for you guys and so if you wanted to
16 build a barn in the Village that's what you had
17 to do.

18 CHAIRMAN KRUSINSKI: We will have to
19 double-check that.

20 MS. TRELISON: I know it was a long time ago,
21 but we were told we had to have a dumpster and
22 it was picked up weekly.

1 COMMISSIONER LEONARD: So was I. And that
2 was like 30 years ago.

3 MS. TRELISON: So I don't know why all this
4 other stuff is -- spreading and composting.
5 You're not supposed to do that and you knew that
6 before you built.

7 MR. SMITH: If your stable has more than five
8 stalls, the current requirement, which has been
9 in place since around 2000, requires weekly
10 removal. If your stable has five or fewer
11 stalls, the weekly requirement is not in the
12 code at this time. So there is a difference
13 between how many stalls you have.

14 CHAIRMAN KRUSINSKI: So it was a cleanup, now
15 I recall. It was a cleanup that we wanted to
16 have both the five stalls --

17 COMMISSIONER LEONARD: And less than five.

18 CHAIRMAN KRUSINSKI: Well, five or less
19 consistent with the five or more.

20 Thank you for that comment. It's a
21 cleanup, that's the reason we made the revision
22 or proposed revision.

1 There was a question in the back. I
2 may have missed a hand. Any other comments?

3 MS. CASAS: Kristin Casas, 855 North Bradley
4 Road. Thank you for the horse people that I
5 know your time is busy.

6 On page 8 recommendation, (2)(D), the
7 fire extinguishers, obviously, for your
8 recommendation, I would recommend you have
9 consideration for adding the language "with
10 annual inspections" so that they work.

11 When I bought my barn, I bought it
12 prepurchased, that all the fire systems had been
13 inspected, my brother-in-law knows all about the
14 fire extinguisher recommended that's language
15 for you to consider, hopefully they work.

16 We didn't need to talk about manure,
17 but back to fire. So if we go to page 9 (F) and
18 I agree with everything covered that that's
19 saying. Covered, that's combustion. If I were
20 to cover my -- if I had a dumpster that's fully
21 covered -- I was raised on a cattle ranch. If
22 you cover that dumpster, it's a fire. You

1 understand what I'm saying.

2 COMMISSIONER CLARK: Well, most of the
3 dumpsters are not airtight. They're just
4 covered so that the flies --

5 MS. CASAS: I have two big dumpsters and
6 nothing is covered.

7 COMMISSIONER LEONARD: You're in a building?

8 MS. CASAS: Yes.

9 MR. CASTLE: To cover your manure will make
10 it combustible and that creates a fire hazard.

11 COMMISSIONER LEONARD: If you look at the
12 dumpsters that you get from Lakes, there is --
13 they are -- are they covered? Yes. But they're
14 not covered like you're thinking they're covered
15 at all.

16 MR. CASTLE: I go by the definition of
17 covered. You have a completely different
18 definition of covered.

19 COMMISSIONER LEONARD: You have a good point.

20 CHAIRMAN KRUSINSKI: And we can wordsmith
21 that. And, obviously, the code approved working
22 fire extinguishers is something that I already

1 talked to Greg about that.

2 MR. CASAS: With regard to manure, the only
3 thing I would say is, you know, we don't even
4 have dry cement in yet. Our composting stalls
5 are designed by composting engineers that have
6 proper aeration, that allow you to actually turn
7 it into compost without any smell and
8 appropriately manage them.

9 I think to your point, to the extent
10 that you want to impose, because of
11 irresponsible behaviors, then set the standard
12 by which it is allowable. Don't require the
13 expense to get back again and get an appeal. I
14 think there is clear standards that are
15 available in terms of how to do it without
16 having a negative impact relative to malodorous
17 material and all the contamination elements.

18 And I think this is really noteworthy
19 and applaudable as it relates to trying to clean
20 up manure piles, and I endorse that. Just don't
21 throw the baby out with the bath water is all
22 I'm suggesting.

1 Just a general question, a lot of this
2 stuff, I think, has evolved from concerns and
3 things, obviously, in an open forum to try and
4 put a level of tighter controls on things and
5 fears and concerns relative to the equestrian
6 side, I guess. It comes off as really
7 anti-equestrian in terms of way the ordinances
8 are drafted.

9 But has there been any impact, analysis
10 relative to property values? I think most
11 people here, if they come to this community with
12 what they thought they signed up for and are
13 able to enjoy what they signed up for -- and
14 this is an oasis of a countryside. You know,
15 it's in the middle of things, surrounded by a
16 lot of urban and suburban areas.

17 But it seems to me when you take and
18 target large stables -- and if you look at the
19 history and what's going on in the marketplace,
20 I mean, half the property sales in this market
21 in the last few years have been short sales.
22 Most of the property has devalued. And the only

1 exceptions, the only exceptions in the context
2 of this community on property values
3 appreciating are those associated with large
4 stable equestrian use.

5 The standards are critical that they're
6 high quality so that you don't have a bunch of B
7 barns that are trying to run horses for rent or
8 stable or schooling programs that, you know,
9 make this look like a manure pile. Absolutely.

10 But why do you want to say no more to
11 potential investment in a community for what the
12 community, quite frankly, is known for and has
13 heritage. This is a gentleman farm community.
14 There are people and families that want to leave
15 the city and have a level of proximity, but yet
16 a level of rural countryside exposure.

17 So now we're sitting here saying we're
18 throwing all this out, no more special uses, we
19 don't want anybody coming here, and you're
20 making it really, really tough for those who
21 tried to invest in the community.

22 And so I just don't get it. What's --

1 is this because there has been complaints
2 relative to large stables in the context that
3 they had negative impact on neighbors? Has
4 there been some sort of burden or negative
5 impact relative to the operations of those
6 facilities? Or is this kind of a knee-jerk and
7 would you consider putting a little pause button
8 relative to things that you want to make sure
9 you have the ability to enforce for
10 irresponsible behavior? All for it.

11 But relative to what you're trying to
12 do with the community, do you really want to say
13 what the community has historically been about,
14 that's a big component of it, you shut down and
15 make it very difficult for people that have come
16 into this community and are developing
17 properties at significant capital investment.

18 If you look at it and you look at your
19 permits, you know how much money is coming in
20 and what areas. It's coming in from those
21 properties. Why do we want to -- I ask you, why
22 do you want to shut that down? Is there a

1 reason or is there a study to know what the
2 impact is going to be on property values by
3 doing that? Because you're going to affect
4 everybody. And I think from a community
5 perspective, while all the things that you
6 embrace from a perspective of rural living and
7 country oasis and the things that are important
8 all require a balance of corporate users with
9 tax subsidies and bedroom communities with
10 affordable housing but nice housing and some of
11 the planned developments that you've done and
12 the aspect of the equestrian farms and elements
13 that have allowed people to enjoy this as a
14 rural community.

15 So I'm wondering, short question is,
16 have you done any type of impact analysis by
17 imposing these and shutting this down? Because
18 that's what you're doing. You're saying that
19 even if we grandfather and safe harbor, the
20 rules are there and you're shutting it down for
21 anyone else that wants to come to this
22 community. And you will not get that investment

1 and you will have people coming in here and help
2 you revitalize elements that actually would
3 benefit by that revitalization. And you would
4 be a lot better off with that type of investment
5 and all the property owners would.

6 So when you go to act and recommend and
7 the Board considers, I would just encourage that
8 we look at this. This is a big impact. I think
9 you may not recognize how much of an impact this
10 could have for everybody, not just people that
11 might want to have horses.

12 CHAIRMAN KRUSINSKI: Thank you. Great
13 comments.

14 And just to respond to something we
15 started the meeting with was, you know, how did
16 we get to where we got. And it's been a
17 significant process over many, many months and
18 it incorporates a number of concerns that the
19 Village Board has and that residents have
20 brought to the Village Board for our
21 consideration.

22 So it's not just something we said,

1 well, let's look at this. It was input that we
2 had from both the Board as well as residents to
3 consider these kinds of changes.

4 Another very good point is with respect
5 to property values and the marketplace. You
6 take a look at not only our community but a
7 number of communities all around us, and
8 significant problems are occurring in
9 higher-cost homes. They were just not moving.

10 And so I don't think that has a damn
11 thing to do with whether there is horses or not
12 horses in our community or if there is large
13 barns in our community whether that will impact
14 the value of our property or the additional
15 commerce that you need to have what could be
16 very expensive home sales because the lot size
17 and the improvements that have, you know, been
18 put on those houses.

19 So it certainly most definitely was not
20 done to shut down any business or to impact in a
21 negative way our community. In fact, on the
22 contrary, it was over a long period of time, a

1 number of considerations, a number of things
2 that just had to be cleaned up, as well as
3 concerns from the residents. In fact, there was
4 a significant petition that was put forth that
5 came to us as -- again, as I will call it
6 resident input, you can call it evidence, as to
7 why we should stop large stables all together
8 and large barns.

9 So, you know, there is work yet to be
10 done with respect to the changes. And we're
11 going to close the hearing at this point on the
12 points that we've covered so that we can go back
13 and have the ability to review the comments and
14 to address the issues that need to be revised
15 and so that we'll have an opportunity to look at
16 that at our next hearing.

17 And then at the October 3rd hearing,
18 we'll continue with the points that aren't
19 covered and, obviously, try to come up with the
20 revisions that we need.

21 The hearing is not closed. So
22 technically it's just a matter of continuing our

1 public hearing. So the public hearing will be a
2 date certain, October 3rd, and continued. We
3 are just -- at this point we're stopping the
4 residents input so that the Commissioners have
5 an opportunity, while it's fresh in their minds,
6 to go through the points one more time and make
7 sure that we are incorporating the comments that
8 we had from the residents.

9 I know it's already late. And it's --
10 we wanted to close this hearing by 9:30 and we
11 are probably going to go over that. But for the
12 residents' points of view, you are certainly
13 welcome to remain in the audience, but there
14 will be no more public comment. So thank you
15 very much for coming.

16 So I'm going to ask Greg and Bob to
17 help with this and their notes and anybody
18 else's comments.

19 COMMISSIONER MELUSO: I have one with
20 compost.

21 CHAIRMAN KRUSINSKI: Do you mind if we get to
22 that?

1 COMMISSIONER CLARK: Maybe go in the order.

2 CHAIRMAN KRUSINSKI: We'll go in the order so
3 we can get through it a little quicker hopefully
4 and that way Greg and Bob can help us with the
5 changes that we think are necessary. But I mean
6 there was some very important issues that were
7 brought up that may require some tweaking,
8 wordsmithing.

9 So I think the only comment I had on
10 the residential lot coverage, one of the
11 comments is that we have a definition for a
12 horse stable of making sure that we're clear
13 that's five stalls or less and a large stable is
14 six stalls or more.

15 Why that came up, this person that
16 reviewed this thought it really needed to be --

17 MR. SMITH: It's by definition in the zoning
18 ordinance.

19 CHAIRMAN KRUSINSKI: I'm on the first page
20 that where we say horse stable, that it -- that
21 means -- and I want to make sure this is clear
22 -- it's five stalls and less and then a large

1 stable is six stalls and more.

2 COMMISSIONER LEONARD: I think it's in the
3 definition.

4 CHAIRMAN KRUSINSKI: As long as that's by
5 definition somewhere else, I'm okay.

6 MR. SMITH: It is by definition.

7 COMMISSIONER CLARK: So we are okay on that?

8 CHAIRMAN KRUSINSKI: So other than that
9 change, Greg, was there anything else from your
10 notes that needed revisions?

11 MR. SMITH: No.

12 MR. FRIEDMAN: Are you taking comments?

13 CHAIRMAN KRUSINSKI: No comments.

14 MR. FRIEDMAN: Because there were other
15 comments on residential lot coverage page 2.

16 MR. IRVIN: The only comments I thought we
17 resolved is it's with regard to what happens to
18 existing special uses.

19 MR. FRIEDMAN: All right. Thank you.

20 COMMISSIONER CLARK: Are they grandfathered,
21 is that what we're talking about?

22 MR. IRVIN: I think the commissioners who

1 spoke made it clear there was no intent to make
2 any changes to the --

3 COMMISSIONER PICKELL: I would like to say,
4 the whole time, there is a lot of anxiety in the
5 audience about being retroactive, about any of
6 these issues. And are these going to be
7 retroactive about anything except for the
8 manure?

9 COMMISSIONER LEONARD: No.

10 COMMISSIONER CLARK: No.

11 COMMISSIONER PICKELL: Is there anything that
12 we want to be retroactive about except spreading
13 manure?

14 COMMISSIONER LEONARD: The only thing -- it's
15 not being retroactive. It's just there are some
16 things that I think we are reiterating because
17 somehow they haven't been enforced. They are
18 already in our codes, but we haven't enforced
19 them. And going forward I think we're just
20 trying to say that we are going to enforce these
21 things now.

22 Even like just residing that somebody

1 -- the owner must reside on the property if
2 they're going to have a large stable, that's
3 always been in our code. It hasn't been
4 enforced lately.

5 CHAIRMAN KRUSINSKI: Well, we allowed it.

6 COMMISSIONER CLARK: We allowed it through
7 the special use. So if they have a special use
8 and they're being granted that they don't have
9 to live on the property, then we can't
10 retroactively now go back and say "oh, gee."

11 COMMISSIONER PICKELL: I can tell Mr. Casas
12 has an issue. I think this is one of his
13 concerns, is that, yes, he has a special use,
14 it's very clear what the special use says, then
15 there was a very unclear portion of the special
16 use that was a lot of lawyers threatened
17 lawsuits. And was that resolved and now it's
18 part of the special use he can board horses; if
19 not, this wording could --

20 MR. IRVIN: The issue of boarding horses,
21 there is no issue of boarding horses there.

22 COMMISSIONER PICKELL: Or whatever it is. I

1 can't remember what it was.

2 COMMISSIONER CLARK: He was talking about the
3 difference between nonconforming of accessory
4 buildings, the use versus --

5 MR. IRVIN: The uses versus structure.

6 COMMISSIONER PICKELL: Not the structure
7 because he has a permit. He has a permit, he
8 has a special use to do what he is doing there.
9 But he's not using -- if he's not doing a
10 special use exactly how it was intended and that
11 wasn't resolved, that he's concerned -- he would
12 be concerned about his building burning down and
13 being able to replace it. That's what I'm
14 saying is a concern.

15 MR. SMITH: This is number four, if we're
16 jumping ahead, it's number four on page 3.

17 If the ZPA wants to consider some
18 language in line with what Mr. Casas was
19 discussing, I can bring back some language to
20 address it.

21 COMMISSIONER LEONARD: There is only one
22 other thing, too, now that I'm thinking about

1 this and that comes up here. And that is
2 special use, is it to have a building or is it
3 what goes on in that building? And I think this
4 is where Orren is going with this.

5 COMMISSIONER PICKELL: The way it's worded
6 it's both, it's both the special use you have
7 and what you do with the special use and if
8 there's something that you're not conforming to.

9 COMMISSIONER LEONARD: In other words, you
10 can't -- just because you are granted a special
11 use for a large barn, it doesn't mean you can
12 use that barn for something other than just to
13 house horses.

14 MR. SMITH: Special uses have both the
15 structure and the use element to them depending
16 on which they are. For instance, a guest house
17 is a special use that both relates to a
18 structure and a use within that structure.
19 Right. So there are both elements to probably
20 all of them.

21 CHAIRMAN KRUSINSKI: So I think the point is
22 this section is not where I think the issue is.

1 I think there is some issues that maybe just
2 need clarification with respect to existing
3 special uses and that's -- that, quote/unquote,
4 safe harbor.

5 COMMISSIONER LEONARD: That we're not trying
6 to take them away.

7 CHAIRMAN KRUSINSKI: And when we get to that,
8 I think it's not that section that's critical,
9 it's more the other section.

10 MR. SMITH: We started talking about number
11 one on page 1 and then we jumped to number four
12 on page 3.

13 I've got your direction, I think, on
14 number four on page 3 that you want some
15 proposed language. I can provide that for
16 Section 15.306.

17 CHAIRMAN KRUSINSKI: Yes.

18 MR. SMITH: With regard to number one on
19 page 1, that's what I think we need to finish up
20 so we can move on to number two.

21 CHAIRMAN KRUSINSKI: I don't think there is
22 any other changes. I don't think that existing

1 special use issue needs any clarification here,
2 do you, Greg?

3 MR. SMITH: No.

4 CHAIRMAN KRUSINSKI: I don't think so either.
5 I think number one --

6 COMMISSIONER CLARK: Joe, when we -- excuse
7 me, if we kind of go over this and we all kind
8 of agree, are we going to kind of vote on each
9 section?

10 CHAIRMAN KRUSINSKI: We're not going to vote
11 tonight because there is too many revisions. So
12 what we're going to do subject to, you know,
13 timing here is for Greg to put our comments into
14 the -- in this document again, make the
15 necessary revisions, please show us what
16 revisions have been made. And then, you know,
17 that will give us again the benchmark for our
18 final review and recommendation.

19 But we'll do that in a more global way
20 once we get a document that we all agree on.

21 So item one we're good.

22 Then item two, the only clarification I

1 had was, again, a comment on floor area, the
2 definition of floor area. Do we need to clarify
3 that and say living space? That was something I
4 saw in some other codes. They used the word
5 "living space."

6 Do we need that clarification, Greg, or
7 is it defined somewhere else?

8 MR. SMITH: Well, floor area itself is not
9 defined. Ground floor area is defined. So you
10 could switch to "ground floor area" or you could
11 come up with another phrase like "living space"
12 or something else that better captures what
13 you're trying to do on the minimum house size
14 issue.

15 COMMISSIONER LEONARD: Can you do like a
16 total living floor area?

17 CHAIRMAN KRUSINSKI: I like the word
18 "living." It's a phrase that's used in other --

19 COMMISSIONER HIRSCH-BOLLHOFFER: We don't
20 want a 400-square-foot house and
21 2,000-square-foot garage.

22 COMMISSIONER LEONARD: Or habitable.

1 COMMISSIONER PICKELL: The way this could be
2 construed is the 400 square feet subtracted from
3 the 2,000 square feet because you don't say
4 living. So it means the 1,600-square-foot
5 living space with a 400-square foot garage. We
6 want to make clear, 2,000-square foot living,
7 400 square feet of garage.

8 COMMISSIONER CLARK: What do you like better,
9 "living space" or --

10 COMMISSIONER PICKELL: "Living space."

11 CHAIRMAN KRUSINSKI: You could habitate in
12 the garage if you want to.

13 But I think the word that I've seen
14 used more often than not is -- the phrase I've
15 seen more often is "living." Okay.

16 MR. SMITH: I will propose some language for
17 you to look at at the continued public hearing.

18 CHAIRMAN KRUSINSKI: I don't think there was
19 anything in short-term rental.

20 COMMISSIONER HIRSCH-BOLLHOFFER: I remember
21 we had that comment from Tom Heinz and he was
22 saying, you know, 90 days is that short-term.

1 But I know there is other accessory buildings,
2 but you can't rent those out. It's pretty much
3 we're talking about primary house. So you can't
4 rent out your accessory buildings either.

5 COMMISSIONER LEONARD: No. It's already in
6 the code that you can't do that.

7 CHAIRMAN KRUSINSKI: But we don't want to
8 preclude someone that maybe is transferred to
9 Europe for a year and they want to rent their
10 house while they're gone.

11 I mean, that's -- that's okay actually.
12 But we're trying to -- all we were trying to
13 do -- and the 90 days, by the way, is something
14 I've seen in other codes as well, Bob, right?

15 MR. IRVIN: Exactly.

16 CHAIRMAN KRUSINSKI: So I think we're good on
17 three, Commissioners.

18 All right. Number four I think this is
19 where it gets a little tricky and Greg has got
20 to do a little research on the issues that have
21 to do with existing special uses.

22 COMMISSIONER CLARK: Was there some question

1 in there, Joe, about the 50 percent?

2 CHAIRMAN KRUSINSKI: There was and that was
3 something I brought up. And I think, again, the
4 question that somebody came to me with is who
5 decides the 50 percent, and that could be the
6 zoning administrator. But I think we should
7 speak to that.

8 MR. SMITH: We can specifically state it's
9 the zoning administrator. Under your Village
10 code, the zoning administrator has the general
11 authority to interpret and make decisions under
12 the zoning ordinance.

13 So in places where your code doesn't
14 say who decides, for instance, whether or not
15 you have damage to the extent of 50 percent or
16 more, you have a more general provision that
17 says it's your zoning administrator.

18 There is no problem in inserting it in
19 appropriate places when you're dealing with
20 them. But that's how you would work through the
21 code if the issue came up in the absence of that
22 language.

1 CHAIRMAN KRUSINSKI: Okay. So do you think
2 we need to add the zoning administrator language
3 here or not?

4 MR. SMITH: I don't, because the code -- your
5 zoning ordinance wasn't drafted with those
6 references included. So adding a one-off
7 reference to the zoning administrator here could
8 lead people to think, well, it was referenced
9 here but not elsewhere.

10 CHAIRMAN KRUSINSKI: I got it. And the other
11 issue that came up what is the whole safe harbor
12 issue. And to the degree we need some
13 clarification there, I have to refer to you.

14 MR. SMITH: I can provide -- you have policy
15 discretion to decide what language you want to
16 see here. Mr. Casas presented his proposal, and
17 it seemed like you had a general consensus to go
18 along with it, that this rule, the 50 percent
19 damage rule would not apply to someone who has a
20 special use permit.

21 If that is your policy determination, I
22 can draft language to incorporate that. I just

1 need to know if that's your consensus.

2 COMMISSIONER PICKELL: Yes.

3 COMMISSIONER CLARK: Yes.

4 COMMISSIONER LEONARD: I would say if
5 somebody has got something and it burns down and
6 they've been allowed to build it in the first
7 place, then they should be allowed to build it
8 again.

9 COMMISSIONER HIRSCH-BOLLHOFFER: Otherwise,
10 it's a hardship and they'll have to apply.

11 COMMISSIONER PICKELL: Right.

12 COMMISSIONER CLARK: It's never the intention
13 to punish anyone.

14 MR. SMITH: Then I will add language to
15 clarify that structures approved in the special
16 use permit are not nonconforming buildings or in
17 -- make it clear that we're dealing with true
18 nonconformities here --

19 CHAIRMAN KRUSINSKI: The question I have --

20 MR. SMITH: -- which I believe was
21 Mr. Casas' request.

22 CHAIRMAN KRUSINSKI: I understand that. I

1 think the problem I have is with his proposed
2 draft language, I think needs some further
3 clarification than just saying "shall be exempt
4 from the requirements of section." I think we
5 need to be a little more --

6 MR. SMITH: Joe, you're looking at the
7 original proposed language. Turn to the next
8 page. I can come up with a proposal for you.

9 CHAIRMAN KRUSINSKI: This is what he sent.

10 MR. SMITH: The additions and deletions are
11 in red in that document. The language you are
12 looking at is a cleanup from a prior amendment
13 that wasn't proposed by that.

14 CHAIRMAN KRUSINSKI: I'm sorry, I'm going by
15 the one I have.

16 COMMISSIONER PICKELL: I can tell you just
17 the fact that there is going to be an argument
18 about what 50 percent means with Yamin Yamin.
19 That argument could take six months. And I can
20 tell you when you get insurance companies
21 involved --

22 CHAIRMAN KRUSINSKI: Your point is perfect.

1 COMMISSIONER PICKELL: -- it's going to go on
2 forever and ever.

3 CHAIRMAN KRUSINSKI: I couldn't agree more.
4 I made those notes too. I know what our point
5 was here, we didn't want things to sit. We
6 wanted -- but I think we may need a different
7 starting point here with respect to the six
8 months from the date of destruction. I know we
9 say "diligently prosecuted," that sort of thing.

10 But maybe there is other language that
11 in case -- and I don't know how to frame it.
12 But if there is a legal dispute with an
13 insurance company or something that protracts
14 that, how can we accommodate that or maybe allow
15 for the applicant to come to us and say, you
16 know, a reasonable extension shall be granted
17 subject to something, Greg. Do you understand
18 what I'm saying?

19 COMMISSIONER LEONARD: How about other
20 villages, how have they handled this? I'm sure
21 this has come up. We're not the only ones.

22 MR. SMITH: Right.

1 MR. IRVIN: I suspect there is a variety.
2 But this does seem a little on the short side
3 given the potential complexities of the things
4 that Orren suggested. They will happen in most
5 cases.

6 COMMISSIONER LEONARD: Can I ask a question
7 here? Let's say somebody's building, whatever
8 it is, their stable, whatever it is, burns down,
9 do they need to come -- I'm assuming they have
10 to come back to get another permit to rebuild
11 it?

12 MR. IRVIN: Correct.

13 COMMISSIONER LEONARD: Would somebody get
14 that -- I've never had anything destroyed by
15 fire, knock on wood. So would they need to
16 have -- before they would come to get that
17 permit, would the insurance company have needed
18 to pay up? I mean, what's the process?

19 COMMISSIONER PICKELL: Yes.

20 COMMISSIONER LEONARD: So can we put in here
21 somehow that it's from the date of issuance of
22 the building permit? I mean, would that solve

1 this problem? I don't know. I'm just throwing
2 it out there.

3 CHAIRMAN KRUSINSKI: The building permit
4 issue is a different -- you know, that starting
5 point is a different kind of thing. And
6 because -- again another comment was -- even the
7 year from the time that the building permit is
8 issued, that could be subject to issues like
9 force majeure or acts of God, strikes and
10 delays, material shortages, an oil embargo that
11 happened in '76.

12 COMMISSIONER LEONARD: You know the villages
13 have something.

14 CHAIRMAN KRUSINSKI: But all I am saying is I
15 think we just need to add some things like you
16 have in a contract with regard to a force
17 majeure.

18 COMMISSIONER PICKELL: You're working towards
19 an end goal, which is to get this built.

20 CHAIRMAN KRUSINSKI: But you still have a
21 year, but subject to approved delays or
22 something.

1 MR. SMITH: This concept is standard in
2 municipal zoning ordinances. The idea -- the
3 details here could be tweaked. You may say that
4 you have to start within 12 months instead of 6
5 months, you must complete within a year and a
6 half or two years from completion. You could
7 add at the end that it may be extended by the
8 Village Board so that someone wouldn't have to
9 come to you for a recommendation on an
10 application, they could go to the mayor and
11 trustees and say, "look, the insurance company
12 has been yanking me around" or "my contractors
13 took my money" or whatever.

14 COMMISSIONER CLARK: We've kind of added that
15 wording in the use it or lose it, that you can
16 ask for an extension.

17 CHAIRMAN KRUSINSKI: I think Greg's point is
18 perfect.

19 MR. SMITH: So if we recommend that the
20 Village Board may extend these timelines, that's
21 one thing. Do you also want to increase the
22 period?

1 COMMISSIONER PICKELL: I would.

2 MR. SMITH: And if so, what do you recommend
3 those periods be changed to?

4 COMMISSIONER LEONARD: You build, not me.

5 COMMISSIONER CLARK: What do you think is
6 reasonable?

7 COMMISSIONER PICKELL: I would say a year.

8 CHAIRMAN KRUSINSKI: Year to start?

9 COMMISSIONER PICKELL: Insurance companies,
10 you can have all kinds of debate and nobody
11 likes spending money on plans or anything,
12 issues like that, until you get it approved from
13 the insurance company.

14 CHAIRMAN KRUSINSKI: And then I would stick
15 with the year to complete, but with the caveat
16 that if an extension is required that it shall
17 not be unreasonably withheld if approved by the
18 board.

19 COMMISSIONER PICKELL: On both sides.

20 CHAIRMAN KRUSINSKI: On both, is that all
21 right?

22 MR. SMITH: Understood.

1 COMMISSIONER LEONARD: I'm good.

2 COMMISSIONER CLARK: I'm good with that.

3 CHAIRMAN KRUSINSKI: Zoning application fees.

4 MR. IRVIN: We don't have any comments. The
5 only question is does it apply to a
6 nonapplicant?

7 CHAIRMAN KRUSINSKI: Clarify resident was the
8 note I made. Greg, I don't know if there were
9 some other comments. But what do you think?

10 MR. SMITH: Well, the professional fees
11 ordinance requires the applicant to pay the
12 amounts owed. There was a comment that perhaps
13 if an objector wanted the AV equipment, is it
14 fair to require the applicant to pay for the
15 objector's presentation of their objection. I
16 mean it's a decent point.

17 It's one for the Board to ultimately
18 settle on since we're outside the zoning
19 ordinance, you're making a suggestion to the
20 Board. I think it would be reasonable that if
21 the applicant is not asking for it, the person
22 who is asking for it should pay for it.

1 COMMISSIONER LEONARD: I think that's
2 reasonable.

3 MR. SMITH: I can draft language for a
4 suggestion to that effect.

5 CHAIRMAN KRUSINSKI: I think, again, we're
6 not talking about -- I think if we don't do
7 that, it's not fair, like you said, to the
8 applicant. But by the same token, it still
9 allows the resident who wants to do a PowerPoint
10 -- we're not talking about thousands of dollars
11 here. We're just maybe extending what is
12 already in place --

13 COMMISSIONER CLARK: If you feel strong
14 enough that you want to make a presentation.

15 CHAIRMAN KRUSINSKI: -- that the resident
16 participate if he has an objection and wants to
17 make a presentation. So that tweaking is okay?

18 COMMISSIONER LEONARD: Yes.

19 COMMISSIONER PICKELL: That's good.

20 CHAIRMAN KRUSINSKI: All right. Greg, you
21 will make that little revision.

22 Okay. Page 5 item six, this is the

1 time limits, we talked about this a little bit
2 already.

3 MR. IRVIN: There wasn't really any comments.

4 CHAIRMAN KRUSINSKI: I don't have any notes.

5 COMMISSIONER LEONARD: No. I don't see
6 anything.

7 MR. SMITH: Let me take you through the
8 changes that I've noted and then you can tell me
9 which ones I missed or which you want to see in
10 a revised document. Starting on page 6 under
11 number eight, the last paragraph about manure,
12 changing "stables" to "stalls," that was
13 Commissioner Clark's request. Then also
14 allowing for composting in the section within
15 certain limits.

16 COMMISSIONER CLARK: Can we back up in that
17 Section 15.1202(C) and 15.03(D), talk a little
18 bit about manure may only be stored in covered
19 and secured containers. Can we figure out some
20 wording that people will be comfortable with
21 this?

22 MR. SMITH: My thought would be that you

1 could say something along the lines -- well, let
2 me take a step back.

3 A container is different than a pile on
4 the ground. A container must have at least five
5 sides, four sides and a bottom. The issue is
6 what do you do on top.

7 You can say that they must be stored in
8 containers and leave it at that and not mention
9 covered or secured or anything along that line.
10 Or you could include a requirement, if
11 appropriate, that they be covered but not air
12 tight or something along those lines.

13 CHAIRMAN KRUSINSKI: Or even the word
14 "appropriate container." An appropriate
15 container, like you said there is different
16 sizes. They just have flip top, not air tight.

17 COMMISSIONER LEONARD: It's not even --
18 honestly, the lids on dumpsters aren't even like
19 lids on -- they are not like the lids on garbage
20 cans. They're just corrugated plastic and they
21 flop over and there is always space on the all
22 sides.

1 MR. SMITH: It may be easier to just strike
2 the words "covered" and "secured" in all of the
3 manure sections, which these would ultimately be
4 incorporated into the large stable requirements
5 and it just says "stored in containers."

6 CHAIRMAN KRUSINSKI: "Appropriate
7 containers."

8 MR. SMITH: Does it make sense to be more
9 specific than "appropriate" because that could
10 be subject to interpretation.

11 COMMISSIONER MURPHY: I think adding
12 "appropriate" makes it vague.

13 COMMISSIONER LEONARD: How about "approved"?

14 CHAIRMAN KRUSINSKI: Who is going to approve
15 it?

16 COMMISSIONER LEONARD: Here's the thing. If
17 somebody -- Lakes disposal does our removal in
18 Mettawa. They also remove private -- now I
19 don't know about large stables. I don't know
20 who removes -- Sean, who removes over at your
21 place?

22 MR. SELLER: Duke and Prairie.

1 COMMISSIONER LEONARD: So you have -- you
2 contract independently of the Village?

3 MR. SELLER: Yes. But we also have to have a
4 \$150,000 manure house.

5 COMMISSIONER LEONARD: That's right, yes, you
6 do.

7 MR. SELLER: Just saying.

8 COMMISSIONER LEONARD: Yes, you do. The only
9 thing I'm saying is, for most people in the
10 Village, just backyard horses, what I call
11 backyard horses, we have our dumpsters from
12 Lake. They are all the same dumpster. It's
13 what size do you want, A, B, C or D.

14 COMMISSIONER CLARK: So would "approved" be
15 better than "appropriate"?

16 COMMISSIONER HIRSCH-BOLLHOFFER: How about a
17 refuse container?

18 MR. SMITH: I think the word "appropriate"
19 could be workable because a cardboard box is a
20 container. If someone puts their manure in a
21 cardboard box, that's clearly inappropriate. So
22 there is some baseline of reasonableness.

1 CHAIRMAN KRUSINSKI: You use both words.

2 MR. SMITH: Who is doing the approving?

3 COMMISSIONER LEONARD: I don't know.

4 COMMISSIONER CLARK: I would think that
5 removal, use the service.

6 COMMISSIONER PICKELL: More important than
7 this, it's the same issue, when you come to the
8 composting, there is an appropriate or an
9 approved method -- I bet you there is five
10 approved methods for composting. I bet you
11 there is five approved manure containers. I'm
12 sure the manure is spontaneously combustible.

13 So whatever is approved for covering
14 manure so flies don't get into it, I don't know
15 what it is.

16 COMMISSIONER LEONARD: There is no such thing
17 as flies not getting into manure. You have
18 horses you have flies.

19 COMMISSIONER PICKELL: If there is a
20 container, if you the owner didn't want a cover
21 on your manure, there is probably a container
22 that will keep combustion from happening.

1 Wherever that is, it can be researched and put
2 this container or something like this. That was
3 like you do it in architecture, right, it says
4 something like that.

5 And composting is the big one. And I
6 bet you there is five different ways to compost.

7 COMMISSIONER CLARK: I will tell you, I spent
8 hours talking to universities. And I have four
9 pretty big and almost identical footprints on
10 how you compost.

11 COMMISSIONER PICKELL: So maybe we can just
12 write up that, you know.

13 COMMISSIONER CLARK: That's what I was
14 saying, if somebody wants to come forward and
15 want to maybe -- maybe we put a line in there
16 saying -- Liz and I talked about this -- if you
17 come forward and say I'm never going to do this,
18 I'm not going to put my manure in a container, I
19 want to compost, then you say that's fine, then
20 you go to Bob Irvin and you get a permit.

21 That's responsible, but these are the
22 guidelines. But who is going to police it?

1 COMMISSIONER LEONARD: Let me point out
2 something that Bob made note of here, which you
3 guys probably read but I'm going to point it out
4 to you. It says, according to the Barrington
5 Hills Village administrator, this section which
6 is talking about handling manure and composting
7 all that stuff basically makes horse owners get
8 dumpsters for their manure.

9 Because what happens is that -- and
10 people will probably say I'm full of it. But
11 what happens is to do this correctly is a lot of
12 work.

13 COMMISSIONER PICKELL: Okay. What I heard
14 today, though, is we have a gentleman in the
15 audience who does this almost for a living. So
16 he does this, he goes through the work. And
17 then we have another owner that's actually had
18 experts come in and they're building facilities
19 to do this. Well, they are going to go through
20 the work.

21 All I'm saying is whatever that is,
22 whatever the specifications are to composting

1 properly is what we should put to composting. I
2 don't think people should have to get a permit,
3 if the police will be the neighbor who smells it
4 and calls Bob, right, or whoever gets called
5 around here, maybe it's the mayor, I don't know
6 who gets called.

7 MR. IRVIN: That's who it is.

8 COMMISSIONER PICKELL: But whoever who gets
9 called.

10 MR. IRVIN: I have a suggestion or at least a
11 thought in terms of where the discussion
12 originally started, I think the discussion
13 originally started at number one, elimination
14 was the act of simply spreading it on one's
15 property because the language we had, which was
16 it could be spread in a helpful and safe manner,
17 is very difficult to determine and we had
18 instances where it was just simply being placed
19 by the sides of one's driveway for example.

20 COMMISSIONER LEONARD: And still do have
21 that.

22 MR. IRVIN: I think that was the initial

1 thing. And then, secondly, was, anywhere it is
2 being kept, even in a dumpster, it shouldn't be
3 out next to the property line. So if the
4 spreading is removed and it has to be kept into
5 a container that's not visible to the street,
6 let's say, then do we need to do anything more
7 than that?

8 COMMISSIONER LEONARD: We do.

9 COMMISSIONER MELUSO: Absolutely.

10 COMMISSIONER LEONARD: Here is what is
11 happening -- and I think Orren has a good
12 point -- you know, they are adamant about
13 composting, then they have to go through these
14 guidelines to do it. And just like -- I'm sure
15 you have -- I know I got calls on a few people,
16 you know, because I was on the zoning board, so
17 I got the calls, people going "you have got to
18 do something about this." I'm like why me. I
19 think I called you on some of them because I
20 have the people calling me.

21 So I think Orren has a good point, that
22 let the neighbors police it, police everybody.

1 COMMISSIONER PICKELL: That is an opportunity
2 to go fix the problem. If you don't have this
3 in a place as a rule or a law, then you can't
4 fix the problem.

5 CHAIRMAN KRUSINSKI: That's exactly right.
6 And I think that's the one thing that we learned
7 tonight, unless we have a specific ordinance
8 that says, no, you cannot use that as a method
9 of getting rid of manure, that's step one. So I
10 think we are all clear on that.

11 Secondly, I think the distance issues
12 are still appropriate. We can make that one
13 revision, that if somebody wants ten feet from
14 their kitchen window, they can do it. But I
15 think Greg has to do some work on that. So
16 that's a given.

17 The only other thing that I saw and I
18 saw it in a couple of the ordinances, I think
19 they both said in "accordance with Village
20 requirements." That gets iffy.

21 All I'm recommending is that we have
22 this, you know, approved or appropriate

1 container. I don't think anybody objects to
2 that and the option of composting if, if, the
3 big if, if an approved composting system or
4 method or whatever has been, you know, utilized
5 or approved. And now by who, I don't know.

6 COMMISSIONER MELUSO: Why don't we just ask
7 the people that want to compost to submit a plan
8 that we can approve or reject.

9 COMMISSIONER LEONARD: I think that will be
10 too hard.

11 COMMISSIONER CLARK: I think they're each
12 going to have their own method.

13 CHAIRMAN KRUSINSKI: I don't think they will
14 submit it.

15 COMMISSIONER HIRSCH-BOLLHOFFER: I have a
16 concern about composting because what provisions
17 can we put in about runoff water, that it
18 doesn't get into runoff water.

19 COMMISSIONER PICKELL: Here's the interesting
20 thing. And I think this is something we can
21 look into, perhaps Bob can call Lake County
22 because Lake County is in charge of the septic

1 and not Mettawa and this is the runoff of fluid
2 in essence.

3 MR. IRVIN: I have already made that call.
4 And Lake County does not regulate it, they leave
5 it up not IEPA who I have a call into them, but
6 I did not reach them today.

7 So Lake County does nothing. Their
8 health department relies on the IEPA out of
9 Rockford.

10 COMMISSIONER LEONARD: So when we find out
11 that, then we can maybe make a determination I
12 guess.

13 MR. SMITH: Could I ask a couple of
14 questions? Is it possible to distill what
15 you've learned, Commissioner Clark and
16 Commissioner Leonard, in your research on
17 compost and horse manure into a couple of
18 requirements, baseline requirements that could
19 be put into the ordinance, that if you compost
20 you must do at least these things, and then
21 allow people to compost if they do those things
22 and they can also do more.

1 Would it be possible to have a list of
2 the must haves that would satisfy the public's
3 health concerns?

4 COMMISSIONER CLARK: You know, when you
5 talked about them, the consistent -- because I
6 took notes from each one and tried to make it
7 into some kind of thing -- the consistent thing
8 is it should be in a container with solid
9 flooring. I mean, you can't just take manure
10 and put it on a pile and put it on the ground
11 and compost it.

12 All four universities said it has to be
13 on solid flooring, a minimum of six feet by six
14 feet by five feet an area so that it can be
15 turned and watered and covered and reach the --
16 the second thing is you stick some kind of
17 thermometer and said it has to reach a
18 temperature of a minimum of 120 degrees.

19 COMMISSIONER PICKELL: For how long?

20 COMMISSIONER CLARK: Five months.

21 COMMISSIONER PICKELL: So that's the
22 requirement before you can spread. That's a

1 real deal is our issue -- if it's in a
2 container, they've already done what we want
3 them to do. It's just not being shipped out
4 once a week. Now it's going to stay there for
5 five months at a certain temperature and then it
6 can be spread. And that's really the issue that
7 I think whoever those guys were, Rockford, are
8 going to care about is, is this reasonable
9 material to spread and get into the waterway.

10 COMMISSIONER CLARK: So your point exactly is
11 that when people read the requirements, they're
12 going we are not going to do that, that's going
13 to take six months and now I have to go out with
14 a pitchfork and turn it every day and it's got
15 to be covered and it's got to be watered and
16 it's got to reach this. That's the only way
17 that it kills the weeds and the bugs and the
18 larva.

19 COMMISSIONER PICKELL: If you talk to
20 Mr. Casas, because he obviously has a bunch of
21 experts working on building equipment and a
22 facility to do this, there may be newfangled way

1 to compost it, you know. It's interesting to
2 know.

3 COMMISSIONER CLARK: And I thought that Bob
4 Price was here earlier. I thought one of his
5 points was his special use was based on that he
6 had this compost --

7 MR. IRVIN: He is approved for a compost site
8 on his site plan.

9 COMMISSIONER LEONARD: I don't know what he's
10 doing with it.

11 MR. SMITH: I have a suggestion. I think if
12 Commissioner Clark could send me an e-mail with
13 the minimum requirements that based on your
14 research would be appropriate for composting, I
15 can incorporate those into the next set of
16 recommended -- or the next set of draft
17 documents, draft amendments that you all could
18 look at, the public could look at and offer
19 input on at the next hearing.

20 COMMISSIONER LEONARD: If Bob could get from
21 IEPA, if you can get their requirements, then I
22 think that should do it.

1 CHAIRMAN KRUSINSKI: There is two other
2 things that came up in the conversation. Like
3 you just said, this container six by six by
4 five, that can't handle a lot of material. So
5 that's -- what is that, that's the minimum?

6 COMMISSIONER CLARK: That's the minimum.

7 CHAIRMAN KRUSINSKI: How many of those would
8 a five stall barn require to get that
9 six-month -- but that's what you just said.

10 COMMISSIONER CLARK: That's talking two or
11 three horses, it breaks down.

12 CHAIRMAN KRUSINSKI: I understand it
13 decomposes to a degree. But, still, six by six
14 is not that big.

15 COMMISSIONER LEONARD: The only thing I can
16 do is equate this, I have a two-yard dumpster.
17 I have one horse. I fill -- now I have -- even
18 though I have a two-yard dumpster, I would say
19 from the barn I usually fill half of it every
20 week. Still have it taken away every week, but
21 it's usually half full.

22 CHAIRMAN KRUSINSKI: That's bedding too.

1 COMMISSIONER LEONARD: You can't separate
2 this.

3 CHAIRMAN KRUSINSKI: That's what fills it.
4 That's what fills it.

5 COMMISSIONER PICKELL: One yard per horse per
6 week.

7 COMMISSIONER LEONARD: Yeah.

8 CHAIRMAN KRUSINSKI: I don't know how a
9 six-by-six container would even work.

10 COMMISSIONER LEONARD: Because those
11 requirements, did you specifically tell them it
12 was for horses.

13 COMMISSIONER CLARK: Yeah. That was probably
14 a minimum for one horse.

15 CHAIRMAN KRUSINSKI: We're getting into the
16 weeds.

17 MR. SMITH: My suggestion is that
18 Commissioner Clark send the minimum requirements
19 that could be generally applicable that would
20 make you comfortable to allow composting to
21 occur. Those minimum requirements will be
22 distributed and vetted. And then at the next

1 hearing, we can take more testimony and
2 ultimately decide what you want to recommend.

3 COMMISSIONER LEONARD: My thing is to do it
4 correctly you couldn't get a container big
5 enough.

6 COMMISSIONER PICKELL: We don't know that
7 yet. There could be ways to do this that we
8 don't know. We were not composters.

9 COMMISSIONER CLARK: And does Always
10 Faithful, do they compost it or do they --

11 COMMISSIONER PICKELL: He said he's working
12 on it.

13 COMMISSIONER CLARK: So in the interim, they
14 haul it away.

15 CHAIRMAN KRUSINSKI: I think we beat this one
16 up enough. If you can help us and get some
17 information directly to Greg and Greg can take a
18 shot at maybe a couple of clarifications.

19 I think the consensus is we want weekly
20 pickup, we want an appropriate container.
21 That's always been our -- that's always been in
22 the code. This whole issue of composting, it

1 has to be done in a responsible, appropriate
2 way; and if so, we will allow it, but it's a big
3 if. Okay.

4 COMMISSIONER CLARK: And we didn't really get
5 any discussion on the conduct of stable
6 operations, did we?

7 MR. SMITH: Under what section?

8 COMMISSIONER CLARK: Number four.

9 CHAIRMAN KRUSINSKI: Are you going back?

10 COMMISSIONER LEONARD: Page 8.

11 MR. IRVIN: Just to follow up on your last
12 comment about the removal, because you did have
13 a request from Leslie O'Donnell to consider
14 allowing the dumpsters to be removed from the
15 property less frequently, the way I read the
16 code right now it says the stable shall be
17 cleaned daily and the manure and used bedding
18 shall be removed, spread in a healthy manner and
19 it says more than five stalls shall be bedding
20 to remove from the stable weekly.

21 Now, that says remove from the stable
22 weekly, but it doesn't say remove from the

1 property weekly, so that would be a change.

2 COMMISSIONER LEONARD: But that's really
3 coming down to semantics. You've already said
4 that the stalls have to be cleaned daily. So if
5 it has to be removed weekly, then you have
6 already gone past the what you get out of the
7 stalls.

8 MR. IRVIN: That's a special provision for
9 stables over five stalls, it says removed
10 weekly.

11 COMMISSIONER LEONARD: The problem is what
12 Leslie was talking about, is she is kind of
13 making much ado about nothing because she --
14 there is no reason that she's got a big dumpster
15 and it doesn't get full. Get a smaller
16 dumpster, it costs you less.

17 MR. IRVIN: No, no, I know. Whether you want
18 to change or not, we were going over the points
19 that were brought up. I just brought that up,
20 that was her point. And I believe we are being
21 much more specific. Because I don't see
22 anything in the code right now --

1 CHAIRMAN KRUSINSKI: That's what we wanted to
2 do.

3 MR. IRVIN: I understand that. But right now
4 if someone were to complain to me, get a
5 complaint that their neighbor is not removing --
6 is not having a dumpster removed every week, I
7 would say the code doesn't say they have to.

8 CHAIRMAN KRUSINSKI: It does now or it will.

9 MR. IRVIN: I understand. I'm pointing out
10 that right now it doesn't.

11 CHAIRMAN KRUSINSKI: I understand your point.
12 I thought it was already in there, but that's an
13 interpretation or semantics issue. But you
14 could go either way.

15 MR. IRVIN: Because a person would argue,
16 yeah, I'm removing it from the stable weekly for
17 the health and sanitary conditions for the
18 horses, but I am not removing it from the
19 property because I'm doing it every two weeks,
20 what's wrong with that.

21 COMMISSIONER CLARK: The new wording says be
22 removed from the premises on no less than a

1 weekly basis.

2 CHAIRMAN KRUSINSKI: Let's go -- we are on
3 page 7. I think there were a couple of things
4 that came up here that we need to address and
5 they're kind of legal points, is the existing
6 conditions or existing in the one case PUD, how
7 can we deal with that so it's clear that this is
8 intended on a going-forward basis. I think that
9 was one of the concerns.

10 MR. SMITH: Under Section 15.1209(B), Tom Lys
11 stated that he had 40 horses approved under his
12 planned development permit but he only has a
13 stable for 8. Bob Irvin then clarified that the
14 approval for the whole subdivision, which has
15 not been recorded and perfected, was for 40
16 horses and that there was some -- there was some
17 consideration given in that approval document of
18 how those horses were to be divided up amongst
19 the lots that were created.

20 So the language in 15.1209(B) currently
21 provides that the existing stable structures and
22 -- the existing large stable structures and

1 large stable related structures, meaning
2 horse-related sheds, accessory structures that
3 have a nexus to horses or stable operation
4 established prior to the date of the amending
5 ordinance shall not be altered or expanded
6 except in compliance with Article 3 of the
7 chapter and the following, if it's necessary for
8 maintenance and does not intensify the existing
9 use.

10 So one issue is whether you want to
11 take Tom Lys' situation into account, where
12 someone has a document previously approved by
13 the Village that gives them more rights to do
14 more horse things on their property but they
15 haven't built it for whatever reason.

16 COMMISSIONER PICKELL: I just want to make
17 that clear. If he has got -- he can have 40
18 horses, he has 40 acres. Okay. The barns get
19 built on each one of those lots, he has already
20 got a barn for -- his barn on his lot.

21 In order to get more shelter for
22 horses, first, according to our rules, you have

1 to put a primary residence and then you can put
2 a barn on that lot. But he first has to
3 subdivide those lots and I don't believe he has.
4 I don't think he has got a plot done.

5 MR. IRVIN: It's not been recorded.

6 COMMISSIONER PICKELL: So there is no
7 recorded plot right now. But I can tell you
8 that the rules that we have that I can think of
9 right now would allow the shelter of 40 horses,
10 but there is going to have to be seven more
11 houses in there.

12 MR. SMITH: And those stables could not be
13 large stables, meaning that they could not be
14 six or more. These requirements only apply to
15 large stables which have six stalls or more.

16 COMMISSIONER CLARK: And if those lots are
17 smaller than five acres.

18 CHAIRMAN KRUSINSKI: I think we're getting
19 off track here because Tom's document -- you
20 almost have to have the document in front of
21 you. There is a lot of missing points to that
22 document that need clarification.

1 I think Greg's point is the most
2 important one, is that regardless of what his
3 PUD says, these rules still apply, period. And
4 I think that's -- I think that's the bottom line
5 here.

6 The other points was that I was
7 concerned about was -- and I don't know if we
8 need clarification on this. I'm not talking
9 about Tom's subdivision. I'm talking about just
10 in general -- do we need again to put something
11 here that talks about, you know, that we were
12 not altering -- because this is precluding large
13 stable. Do we need to say something we are not
14 altering existing?

15 MR. SMITH: The language by its own terms
16 only applies to existing large stables and
17 existing large stable-related structures. It
18 does not -- you know, this language -- in your
19 workshops when you were discussing this, you
20 said, Greg, we don't want new large stables to
21 be established, what's here is fine, nothing --
22 no more new stables. And you said how do we

1 control the expansion of the existing large
2 stables? And we turned to the places of public
3 assembly.

4 Your places of public assembly in the
5 Village cannot expand their uses. They can't
6 get a variation to expand. So that concept, you
7 know, in 15.1209(B) was in response to your
8 policy position of how do we not allow large
9 existing stables to expand.

10 COMMISSIONER LEONARD: I would leave it.

11 CHAIRMAN KRUSINSKI: That's what I'm
12 suggesting is I'm not suggesting any changes.

13 COMMISSIONER LEONARD: First off, the large
14 stables that have special uses, they have a
15 number in there of how many horses they can
16 have, what buildings they're allowed to have.
17 It's all there.

18 COMMISSIONER PICKELL: I'm not a lawyer. But
19 there is a lawyer in the audience right now who
20 had a concern at the beginning of the meeting
21 and there's a bunch of people in the audience
22 that have heartburn about the fact that can you

1 come back after me, even though I have an
2 approval. And normally just to make that go
3 away, you just make it very clear language, if
4 you have a special use permit, it will supersede
5 anything that we've said here today, something
6 like that. I don't know how you do it legally,
7 but it would make everybody feel more
8 comfortable that is our intent.

9 COMMISSIONER LEONARD: Yes.

10 MR. SMITH: But to be clear, Orren, we want
11 to make it clear that if you have a special use
12 permit granted prior to these amendments going
13 in, you can build within your special use
14 permit, right?

15 COMMISSIONER PICKELL: Yes.

16 MR. SMITH: And you do not want to allow them
17 to seek expansions under those permits. Am I
18 stating that that's is a true statement?

19 COMMISSIONER PICKELL: That is a very true
20 statement.

21 MR. SMITH: I can add some clarifying
22 language to the start of 15.1209.

1 CHAIRMAN KRUSINSKI: I agree, Greg, that
2 could take some heartburn out of this.

3 COMMISSIONER LEONARD: I was really surprised
4 anybody ever thought that we were going to try
5 to take something away that we granted and we
6 have never done that.

7 COMMISSIONER MELUSO: So what happens here,
8 Ed has got a gorgeous facility, but he has maxed
9 out his special use permit, but now we wants to
10 put a composting facility on it, what happens
11 then?

12 COMMISSIONER PICKELL: I don't know. You
13 have to use part of his barn, I guess. He is
14 definitely maxed out FAR-wise.

15 COMMISSIONER LEONARD: There is nothing.

16 CHAIRMAN KRUSINSKI: He has to abide by the
17 ordinance, period. I mean, once we --

18 COMMISSIONER CLARK: He either reuses one of
19 his buildings he already has, repurposes it.

20 COMMISSIONER PICKELL: Right, which he may be
21 doing.

22 COMMISSIONER MELUSO: Okay. I was just

1 curious.

2 CHAIRMAN KRUSINSKI: Mark, you were the one,
3 I think it was like two meetings ago, you didn't
4 want any more of this subject to interpretation.

5 COMMISSIONER MELUSO: I didn't want any of
6 it.

7 CHAIRMAN KRUSINSKI: Thank you. So I think
8 the point of this is to make it clear so that
9 there is no ambiguity. And then if there is an
10 issue, that, you know, we are, obviously,
11 setting a lot of limitations on this, there is a
12 hardship that got -- you know, to go through the
13 due process, whatever that is. And I'm not sure
14 what it is.

15 COMMISSIONER MELUSO: That's the way I think
16 it needs to be.

17 CHAIRMAN KRUSINSKI: I think we agreed. We
18 have a couple more things here that we got to
19 get through here. I know it's getting late and
20 I appreciate you all being here. We are so
21 close.

22 MR. SMITH: So the next change would be in

1 15.1209(C) with a note that it's requested by
2 Mr. Casas, that to the extent of any complex
3 between the zoning ordinance and the special use
4 permit that the term of the special use permit
5 would control.

6 CHAIRMAN KRUSINSKI: That was the
7 wordsmithing I think that came up, and it's part
8 of the issue that I think Orren indicated so
9 well, that this just helps clarify it.

10 Two other things that came up, one is
11 that one of the requirements was that perhaps a
12 12-by-12 stall is not appropriate for a smaller
13 horse or maybe for a bigger horse and we kind of
14 set this as being --

15 COMMISSIONER LEONARD: It's a minimum.

16 COMMISSIONER CLARK: That's a minimum.

17 CHAIRMAN KRUSINSKI: But someone that had a
18 smaller horse --

19 COMMISSIONER LEONARD: I can't do that.

20 CHAIRMAN KRUSINSKI: Don't worry about it?

21 COMMISSIONER CLARK: Don't worry about it.

22 COMMISSIONER LEONARD: So they have fun, you

1 know.

2 CHAIRMAN KRUSINSKI: Okay. It was a comment
3 that I got.

4 COMMISSIONER LEONARD: I will tell you one
5 comment that I got, well, other kinds of animals
6 don't need an 11-1/2 by 11-1/2 stalls. My reply
7 was if you go into our zoning ordinances, you
8 realize that we don't allow those animals in the
9 Village, so it's a moot point.

10 CHAIRMAN KRUSINSKI: Thank you.

11 The only other issue -- and I had made
12 the note of it and I think it's a good one --
13 with regard to the fire extinguishers, that we
14 may need to say more than working. It should be
15 an annually approved, inspected, or whatever the
16 right wordsmithing on the fire extinguisher.

17 COMMISSIONER LEONARD: I agree with her.

18 CHAIRMAN KRUSINSKI: And it's in most codes
19 where you do have a fire extinguisher
20 requirement. There is language in a lot of the
21 codes that have the fact that it has to have an
22 annual certification and inspection.

1 COMMISSIONER CLARK: Greg, right before that
2 in (C) before fire extinguishers, we talked
3 about taking out built-in feeders also.

4 MR. SMITH: That's been noted.

5 CHAIRMAN KRUSINSKI: Okay. I'm now on
6 page 9. The only note I had there was stalls in
7 (F) shall be cleaned daily.

8 MR. SMITH: That would be drafted the same as
9 the manure requirements.

10 CHAIRMAN KRUSINSKI: Okay. So that would be
11 consistent.

12 The only other thing that I know came
13 up -- and, again, maybe it's just something that
14 horse expert came to with me. Under horse
15 demonstrations, they talked about -- when we
16 were talking about --

17 COMMISSIONER CLARK: Which number are we on?

18 CHAIRMAN KRUSINSKI: (D), shall not be
19 permitted. Is there any thoughts that where
20 there was handicapped riders programs that that
21 exception could be allowed?

22 COMMISSIONER LEONARD: We don't have any of

1 that in the Village.

2 CHAIRMAN KRUSINSKI: We don't?

3 COMMISSIONER LEONARD: No. Equestrian
4 Connection is not technically in the Village of
5 Mettawa, I do not believe.

6 MR. IRVIN: That's correct.

7 CHAIRMAN KRUSINSKI: So it wouldn't apply to
8 any of the things that you would be doing or
9 anybody else would be doing?

10 COMMISSIONER MELUSO: What about the lady
11 with the autistic daughter? She had spoken
12 originally about wanting to host some events.

13 COMMISSIONER LEONARD: But she has the
14 opportunity to have two events a year by special
15 permit. It's in her SUP, if I'm not mistaken,
16 isn't it?

17 MR. SMITH: The Corporate Way SUP has an
18 allowance for special events. I don't recall
19 the O'Donnell's SUP. But there is also -- the
20 difference between instruction of riders and
21 horsemanship, which equine therapy could be done
22 potentially under that permission, as opposed to

1 being a demonstration for persons with
2 disabilities. Keep in mind if the -- if the
3 riders are getting on horses, that's more like
4 instructions of riders and horsemanship.

5 COMMISSIONER LEONARD: The other thing
6 mentioned with a lot of this stuff, the large
7 stables that we have in town here, there
8 isn't -- there is probably not a horse in those
9 stables that you would put a child with
10 disabilities on.

11 COMMISSIONER MELUSO: I understand about the
12 O'Donnells.

13 COMMISSIONER LEONARD: I don't think you can
14 put an autistic child that could ride, but most
15 children with disabilities couldn't ride these
16 horses. I couldn't ride a lot of these horses.
17 So I mean these are not...

18 COMMISSIONER CLARK: It's not that you
19 couldn't, you wouldn't.

20 COMMISSIONER LEONARD: Probably true. I
21 wouldn't. But these are not easy horses to ride
22 I guess is my point. It's one of the things

1 that it's a moot point.

2 CHAIRMAN KRUSINSKI: So Bob has -- Bob and
3 Greg, with a little help from you on the
4 composting, have to do the heavy lifting to make
5 the revisions. Hopefully we would have these
6 prior to our October 3rd meeting so we can
7 review them. And we will, obviously, at the
8 October 3rd meeting go through the final one
9 before we make our motions regarding the final
10 recommendation.

11 So we will have a case in October as I
12 understand it, Bob.

13 MR. IRVIN: It's a special use request for a
14 guesthouse, storage building. They've submitted
15 their application and that will be on the
16 October 3rd agenda, a property on Indian Ridge
17 Road.

18 CHAIRMAN KRUSINSKI: Can I ask you, is it a
19 relatively straightforward request, do you
20 think, or is there issues?

21 MR. IRVIN: No variations requested. There
22 is already a lot of vegetative existing

1 landscaping that I don't think anybody would see
2 it, so I don't think there is any landscaping.

3 COMMISSIONER LEONARD: They don't have one
4 with accessory buildings?

5 MR. IRVIN: No. And it wouldn't apply
6 anyway. I think they're removing a shed in
7 order to do it. No setback issues, no
8 variations for impervious surface or accessory
9 building percentages.

10 CHAIRMAN KRUSINSKI: So what we'll probably
11 do in that case is hear that case first, we'll
12 have a public hearing on that and then we'll
13 call -- close that public hearing and we'll
14 continue this public hearing.

15 COMMISSIONER CLARK: On the 3rd?

16 CHAIRMAN KRUSINSKI: On October 3rd, the
17 first Tuesday of October. So I don't know if
18 there is any business.

19 MS. GALLO: No.

20 CHAIRMAN KRUSINSKI: We may get additional
21 comments. If we do, they'll be sent to you as
22 well as Greg's drafting.

1 So, Greg, maybe you can make a motion
2 with regard to the continuance of the public
3 hearing so it's clear.

4 MR. SMITH: To continue the public hearing to
5 the next date, I will stay the motion, it can be
6 made and seconded and voted on. The motion
7 would be to continue the public hearing in
8 Docket 17-TA-1 to Tuesday, October 3rd, 2017, at
9 7:00 p.m. in the Cottonwood Room at the Hilton
10 Garden Inn, 26225 North Riverwoods Road,
11 Mettawa, Illinois.

12 COMMISSIONER LEONARD: So moved.

13 COMMISSIONER CLARK: Second the motion.

14 CHAIRMAN KRUSINSKI: Any discussion before
15 the vote?

16 Can you take the roll?

17 MS. GALLO: Commissioner Clark?

18 COMMISSIONER CLARK: Aye.

19 MS. GALLO: Leonard?

20 COMMISSIONER LEONARD: Aye.

21 MS. GALLO: Hirsch?

22 COMMISSIONER HIRSCH-BOLLHOFFER: Aye.

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MS. GALLO: Meluso?

COMMISSIONER MELUSO: Aye.

MS. GALLO: Murphy?

COMMISSIONER MURPHY: Aye.

MS. GALLO: Pickell?

COMMISSIONER PICKELL: Aye.

MS. GALLO: Chairman?

CHAIRMAN KRUSINSKI: Aye. Motion approved.

Thank you. I need a motion to adjourn. I move
to adjourn.

COMMISSIONER PICKELL: Second.

CHAIRMAN KRUSINSKI: All in favor?

(Chorus of ayes.)

(End of meeting.)

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)

4 I, Cheryl L. Sandeck, and a Certified
5 Shorthand Reporter of the State of Illinois, do
6 hereby certify that I reported in shorthand the
7 proceedings had at the taking of said meeting
8 and that the foregoing is a true, complete, and
9 correct transcript of my shorthand notes so
10 taken as aforesaid, and contains all the
11 proceedings given at said meeting.

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CHERYL L. SANDECKI, CSR, RPR
C.S.R. License No. 084-03710

In The Matter Of:

ZONING PLANNING & APPEALS COMMISSION

17-TA-1

Testimony of:

October 3, 2017

Cynthia A. Pavesich & Associates
79 West Monroe Street
Suite 1215
Chicago, Illinois 60603
(312) 214-1992
pavesichcsr@aol.com
www.pavesich.com

VILLAGE OF METTAWA
ZONING, PLANNING AND APPEALS COMMISSION

October 3, 2017

Case Number 17-TA-1

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APPEARANCES:

- Mr. Joseph Krusinski, Chairman
- Ms. Wendy Clark, Commissioner
- Ms. Holly Hirsch-Bollhoffer
- Ms. Liz Leonard, Commissioner
- Ms. Catherine Murphy, Commissioner
- Mr. Orren Pickell, Commissioner
- Mr. Bob Irvin, Deputy Village Clerk
- Ms. Sandy Gallo, Village Clerk
- Mr. Greg Smith, Attorney

1 CHAIRMAN KRUSINSKI: I will now call the
2 continued public hearing in case number 17-TA-1
3 to order.

4 For the record again, please, can the
5 secretary please call the roll?

6 MS. GALLO: Commissioner Clark?

7 COMMISSIONER CLARK: Here.

8 MS. GALLO: Leonard?

9 COMMISSIONER LEONARD: Here.

10 MS. GALLO: Hirsch?

11 COMMISSIONER HIRSCH-BOLLHOFFER: Here.

12 MS. GALLO: Murphy?

13 COMMISSIONER MURPHY: Here.

14 MS. GALLO: Pickell?

15 COMMISSIONER PICKELL: Here.

16 MS. GALLO: Chairman?

17 CHAIRMAN KRUSINSKI: Here. We have a quorum
18 present.

19 Case number 17-TA-1 arises from an
20 application filed by the Village of Mettawa.
21 The applicant seeks findings of fact and
22 recommendations from the ZPA on text amendments

1 related to the following matters.

2 And rather than list the matters again,
3 what I would like to do is go through the
4 red-lined document that we've all received that
5 has the revisions from our last meeting. We
6 left off actually on item 9. But if we could
7 just quickly go through items 1 through 8 before
8 we start on item 9.

9 I would like to set a time limit this
10 evening again, so 9:30 is a time to perhaps
11 bring this to a close. And we'll probably have
12 to reconvene.

13 I think what's going to happen is,
14 again, we're going to have to do a final draft
15 that hopefully we can get to at our next meeting
16 for recommendations.

17 With the case we had today, I'm hoping
18 we can get through the last issues so that Greg
19 can continue his efforts to create the final
20 document for our review.

21 I'm just going to -- again, if you have
22 the draft that Greg submitted 9/25, that has the

1 red lines. So, obviously, from our last
2 hearing, item 1, we really didn't make any
3 changes from our first go-around. So that one
4 is really as is, unless there is any comments
5 anyone has on what we've previously done.

6 COMMISSIONER LEONARD: Number 1.

7 CHAIRMAN KRUSINSKI: Residential lot
8 coverage.

9 COMMISSIONER LEONARD: Good.

10 CHAIRMAN KRUSINSKI: Second was minimum house
11 size. Greg made those revisions with regards to
12 the livable floor area and the other minor
13 wording, just so it's clear what is included in
14 the dwelling.

15 Greg, any additional comments on that?

16 MR. SMITH: No. This wording on number 2
17 pages 2 and 3 was taken from the Commission. I
18 note also that the Village clerk brought 20
19 color copies of the document that we're
20 referring to, which is in the back of the room,
21 if anyone here needs it.

22 The red text in this document are the

1 changes from the prior public hearing.

2 CHAIRMAN KRUSINSKI: Okay. Thank you.

3 Item 3 is the short-term rental.

4 Again, we have covered that. There were not any
5 changes in our review at the last meeting. So
6 that's as is.

7 Item 4, you'll see the changes in
8 Section 306 with regard to nonconforming.

9 MR. CASAS: Mr. Chairman, I want to respect
10 the process. Are we allowed to provide any
11 comments or this is your review first?

12 CHAIRMAN KRUSINSKI: We will go through this
13 review and pick up with item 9 where we left
14 off.

15 MR. BURKLAND: But come back --

16 CHAIRMAN KRUSINSKI: Any comments from the
17 audience.

18 MR. CASAS: So you want us to reserve those
19 to the end?

20 CHAIRMAN KRUSINSKI: Yes. I want to make
21 sure the Commissioners have the revisions from
22 our last meeting.

1 Greg, I know we did the extension of
2 time issue that was brought up.

3 MR. SMITH: Yes. There is now an allowance
4 in Section 15.306 where the Board of Trustees
5 for good cause can extend the time requirements
6 so long as a timely request is made. I will
7 also note that prior to the continued public
8 hearing tonight, the Village clerk emailed this
9 document to those on the Village email list for
10 the purposes of giving an update.

11 CHAIRMAN KRUSINSKI: Item 5 is the zoning
12 application fees. Really no changes there.

13 COMMISSIONER MURPHY: I have a question.

14 CHAIRMAN KRUSINSKI: Go ahead.

15 COMMISSIONER MURPHY: It looks like
16 section -- 901 was crossed out, 9.03 was added.
17 Professional fees was crossed out and
18 reimbursement. I don't remember talking about
19 requiring a deposit in our discussion.

20 MR. SMITH: The reason the red line appears
21 this way is because we moved the section in
22 which the audio-visual payments were to be made.

1 It was previously in Section 9.01 and the
2 definition of professional fees.

3 But because the ZPA, based in part on
4 public comment, wanted to pass along the cost of
5 the audio-visual equipment to the requester of
6 them, which in some cases is the applicant and
7 some cases is an objector/supporter, it was more
8 appropriate to move the language into the
9 reimbursement section because the definition of
10 professional fees has to be paid by the
11 applicant.

12 So in order to achieve your change in
13 how you wanted this structured, it was just a
14 move on the part of the Village code as it
15 appears.

16 COMMISSIONER MURPHY: So reimbursement, you
17 moved that up into the section?

18 MR. SMITH: Correct. The black underlined
19 language on page 5 in Section 2.03 has been
20 added to the reimbursement section. That was
21 the change that was made. It would require that
22 the person or entity requesting the audio-visual

1 equipment pay for it, rather than being the
2 applicant's charge. For instance, if an
3 objector requested it, it's probably unfair to
4 charge them for the cost of the AV equipment.

5 COMMISSIONER MURPHY: Okay. Thank you.

6 CHAIRMAN KRUSINSKI: Item 6 is the time limit
7 that we discussed regarding decisions. There
8 weren't any changes.

9 Item 7, obviously, was tabled.

10 Item 8, we picked up a number of
11 changes that was brought out from a comment from
12 both the Commissioners as well as the audience.

13 COMMISSIONER CLARK: And that's where, Joe,
14 it makes reference on page 8 about the
15 composting standards.

16 CHAIRMAN KRUSINSKI: Yes. And as you recall
17 or for the record again, this issue received
18 some comment. You have it in your packet. One
19 was an email dated September 20th from Trustee
20 Towne and this will be part of the record Sandy,
21 correct?

22 MS. GALLO: Uh-huh.

1 CHAIRMAN KRUSINSKI: It is in his request
2 that a survey be done to understand the extent
3 of present practices in our Village.

4 And in addition to that, Bob sent us a
5 report that he received regarding disposal when
6 he contacted the county, Bob, you can speak to
7 this, they sent him what was in the Illinois EPA
8 requirements.

9 MR. IRVIN: That's who regulates it in Lake
10 County, I guess any unincorporated counties in
11 particular.

12 But when I contacted Lake County, they
13 said we don't regulate it. It's the IEPA. I
14 contacted their Rockford office, talked to their
15 staff who has Lake County under his purview, and
16 he sent those regulations of what they use in
17 terms of manure disposal or stockpiling in
18 unincorporated counties.

19 CHAIRMAN KRUSINSKI: Just on this IEPA
20 information, their requirements are quite
21 stringent. It would be difficult, perhaps
22 impossible, to comply with these requirements if

1 you were to do spreading of manure on property.

2 So it's another approach in terms of
3 creating a benchmark for both odors, water
4 pollution, proximity to water and well. So I
5 offer this as another option to be considered.

6 In addition to that, Wendy -- and I'll
7 pass this around and make this part of the
8 record -- has created a memorandum regarding
9 composting guidelines for manure. And, Wendy,
10 I'll let you summarize that as well.

11 COMMISSIONER CLARK: Basically, it's just a
12 report that I complied from the Illinois
13 Department of Agriculture, North Dakota State
14 University Department of Agriculture, and
15 Colorado State Department of Agriculture talking
16 about the benefits to composting.

17 And, basically, the -- to compost you
18 have to have a concrete floor or a packed lime
19 screening. It's a solid floor and add clippings
20 and water to it.

21 Their recommendations are that the
22 temperatures of a manure composting pile reach

1 between 131 and 170 degrees for 15 days before
2 it removes all of the parasites and seeds and
3 weeds.

4 They also talk about the water leaching
5 into any floodplains or any state waters. It's
6 against the law to have any kind of manure water
7 go into any state or public waterways. So
8 that's just kind of a guideline that I compiled
9 based on the information they gave me.

10 COMMISSIONER PICKELL: Did they talk about
11 spontaneous combustion as well?

12 COMMISSIONER CLARK: Well, there was some
13 people that that was a fear, but it would have
14 to be absolutely sealed airtight, like we talk
15 about Lakes. You know yourself, the wind will
16 blow the cover off. So there is no fear in any
17 of the receptacles that we use that they're
18 going to start on fire.

19 CHAIRMAN KRUSINSKI: So this is a complex
20 issue. It's an issue that there is certainly a
21 number of different approaches. So I think,
22 again, one of the difficulties that we're facing

1 is how to police this no matter what approach we
2 take and what is in the best interests of the
3 residents.

4 So our language at this point is based
5 upon removal. And the option would be to create
6 some other type of language that would allow for
7 the composting if that circumstance were
8 allowed, now we get into again, which standards
9 do we use, who would be the policeman for those
10 standards, and what resources would we have to
11 maintain that.

12 COMMISSIONER CLARK: Bob is keeping his hands
13 down.

14 COMMISSIONER MURPHY: Joe, do we know how
15 many of the stables do composting?

16 CHAIRMAN KRUSINSKI: You know, one of the
17 things that was said that was suggested by
18 Trustee Towne was to get a more accurate handle
19 on what the residents are doing that do have
20 stables now and what their process is. So it's
21 another option to have a study done.

22 Exactly under whose purview that would

1 be done or who would do that, I don't think that
2 would be the work of the ZPA, but something
3 perhaps that the Village would like to do even
4 after our recommendation, if the recommendation
5 was we want to stand by our original thoughts,
6 and that is that all manure is to be removed
7 from the stables sobeit. Of course, the Village
8 Board can take other action.

9 So this is a complex issue and
10 certainly one that certainly needs more work.

11 MR. IRVIN: I know there are about eight or
12 nine residents to get dumpsters from Lakes for
13 that purpose and then there is some who get
14 extra toters, but that's small, you know, maybe
15 ten.

16 COMMISSIONER LEONARD: There is -- I mean,
17 just in my neighborhood, there has got to be
18 eight or nine dumpsters, just in my
19 neighborhood.

20 COMMISSIONER PICKELL: You mean for
21 composting?

22 COMMISSIONER LEONARD: No. Hauling off.

1 Everybody except the one in our neighborhood who
2 has a barn has a dumpster. So there is more
3 than that in the Village.

4 MR. IRVIN: The ones that Lakes gave me a
5 list of were no more than eight or ten in the
6 Village.

7 COMMISSIONER PICKELL: They all live by you.

8 COMMISSIONER LEONARD: Really?

9 MR. IRVIN: And they are not all on Mettawa
10 or Westwood. I know some have St. Marys'
11 addresses.

12 COMMISSIONER LEONARD: I know the people on
13 St. Marys with dumpsters.

14 MR. IRVIN: I can look at that. That will
15 fill in some of the information.

16 CHAIRMAN KRUSINSKI: So you know, we have a
17 recommendation that's in the section now. We
18 could stand by that.

19 COMMISSIONER CLARK: I would like to go back
20 to what we had originally talked about in the
21 sentence top of page 8, where we talk about a
22 pile containing refuse and manure and shall not

1 be construed as compost and shall not be
2 permitted, if we have that there as a period,
3 and take out most of that, except as otherwise
4 allowed within the Code. Composting is allowed
5 and maybe let the Village talk about that. But
6 our recommendation is that we would not allow
7 composting.

8 COMMISSIONER PICKELL: At the last meeting,
9 one of the residents appeared to be a
10 professional composter. There is something
11 about his job that I forget specifically that
12 that's what he -- a university or -- I forgot,
13 but he was definitely into composting and was
14 probably good at it.

15 And that leads me to believe that if
16 that's the case and someone can do it properly,
17 then, you know, we should let them compost if
18 it's done properly.

19 COMMISSIONER CLARK: I think that's what Joe
20 was saying, how do we police it, though? Are
21 you --

22 COMMISSIONER PICKELL: With your nose.

1 COMMISSIONER LEONARD: No. Then it becomes
2 subjective, that's the problem. I mean, if you
3 say, okay, you can compost if you follow these
4 guidelines set out by whatever -- you know,
5 whatever authority that we're going to use,
6 whether it be the State of Illinois agricultural
7 or it be one of the universities who does it --
8 because otherwise, you know, you can say
9 anything and say I'm composting. So it has to
10 be done. If you're going to compost, we have to
11 pick a standard and it would have to be done to
12 that standard.

13 COMMISSIONER PICKELL: Yes.

14 COMMISSIONER LEONARD: Which means everything
15 that I've read in the stuff Wendy has gotten is
16 that -- and I think Bob too -- is that you have
17 to have a floor. I mean, you can't just stick a
18 pile out in your yard. You have to have a floor
19 to do this.

20 COMMISSIONER PICKELL: If you pour a concrete
21 floor.

22 COMMISSIONER LEONARD: Right, or pour a

1 limestone floor or something. You have to have
2 something to do --

3 COMMISSIONER PICKELL: My point is if there
4 is a criteria that you can measure --

5 COMMISSIONER LEONARD: You would have to have
6 a criteria.

7 COMMISSIONER PICKELL: -- and then you can
8 measure it if you need to. And you would need
9 to if a neighbor or someone had a complaint of
10 whatever.

11 Now, there's measurements you can take.
12 You don't have a floor, so there is no floor
13 here and you're supposed to have a floor. You
14 have to get a floor or you have to throw the
15 compost away, if you want to do this, if you
16 want to keep it simple from the Village. There
17 will be some people that will not be happy about
18 it.

19 CHAIRMAN KRUSINSKI: I don't mean to kick the
20 can down the road, but that's to some degree
21 almost what you're suggesting Wendy, which is
22 understandable, that we take a strong position

1 and one that's very understandable because I
2 think the fear is that it's -- that there are
3 other standards with regard to manure disposal.

4 The fact is, though, how do we
5 establish those standards and who is the group,
6 department, person that's going to monitor and
7 make sure that everything is done to those
8 standards?

9 So I think if we do as you suggest, we
10 put the onus back on the Village Board, if they
11 can provide the kind of resources that you would
12 need to allow for other methods and other -- and
13 that's within their purview.

14 We certainly can't from the ZPA
15 standpoint provide the resources or the
16 recommendations with regard to hiring people or
17 monitoring it or setting up the criteria that
18 other standards, you know -- that the standards
19 would be met.

20 COMMISSIONER CLARK: I was thinking just more
21 our recommendation to the Board this is what we
22 think, if they want to take the next tier and

1 provide that kind of policing.

2 CHAIRMAN KRUSINSKI: And to also get to some
3 degree, as to Trustee Towne, some input from the
4 community saying here is option A or option B or
5 whatever, as to dealing with this.

6 I know that is to a degree kicking the
7 can down the road, but at least we were making
8 -- and I will get into this a little later --
9 that even from our comprehensive plan, if we go
10 back to that, those criteria are very clear with
11 respect to environmental standards and the kinds
12 of things we talked about.

13 So that's certainly an approach to
14 consider and it's kind of getting the monkey off
15 our back and moving it to the Village Board.

16 MR. SMITH: To be clear, Commissioner Clark
17 what you're proposing is that the sentence on
18 the top of page 8 beginning with "A pile
19 containing putrescible refuse" would end after
20 the word "permitted" and then the remainder of
21 that paragraph would be deleted?

22 COMMISSIONER CLARK: Yes.

1 COMMISSIONER LEONARD: Go back again --

2 MR. FANTUS: Did you say "shall not be
3 permitted"?

4 MR. SMITH: Correct. After the word
5 "permitted," she's proposing it be deleted after
6 the word "permitted."

7 COMMISSIONER MURPHY: The rest of the
8 sentence says "except as otherwise allowed
9 within this code." Is it addressed in the code?

10 COMMISSIONER LEONARD: Not really. I think
11 what Greg was saying was that in our codes we
12 actually -- because of our standards for --
13 because of our standards, it would be construed
14 as not allowing it. Is that what you're saying,
15 Greg?

16 MR. SMITH: No. I was simply just clarifying
17 what Commissioner Clark was asking to change --

18 COMMISSIONER LEONARD: But I'm talking about
19 changing within our codes, it was within our
20 codes for environmental.

21 MR. SMITH: I see. The chairman mentioned
22 that the comprehensive plan addresses

1 environment, water, air quality.

2 COMMISSIONER LEONARD: I knew somebody did.

3 CHAIRMAN KRUSINSKI: But, Wendy, wasn't your
4 first comment was to exclude all of that even
5 "except as otherwise allowed in the code"? That
6 would all be excluded.

7 COMMISSIONER LEONARD: That would be the
8 simplest way to do it.

9 CHAIRMAN KRUSINSKI: It's certainly kicking
10 the can down the road.

11 COMMISSIONER LEONARD: It would be the most
12 ensuring way that manure is handled properly
13 because otherwise you really do have to police
14 this and a lot of people will say, "well, I
15 compost this." Well, they really don't and it's
16 kind of --

17 CHAIRMAN KRUSINSKI: The other practical side
18 of this thing is it really doesn't matter if
19 it's a five-acre lot or 20-acre lot. So there
20 is other issues here as well. Some of the
21 larger facilities --

22 COMMISSIONER LEONARD: It does not matter.

1 CHAIRMAN KRUSINSKI: So this --

2 COMMISSIONER CLARK: That was just my
3 recommendation.

4 MR. SMITH: I would like to while we are on
5 the topic turn to page 11, which is 15.1209,
6 this was a product of the last public hearing on
7 September 5th, that the same language on manure
8 was drawn into this section, is the proposal
9 that the same deletion be made here?

10 COMMISSIONER CLARK: Yes.

11 COMMISSIONER LEONARD: Yes.

12 MR. SMITH: That would have to be consistent.

13 CHAIRMAN KRUSINSKI: So we've got a little
14 more work to do and we can pick it up from here.
15 But before we do that, I want to make sure we
16 get into the record -- and I think now it's
17 appropriate for some public comment.

18 We received and you have in your
19 packets a letter from Kristin and Ed Casas dated
20 September 27th, as well as a document that was
21 submitted by their attorney dated September 26th
22 from Holland & Knight. So they have some

1 suggestions as well.

2 And I think there is another letter
3 tonight that may be appropriate to enter into
4 the record.

5 The floor is yours. And these
6 exhibits, the draft of September 26th as well as
7 September 27th, as well as this new document,
8 will all be Exhibit 3 in our public hearing, the
9 Holland & Knight draft and the Always Faithful
10 letter as well as what we are going to receive.

11 MR. BURKLAND: I will hand this out for now,
12 briefly explain it, and then we'll talk at the
13 appropriate time.

14 I'm Mark Burkland. I want you to know
15 that Peter Friedland asked me to tell you that
16 he wishes that he can be here, as he was at the
17 last meeting, but was inextricably bound to
18 another meeting tonight.

19 But I'm glad to be here. I'm going to
20 hand out to you -- first of all, let me say we
21 have -- that everything is going very
22 positively. We believe that this is headed

1 exactly where every one, I think, wants to be.
2 And we have just a handful of suggestions to the
3 changes that the Village attorney has prepared
4 for you.

5 And in order to make it very simple to
6 walk-through them when we go back to the public
7 presentation or testimony part of the hearing,
8 this will be a tool for you. And the good news
9 is you don't have to read it now. But as each
10 of the four or five things pop up and I speak
11 about them, I can point you right to them.

12 So I want to give it to you now and
13 then we'll come back to it a few times during
14 your meeting.

15 CHAIRMAN KRUSINSKI: So, Mark, maybe in the
16 interests of time and just so we keep moving on
17 this, if the Commissioners don't mind, why don't
18 we skip to this for the moment, let you make
19 your presentation, and we'll try to follow it
20 with what we have, if you don't mind.

21 MR. BURKLAND: Yes. We have an opening --

22 MR. CASAS: So Ed Casas from 855 North

1 Bradley Road, Always Faithful Equestrian Club.
2 So the two pieces of correspondence that we've
3 submitted, one was in response for you of the
4 original draft and taking into account the
5 conversations that occurred at the last meeting,
6 and the second was based on the distributed copy
7 of a draft dated September 25th, that is what we
8 just distributed after having a chance to review
9 the redlined that emanated from the last public
10 hearing.

11 I would like to make a couple
12 observations because I think what's most
13 important in terms of expressing our concerns is
14 the conceptual framework that we're operating
15 under.

16 And one of the things that we felt
17 reassured, as I think several other large stable
18 operators and significant capital investors in
19 the community, was that there was an absolute
20 clarity of intent to grandfather and safe harbor
21 existing commercial stable operations as they
22 are today. And those are both legally

1 conforming and nonconforming structures and
2 uses.

3 And we think that it's important to
4 make sure that there isn't a conflict within any
5 text amendment that might say it's here, but it
6 doesn't say it's there for absolute clarity.
7 And so many of our comments relative to the
8 technical aspects of the drafting, I would
9 submit counsel to make the comments because
10 that's really not my realm. But counsel has
11 pointed out in several areas throughout the
12 ordinances is where there appears to be
13 conflicts and we think it's very important to
14 resolve those.

15 I think the second comment that I would
16 make is, as I stated at the last meeting and
17 continues to be a relative concern, is being
18 respectful to the time and efforts and
19 objectives of this body, is to try and
20 understand truly the strategic objectives beyond
21 some of the ones that are clearly pointing to
22 safety or health or security or protection and

1 preservation of value in terms of community.

2 And some of these things are pretty far sweeping
3 that have very material implications.

4 And absent understanding that there has
5 been some level of majority consensus, some
6 level of impact analysis as to what we're doing
7 and why, it's very difficult for a resident that
8 is invested in the community to understand the
9 shift in direction, especially when we're
10 talking banning something that we currently do.

11 From a self-interest perspective,
12 competitive free enterprise, restricting anybody
13 else from coming and doing what we do, it
14 doesn't hurt us. So I'm not speaking from a
15 selfish motive as an operator. I'm speaking
16 more in that context as a resident.

17 So first and foremost, please, with
18 consistency honor the grandfathering and safety
19 harboring. Those are two different concepts,
20 right. Grandfathering saying, you know, you
21 have been permitted to do it legally in the
22 past, whether it's conforming or nonconforming

1 to current regulations, we know that and you're
2 going to continue to be permitted to do that
3 because that's the basis of your investments,
4 that many operators have made in the community.

5 And the safe harboring meaning you
6 shouldn't take away the right or amortize the
7 right over some time period. If you lose a
8 structure, you should be able to replace it, you
9 know. It shouldn't be if you need to do a
10 cessation of operation for whatever you're doing
11 for renovations for a period of years, you
12 shouldn't lose it. The concept of using or
13 losing it is -- an amortization of the right to
14 do it are safe harboring concepts.

15 I would tell you from reading as a
16 layperson and confirm with counsel's review -- I
17 would be happy to spend the time and dollars to
18 study it as a responsible citizen -- that's the
19 current draft. And so there's some specific
20 recommendations that we're making that we hope
21 you adhere to.

22 The third concept that I will layout is

1 in listening to the first case that you heard
2 this evening and listening to the legitimate
3 concerns expressed by the Commissioners, it
4 seems a lot of it is legitimately focused on
5 aesthetics and how is this going to impact the
6 neighborhood and what it's going to look like
7 and can you use a pole barn structure for
8 residence, these are, I think, all really
9 positive things focused on preserving value and
10 not imposing burdens or unsightly type of
11 appearances to neighbors that we, you know, all
12 care about.

13 On the other side, when we talk about
14 broad sweeping changes that are very
15 restrictive, our experience and my general
16 knowledge fairly studied in the area is that
17 real estate values are directly related to
18 people's view of perceived use. And the more
19 you restrict and the more you tighten down and
20 the more you put regulations and the more
21 expensive you make it for people to try and use
22 their properties, the reality that will drive

1 properties down.

2 So to the extent we care about property
3 values, I would just encourage that we focus on
4 some of the key things that have been said by
5 many of the members, which we care about what it
6 looks like, we care that it's a sound structure,
7 we care that it meets the standards and that it
8 improves and enhances the value in the
9 community, and not shortcuts and unsightly
10 structures.

11 The last point I'd make -- and I really
12 don't want to go on -- we spent a lot of time
13 talking about manure. But a legitimate concern
14 of having stockpiles of manure that are
15 malodorous and are putrefying, not only
16 unsightly to look at and burden the neighbors
17 with smell and foul odors is a very legitimate
18 purpose. But to then say the thing we should do
19 is you can't do it period, even though we know
20 there are legitimate operators that are going
21 through properly engineered processes that don't
22 create any of these side effects and have no

1 complaints, would now all of a sudden be
2 restrictive after having approved structures
3 with significant capital commitments to make
4 sure they were doing it properly.

5 So I would just caution you to not kick
6 the can in a way that is biased and
7 discriminatory towards operators that have
8 invested significant amounts of capital to do it
9 right, as opposed to direct your energies on the
10 things that are valid, which is restricting this
11 informal stockpiling and calling it composting
12 and burdening your neighbors with obnoxious
13 smells and unsightly piles of manure.

14 Those are the comments. I think in the
15 context of the draft-specific language, we can
16 do whatever you want us to do. We've encouraged
17 that counsel can have direct conversations to go
18 through the technical drafts so there is clear
19 direction from the Commission.

20 We've been advised, no, you know, right
21 now we want to air these out, which is a rather
22 tedious process for the Commissioners and the

1 audience and we don't want to necessarily
2 monopolize time to go through those. But if
3 that's what we need to do so that you understand
4 each of the points and how they are compatible
5 with the opening statements I just made, in
6 terms of the conceptual framework, we're happy
7 to do it.

8 I just want to be respectful,
9 Mr. Chairman, to you and your time and our
10 fellow commissioners' time and efforts. So if
11 you prefer us to do it that way, understanding
12 that those are the frameworks, what we would be
13 more interested in is really hearing the
14 consensus of the group relative to the
15 principals I just laid out.

16 CHAIRMAN KRUSINSKI: Thank you, sir.

17 So I think -- and, again, I will defer
18 to counsel on this -- that this is more or less
19 a legal matter in terms of the language. I
20 don't think that it's the intention of our group
21 to do anything that would in any way prohibit
22 the existing special uses from proceeding as

1 they've been approved. However, if there is
2 some language that needs to be reviewed in
3 regard to that, sobeit.

4 And so I think rather than spending a
5 lot of time on this this evening if, Greg, you
6 can review this and make a recommendation to the
7 Commissioners, as you've done in the past with
8 specific language and/or revisions or discussion
9 that we need to have in regard to making changes
10 to what we've already done. Is that fair?

11 MR. SMITH: Yes.

12 CHAIRMAN KRUSINSKI: So I would prefer that
13 we do it this way. If there are -- and as I
14 said, I think in terms of the timing of all
15 this, we're going to have another meeting.

16 MR. CASAS: Understood, Mr. Chairman. And we
17 respect that approach and we embrace it. The
18 only thing I want to make sure from just a
19 layperson's perspective, and not get into the
20 legal aspect of it, is that the differentiation
21 in saying, well, if you've already been
22 permitted to do it under an approved SUP versus

1 saying if it's an existing legal conforming or
2 nonconforming structure or use, those are two
3 different things.

4 And just to be very clear, I will point
5 out one thing as an example, you can read our
6 SUP. There is nothing in it that says anything
7 about the commercial equestrian use that that
8 property has been engaged in for over six
9 decades. And when we came in here, it was told
10 that it was grandfather clear, everybody knew
11 it.

12 So we have to be very careful in terms
13 of how you delineate these things. And one of
14 the conflicts in some cases it says legal
15 conforming and nonconforming and other cases
16 approved by prior SUP and those are not the same
17 universe. And I just want to make sure that the
18 group understands that, because that's what
19 we're focused on, is to make sure that we are
20 covered to continue to do, which what I think is
21 the intent of the Commissioners, which is not to
22 take guys that come into the community and are

1 operating existing facilities and doing it
2 legally, to be told now all of a sudden the
3 rules change and now they can't do it. So I
4 want to make sure everybody understands that.

5 CHAIRMAN KRUSINSKI: I think, again, that's
6 certainly a legal point that we need to make
7 sure that we get some help from Greg and to take
8 that into account.

9 MR. FANTUS: Richard Fantus, 14253 West
10 Riteway Road. I would like to add to a couple
11 points that Mr. Casas made in reference to
12 putrescible waste, which is the compost which I
13 think you're striking out of it, from what I can
14 tell with your discussion on item 8 page -- on
15 page 8 to remove allowing stockpiling
16 putrescible waste and compost.

17 There is significant disease burden
18 associated with improper composting. There is
19 also regulatory bodies, as you pointed out, that
20 you addressed. Illinois.edu, which is the
21 Illinois version of the places you went to has a
22 robust website on the benefits of composting as

1 well as the hazards and the way it should be
2 done in a thoughtful process.

3 The Illinois EPA licensed facilities
4 for those who are nonconforming, which happens
5 to be if you're less than a quarter of a mile
6 away from a nonfarm residence, which is listed
7 as one of the bullet points under the Illinois
8 EPA.

9 If you do consider moving forward with
10 composting, they should be required to get a
11 permit under the Illinois EPA. They provide the
12 inspection. It would be a simple way instead of
13 trying to emulate or duplicate or come up with
14 guidelines for composting within the Village
15 limits.

16 One of the other points that Mr. Casas
17 made is property values. We have seen several
18 houses go down in value. They sold recently
19 five times reduced price, off the market for a
20 year. I'm not an owner of a large stable. I
21 have a house that's a large investment. I don't
22 want to see the property value go down.

1 I would like to see the same standards
2 applied, though, when talking about manure in a
3 container, that used to have a cover -- and I
4 understand you have some concerns with
5 combustion if it sits there for a week, which
6 I'm not familiar with because it was a covered
7 container at one point and now it's removed to
8 an open container. Having lived over 22 years
9 sandwiched in a property with putrescible waste
10 spread around and what had been requested of
11 Corporate Way with what they needed to do for
12 their manure structure to cover theirs, I think
13 some screening from vision from a public road or
14 a private road or from a neighbor should be
15 added to whatever this container requirement is
16 so we don't have to look at it.

17 You know, I think the same standards
18 recently applied by this body and approved by
19 the Board that may have build -- I'm not saying
20 build some huge structure like the
21 hundred-thousand-plus-dollar manure structure
22 for Corporate Way, but some way to screen

1 whatever container you choose to allow people to
2 use. I'm referring mostly to the residential
3 areas that it's screened from view as you go by.

4 CHAIRMAN KRUSINSKI: That's a good point.
5 Thank you.

6 So as I said, we're going to let Greg
7 speak to the issues that have been submitted
8 tonight. And I think, obviously, that screening
9 of containers is probably an appropriate
10 addition somewhere in here as we review this.
11 And we also had a suggestion that we allow --
12 which is where I think I was headed -- is that,
13 you know, this is not a function of -- I think
14 that's under the purview of the ZPA.

15 But if the Village Board wants to
16 allow, as an example, composting, then it -- and
17 it sets a standard that they do so with an
18 Illinois EPA permit, that's a perfect out for us
19 and really requires no additional, I don't
20 think, Village personnel to monitor and stay
21 after that. I could be wrong.

22 MR. IRVIN: I think it would be like most of

1 the other ordinances, we would respond on
2 complaints. We wouldn't be going out looking
3 for problems.

4 MR. FANTUS: The permit requires visits twice
5 a year by the Illinois EPA, according to what is
6 on the Illinois.edu website linked to the
7 Illinois EPA. Or for anyone without a permit,
8 that there is a complaint that would be lodged
9 with Illinois EPA, they will come on-site to
10 inspect. But having the permit process requires
11 biannual inspection.

12 COMMISSIONER LEONARD: That solves the
13 problem.

14 MR. CASAS: What you're talking about is
15 commercial composting facilities that are
16 heavily regulated for a reason. But when you're
17 talking about private owners and what they're
18 doing in some of the descriptions and the
19 testimony that has been provided before, they
20 are not creating unsightly, they're not creating
21 the smell, I'm not sure why you would want to
22 get state regulators to impose that burden on

1 your residents that are doing things in a way
2 that's not creating a negative impact or burden
3 relative to their neighbors.

4 CHAIRMAN KRUSINSKI: I guess the only issue
5 there is that we could have someone that's
6 following all the standards and do it correctly,
7 but there could be others who are not following
8 the standards and there is nothing to hold their
9 feet to the fire.

10 MR. CASAS: But the standards that are being
11 referenced, again, are for commercial
12 composting.

13 CHAIRMAN KRUSINSKI: Those aren't our
14 standards. Those would be the EPA standards.
15 If they have standards that are, I would call,
16 acceptable and reasonable for five-acre parcels
17 of land that have horses, then that would seem
18 reasonable.

19 Granted that's not a commercial
20 endeavor by any stretch of the imagination. But
21 the EPA does regulate a lot of things that are
22 not commercial. I deal with them every single

1 day.

2 MR. SMITH: An option for the ZPA here is to
3 make a recommendation on this text, but include
4 in the findings a suggestion to the Board that
5 they come up with a plan to study the issue of
6 composting manure and then refer the matter back
7 to you or take some steps to address the
8 composting manure after they've studied it. But
9 your recommendation could be for the time being,
10 this is what we recommend subject to the Board
11 studying and doing something about it.

12 CHAIRMAN KRUSINSKI: And specifically if
13 there are operations that deal with the manure
14 in a way that, you know, meets EPA standards or
15 other standards, then the Board has the right to
16 say this is acceptable and, you know, life goes
17 on.

18 The issues here are not so much those
19 that are doing it the right way. It's for those
20 that are creating problems.

21 MR. BURKLAND: Can I suggest one thing. If
22 there hasn't been in recent time a significant

1 issue related to this, wouldn't it be sort of
2 safer and more useful to recommend the status
3 quo, which means not any particular regulation
4 at this time, but in your recommendation to the
5 Board of Trustees, make the recommendation that
6 they study this issue so that it can be
7 addressed at a time when there is a
8 determination as to what the appropriate
9 regulation is.

10 COMMISSIONER LEONARD: I would like to
11 address this. I think something that you really
12 do not understand is we have had issues here.
13 We have had complaints here. And that's why we
14 are addressing these issues.

15 We're not doing this just because we
16 want something to do. We have had residents who
17 are complaining about these things. That's why
18 we are taking this up.

19 So I think you have to, you know,
20 understand, you don't live here and you're not
21 here all the time and you don't get these
22 complaints. We do.

1 MR. BURKLAND: It was just a suggestion.

2 COMMISSIONER LEONARD: Just so you know where
3 we're coming from on this.

4 MR. BURKLAND: Yes, I do understand.

5 MR. FANTUS: I have a naive question. Where
6 does all the compost go once it's made?

7 COMMISSIONER LEONARD: Most people just
8 spread it. If they're doing it properly, it's
9 good for their garden. If they're not doing it
10 properly, it's not good for anything.

11 MR. FANTUS: But for large stables that have
12 a much larger volume?

13 MR. IRVIN: We have a large stable owner
14 here.

15 MR. CASAS: To answer that question, from our
16 perspective, it is, and as part of the
17 development, we planted over 2,500 trees and a
18 variety of bushes, eliminated buckthorn, and we
19 did the landscaping to support that on this kind
20 of soil, which is a clay-based soil. It is
21 extremely difficult, absent two things,
22 fertilizer and water.

1 And so I think the focus, at least from
2 our perspective as a user, is making sure we are
3 most efficient in terms of recycling and doing
4 it in a way that isn't creating any toxicity and
5 burden on the neighbors.

6 I totally get the concern that Bob has
7 expressed and what he has lived with. And I
8 don't think anybody should be forced to be put
9 in a position with this and wholeheartedly
10 support efforts to correct those.

11 All I'm suggesting is you don't throw a
12 baby out with the bath. You don't ban things
13 that are good for the community and the
14 importance of the people that are doing it
15 right. Don't ban the type of efforts. People
16 put in a lot of capital in terms of high-end
17 materials. I have heard great things about
18 Corporate Way. We feel good about what we've
19 done. We think that that helps and attracting
20 that type of investment is very positive.

21 The concern is if you take what our
22 legitimate concerns and broad stroke it and just

1 push it upstream, it really creates an
2 adversarial environment where you're really
3 getting punitive, not with intent, but in an
4 effect on existing operators.

5 COMMISSIONER LEONARD: I think we're trying
6 to write ordinances to benefit the Village as a
7 whole. I understand where you're coming from.
8 I really do. And, like I said, if you compost
9 and you do things right, it's a plus for the
10 environment.

11 The problem is, as Joe said, the
12 policing of it, the standards that you have to
13 have for composting and then everybody has to
14 have the same standards.

15 And that's where the problem becomes.
16 I mean, you get somebody -- okay, you can
17 compost it, you can do it correctly, you know,
18 that's nice. But a lot of people don't.

19 So what do you have, two standards for
20 people? It's okay -- you know, unless you have
21 somebody that goes around and checks these
22 things, nobody knows whose standards are right

1 because they're a very subjective thing.

2 MR. CASAS: Well, I think if you establish
3 the standards and then you have complaints, you
4 can evaluate whether somebody is compliant or
5 not.

6 COMMISSIONER LEONARD: That's what we're
7 trying to do.

8 MR. CASAS: For most commercial standards,
9 that would create burdens in the tens of
10 thousands of dollars on operators that are not
11 the cause of any of the complaints that you've
12 received seems an undue and unfair burden.

13 To say you can't do something that
14 cycles and avoids literally tens of thousands of
15 dollars in substitute costs for materials that,
16 quite frankly, oftentimes are even more toxic
17 than what you're producing in a natural
18 recycling way that's properly done. It makes no
19 sense to an existing operator. So I think just
20 be careful of that impact, it's discriminatory.

21 COMMISSIONER LEONARD: I think this is
22 something Joe is right about, that we need to --

1 CHAIRMAN KRUSINSKI: I understand everyone's
2 point. And there is no question we seem to be
3 on a divergent path. If somebody has an
4 acceptable composting program, as I think you
5 do, it's not our intent to dismantle that.

6 However, the other side of that coin is
7 -- and, again, not necessarily to do anything
8 other than kick the can down the road -- if we
9 set a standard for that for -- that I think
10 works for a majority of the smaller stables,
11 which sounds like most do, remove the material.
12 And if beyond that somebody wants another
13 program, a sophisticated composting program that
14 meets standards, then they can do so.

15 But the problem is there doesn't seem
16 to be anything in between. It's either removed
17 or it's done right.

18 COMMISSIONER LEONARD: There shouldn't be
19 anything in between.

20 CHAIRMAN KRUSINSKI: But the point is that
21 there is.

22 COMMISSIONER LEONARD: But there shouldn't be

1 and that's what we have to get to.

2 COMMISSIONER PICKELL: The burden is -- would
3 be the permit fee. What does it cost to get a
4 permit? And if the EPA is going to make you
5 compost properly and that costs more, why would
6 we care? We want it done right.

7 COMMISSIONER LEONARD: We don't care.

8 COMMISSIONER PICKELL: Now if the permit
9 itself is onerous -- I don't know how much it
10 costs. Does anybody know how much it costs? I
11 mean, if it's not a big deal, then I mean --

12 CHAIRMAN KRUSINSKI: That's what I'm saying,
13 this is not the time or place to debate this or
14 the EPA. I think that is something that there
15 is a next step to this. We will never -- we
16 can't get to that next step. I think if we do
17 make it clear -- and, again, I think this is
18 important and we have to move on a little bit.

19 But one of the things that you know, Ed
20 you said in your letter, is that we are -- we
21 are moving in a way that is arbitrary and that
22 we're absent the appropriate rationale and

1 vision and interest of the Village residents and
2 there is no research or anything to support what
3 we're doing, two comments with regard to that.

4 One is -- I think Liz made it very
5 clear -- these are not things that we dreamed up
6 over a many, many months via complaints, via
7 issues that the Board brought or issues that the
8 residents brought as well as things that we need
9 to do strictly from an administrative sense, we
10 have to clean some things up and that's what we
11 are in the process of doing.

12 Secondly going back, way back, to our
13 comprehensive plan and as far back as 1950 when
14 this community voted in favor of incorporation,
15 there was significant effort to maintain a rural
16 atmosphere to our community, and that was the
17 direction of the residents at that time, and it
18 was input that we received in 2015 and 2016 as
19 we reviewed and made changes to our
20 comprehensive plan.

21 And those objectives clearly state that
22 we would create policies that would be adopted

1 by the community to retain the unique qualities
2 of the rural residential environment.

3 And so I know you made comments about
4 the issues with regard to market conditions,
5 with regard to growth and the ability of
6 economic sustainability, those are all very
7 valid points. But kind of our guidepost
8 throughout this thing and the guidepost that,
9 really, the community has given to us via their
10 input, is that we want to perpetuate the rule of
11 protecting the village's environmental resources
12 and providing a viable alternative of a rural
13 lifestyle in contrast to a higher density urban
14 style, suburban lifestyle.

15 That's out of the bible that the
16 community established in giving us, you know,
17 kind of our marching orders and to kind of get
18 us where we are at.

19 So we have no intention of undoing
20 what's been done to allow facilities such as
21 your own -- and it's an absolutely gorgeous
22 facility. There is no question about it and

1 everything is being done properly. But I think
2 our guideposts are with respect to the input
3 we've received over a period of time from the
4 community.

5 So that's kind of the track we're on.
6 We are really, again, out of time. And the only
7 other thing I would like to do very, very
8 quickly so that we have a chance to is -- are
9 there any other comments so that Greg can do one
10 last draft of this?

11 COMMISSIONER CLARK: I have a question, Greg.
12 If we go to page 13 under item 13 height of
13 structures, somehow looking back in my notes, we
14 have talked about Orren's recommendation, the
15 ceiling level height of a principal building
16 shall not exceed 35 feet and that was on Orren,
17 we had a discussion about that. Do you remember
18 we talked about --

19 COMMISSIONER PICKELL: We took the ceiling
20 out. I think we took the ceiling out because
21 the ceiling height inside a residence was not
22 relevant. So we basically went from 45 feet of

1 the overall height on the residence to 40 feet.

2 COMMISSIONER LEONARD: That was a question to
3 40?

4 COMMISSIONER PICKELL: So this is correct.

5 COMMISSIONER CLARK: Okay. I knew there was
6 some talk about 35 and 25, I was just wondering.
7 That was just a question.

8 CHAIRMAN KRUSINSKI: Any other comments? I
9 know other issues, you know, that Greg -- ball
10 is in Greg's court then to review this with
11 respect to those issues that are -- that provide
12 the safe harbor for the existing special use
13 permits.

14 Greg, any other -- sorry, Bob.

15 MR. PRICE: Bob Price from Pegaso Farm.
16 Page 11, three quarters of the way down, it says
17 [as read]: The ZPA also recommends that the
18 Village Board adopt a licensing requirement for
19 operators of large stables with operating
20 standards, routine inspections, and so on.

21 Whose idea was that?

22 CHAIRMAN KRUSINSKI: There was some

1 discussion. And we never -- again, we, to some
2 degree, kicked the can down the road on that
3 because there were issues with regards to things
4 like the manure issues that we didn't have clear
5 standards to follow.

6 And, frankly, that's all we said, is
7 that this is something that perhaps the Board
8 can consider. I don't remember if there was any
9 other discussion.

10 COMMISSIONER LEONARD: There was. And the
11 rest of it -- actually, some of this came from
12 the Village Board because there was -- there
13 have been cases where people are not living up
14 to their special use permits and that has caused
15 a problem of sorts. And there has been some
16 talk amongst people at this Board and the
17 Village Board about how to -- again, no one
18 likes to police things -- but how you make
19 people live up to their standards that they're
20 supposed to have, regarding their SUPs and just
21 regarding -- well, mostly with any large stable,
22 it's going to be an SUP, so that's where that

1 came from. Now, whether or not they'll do it, I
2 don't know. That's up to them.

3 CHAIRMAN KRUSINSKI: The bottom line is --
4 and the reason we probably put it in is it did
5 come from the Village for us to look at those
6 issues. And I think after our discussion, we
7 said the ZPA is not the policing body for
8 existing facilities.

9 MR. PRICE: You have a board member here and
10 he says he never remembers any of that coming
11 from the Board.

12 CHAIRMAN KRUSINSKI: Well, it came from the
13 memorandum from the Board that gave us all of
14 these issues to review.

15 MR. PRICE: Okay. I just -- you know, I
16 think you guys are setting yourself up for, you
17 know, some -- a world of hurt.

18 CHAIRMAN KRUSINSKI: Thank you.

19 COMMISSIONER CLARK: Could I ask you, Bob
20 Price, when you got your special use permit, you
21 put in a composting, that's what you currently
22 use on your property, is you compost your

1 manure.

2 MR. PRICE: Right.

3 COMMISSIONER CLARK: What do you do with your
4 compost?

5 MR. PRICE: I actually don't use the
6 composter. It's removed every week.

7 COMMISSIONER CLARK: Okay. So I knew that
8 you had had --

9 MR. PRICE: Besides the whole manure thing,
10 which is caused by basically one resident in
11 this town, you know, tell me what, you know, in
12 the large stables -- you know, what my issue is,
13 who is capable of looking for what, the welfare
14 of the horses, the -- you know, the stall sizes?

15 I mean, I thought all that stuff was --
16 where somebody builds a barn, I thought all that
17 is checked and approved before you're even given
18 the occupancy.

19 COMMISSIONER CLARK: All those things are.
20 It's the going forward. You know, our -- if you
21 have a permit for -- you have 26 stalls, right?

22 MR. PRICE: 24.

1 COMMISSIONER CLARK: 24. And your special
2 use permit gives you X amount of stalls to use
3 for commercial or lease, the rest are private.

4 So at some point how do we know that
5 you don't have 24 stalls in there. It's a check
6 and balance. No one is looking to take anything
7 away from you.

8 MR. BOYD: Doug Boyd, Sapphire Riding
9 Academy, the inspections part, that's something
10 that needs to be clarified how they're going to
11 do it because I've run into a situation where
12 somebody acting as a village board member came
13 in and started helping themselves to counting
14 stalls and horses and pointing fingers and
15 trying to regulate me without any notice of any
16 sort whatsoever. I had been home literally from
17 Florida after being gone for four months, I had
18 been home for two days and got bombarded with
19 all this. It's like you're not -- you're not a
20 village board member. I'm just saying, are you
21 getting notices? How are you doing this? Are
22 these inspections -- not that anybody is doing

1 anything wrong. But are these just going to be
2 random, hi, we're here and we want to look at
3 your property and so forth?

4 MR. IRVIN: I think as the chairman said,
5 it's been recommended to the Board to look into
6 it, but that's as far as it's gone.

7 MR. BOYD: As far as somebody regulating
8 these rules, I think that you need to have
9 professional horse people on the committees as
10 well to help regulate it because most of these
11 are -- not the EPA stuff and manure. But I
12 think they need to come from people that are
13 professionals and understand the industry,
14 especially where large stables are concerned.

15 CHAIRMAN KRUSINSKI: Thank you.

16 We're going to adjourn the meeting and
17 to make sure we have a quorum for our hopefully
18 what could be our last meeting on this to review
19 the final draft. So the regular scheduled
20 meeting is November 7th. I want to make sure a
21 quorum is available for that date, which will
22 again be a public hearing -- continued public

1 hearing. So November 7th, our regular first
2 Tuesday of November meeting, please, please,
3 please. And so I need a motion to continue the
4 public hearing.

5 MR. SMITH: I can state the motion. Motion
6 to continue the public hearing in case 17-TA-1
7 to November 7th, 2017, at 7:00 p.m. in the
8 Cottonwood Room at 26225 North Riverwoods Road,
9 Mettawa.

10 CHAIRMAN KRUSINSKI: Thank you. If somebody
11 can second that.

12 COMMISSIONER CLARK: Second.

13 CHAIRMAN KRUSINSKI: Sorry, you have to make
14 the motion.

15 COMMISSIONER CLARK: I make the motion.

16 COMMISSIONER LEONARD: I will second.

17 CHAIRMAN KRUSINSKI: We have a motion and
18 second. All in favor.

19 (Chorus of ayes.)

20 CHAIRMAN KRUSINSKI: Motion carries. We'll
21 see you all on November 7th.

22 (End of meeting.)

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)

4 I, Cheryl L. Sandeck, and a Certified
5 Shorthand Reporter of the State of Illinois, do
6 hereby certify that I reported in shorthand the
7 proceedings had at the taking of said meeting
8 and that the foregoing is a true, complete, and
9 correct transcript of my shorthand notes so
10 taken as aforesaid, and contains all the
11 proceedings given at said meeting.

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CHERYL L. SANDECKI, CSR, RPR
C.S.R. License No. 084-03710

VILLAGE OF METTAWA
ZONING, PLANNING AND APPEALS COMMISSION

November 7, 2017

Case Number 17-TA-1

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APPEARANCES:

- Mr. Joseph Krusinski, Chairman
- Ms. Wendie Clark, Commissioner
- Ms. Holly Hirsch-Bollhoffer, Commissioner
- Ms. Liz Leonard, Commissioner
- Mr. Mark Meluso, Commissioner
- Ms. Catherine Murphy, Commissioner
- Mr. Orren Pickell, Commissioner
- Mr. Bob Irvin, Deputy Village Clerk
- Ms. Sandy Gallo, Village Clerk
- Mr. Greg Smith, Attorney

1 CHAIRMAN KRUSINSKI: I'm going to call the
2 meeting to order. It's a few minutes past
3 seven. I think one of your other commissioners
4 is on the way, but we can get going.

5 So welcome to the regular meeting of
6 the Mettawa Zoning, Planning, and Appeals
7 Commission. My name is Joe Krusinski, chairman.

8 Will the secretary please call the
9 roll?

10 MS. GALLO: Commissioner Clark?

11 COMMISSIONER CLARK: Here.

12 MS. GALLO: Leonard?

13 COMMISSIONER LEONARD: Here.

14 MS. GALLO: Hirsch?

15 COMMISSIONER HIRSCH-BOLLHOFFER: Here.

16 MS. GALLO: Meluso?

17 COMMISSIONER MELUSO: Here.

18 MS. GALLO: Murphy?

19 COMMISSIONER MURPHY: Here.

20 MS. GALLO: Pickell?

21 COMMISSIONER PICKELL: Here.

22 MS. GALLO: Chairman?

23 CHAIRMAN KRUSINSKI: Here. I declare a
24 quorum present.

1 The first order of business is the
2 approval of the minutes from our October 3,
3 2017, meeting. Before discussion, firstly, is
4 there a motion to approve those minutes?

5 COMMISSIONER PICKELL: I have a comment.

6 CHAIRMAN KRUSINSKI: After the motion we can
7 comment. Okay. So I need a motion to approve.

8 COMMISSIONER CLARK: I make a motion.

9 CHAIRMAN KRUSINSKI: Second?

10 COMMISSIONER MURPHY: Yes.

11 CHAIRMAN KRUSINSKI: Is there any discussion
12 or comment?

13 COMMISSIONER PICKELL: Yes, I voted nay to
14 the guesthouse, attached four car-garage.

15 CHAIRMAN KRUSINSKI: I think we made that
16 correction.

17 COMMISSIONER PICKELL: I didn't get that.

18 CHAIRMAN KRUSINSKI: It was on the first
19 draft, but then it was corrected I think in the
20 final.

21 COMMISSIONER PICKELL: I didn't get a
22 delivery.

23 MS. GALLO: We didn't do any delivery.

24 CHAIRMAN KRUSINSKI: Did we make the

1 correction?

2 MS. GALLO: I'm double-checking what he is
3 referring to.

4 COMMISSIONER MURPHY: It's on page 3, Sandy.

5 MS. GALLO: Okay. Yeah.

6 CHAIRMAN KRUSINSKI: Okay. We'll make that
7 correction. Thanks, Orren. Sorry.

8 Any other additions or corrections for
9 the minutes?

10 Again, will the secretary please call
11 roll.

12 MS. GALLO: Commissioner Clark?

13 COMMISSIONER CLARK: Aye.

14 MS. GALLO: Leonard?

15 COMMISSIONER LEONARD: Aye.

16 MR. SMITH: Hirsch?

17 COMMISSIONER HIRSCH-BOLLHOFFER: Aye.

18 MS. GALLO: Murphy?

19 COMMISSIONER MURPHY: Aye.

20 MS. GALLO: Pickell?

21 COMMISSIONER PICKELL: Aye.

22 MS. GALLO: Chairman?

23 CHAIRMAN KRUSINSKI: Aye. Motion carried and
24 the minutes are approved.

1 For the information of everyone who is
2 here, the work of the Zoning, Planning, and
3 Appeals Commission consists of reviewing matters
4 brought before us that affect zoning and
5 planning in the village. This Commission is a
6 fact-finding body and has no final authority.
7 As a result, we make no decisions regarding any
8 matter, but only make recommendations to the
9 President and Board of Trustees of the Village
10 of Mettawa.

11 This evening's proceedings will be
12 transcribed by a certified court reporter. All
13 statements made by the public and all testimony
14 given by witnesses will be given under oath.

15 Following the public hearing, our
16 deliberations regarding the case are open in the
17 sense that all are invited to listen and watch.
18 However, the public may not speak during the
19 deliberations.

20 We have one item on our agenda tonight,
21 a long list of amendments to the zoning
22 ordinance regarding a variety of matters on a
23 zoning application filed by the Village of
24 Mettawa in Docket 17-TA-1.

1 I would now call the continued public
2 hearing in case number 17-TA-1 to order. Again,
3 for the record, will the secretary please call
4 the roll.

5 MS. GALLO: Commissioner Clark?

6 COMMISSIONER CLARK: Here.

7 MS. GALLO: Leonard?

8 COMMISSIONER LEONARD: Here.

9 MS. GALLO: Hirsch?

10 COMMISSIONER HIRSCH-BOLLHOFFER: Here.

11 MS. GALLO: Meluso?

12 COMMISSIONER MELUSO: Here.

13 MS. GALLO: Murphy?

14 COMMISSIONER MURPHY: Here.

15 MS. GALLO: Pickell?

16 COMMISSIONER PICKELL: Here.

17 MS. GALLO: Chairman?

18 CHAIRMAN KRUSINSKI: Here. I declare a
19 quorum present.

20 Case number 17-TA-1 arises from an
21 application filed by the Village of Mettawa.
22 Findings of facts and recommendations are sought
23 from the ZPA on text amendments related to the
24 following matters: Residential lot coverage and

1 accessory structures; minimum dwelling sizes;
2 short-term residential rentals; amortization of
3 nonconforming uses; zoning application fees, and
4 audio, visual, and home rental fees and notices;
5 time limits for appeals for zoning administrator
6 decisions; horse and large stable requirements;
7 commercial use regulations in residential zoning
8 districts; reorganization of certain zoning
9 ordinance sections; timeliness of construction
10 and completion of improvements approved by a
11 special use permit; height of structures in
12 residential zoning districts; and matters
13 related to those set forth.

14 The text amendments, if adopted, would
15 affect property in the entire village. And
16 amendments, if adopted, are not limited to a
17 certain parcel or parcels of property in
18 Mettawa.

19 Tonight we continue the public hearing
20 on this matter, which began on September 5th and
21 was continued on October 3rd. The public
22 hearing was continued tonight for further
23 consideration.

24 On September 5th and October 3rd, the

1 Commission heard a great deal of testimony and
2 evidence regarding the proposed areas under
3 consideration.

4 The procedure will follow tonight is as
5 follows: First, the village and its staff will
6 describe the changes to the latest draft
7 proposed and any changes that the Village has
8 received from the public.

9 Following the staff's presentation on
10 the update of the proposed amendments that have
11 been updated and then the presentation on the
12 additional changes that have been requested by
13 the public, all members of the public will be
14 allowed to make their case about the proposals
15 and Commissioners may ask questions of any
16 member of the public who testifies.

17 We will pause the public testimony of
18 tonight's hearing and give the Commissioners an
19 opportunity to discuss what has been presented
20 this evening amongst themselves. And I will
21 allow the Commissioners to give input on the
22 items discussed.

23 It is possible that the public hearing
24 on the proposed text amendments will not be

1 completed this evening, which I hope is not the
2 case, and that additional public hearings will
3 be needed to address all of the items under
4 consideration.

5 If another evening is required to
6 complete our consideration, the Commission will
7 make a motion at the end of today's hearing to
8 continue a public hearing at a date certain.

9 The final step is when the Commission
10 has taken all the public testimony on the
11 proposed text amendments, the public hearing
12 will be formally closed and the Commission will
13 deliberate and come up with a final
14 recommendation.

15 I ask everyone in the audience who may
16 wish to speak this evening to please stand so
17 that you may be sworn in. So anyone who wishes
18 to speak this evening on any matter please
19 stand.

20 Do you swear to tell the truth in the
21 testimony that you may give on this matter?

22 (Chorus of "I do.")

23 CHAIRMAN KRUSINSKI: Thank you.

24 As I said, the format tonight is to

1 review what amounts to be a, more or less, final
2 draft with whatever minor revisions or revisions
3 that we make this evening.

4 So I've asked our village attorney,
5 Greg Smith, to begin that presentation and to
6 briefly go through the changes that basically
7 are in your hands that -- and have been
8 distributed as well so that we can quickly
9 review, basically, again, just the changes that
10 we made to the last version and/or if you have
11 any questions on those changes, that we can
12 bring those up at this point. After that, we'll
13 ask for public testimony.

14 So, Greg, if you could just go through,
15 again, the revision that you submitted.

16 MR. SMITH: Certainly. Thank you, Chairman.

17 In the back of the room is a document
18 that states "Draft October 30th of 2017." If
19 you don't have a copy of the document, they're
20 available for the members of the audience
21 tonight.

22 In this document, additions from the
23 last draft of September 25th are noted in red
24 underlined text and deletions struck through in

1 red stricken text.

2 The changes made per the last public
3 hearing of the ZPA on October 3rd, appear first
4 on page 7 of the document. At the October 3rd
5 meeting, the ZPA proposed some language there in
6 the last paragraph which states that "Each week
7 between such removal, manure may only be stored
8 in appropriate containers, which shall be
9 screened from view from adjacent lots and
10 rights-of-way." That last portion about
11 screening was new language that the ZPA
12 considered and asked to be included at the
13 October 3rd public hearing.

14 And then on the bottom of page 7 going
15 on to page 8, the ZPA requested that the
16 language regarding composting be stricken and
17 instead language be inserted that "The ZPA
18 recommends and urges the Village Board to decide
19 how to allow composting manure, to study the
20 issue, and to regulate it accordingly."

21 And then if we move on, similar changes
22 were made at the top of page 11 with regard to
23 the new stable text there. Chairman Krusinski
24 before the meeting tonight suggested on page 11

1 that the last paragraph before number 9 be
2 revised to provide that "The ZPA also recommends
3 that the Village Board consider a licensing
4 requirement" as opposed to "adopt." That's
5 something that he mentioned to me prior to this
6 evening, so softening the language from "adopt"
7 to "consider." That's something you can
8 certainly discuss later.

9 And then the last area of proposed
10 changes are 14 and 15. They are the six
11 requests from the Always Faithful Stables.
12 Mr. Casas is here. They made the request on
13 October 3rd in a memorandum that was distributed
14 to the Commission at that meeting.

15 Briefly in number one, they seek the
16 addition of a new subsection F, Section 15.301,
17 that would expressly provide that a variation --
18 excuse me, that a structure or use that has been
19 authorized by a variation or a special use
20 permit for a large stable, large stable-related
21 structure, or equine operations would not be
22 subject to the amortization or nonconforming
23 status in Article 3 of the zoning ordinance.

24 What they are asking to add is this

1 language, which would further protect what the
2 Village has previously allowed in a variation or
3 a special use permit. In regard to the special
4 use permits, those relate to large stables,
5 large stable-related structures, and
6 equine operations.

7 So if you agree -- and I think the ZPA
8 has voiced an opinion on this previously, but
9 tonight this should be a part of your
10 deliberations. If you want to further protect
11 and grant the status of those types of
12 variations and special use permits, then this
13 should be considered for inclusion in the final
14 draft that you send along to the Board as part
15 of your recommendation. I'm happy to answer
16 questions about these if the ZPA has them.

17 With regard to number two, there is a
18 proposal to add in language that would -- that
19 would further clarify that the new limitation on
20 horses being placed on lots -- if you recall,
21 the ZPA is considering a recommendation that
22 horses may only go on lots where a resident is
23 also present, that this language would be added
24 to clarify that these -- this new language shall

1 not apply to limit or restrict legal conforming
2 use of a large stable, large stable-related
3 structures, or equine operations established
4 prior to January 1st of 2017.

5 Again, if the ZPA wants to include
6 language to allow what is in place to continue
7 without question, then this language would be
8 appropriate to consider adding into the final
9 language.

10 With regard to number three, Always
11 Faithful is proposing to add to the end of
12 Section 15.1209(B) that improvements that were
13 authorized in a special use permit prior to
14 January 1st of 2017 be allowed to be
15 constructed, even if permits haven't been pulled
16 prior to the effective date of the new language.

17 The part of the proposed text
18 amendments that this relates to is the part that
19 says you cannot expand certain kinds of large
20 stable-related structures or uses on property.
21 This language would have an exception to that
22 for circumstances where the Village Board
23 previously approved something but it hadn't yet
24 been built.

1 So if the ZPA agrees that if the
2 Village Board has previously approved something,
3 it should be allowed to be constructed, then
4 this language would be appropriate to include in
5 your final recommendation to the Village Board.

6 With regard to number four, there is a
7 proposal here to add at the end of that section
8 that limits the expansion of large stable-type
9 uses, that if any conflict between the zoning
10 ordinance, the village code, and a legal
11 confirming -- nonconforming or conforming large
12 stable, the legal nonconforming or conforming
13 large stable status shall prevail and the
14 limitations on expansion shall not apply.

15 So, again, it relates back to your
16 policy, you know, position on how you want to
17 treat these matters.

18 With regard to number five, they want
19 to include Always Faithful is requesting in
20 Section 15.1209(C) that legal nonconforming uses
21 established prior to January 1st of 2017 are
22 specifically called out as being allowed to
23 continue.

24 You know, structures are mentioned.

1 They point out that use -- legal nonconforming
2 uses are not mentioned. So if you're okay with,
3 you know, clarifying these matters, it would be
4 appropriate to add that language in if that's
5 your direction.

6 And then, finally, in number six, they
7 request that the definition of commercial use be
8 modified to, at a minimum, excluded from the
9 definition of commercial use not-for-profit
10 activities or previously grandfathered and
11 safe-harbored legal nonconforming or conforming
12 uses. And that would be in the definition of
13 commercial uses as proposed per Section 15.201.

14 So these are all the changes and then
15 the proposals that are before you tonight.

16 CHAIRMAN KRUSINSKI: So, again, as I
17 outlined, what we will do is we will go through
18 these separately after any of the public
19 discussion. And this is -- I know you are
20 seeing this tonight for the first time, so we'll
21 have some time to review that.

22 In addition to that, I also want, for
23 the record, to incorporate a number of documents
24 that we received since the last meeting and add

1 to our exhibits. Just for the record, that
2 includes a document that was submitted by the
3 chairman of the Zoning, Planning, and Appeals
4 Commission with regard to the work of the
5 Commission on this matter and to give some
6 background on the work that the ZPA had done
7 with respect to revisions to the Mettawa
8 comprehensive plan in light of comments that
9 were made regarding that.

10 Secondly, there was a document from
11 Keith Gray in regard to my -- the previously
12 mentioned document. And for the record, Keith
13 stated that with regard to the fact that the
14 Village has actually made a number of land
15 purchases in light of the comprehensive plan and
16 potential commercial development potential, that
17 the promise is false, mere -- these are words
18 from Keith Gray. "The promise is false. Mere
19 purchase of the land offers no assurance against
20 future development as long as future boards have
21 the authority to sell or develop it. The only
22 way to ensure that is to allow a conservation
23 easement held by an entity, not controlled by
24 the Village." So I would like to put that

1 comment into the record.

2 And also there was a resubmittal of a
3 prior email that was sent by Judy Friedman. The
4 new email is the prior email, but this one is
5 re-dated as of November 7th. And that is also
6 to be included in the record.

7 And I believe, Sandy, that's all the
8 documents. Or is there something else?

9 MS. GALLO: The manure.

10 CHAIRMAN KRUSINSKI: I'm sorry. One last
11 document. We will make this all part of
12 Exhibit 3.

13 MR. SMITH: Yes.

14 CHAIRMAN KRUSINSKI: Yeah. There was another
15 document that was submitted that -- it's
16 entitled "Compost Facility Permits." It's from
17 the Illinois State University Department of
18 Agriculture and it gives some specifics about
19 the requirements with regard to the Illinois EPA
20 and issues in regard to compost.

21 So we'll add those all to Exhibit 3,
22 Sandy. I'm sorry. And there was one other
23 document, it's Lakes Disposal Manure Removal
24 List dated 10/26/17, and it gives the listing of

1 properties that have different size Mettawa
2 dumpsters and toters. So that's also in your
3 packet and will be part of the record.

4 Anything else?

5 MS. GALLO: That was it.

6 CHAIRMAN KRUSINSKI: Thank you.

7 So now it's time for public testimony
8 on this matter. And, again, we'll just --
9 anyone who has a comment, simply raise your hand
10 and you will be asked to state your name and
11 address for the record and you may make your
12 comment. So anyone wishing to make a comment?

13 MR. CASAS: Ed Casas.

14 CHAIRMAN KRUSINSKI: Thank you.

15 MR. CASAS: 855 North Bradley.

16 I appreciate counsel's review of the
17 requested additions to the text amendment. His
18 characterizations are consistent with our
19 intent. And I think from the first meeting to
20 this one, what we've asked for is what has been
21 repeatedly, at least informally told us to make
22 sure it gets formally addressed, and that is
23 there is an intent to grandfather and safe
24 harbor the legal nonconforming uses associated

1 with large stables.

2 Obviously, we've pointed out that the
3 SUP, as has been drafted, doesn't specifically
4 address the commercial uses of the property that
5 are developed, that have been grandfathered and
6 admitted.

7 We just want to make sure that that's
8 clear, the reference to the SUP without the
9 combination of legal nonconforming use doesn't
10 get us there, and that's what we are trying to
11 do.

12 The second concept in those requested
13 modifications really just relates to conflicts.
14 You know, it says one thing one place, doesn't
15 say it someplace else, we don't want to get
16 caught up in maybe ambiguity or lack of clarity
17 in the ordinance or the text amendment that's
18 being drafted. And so I just want to make sure
19 that the grandfathering or the safe harbor
20 status supersedes any text amendments.

21 Those are the concepts. I think
22 they're more policy protected. Hopefully,
23 they're not the controversial, and they seem to
24 be consistent with what has been expressed

1 previously. And we'd appreciate your
2 clarification for making those considerations.

3 CHAIRMAN KRUSINSKI: Thank you, sir. Any
4 other comments from the -- you came in late, so
5 I would ask you: Is the testimony you are about
6 to give the truth?

7 MS. O'DONNELL: Yes.

8 CHAIRMAN KRUSINSKI: Thank you. Please state
9 your name and address.

10 MS. O'DONNELL: Leslie O'Donnell, 25575 North
11 St. Mary's Road. I'm not sure where I came in
12 on this. But I just wanted to -- I just wanted
13 to talk about the section -- it sounds like have
14 we gone through all of it?

15 CHAIRMAN KRUSINSKI: Yes.

16 MS. O'DONNELL: I wanted to go -- I wanted to
17 speak specifically to the conduct of stable
18 operations, livery stables shall not be
19 permitted, that's always been the case. Horse
20 shows shall not be permitted, that's always been
21 the case.

22 I have a concern with C, which is horse
23 clinics shall not be permitted, which include
24 events at which instruction or coaching --

1 you've got it all written down here. My
2 problem --

3 CHAIRMAN KRUSINSKI: Excuse me, is that
4 page 10?

5 MS. O'DONNELL: I'm on page 10.

6 MR. SMITH: Thank you.

7 MS. O'DONNELL: My problem is that it looks
8 like it's going to restrict me being able to
9 bring in a specialist to help with a particular
10 area for me and my borders.

11 Now, I understand that we're trying to
12 limit things open to the public. But I don't
13 understand why if I need work on something, if I
14 want to bring somebody in from out of state or
15 out of town to help me with a particular issue
16 and I'm willing to pay for that and my borders
17 would participate, I don't understand why that
18 would be restricted.

19 And I can understand the public
20 component of it. But private, you know, I have
21 a horse in Wellington, Florida. My trainer
22 comes up from Florida every once in a while to
23 help me out. I don't want that to be
24 restricted. So I don't understand why that's an

1 issue.

2 CHAIRMAN KRUSINSKI: So just so I understand,
3 is your concern the difference between a private
4 event or private clinic versus a public event?

5 MS. O'DONNELL: Right. My concern is that I
6 privately for myself and my borders could not
7 bring in, according to this language, an
8 instructor that's not my normal instructor to
9 help for a couple of days or a weekend. I mean,
10 that's my problem with that language.

11 CHAIRMAN KRUSINSKI: Okay. Thank you. Any
12 other comments?

13 COMMISSIONER MELUSO: Don't we really address
14 that in E when we talk about instruction of
15 riders and horsemanship, you know, up to four
16 risers and horses? I'm not understanding what
17 the problem is.

18 MS. O'DONNELL: Well, I think it says that --
19 the way I understand it is that a clinic is when
20 you bring in an instructor from outside. So
21 this is where it's not clear to me. Yes, we are
22 allowed to have up to four lessons going at a
23 time. But now we are saying I can't bring in a
24 professional trainer who is not the large

1 stable's regular or routine trainer which
2 professional trainer is paid to give instruction
3 to borders and outside horses and our riders who
4 may trailer in.

5 COMMISSIONER MELUSO: I got it.

6 MS. O'DONNELL: I'm really more concerned
7 about instruction for myself and for my borders.
8 I don't understand why I couldn't hire someone
9 to come. I mean, that seems to be as
10 restrictive as saying I can't hire someone other
11 than my usual swimming coach to help my kids,
12 you know, at my swimming pool.

13 So, to me, it's the private versus the
14 public component of this. And I can't
15 understand why the private use for people who
16 are legally my barn and for myself, why I can't
17 hire whoever I want to hire have help me through
18 a particular issue.

19 Dressage is a very, you know,
20 educationally oriented sport and there are
21 people from big country, a lot of countries
22 living in Wellington or California or live in
23 Europe, and I don't want to be restricted. If I
24 want to be able to have my trainer come up from

1 Florida who is not my regular trainer and help
2 me for a couple days and to help, you know, my
3 borders for a couple of days, it's the same
4 people in the barn, it's the same horses in the
5 barn, I don't understand why I would be
6 potentially in trouble if I hired this man to
7 come help me or a woman for that matter. I
8 don't know if I'm making it clear.

9 CHAIRMAN KRUSINSKI: I think you made it very
10 clear. And, again, what we will do is during
11 the deliberation, the Commissioners will discuss
12 this.

13 MS. O'DONNELL: I can understand the public.
14 That I don't have any issue with. I just feel
15 like for me and my riders, it doesn't make a lot
16 of difference if it's Sue in the middle of the
17 arena or it's John in the middle of the arena,
18 we are still getting lessons and it's still the
19 same horses and the same riders.

20 I would like to be able to continue to
21 do that. I have not done it to any great
22 extent. But I would like to not have that
23 limitation at my property.

24 CHAIRMAN KRUSINSKI: Thanks for your

1 clarification.

2 MS. O'DONNELL: Thank you.

3 CHAIRMAN KRUSINSKI: So are there any other
4 members of the audience who wish to make
5 comments or have a question?

6 MR. FANTUS: Richard Fantus, 14253 West
7 Riteway.

8 I read the Chairman's letter. I would
9 like to go on record to publically commend the
10 ZPA for the work and effort they did. And I
11 think it does represent the plurality of the
12 constituents within the village, not a minority.

13 The only questions I have,
14 notwithstanding the actual language of the
15 notwithstandings, are you able to render some
16 examples of what the impacts are? Because, one,
17 with the Always Faithful additions at the end of
18 the document that relate to, you know, all these
19 additions and what the impact is as far as
20 making changes, expansion to an existing special
21 use based on the exact wording of these. I'm
22 not an attorney. I didn't get it reviewed. But
23 I'm not sure of the actual impact.

24 CHAIRMAN KRUSINSKI: So, again, with respect

1 to those things as well, we'll deliberate on
2 those. We'll ask for expert help from our
3 attorney and then whatever modifications or
4 changes are necessary, we'll make as part of our
5 recommendation. So we will deliberate on each
6 one of those points.

7 MR. FANTUS: All right. Thank you.

8 CHAIRMAN KRUSINSKI: Any other comments or
9 questions from the audience?

10 MS. FRIEDMAN: I have a question. I'm Judy
11 Friedman, 25310 St. Mary's Road.

12 The clarification page 14, section 3,
13 about nonconforming or conforming with large
14 stable, structures established prior to, I just
15 was wondering with the advancement in modern
16 technology, if that's going to prohibit one from
17 making improvements. I didn't quite understand
18 the limitations of number three.

19 MR. SMITH: So, Ms. Friedman, if you look at
20 page 8, going on to page 9 in the document, you
21 can see the entirety of the proposed text. And,
22 basically, the ZPA has borrowed this concept
23 from another part of zoning ordinance which
24 relates to places of public assembly. Places of

1 public assembly in the village are not allowed
2 to be expanded in any way at this time under the
3 terms of the zoning ordinance.

4 What the ZPA is proposing, is that
5 large stables that exist can continue to do so
6 but not be expanded with regard to their large
7 stable-related uses as set forth in this zoning
8 ordinance or these proposed text amendments.

9 And the language that Always Faithful
10 has proposed says that if the village had
11 previously approved -- let's say that the
12 village previously approved a horse-related
13 structure on a property in the special use
14 permit and these changes are put in, you know,
15 after the time when the village previously
16 approved something, that the special use permit
17 holder could still build what they were allowed
18 to build, although the village has put in this
19 intervening text.

20 Does that answer your question?

21 MS. FRIEDMAN: I just find that very
22 limiting. Because if you have -- you're talking
23 about a newer structure versus older structures,
24 okay. And so if you have an older house,

1 technology comes, you want to improve your home.
2 So are you saying if I don't get a permit now
3 before you do this ordinance, I wouldn't be able
4 to make upgrades to my property?

5 MR. SMITH: It only relates to large
6 stable-related structures, not residential
7 structures.

8 MS. FRIEDMAN: I'm a large stable. So
9 that's -- I find this a problem.

10 MR. SMITH: And that's a policy issue to put
11 to the ZPA and deliberate by them.

12 MS. FRIEDMAN: I'm bringing that to the
13 attention. And I find it very limiting for
14 people who have, you know, older properties that
15 are not newer construction. If you want to
16 improve the property with modern technology,
17 more efficient, fuel efficient, et cetera, et
18 cetera. You know, it's like new agriculture is
19 developed every day.

20 CHAIRMAN KRUSINSKI: I think if you look at
21 points one and two, if that's your issue, it's
22 not issues that have to do with the care or
23 maintenance, alteration or upgrading, but not
24 the expansion of a facility. And I think that's

1 the key here, that this is really drafted in a
2 way -- you have to go back to, you know, the
3 very beginning of that section, 15.1209. Those
4 very first two points there make it clear that
5 certain things, in terms of care and
6 maintenance, are required. In certain
7 instances, care and maintenance may be
8 improvement because you have to replace a window
9 that's broken or siding that's deteriorating.
10 That's not what we're talking about.

11 What we are limiting is the expansion
12 of it.

13 MS. FRIEDMAN: Let's say you have a building
14 that doesn't, you know, allow the proper airflow
15 and now with new technology you want to expand
16 the building to have better airflow. I'm just
17 throwing something out here. That's why I just
18 find this a limiting, you know, thing. That's
19 what I'm bringing.

20 CHAIRMAN KRUSINSKI: I think in that case --

21 MS. FRIEDMAN: The arena is 80 by 80 and
22 that's not an efficient, healthy requirement.
23 Now new technology and you want to expand to it
24 150 so airflow would be better -- I'm just using

1 this as an example -- I just find that very
2 restrictive.

3 CHAIRMAN KRUSINSKI: That's a good example.
4 And in accordance with the ordinance, it would
5 not be allowed without --

6 MS. FRIEDMAN: Without what?

7 CHAIRMAN KRUSINSKI: Without going through
8 the approval process.

9 MS. FRIEDMAN: What is that approval process?

10 CHAIRMAN KRUSINSKI: It depends what you are
11 doing too.

12 MS. FRIEDMAN: I'm bringing this up because,
13 you know, it's a point here.

14 CHAIRMAN KRUSINSKI: I think we understand
15 your point. And if there is some clarification
16 that needs to be made that makes it clear, that
17 this is speaking to additions and major
18 alterations and not the care and maintenance, we
19 can do so.

20 MR. SMITH: If there is a consensus on the
21 ZPA to change that language, that can be done
22 tonight.

23 CHAIRMAN KRUSINSKI: But most certainly an
24 expansion, that would not be the case for

1 whatever reason.

2 MR. IRVIN: Greg, on the number three that
3 has been requested by Always Faithful, isn't
4 that more of a belt and suspenders issue?

5 First of all, I don't know what the
6 exception of one potential maybe not even that,
7 I don't know of any -- if there is a special use
8 out there that's been improved where somebody
9 hasn't built everything, so I think number three
10 may be meaningless anyway. But to me, if you
11 have a valid special use and you haven't
12 submitted for a building permit, we wouldn't
13 deny that anyway. So this to me is not even
14 necessary. Again, I don't know if there is even
15 an example.

16 MS. FRIEDMAN: So if I wanted to expand my
17 arena --

18 MR. IRVIN: No, no, no, that's not the issue.
19 Mr. Casas has asked that we have a provision
20 that says if you have a special use and it was
21 approved and it has a number of buildings on it
22 and you have yet to obtain a permit for one of
23 those buildings, you would still be able to do.

24 What I'm saying is I would give you

1 that permit anyway. I don't think you need that
2 language.

3 MS. FRIEDMAN: You would give the permit?

4 MR. IRVIN: Your special use goes back to the
5 '90s. I believe you built everything that's in
6 your special use, so it wouldn't apply.

7 Ed, is there something you have a
8 concern about? What have you not built that you
9 are concerned about? I'm asking Mr. Casas.

10 MR. CASAS: Are you finished? We haven't
11 finished the arena. We haven't been issued it
12 for several buildings. We probably have four
13 structures that we have completed recently, one
14 is still under way.

15 So, I mean, not knowing the timing of
16 when this would be approved.

17 MR. IRVIN: But you already have a building
18 permit for it.

19 MR. CASAS: But you're putting forth an
20 ordinance that says, period, it can't be done.
21 So I'm not understanding why is it
22 controversial, Bob, that --

23 MR. IRVIN: It's not. My point is I don't
24 think it applies to anything. I think it's a

1 meaningless point is what I'm saying. If we put
2 it in -- let's put it this way, that's why I
3 said belt and suspenders. I think it does
4 nothing either way because you already have all
5 your permits, Ed.

6 MR. CASAS: Again, we are trying to just be
7 appropriately cautious and I think it's
8 easier --

9 MR. IRVIN: That's why I don't care if it's
10 in because it does nothing.

11 MR. CASAS: Yeah. And these weren't
12 recommended by the lay people. These are the
13 same experts that you rely upon, which are
14 zoning experts and outside counsel that have
15 prepared this. So I wouldn't put myself out
16 there as a legal authority. I'm just trying to
17 make sure that the --

18 MR. IRVIN: I have no problem with saying
19 either way, in and out, it doesn't affect you.
20 You have all your permits. It doesn't affect
21 you.

22 MR. CASAS: I think that the issues and the
23 clarification for her as well as other large
24 stable owners is that the concept of safe

1 harboring, which is if you are going to need to
2 replace or upgrade from a technology
3 perspective --

4 MR. IRVIN: That's a different issue. I'm
5 talking about this particular one right here.

6 MR. CASAS: If I may finish, I'd appreciate
7 it.

8 It's a little bit different than if you
9 want to double the size of an arena, right. And
10 I think Joe has made a clear distinction of
11 that. But if you had to go in and if you are
12 grandfathered and appropriately safe harbored,
13 which is what we're trying to do with this
14 language makes it clear, you will be able to
15 upgrade and improve from a technology
16 perspective.

17 If you are amortized out because it's
18 not specifically saying you have a right to have
19 it or use it in a certain way, then when it came
20 to replacement time, you would not. So that's
21 one of the distinctions that we're trying to
22 ensure that we have a right to continue to use,
23 not just burn off the right to that use, which
24 really isn't appropriate given the magnitude of

1 investment in these type of facilities.

2 MR. IRVIN: That's a different issue. That's
3 not this one.

4 MR. CASAS: I think she put a couple concepts
5 in there. I want to make sure.

6 MR. IRVIN: I was specifically talking about
7 number three.

8 MS. FRIEDMAN: I was wondering where are
9 those concepts if it's not in here?

10 COMMISSIONER CLARK: We are saying, Joe, at
11 that time if she would want to double the size
12 of her arena, she couldn't do it.

13 COMMISSIONER MELUSO: But how does that have
14 anything to do with new technology, doubling the
15 size of the arena? I don't get that. I'm not
16 trying to be negative. I just don't understand.

17 MS. FRIEDMAN: Well, it's just the way you
18 train a horse, what was built -- you know, I
19 didn't come in and build from new. I purchased
20 an existing piece of property, you know.

21 Things have changed since this farm was
22 built in 1970 or prior to that, I don't know the
23 exact dates. So do I have to rush before this
24 ordinance is approved to go get the approval to

1 expand my arena that's, you know, not big enough
2 compared to everybody else's nowadays what
3 people ride in. Do you see what I'm saying?
4 It's like having a four-cylinder car before a
5 six-cylinder was invented or whatever. It's
6 differences now than there was in 1970.

7 So that's my concern about that. So,
8 you know, I think that's all I'm bringing to the
9 attention here. And also the efficiency, my
10 place, I guaranty you, is not as efficient as
11 the newer, just the way the buildings are
12 designed for airflow, the heights, the lengths,
13 the way the -- several of these farms are really
14 state-of-art technology, which I would think
15 this committee would really like and residents.
16 It's just improving the whole village for all of
17 us.

18 Which I have another point that I'd
19 like to bring out. My question to all of you
20 here is what is the vision as a resident here,
21 your future vision of this community? Because
22 in ten years, with this new ordinance, I doubt
23 that any of these horse farms will exist. I
24 know that it's just this -- I said it in my

1 letter, which I don't know if it ever was read.
2 I think this village is getting a reputation for
3 not being an agriculture or open land usage.
4 And you take a property like mine and you take
5 my neighbor's property, which will probably go
6 up for sale in the next ten years and who is
7 going to buy it? What's going to happen to
8 those properties with this kind of ordinance?
9 It's going to be housing developments. Do you
10 guys want another 20 houses --

11 COMMISSIONER LEONARD: It's not going to be
12 housing developments. That's against the zoning
13 ordinances.

14 MS. FRIEDMAN: On five acres?

15 COMMISSIONER LEONARD: Yes. It's against the
16 zoning ordinances. Did you read the zoning
17 ordinances?

18 MS. FRIEDMAN: What then are you doing to the
19 value of my property? How I would list the
20 property.

21 COMMISSIONER LEONARD: The same way I'm going
22 to sell mine. Our zoning ordinance say a
23 minimum of five acres in an R-1 residential
24 district, which you are in and I am in. And

1 when I go to sell my property, I have to sell it
2 as a minimum of five acres just like everyone
3 else in this village.

4 MS. FRIEDMAN: So you take five acres and you
5 can build how many houses on five acres.

6 COMMISSIONER LEONARD: One house on five
7 acres.

8 MS. FRIEDMAN: Okay, so that's six houses on
9 30 acres.

10 COMMISSIONER LEONARD: That's what you can
11 do.

12 MS. FRIEDMAN: I'm just saying the vision by
13 this ordinance, I find it very, very prohibitive
14 for any kind of person in their right mind to
15 want to invest in an expense of upgrading horse
16 facilities. And what do you do with my
17 property? You turn -- what's going to happen to
18 my property, my neighbor's property, properties
19 across the street? I'm just saying.

20 COMMISSIONER LEONARD: I guess people who
21 want to live on five acres are going to buy
22 them, just like they always have.

23 MS. FRIEDMAN: So instead of one home, there
24 will be six homes on my property.

1 COMMISSIONER LEONARD: If that's what it is.

2 MS. FRIEDMAN: My neighbor, instead of one
3 home, it will be ten homes.

4 COMMISSIONER LEONARD: Could be. That's the
5 way our zoning ordinances are written.

6 MS. FRIEDMAN: That's with the open land
7 policy here, all that. I'm just bringing this
8 up. So what is the future of this village?
9 What is the future of environmental issues?

10 COMMISSIONER LEONARD: Rural residential is
11 what we are and what we've always been. And
12 those of us who live here, who actually live
13 here, want to keep it that way.

14 MS. FRIEDMAN: I live here. I have been here
15 for over 20 years.

16 COMMISSIONER LEONARD: Okay. Well, I've been
17 here 30.

18 MS. FRIEDMAN: Okay, great. I'm just saying,
19 in the next ten what is the vision? What's
20 going to happen?

21 COMMISSIONER LEONARD: I would say rural
22 residential village like we've always been.

23 MS. FRIEDMAN: I bring it up to you all.
24 Think about it. Who in their right mind would

1 want to --

2 MR. FANTUS: I think with the cap on seven
3 special use permits, it will make it more
4 attractive because there is only seven available
5 in the village. Because somewhere in says no
6 more special use for large stables.

7 COMMISSIONER LEONARD: You can still -- you
8 could sell yours for exactly the way it is.

9 MS. FRIEDMAN: But I can't improve it. These
10 new farms will be obsolete in ten years. But
11 you can improve your house.

12 COMMISSIONER LEONARD: You can improve your
13 house too.

14 COMMISSIONER PICKELL: You can improve it,
15 you just can't make it any bigger.

16 MS. FRIEDMAN: I'm bringing this up to think
17 forward --

18 COMMISSIONER LEONARD: Okay, we'll think
19 forward.

20 MS. FRIEDMAN: -- in an ordinance like this.

21 MR. FANTUS: As a point of clarification,
22 moving forward, are they allowed to amend their
23 special use to make an expansion if they go to
24 the ZPA, or no?

1 MS. FRIEDMAN: No. He just said no.

2 COMMISSIONER MELUSO: It's my understanding,
3 correct me if I am wrong, Joe, you wouldn't be
4 able to expand.

5 CHAIRMAN KRUSINSKI: That's correct. I will
6 defer to counsel on that.

7 MR. SMITH: That is correct.

8 MS. O'DONNELL: I don't have plans to do
9 this. But -- and I don't have expansion plans,
10 but I have considered a round pen as a training
11 round pen.

12 MS. FRIEDMAN: Which is training.

13 MS. O'DONNELL: Would a round pen -- if it's
14 not covered, it's not an issue. But if I had a
15 covered round pen, then -- so that I can use it
16 more times of the year, that becomes an
17 expansion issue if I do the round pen?

18 COMMISSIONER CLARK: Yes.

19 MS. O'DONNELL: So I would have to do a
20 noncovered around -- I see. So I couldn't do a
21 round pen, a covered around pen.

22 MR. CASAS: I think what we are all
23 struggling with is two things. Yes, Bob is
24 right, you know, if you have a limited supply,

1 you can theoretically drive values up as a large
2 stable. I think the discussion isn't about
3 individual concerns at that level, it's about
4 what the community represents.

5 I think it's challenging when you say
6 you want to be rural and residential, but yet
7 you don't want anything that normally is in a
8 rural, which are horses and open land. And
9 usually you get the compost for your own
10 property. There is things that you're saying
11 you want rural, but it's not really rural. It's
12 very restrictive.

13 And I expressed this before, so I don't
14 want to belabor it because I know you worked
15 hard at it and you're not getting paid for it,
16 except maybe the lawyers.

17 Really, guys, there is an element to
18 this contributory, to land values in the
19 community. And when we get into this type of
20 strict control and you take it and make it
21 extremely difficult to even operate, even though
22 you have a right to use it, I think at the end
23 of the day, you're destroying value. It's not
24 helping value.

1 And I think the thought in this and the
2 study of it doesn't seem to be there other than
3 the desire and the motivation of not allowing
4 these things to expand in the community.

5 And the only thing I would say is
6 doesn't this warrant a level of study so that we
7 understand the impact on land values. Those of
8 us that have come into the community and have
9 invested substantially, we feel strongly about
10 it. It shouldn't be disregarded.

11 And I don't know that there is
12 everything that's been provided other than the
13 strategic plan that says you want to be a rural
14 community. It doesn't say banning these things
15 can have this type of effect; you know, where
16 has land value appreciated in this community,
17 what would be the things that would support the
18 entire community to benefit.

19 Certainly nobody wants manure piles
20 next to the residential home and being
21 disruptive. We all share that view.

22 I don't know if there's a way to do it.
23 I understand you guys are a body that's
24 recommending based on requests that have been

1 made to you and you need to move on with it.
2 But it's a sensitive issue. And it's like what
3 a fatigue that's going to be imposed to them not
4 even to be able to come to the ZPA and have no
5 resource to come in and say, look, this has
6 changed and this is really important for our
7 operations to be successful.

8 There should be some provision that
9 allows a thoughtful review, as opposed to an
10 absolute that says, no, under no circumstances
11 could you even have it considered, which is I
12 think the way the ordinance is drafted today.

13 CHAIRMAN KRUSINSKI: The ordinance that we're
14 recommending or may be recommending, I should
15 say, subject to any revisions would limit that.
16 And that is the intention.

17 The only way to circumvent that would
18 be to, again, go through a text amendment
19 process, which is a way if the mayor and
20 trustees felt so inclined to revise it again to
21 accommodate it.

22 So there is no question that the way
23 it's drafted now is -- has significant
24 limitations and that's the -- that's the

1 intended effect.

2 And just to make it clear, issues with
3 regard to technology or other maintenance and
4 improvements, that's not the intention. But
5 expansion would be or changes to an existing
6 special use permit, that definitely would be
7 considered not eligible.

8 MR. CASAS: Just an example, okay, let's say
9 from an equine therapy perspective there is
10 hydrotherapy that they can do. You need a
11 separate structure for it, you need to have the
12 pump systems for it. You need to you are owner
13 of 20, 30 acres and this is going to take maybe,
14 you know, a couple hundred square feet of
15 property. You really feel it's important for
16 the care of your horses and it becomes standard
17 to do that.

18 Shouldn't there be a provision for
19 existing operators to come in, short of having
20 to go through a text amendment process, to ask
21 the ZPA for the permission to do it? I can
22 understand if you want to say, look, nobody else
23 -- at the end of the day, we don't want it.
24 That's a decision that really is representative

1 of the plurality and not those that are paying
2 attention without understanding what the impact
3 would be, which I have concerns about, but
4 that's separate, shouldn't we have a more
5 friendly basis to be able to come and have it
6 reviewed by reasonable people, as opposed to
7 saying we have to modify the entire ordinance
8 for it to be considered to do it?

9 CHAIRMAN KRUSINSKI: The problem with that is
10 that once you open the door a crack, you have
11 opened it up. And then you have no -- there is
12 no strength to the ordinance.

13 MR. CASAS: If it's to existing stable
14 operators -- you're just saying for those that
15 are existing in business today, that need to
16 improve or modify their properties or add -- I'm
17 not saying -- if you want to say you can't
18 expand the number of horses beyond what you
19 have, I get it, you want to keep the density
20 where it's at, you don't want to expand it.

21 When it comes to structures and support
22 facilities that would be pursued and captured in
23 expansion, is it possible to provide a little
24 bit more delineation so that there is not that

1 type of no restriction?

2 CHAIRMAN KRUSINSKI: I think it would be
3 difficult to verbalize or to put, you know, the
4 exact requirements of what would be allowed and
5 what wouldn't be allowed. If you're saying
6 improvements, it's too broad of an area.
7 Someone could make the case that I need to --
8 that I need a bigger building because that's the
9 technology you need to train a certain type of
10 horse. And it just opens the door.

11 MR. CASAS: So if you're a business operator,
12 forget about equestrian, and you're in a
13 community and you have a business and you have a
14 right to do that business. And the limitations
15 being imposed on a text amendment saying that
16 you can't do anything to change your business
17 relative to property that you own, even if that
18 means adding a little thing here or putting
19 something there that's going to be vital to your
20 success, it's not allowed unless you go back
21 through a process of modifying the whole text
22 amendment.

23 It seems onerous. Again, distinguished
24 between those that don't have it versus those

1 that are already there today. And please
2 consider a combinations that would allow what's
3 there to be today to be successful into the
4 future as opposed to limit them.

5 MS. FRIEDMAN: Because there is no future.

6 CHAIRMAN KRUSINSKI: Doctor, you had your
7 hand up first.

8 MR. FANTUS: I would like to speak towards
9 the property value and the value of large stable
10 operations. Anecdotally, there's three new
11 ones, Always Faithful, Corporate Way, Pegaso.
12 There was a house that was dropped in value from
13 one-four to 1.25, 150,000 that's unsold for
14 three years. And there was another one and they
15 are within 500 feet of one of these large
16 stables that's supposed to improve the property
17 values and values of -- the majority of what
18 Mettawa is is single-family homes in a rural
19 residential community.

20 You have another house 14080 Old School
21 Road, which is 500 feet between two new large
22 properties, that one has been reduced 15 times
23 since 2014. And it is now currently 150,000
24 less than it was purchased for.

1 So I don't see the halo effect to the
2 other members of the community as far as these
3 large operations, as far as improving the value
4 as a resident on a five-acre property.

5 MS. O'DONNELL: First of all, just in
6 contradiction to what was just said, the
7 property next door to mine, Diane and Roman
8 Risek, they put their property on the market.
9 It's under contract within less than a month. I
10 don't know the sale price, but I know that
11 they're within -- I know they did really -- I
12 know because I wanted to -- quite frankly, I
13 wanted to buy it and Bill said no. So I
14 couldn't add to my land.

15 But we knew they were going on the
16 market. They weren't on the market more than
17 three weeks before that property sold. And it
18 sold -- I know -- I don't know the -- because I
19 talk to Diane, I know it sold within a
20 reasonable number from what they were asking.

21 So that's -- that's next door to mine
22 and their property runs alongside my indoor
23 arena, which is 210 feet long. They had more
24 people looking at that property and wanting to

1 buy it and it's under contract.

2 So I think that just goes to show -- I
3 mean, my property is quiet. They don't have a
4 problem with it. But there's a long arena that
5 they're having to look at and that did not --
6 that did not deter them. They had several
7 people. They had plenty of activity there and
8 it's under contract. That isn't the reason that
9 I raised my hand, although that did come up.

10 I just wanted to say on page 12, the
11 bottom of the page, D, "A special use permit
12 shall be null and void if the use for which the
13 approval was granted ceases for a period of one
14 year."

15 I have a problem with that. I built
16 the entire arena. I have got it up and running.
17 I have every intention that it continues to run.
18 But say, for instance, I got cancer, and it can
19 happen, and I had to shut it down for a year
20 while I got chemotherapy and radiation and tried
21 to get my life together, with this language, I
22 would not be able to put horses back on my
23 property after I got healthy again?

24 I mean that just seems -- or let's say

1 for instance we decided to move the horses and
2 decided to take a sabbatical for a year, we want
3 to come back, we want to start over, we want to
4 put our horses, we want to live there happily
5 ever after, I mean, there is any number of
6 reasons that could mean you are not operating
7 for a year.

8 MS. FRIEDMAN: Training under a trainer for
9 the Olympics.

10 MS. O'DONNELL: Right. Yeah, there is
11 certainly many situations where someone could
12 not operate for a year and then want to come
13 back and put their horses back and start where
14 they left. So I have an issue with that in
15 particular.

16 MR. IRVIN: If I could add, your comments are
17 good, except it wouldn't affect yourself. These
18 are for special uses approved after the date of
19 this ordinance. It's valid for new ones, but it
20 wouldn't affect existing ones.

21 MS. O'DONNELL: I mean --

22 MR. IRVIN: It says, the first sentence, "for
23 special use permits on or after, blank, 2017,
24 unless otherwise provided for."

1 MS. O'DONNELL: So I would be okay in my --

2 MR. IRVIN: It only affects new special uses
3 approved after the --

4 MS. O'DONNELL: I'm relieved to hear that. I
5 don't have any intention --

6 MR. IRVIN: But someone else -- it's a
7 comment that's valid for someone who is
8 approved.

9 MS. O'DONNELL: I mean, horses are something
10 that people can kind of get into and then they
11 want to take a break from and they want to come
12 back. I mean, that's -- I guess if it doesn't
13 affect me, I don't need to speak to it any
14 longer.

15 There was language in here at one point
16 about licensing requirements. Is that still in
17 here, the licensing requirements?

18 MR. IRVIN: Licensing requirements are not
19 zoning related. The -- under discussion is a
20 recommendation from this board to the Village
21 Board to consider such licenses.

22 MS. O'DONNELL: So that would be a separate
23 discussion?

24 MR. IRVIN: That's correct. It would not

1 take place at the Zoning Board. It would be at
2 the Village Board.

3 MR. CASAS: Just for the record as a
4 follow-up to the point made by Mr. Fantus or
5 Dr. Fantus, we're not suggesting that this is
6 about a halo effect. This is about a use of
7 property, right. And I think it's pretty clear
8 that the more you limit use of property, the
9 more you are going to limit value, period. And
10 that's kind of demonstrated the correlation
11 throughout the country. I don't care where you
12 are.

13 What I think would be really helpful is
14 understanding the impact of this type of
15 specific restriction. And the factual data is
16 the entire universe of properties that have been
17 transferred in the last five years, unlike the
18 single-family residential five-acre properties
19 that you are seeming to want to embrace are the
20 only ones that have appreciated in value.
21 That's the point, not the halo effect.

22 So when you go down the path and use
23 and think about your property or the kids using
24 the property, there is no ability to consolidate

1 and have greater open land and have that type of
2 facility. These options are, essentially,
3 eliminated by design. And I appreciate the
4 forthrightness from the Chairman. But I think
5 these are the concerns.

6 And absent an objective study, it's
7 really hard -- and I'm not an expert, you know,
8 but there are people that are that can do a
9 study and could be commissioned to do a study to
10 make sure that we don't do something that could
11 be really negative for the entire community.

12 I just don't understand that. That's
13 just a recommendation. I understand you have to
14 get on with this.

15 CHAIRMAN KRUSINSKI: Thank you.

16 MR. CASAS: Thank you for tolerating.

17 MR. IRVIN: Joe, one thing just from an
18 administrative standpoint -- and I recognize
19 it's very difficult to come up with language
20 that could cover every case.

21 But, you know, the more definitive the
22 language can be from an administrator's
23 standpoint the better off. Clearly when
24 something says no or yes, that's very simple.

1 If there is a provision approved that says there
2 will be provision -- all along the lines of the
3 public assembly that you mentioned, that there
4 would be no -- well, a little bit different.

5 But there will be no additional large stables,
6 that's pretty simple. Somebody calls and has a
7 question, sorry, there is no provision for it.

8 And if you say existing ones cannot
9 expand and expand the numbers, again, that's
10 real simple. If Always Faithful has 70 horses,
11 they're not going to get anymore.

12 The more gray area is the one that says
13 "alteration does not intensify the use" or, you
14 know, it's necessary as part of the care and
15 maintenance.

16 What I want to avoid is conflicts of
17 someone comes in and says I submit for a
18 building permit, I want to do a modification to
19 my facility, and we put the zoning administrator
20 in a situation where -- well, we will be
21 putting -- with the language as it is right now,
22 I will tell you this, it could be a substantial
23 broad interpretation that could be made.

24 I don't know a lot about the horse

1 business, so I don't know all the things that
2 could be applied for. But, you know -- and then
3 one other thing along those lines, we do have
4 special uses that says they can alter the site
5 plan of their property if it's allowed in any
6 R-1 zone.

7 So you have that -- that -- so we could
8 have a conflict there because somebody could
9 come in for a building permit for a new shed
10 that's permitted as a permitted use that --
11 using the language and the special use that says
12 they can have that because it's allowed.

13 But then what if we said, But that's an
14 expansion of their horse facility, so then we've
15 got a bit of a problem.

16 MR. CASAS: My sentiment is that challenging
17 to identify those things that you clearly want
18 to control, right, number of horses per density
19 versus the things that would be important and
20 supportive that you wouldn't, even intuitively.
21 Giving an example, they say, no, that's not
22 unfair, we should be able to address that as an
23 administrator and the ZPA, whatever the process
24 is short of, a pretty expensive legal process to

1 modify and do a text amendment.

2 MR. IRVIN: I guess my goal would be to
3 make -- without -- you can't -- it would be
4 impossible to cover every particular
5 circumstance, but at least perhaps some simple
6 ones that it could affect. I don't know. I
7 just don't want to get into a tough
8 administrative issue.

9 MS. O'DONNELL: So I have got residential
10 buildings and I have got commercial -- well
11 not -- special use permit buildings. Say I
12 wanted to expand my three-car garage to a
13 four-car garage and put, you know, storage
14 above. So I mean -- how do you separate a
15 residential ask from a special use permit if
16 it's all on the same property? That's my -- I'm
17 just curious.

18 How would I -- say we wanted to move
19 in, I got a residency exemption, but say we
20 wanted to move in and we wanted to expand our
21 home. Am I -- is that going to be, well, you
22 have got a special use permit. So I don't know
23 how that line gets decided between -- you are
24 telling me this doesn't affect residential

1 expansion, but it does affect the building.

2 So that's my question. It's sort of
3 like -- or what if we wanted to add on another
4 bedroom so we have -- it's a three-bedroom
5 house. You know, we might want a fourth bedroom
6 in there some day. We might want to add a
7 bedroom. Is that going to be a problem?

8 MR. IRVIN: Well, I guess the best answer is
9 it depends. And I say that because it depends
10 on the language in the special use. I believe
11 yours is probably broad enough -- and I'll defer
12 to Greg -- under the -- under the -- what's
13 permitted in an R-1 zone and it's -- I mean,
14 it's normal anyway. So it might -- so it
15 probably would.

16 And the reason I said it depends, more
17 often than not, what you see in special uses,
18 has not been the case here, is that if you
19 receive a special use permit for whatever it is,
20 for the construction of something, it's
21 typically confined to that exact structure and
22 that exact site plan and there is no variation
23 from that unless you get an amendment going
24 forward for anything.

1 The language that we put in these
2 special uses that says you can still do things
3 on your property that are -- as long as they are
4 allowed in regular R-1 zoning. I use the shed
5 for example. Because if you want to put up a
6 storage shed and you have the -- you don't
7 exceed the five percent currently accessory
8 impervious surface number and you meet the
9 setbacks and you get a permit for that.

10 Sometimes it will be a very specific
11 special use that says no alteration whatsoever
12 without an amendment, then the answer would be
13 pretty simple, no, you couldn't expand your
14 house under those circumstances.

15 But given I think you have that -- the
16 more standard language that you have --

17 MS. O'DONNELL: I would like to find out if I
18 have that.

19 MR. SMITH: I don't recall what the
20 O'Donnells' special use permit says. But the
21 language under consideration simply says that a
22 legal nonconforming or conforming large stable
23 and large stable-related structures shall not be
24 altered or expanded unless -- and then it goes

1 on. It says nothing about the other structures
2 on the property.

3 This body specifically tailored the
4 language to relate to the large-stable related
5 structures on the property because you wanted to
6 allow for large stable operators to modify their
7 residential or non-large stable structures on
8 their properties, as I recall.

9 I think a broader version of this
10 language was previously under consideration and
11 the direction was to actually narrow the scope
12 of this to only apply to the large stable itself
13 and those related structures, because you wanted
14 to give flexibility to these folks on other
15 matters.

16 MS. O'DONNELL: For instance, what if we sell
17 the property in 20 years and whoever buys it
18 wants to tear the house down and put up a new
19 house. It's only a three-bedroom home and they
20 have got 15-plus acres, they might want to put a
21 six-bedroom home on that property? And I don't
22 want to be in a situation where our buyer would
23 not be able to tear the house down and build a
24 house.

1 I'm just really concerned that this
2 language is going to bleed over into
3 restrictions on the residential side and that I
4 don't think the Village wants to have happen. I
5 don't want this language to be used against us
6 in that situation.

7 We don't have plans to do that. But,
8 you know, I don't want to -- I want to be
9 clear -- I understand what you are saying --
10 that it's only with the stables. But then where
11 does the -- I mean, I -- my site plan had an
12 original house on it. So would my site plan for
13 the special use include my residential home? I
14 don't know.

15 CHAIRMAN KRUSINSKI: The language that we're
16 suggesting, not yet recommending, but suggesting
17 is that the alterations would be limited to the
18 large stables and would not affect the house or
19 the residence.

20 MS. O'DONNELL: I really --

21 CHAIRMAN KRUSINSKI: So it's pretty clear.

22 MS. O'DONNELL: If you could be very careful
23 with the language so that it doesn't restrict
24 the residential, I mean other than the -- other

1 than what's clearly now in the zoning. I can't
2 put a 20,000-square-foot home on the property.
3 But I don't want to be in a situation where five
4 years from now when our kids are through school
5 and Bill and I want to move out here, we
6 couldn't, you know, have a little bigger home if
7 we wanted to.

8 We don't have any intention of adding
9 horses, nothing there. The only thing I can
10 think of was around pen, which has to not have a
11 roof on it. But we do have and have always when
12 we bought the property known if we were to live
13 there full-time, we would want to add living
14 space somewhere, somehow. Not a lot. But Bill
15 has got three kids from a previous marriage and
16 grandkids and we would like to have a place
17 that's big enough to have our children and
18 couple -- I mean, right now we don't have a
19 guest bedroom. So anyway...

20 CHAIRMAN KRUSINSKI: The language allows you
21 to --

22 COMMISSIONER PICKELL: Knock the house down
23 and build a new one as long as you are under the
24 FAR or covered area.

1 CHAIRMAN KRUSINSKI: The issues related to
2 impervious area.

3 It's all very consistent. I appreciate
4 your comments.

5 MS. FRIEDMAN: I just have one final comment
6 as we were talking here. Just so you all know,
7 because what comes to my mind as we are talking
8 here, I can think of three properties that are
9 over 20 acres where the owners are in their 80s
10 and 90s, and this ordinance -- the person that
11 should buy that property would be a horse owner.

12 What's going to happen, just think
13 about it, with this ordinance is it's going to
14 turn into multiple houses. Those 20, 40 and
15 60 acres are going to be housing developments.
16 So that's the future of this community. And I
17 just think this is really a dangerous thing
18 that's about to happen. And I'm sure you've
19 thought twice about staying here living. There
20 is more people ready to leave. I'm not welcome
21 in this community. It's just crazy, you know.

22 To take these beautiful pieces of
23 property that are ultimately going to turn into
24 housing developments is very, very sad to me.

1 Yours is already zoned for three homes.

2 MS. O'DONNELL: No, we gave that up.

3 MS. FRIEDMAN: That's all, just the vision of
4 the future of this village.

5 CHAIRMAN KRUSINSKI: Thank you. Any other
6 comments?

7 So we've got a couple things we can
8 kind of go back to the beginning.

9 COMMISSIONER CLARK: All the way to the
10 beginning?

11 CHAIRMAN KRUSINSKI: Not quite. Before we
12 close the public hearing, are there any members
13 of the ZPA who would have any questions of any
14 members of the public who have testified?

15 COMMISSIONER MELUSO: I have one.

16 CHAIRMAN KRUSINSKI: Yes, sir.

17 COMMISSIONER MELUSO: Ed, with some of the
18 language you asked to be put in here, I thought
19 it's fine. I don't have a problem with it.

20 The only one I didn't understand was
21 the very last one, Section 15.201, that should
22 be modified at a minimum to exclude
23 not-for-profit activities.

24 MR. CASAS: This is -- I think it's a

1 general -- this isn't necessary a large stable,
2 I think we have covered with the large stable
3 side of it. The issue is you can't do anything
4 in an R-1 zone that would be deemed as an
5 exchange. You do a fundraiser, that's to
6 contribute. It's not for personal profit or
7 gain. I think technically, the way it's drafted
8 you wouldn't want to do that.

9 You want to do a political fundraiser.
10 There were several events that were held in the
11 R-1 zone area by people that were in this room
12 that participated.

13 I think the way it's drafted, if
14 anybody contributed anything, you wouldn't be
15 able to accept that.

16 COMMISSIONER MELUSO: With all the language
17 we put in here, with the grandfathered in, you
18 are okay.

19 MR. CASAS: I try not to be selfish in my
20 comments honestly relative to the general
21 comments and the statements on vision, the
22 statements on why we are banning this stuff. I
23 can make the argument that this would be bad for
24 us that have it and creates value for us while

1 it hurts others. Don't accept my comments as
2 purely out of self interest. I'm trying to make
3 statements generally. I think the way the
4 ordinance is drafted is restrictive.

5 COMMISSIONER MELUSO: I think they are good
6 points. I don't have a problem with it. But
7 that one seemed weird to me. I didn't
8 understand that one.

9 MR. CASAS: That was the basis of it. I
10 think there was a fair amount of things that --
11 Equestrian Connection isn't technically in the
12 village. They do an annual fundraiser. If they
13 were in our village, they wouldn't be able to do
14 it. If we ever wanted them in our village, I
15 can guarantee she wouldn't come in.

16 COMMISSIONER MELUSO: You do fundraisers now,
17 don't you?

18 MR. CASAS: We do, yes. This isn't about
19 just Always Faithful. I think this is about the
20 community at large.

21 So the reason why we made some of these
22 recommendations are to protect the overall
23 community and that last one was one of those.
24 It seemed really onerous and over restrictive.

1 My understanding is the concern, I
2 think when you are already a commercial user, it
3 doesn't make sense you can't conduct commercial
4 business, right. So we wouldn't be in that, I
5 don't think, at least that's not the way we have
6 read it.

7 A not-for-profit, I think that's an
8 issue. I mean, I think that there is a lot of
9 people that are pretty benevolent in the
10 community that do things like this all the time.
11 Technically they would be in violation. Do I
12 think anybody is going to enforce it? Probably
13 not.

14 But why do we want that stuff on the
15 books that technically restricts our ability to
16 use it unnecessarily. Does that answer your
17 question?

18 COMMISSIONER MELUSO: Yes.

19 CHAIRMAN KRUSINSKI: Mark, we are going
20 through all the comments.

21 COMMISSIONER MELUSO: Since we were talking
22 about asking questions of the audience.

23 CHAIRMAN KRUSINSKI: We are going to come
24 back to that as well.

1 Any other questions of the audience
2 from the Commissioners?

3 (No response.)

4 CHAIRMAN KRUSINSKI: Okay. Then I declare
5 the public hearing closed, having heard from
6 everyone on this matter.

7 As I announced earlier, I now ask the
8 ZPA Commissioners to take up deliberation and to
9 make our recommendation to the Village Board on
10 this matter.

11 So I think the best way to do this is
12 there was some comments, if I have forgotten any
13 as we review this, please remind me. But I
14 think the first point that was under
15 consideration was actually on page 10. I think
16 that was the first one. And that's point C with
17 regard to the issue of private versus public
18 event where a professional trainer is involved.

19 I think the intent of this, again, was
20 from a public use horse clinic. So I don't
21 know, maybe our horse experts could weigh in on
22 this and perhaps there is some language
23 revisions that may be necessary here.

24 COMMISSIONER LEONARD: I think the point of

1 this, because she should be able to bring a
2 trainer in for herself and the people who are
3 there on a regular basis. You know, not --
4 again, as she knows, not for having other people
5 come with their horses or come to audit it, but
6 for the people who are regularly and routinely
7 there. I don't -- I mean don't you think,
8 Wendie?

9 COMMISSIONER CLARK: Yes.

10 COMMISSIONER PICKELL: This is written so it
11 doesn't become a profit center.

12 CHAIRMAN KRUSINSKI: Yeah. Is there a way to
13 caveat this in some manner that allows for a --

14 COMMISSIONER LEONARD: Could I make a
15 suggestion? How about if it says with
16 professional trainer, is paid to give
17 instruction to -- to -- to regular borders,
18 owners and borders.

19 MR. IRVIN: This part, the way it's written
20 is "shall not be permitted." I mean, really
21 isn't it just the last part where it starts with
22 the word "outside." Isn't that the part you
23 want prohibited? So if you take out part of it
24 and just leave that, then you end up just

1 prohibiting the outside horses and riders who
2 may trailer in.

3 COMMISSIONER LEONARD: Yes.

4 MR. SMITH: So then you can strike the words
5 "borders and." So it would be read that "which
6 professional trainers paid to give instruction
7 to outside horses and/or riders who may trailer
8 in"?

9 COMMISSIONER LEONARD: Yes.

10 MR. SMITH: Ms. O'Donnell, did you make a
11 comment there?

12 MS. O'DONNELL: No.

13 COMMISSIONER LEONARD: As long as it gives
14 her the option to have, you know, another
15 trainer come in for herself and the people who
16 normally board there. I mean, that's how I
17 would like it to be. So if we can somehow get
18 it to be that way.

19 COMMISSIONER CLARK: I think if we take out
20 "borders and."

21 MR. SMITH: It will define a horse clinic to
22 be --

23 COMMISSIONER CLARK: "Is paid to give
24 instruction to outside horses." And you take

1 out those two words "borders and."

2 MR. SMITH: Okay. Is that the consensus?

3 COMMISSIONER HIRSCH-BOLLHOFFER: I think it
4 gives the flexibility that the intent was with
5 the change.

6 COMMISSIONER PICKELL: For the residents of
7 the barn.

8 COMMISSIONER LEONARD: You can do it this way
9 or you could do it the other way and say that it
10 is allowed to be done for regular borders, you
11 know, owner and regular borders. Or you could
12 do it, you could take that out. You can do it
13 in the negative or the positive.

14 MR. SMITH: I think defining it in the
15 negative is easier. It's easier to say what's
16 not allowed. Because if you say something is
17 allowed but there is a slight gradation on it,
18 then it might be difficult to fit it.

19 I think it's easier to say what should
20 be not be allowed.

21 CHAIRMAN KRUSINSKI: All right. I think the
22 next point --

23 COMMISSIONER CLARK: Page 11 we already
24 talked about that, just change "adopt" to

1 "consider."

2 CHAIRMAN KRUSINSKI: Yes.

3 MR. SMITH: So on page 11 in the middle, it
4 will read that "The ZPA also recommends the
5 Village Board consider a licensing requirement"
6 instead of "adopt."

7 COMMISSIONER LEONARD: Which was actually, I
8 think, that was -- I think that was really kind
9 of their thing to start with.

10 CHAIRMAN KRUSINSKI: I think the next point
11 was on page 12 where we have established a loss
12 of the SUP if it's not used for a period of one
13 year.

14 COMMISSIONER HIRSCH-BOLLHOFFER: I think
15 that's on the next page.

16 COMMISSIONER MURPHY: It's 12.D.

17 CHAIRMAN KRUSINSKI: Bottom of page 12,
18 expiration of approvals.

19 COMMISSIONER CLARK: But didn't we think it
20 all goes underneath for special use permits
21 approved on and after?

22 CHAIRMAN KRUSINSKI: That's true. This only
23 affects --

24 COMMISSIONER HIRSCH-BOLLHOFFER: I think

1 that's something to consider, even if it's for
2 the new ones that are going to be adopted
3 afterwards. You know, what if somebody does get
4 one after and, you know, they move or they want
5 to sell their property and they are no longer
6 there, that takes a year or longer to sell, I
7 think there is some things that that would
8 create hardship.

9 MR. SMITH: And I have an idea. If you're
10 willing to consider a change to this provision
11 D, what we can do is flip flop C and D. C
12 provides for the extension of time to file for
13 an application for building permits and then
14 commence and complete construction.

15 We can allow for an extension to be
16 requested of the time for abandonment,
17 basically, of a special use, so that if one is
18 sick or if someone, you know, stops using that
19 guesthouse or whatever structure they have
20 pursuant to a special use, they can come to the
21 village and explain their circumstances and the
22 board can decide whether or not to extend it.
23 Does that make sense?

24 COMMISSIONER MURPHY: Yes.

1 COMMISSIONER LEONARD: Yes.

2 MR. SMITH: So we can flip C and D and then
3 add a reference in what is now section D to
4 subsections A, B, and C.

5 COMMISSIONER LEONARD: As long as it's the
6 same owner --

7 CHAIRMAN KRUSINSKI: That's what it would
8 have to be.

9 COMMISSIONER LEONARD: It would be the same
10 owner, I won't have any problem with somebody --
11 I mean, if somebody don't want to have horses
12 for a year, but they're going to bring them back
13 or whatever, I don't see an issue.

14 MR. IRVIN: Well, this won't apply to horses.
15 If your recommendation goes forward, there is no
16 new special uses for large stables, then this
17 would only apply to any other valid special use.
18 And Greg mentioned guesthouses, I'm not sure how
19 that would ever be precluded because you could
20 always say it's available as a guesthouse.

21 There is a handful of special uses
22 under the R-1 zone. The only two that I can
23 think of that have been issues are for
24 guesthouses and large stables. I think there is

1 one for like a -- well, public assembly use is
2 one. But I don't think this will be used very
3 often.

4 CHAIRMAN KRUSINSKI: I understand, Bob, and
5 you're right.

6 COMMISSIONER MELUSO: Why do we have D?

7 CHAIRMAN KRUSINSKI: Here is the thing. This
8 was our thinking, as I recall, when we were
9 discussing this. We wanted to have a little bit
10 of a backup mechanism if for any reason, if
11 there was cause and unusual circumstances, that
12 you could go to the Board and ask for an
13 extension. That was the reason C was really put
14 in. I remember adding this just for that.

15 I think there actually was public
16 comment on this. So I think Greg's idea, even
17 though, Bob I agree that the -- but who knows
18 what could come in the future.

19 MR. IRVIN: I remember the discussion was
20 more on if someone is issued a special use and
21 then fails to get their building permit. I
22 mean, we issued -- the village issued a special
23 use for a large stable in 2009 or 2011, it's
24 never been built. And under this provision, it

1 would have been null and void unless they
2 come -- but it is valid now because there was no
3 expiration.

4 CHAIRMAN KRUSINSKI: Because it's old and
5 it's, in essence, grandfathered.

6 MR. SMITH: Keep in mind that accessory
7 structures over a square footage requires
8 special use permits, so there are more routine
9 special uses that you might still see that would
10 be subject to these requirements.

11 Every zoning ordinance that I've worked
12 with, other than in Mettawa, has a provision
13 like this, the abandonment type provision. It's
14 typical, but it provides a due process. If
15 someone wants an extension they can come in, so
16 they can ask.

17 And worst-case scenario, they can ask
18 for a new special use if they have to.

19 MR. IRVIN: I meant in terms of any large
20 accessory building over 2,000 square feet
21 requires a special use. But I'm not sure under
22 what circumstances it would no longer be used
23 because it's always going to be a building
24 available to someone on their property, even if

1 they hung one coat and it's being used. I'm
2 being extreme here.

3 An accessory building is always
4 available to a person. I don't know how it
5 would not be used unless it's destroyed.

6 CHAIRMAN KRUSINSKI: I think that gives us
7 the wiggle room that we're concerned about. I
8 think that's a good point. Greg will do a
9 little redrafting here.

10 Just as a point of order how we're
11 going to proceed, the goal here is that we come
12 up with these revisions and then, as we
13 typically do, the Commissioners authorize Greg
14 and I to make the findings of fact
15 recommendation to the Mayor and the Board of
16 Trustees. So we are not going to see a redraft
17 unless, unless the Commissioners would like to
18 have that.

19 COMMISSIONER LEONARD: I don't think we're
20 making enough changes.

21 CHAIRMAN KRUSINSKI: That's why I want you to
22 understand. So we are going to rely on Greg
23 to --

24 COMMISSIONER LEONARD: Right.

1 CHAIRMAN KRUSINSKI: All right.

2 COMMISSIONER CLARK: Anything on 13?

3 COMMISSIONER LEONARD: I have nothing.

4 CHAIRMAN KRUSINSKI: I don't recall. We made
5 the changes. We discussed these at the last
6 meeting, the last public hearing. I think these
7 are good to go. Most of it was reviewed by you.

8 COMMISSIONER PICKELL: Yes.

9 CHAIRMAN KRUSINSKI: All right. The next
10 issues are some legal points and things as Greg
11 went through. Some are a little easier than
12 others. But we will rely a little bit on Greg.
13 I have had a chance to review them a little bit
14 too.

15 So I think this is the time where, as
16 Bob said, we're, to some degree, adding some
17 belt and suspenders, some of which may be
18 necessary because it was never our intent to
19 undo things that had previously been granted.

20 The first revision is Section 15.301
21 subsection F that's being requested. I don't
22 see the need for this one. I'm a little
23 confused by it to be honest.

24 Greg, could you maybe give us some

1 enlightenment on what the options are with
2 regard to this language?

3 MR. SMITH: Sure. So the idea here is to
4 elevate structures and uses approved by a
5 variation or a special use permit to the highest
6 level of protection in the zoning ordinance. To
7 say that Section 15.301 where in the code it
8 says that you can continue to do things
9 notwithstanding a subsequent change in the
10 zoning ordinance, if at the time the zoning
11 ordinance was changed, it was legal, right.
12 This is where the legal nonconforming status is
13 created in the zoning ordinance.

14 So this language, as I described it, as
15 Mr. Casas has elaborated on it elevates even
16 further the status of the use or structure
17 approved in a variation or a special use permit.

18 It says that -- it creates a situation
19 where, you know, the provisions of this article
20 3, article 3 of the zoning ordinance provides
21 for the way in which legal nonconforming uses in
22 certain circumstances go away and you're making
23 some amendments to those provisions as part of
24 -- or making recommendation to those provisions,

1 but elevates these variations in special use
2 permits that are granted to a higher status to
3 make it very clear what the intended protections
4 are. That's what is being asked.

5 COMMISSIONER LEONARD: I thought that was
6 already in there.

7 CHAIRMAN KRUSINSKI: That's the point I'm
8 trying to make. I think we already have done
9 this.

10 COMMISSIONER HIRSCH-BOLLHOFFER: Is it
11 redundant?

12 COMMISSIONER LEONARD: It's not that. I
13 think we already have in our -- in all of our
14 ordinances the fact that if you, you know, were
15 granted something, it remains granted even if
16 the codes change. Isn't that in there already?

17 MR. SMITH: This is a policy issue, not at
18 much as a legal one. The changes being
19 requested are meant to reinforce the
20 grandfather -- what Mr. Casas would call the
21 grandfathered, safe-harbor uses and structures
22 previously approved by the Village.

23 You know, there are parts of the zoning
24 ordinance which speak to legal nonconforming

1 status. And the desire is to strengthen those
2 provisions by specifically adding this language
3 in these. And I think five of the six or maybe
4 all of the six of the recommendations go towards
5 that, of specifically calling out the
6 grandfather, safe-harbored status of them.

7 So I don't consider -- the
8 consideration here is not as much of a legal
9 aspect as a policy one, you know, how much
10 language do you want in your zoning ordinance to
11 reaffirm the grandfather, safe-harbored status.

12 You know, the request has been made to
13 add these in and it's a policy issue. And then
14 some of these changes do have a legal effect,
15 you know. And I will discuss this a little bit
16 later.

17 CHAIRMAN KRUSINSKI: I don't know if
18 necessarily redundancy is the right word. I
19 don't see the necessity of this, particularly in
20 light of the fact that I do think the revisions
21 outlined in items 2 and 3 and 5 for that matter,
22 in a sense somewhat do the same thing, but do
23 provide what I think has been the issue here,
24 that we're certainly allowing what has been

1 already granted and not changing it in any way.
2 So we are, again, providing language that more
3 or less reinforces the existing granted large
4 stable and existing large stable SUPs. So,
5 again, I don't mean to get ahead of ourselves
6 here. But I think these all kind of flow
7 together in a certain sense.

8 COMMISSIONER HIRSCH-BOLLHOFFER: Do you think
9 this is out of place is maybe more what you are
10 saying?

11 CHAIRMAN KRUSINSKI: Not necessarily out of
12 place. I think there is just a certain almost
13 redundancy to it is perhaps not the right word.

14 COMMISSIONER PICKELL: It's been said.

15 COMMISSIONER CLARK: You have this
16 protection.

17 COMMISSIONER PICKELL: The fact it is
18 redundant, is it in conflict with anything? So
19 if there is a conflict and a confusion, then you
20 would want it for sure. But if it's redundant
21 being said again, what's the harm?

22 MR. SMITH: The way it's drafted is that the
23 language -- the first part of it,
24 "Notwithstanding anything to the contrary

1 contained in the code" is meant to eliminate
2 conflicts between this and other things by
3 saying that this language controls no matter
4 what. That's what the first part is trying to
5 say.

6 So that if it could be read to create a
7 conflict, it should be resolved by relying on
8 what's here, not on the other language. That's
9 the intent, I believe, of the way this is
10 drafted.

11 CHAIRMAN KRUSINSKI: It could place it in a
12 "subject to interpretation," which is exactly
13 what we don't want to do. It adds that -- it
14 adds that to it.

15 COMMISSIONER HIRSCH-BOLLHOFFER: It becomes
16 unclear rather than clear maybe by having it.

17 COMMISSIONER LEONARD: Is there any way we
18 can do -- let's condense all of this in
19 Section 15. It's mostly to do with large
20 stables. Could we condense it somehow into one
21 neat packet, if you have these -- if you are
22 permitted to do these things, that anything
23 subsequent that changes in the zoning ordinance,
24 you're not -- it's not grandfathered in, that's

1 not really the legal term for it, but your
2 special use takes precedent. Can't we do one
3 thing?

4 MR. SMITH: I would need to take a look at
5 the changes under consideration. I think, as
6 Joe said, the specific -- the additions in
7 requests two, three, and five kind of get at the
8 core of that by, in number two, specifically
9 calling out that the limitation on horses being
10 five to a lot going forward for -- and that
11 horses can only be on lots where residents are,
12 saying that that doesn't apply, it makes sense
13 there because it is a new requirement. And
14 they're seeking language to see it doesn't apply
15 to them.

16 In change -- the requested changes in
17 three and five are to extend the scope of what
18 the ZPA is considering to include structures and
19 uses, not just one or the other, both legal in
20 the special use permit or legal nonconforming in
21 the event they were allowed prior to a change in
22 the ordinance.

23 So I think that those are all good.
24 But, Liz, I could draft the single package and I

1 would borrow elements from what Always Faithful
2 has provided, but I have to go back and --

3 COMMISSIONER LEONARD: I was making it --

4 MR. SMITH: -- we have to write other parts
5 that are clear.

6 CHAIRMAN KRUSINSKI: I think I know where you
7 are going with this, is if we can craft
8 something that, in essence, puts it all
9 together.

10 COMMISSIONER LEONARD: Yeah.

11 CHAIRMAN KRUSINSKI: Frankly, I think it's --
12 it's better the way it is in these sections
13 because it relates to specific things, rather
14 than making a broad brush that anything that has
15 been previously approved is grandfathered. So
16 this -- so notwithstanding all of that, I think
17 my personal recommendation would be not to
18 include provision one, but to include provisions
19 two, three, and five because they speak to
20 specific elements of what we've gone through and
21 revised here in the ordinance.

22 Just to kind of bring this to some --
23 two, three, and five all look good because they
24 zero in on certain revisions.

1 I think four, to some degree, is the
2 same as one in my view, that it, again, is --
3 it's dealing with a conflict between what's been
4 granted and the -- you know, the legal status
5 issue. So I'm going to rely on Greg here.

6 I didn't see the -- I didn't see the
7 necessity for revisions that are indicated in
8 recommendation number four.

9 MR. SMITH: And this is a policy issue
10 ultimately and the extent to which you want the
11 zoning ordinance to contain these statements
12 about what is and what is not grandfathered and
13 safe harbored.

14 With regard to number four, in
15 particular, it calls out to the extent there is
16 any conflict between the terms of the zoning
17 ordinance, the village code, and a legal
18 nonconforming or conforming large stable, the
19 legal nonconforming or conforming large stable
20 status shall prevail and paragraphs one and two
21 shall not apply.

22 This is in the section that deals with
23 the scope of allowed alterations or expansions
24 to large stable properties. So you should give

1 thought to the policy issues behind that and how
2 that language might change that, you know, what
3 you have otherwise kind of settled on.

4 CHAIRMAN KRUSINSKI: Yes, sir.

5 MR. CASAS: I just want to zero in on what
6 you are saying. The ones that you identified,
7 other than one and four, go to making sure we
8 are covering the SUP and the legal
9 nonconforming. I agree with that
10 characterization.

11 I think the reason why counsel asked
12 for one and four is for the reason that I think
13 Joe, you stated, is we don't want a situation of
14 ambiguity or conflict. We want to just say if
15 the policy is you are grandfathered and safe
16 harbored, that's clear that you're grandfathered
17 and safe harbored. We're not going to take some
18 other provision and maybe read it to this rate
19 what I think is the intended policy.

20 So normally under those circumstances,
21 you want to put some language in that says what
22 supersedes. If there is two things in the
23 document, which one prevails. And my
24 understanding has been clear, that your policy

1 has been and continues to be the safe harbor and
2 grandfather of the prior uses. And this is
3 specific just to large stables.

4 I think you can characterize it, Joe,
5 as belt and suspenders. But on the other side
6 of the coin, it does give appropriate piece of
7 mind. It's not redundant, it's not superfluous,
8 it's just setting the standard.

9 CHAIRMAN KRUSINSKI: Thank you. I
10 understand. I understand your point. And the
11 thing is even the very beginning of it, to the
12 extent of any conflict, well, there is no
13 conflict.

14 COMMISSIONER PICKELL: Yes.

15 CHAIRMAN KRUSINSKI: You know, there is no
16 conflict. I just don't like this language.
17 Again, I think we more than covered it.

18 MR. SMITH: I mean, it's a -- I think the --
19 I think as Mr. Casas said, that the desire is if
20 there is a disagreement or a perceived conflict
21 between these documents, as Bob said earlier,
22 sometimes the zoning administrator has to make a
23 call as to interpretation.

24 And the idea here is if there is a

1 conflict in the text of the zoning ordinance,
2 the village code, or a legal nonconforming or
3 conforming large stable, the legal nonconforming
4 or conforming large table status shall prevail
5 and paragraphs one and two above shall not
6 apply.

7 I guess, as Mr. Casas said, the idea
8 from their perspective is to say which document
9 or which interpretation controls if there is a
10 conflict.

11 CHAIRMAN KRUSINSKI: But I think we made that
12 clear. And I think the difference here, too, is
13 that now you are going back to one and two and I
14 don't think one is necessary. Two is already
15 where we --

16 MR. SMITH: One and two that referenced on
17 page 15 relate to the alteration and expansion
18 provisions, not to number 1 and 2 on the AFS
19 requested changes.

20 This is within the context of
21 15.1209(B). It's not with regard to the six
22 requested changes here, Joe. Does that make
23 sense?

24 CHAIRMAN KRUSINSKI: Yes. I think that's all

1 the more reason to go back to that.

2 COMMISSIONER LEONARD: You know, for me I
3 would -- this is not something that I would want
4 to do. I would rather stick strictly to the
5 code for this. If they have a special use and
6 it's in effect and those are the terms of it,
7 you know, then they have the right to do that.

8 But I don't -- I think this is binding
9 our hands long after we're gone.

10 CHAIRMAN KRUSINSKI: Liz, I tend to agree
11 with you. Even going back and references that
12 goes back to the issues we had earlier with
13 regard to what's normal alteration, care, and
14 maintenance versus expansion. I'm just
15 thinking.

16 COMMISSIONER HIRSCH-BOLLHOFFER: I'm not
17 comfortable with it. I think it adds more
18 interpretation, I think, to think about it.
19 Just the fact we are talking about it so long I
20 think is confusing about what is meant versus
21 what's inferred or how it could be taken.

22 CHAIRMAN KRUSINSKI: I agree, Holly. I
23 think -- I think two, three, and five are
24 perfectly acceptable.

1 COMMISSIONER CLARK: I think one, four, and
2 six should be taken out.

3 CHAIRMAN KRUSINSKI: Six, I have enormous
4 trouble with personally.

5 COMMISSIONER LEONARD: So do I.

6 CHAIRMAN KRUSINSKI: It's redefining
7 commercial.

8 COMMISSIONER HIRSCH-BOLLHOFFER: I'm not
9 comfortable with that.

10 MR. CASAS: If I can, you have six that says
11 you can't do anything commercial in R-1, right,
12 but you have an SUP that says you can do
13 commercial activity based on nonconforming use.

14 COMMISSIONER LEONARD: But your SUP and most
15 of the SUPs in the large stables, I think all of
16 them actually do make the stipulation that the
17 commercial is limited to boarding horses. And I
18 mean if yours is different, I would be happy to
19 look at that.

20 MR. CASAS: I don't think any of them say
21 that. And I think that the reality is that --

22 COMMISSIONER LEONARD: Bob, what do they say
23 relating to commercial? I don't think they're
24 approved for commercial use. I think they're

1 just for being a stable to board horses.

2 MR. IRVIN: That's a mix. There is -- the
3 Always Faithful, you can't find any boarding
4 reference in the Always Faithful SUP.

5 Any of those ordinances approved in
6 2000 don't use the word "boarding" at all. It
7 just says you can have so many horses.

8 COMMISSIONER LEONARD: Does it say you can
9 have a commercial operation?

10 COMMISSIONER CLARK: It's basically saying
11 you can take care of horses.

12 MR. IRVIN: Basically, we allowed what was
13 going on in the property for 2000 for those.
14 The later ones are more specific. You know, the
15 O'Donnells, the Pegasos are very specific on the
16 number of horses they can board.

17 CHAIRMAN KRUSINSKI: Corporate Way, too, Bob.

18 MR. IRVIN: And Corporate Way as well. Bear
19 in mind that the -- there had been a
20 recommendation made by the Village Board, there
21 was no definition in the village code of
22 commercial that that should be added.

23 And I guess I look at a difference
24 between a charitable event and one that's

1 not-for-profit. I know we have other
2 controlling issues in the code and,
3 unfortunately, I walked out of my house without
4 my zoning code. I know we have home occupation
5 regulations and stuff, that you can have a home
6 office and those kind of things.

7 But you put this word in here for
8 "not-for-profit" and I don't think it could be
9 done, but what troubles me is that someone would
10 read this and say, well, I'm not going to do a
11 commercial activity, but I'm going to set my own
12 not-for-profit up in my residential district and
13 I'm going to start selling things,
14 not-for-profit, I'm not doing commercial. I
15 think there is -- no one is going to, as Ed
16 said, is going to go after someone that's having
17 a charitable event. That's not a not-for-profit
18 activity, that's a charitable event. I think
19 this causes more problem.

20 COMMISSIONER LEONARD: We have discussed this
21 before, not-for-profit, there is a lot of
22 different designations for a not-for-profit.
23 And some of them are charitable and some of them
24 are just a not-for-profit.

1 COMMISSIONER HIRSCH-BOLLHOFFER: Enterprise
2 or event. There is a calculation.

3 COMMISSIONER LEONARD: There is a difference
4 here in not-for-profit. If you're talking about
5 raising funds, you can come to the village and
6 ask for a special permit to have for an event.
7 The church does it. They do it for their
8 picnic. Other --

9 MR. IRVIN: We do permit it. It just
10 happens.

11 COMMISSIONER LEONARD: They have always done
12 it. Are you talking about our picnic?

13 MR. IRVIN: The Serbian fest, there is no
14 permits issued for that.

15 COMMISSIONER LEONARD: There is not?

16 MR. IRVIN: No. And people will have
17 charitable events at their home with tents. One
18 of your neighbors in your neighborhood a few
19 years ago had one. I mean, we do not have a
20 permit process for that.

21 COMMISSIONER LEONARD: Then how do we -- like
22 how would you regulate something like that?

23 MR. IRVIN: Well, I think what happens is if
24 it's not a problem, no one complains about it,

1 we don't regulate it. I think it only -- it
2 would only rise to that level if I think it was
3 a continual issue that people ask. But
4 otherwise it just, you know, hasn't been an
5 issue. We haven't had a lot of people saying --
6 to get a permit, to put up a tent for, you know,
7 a charitable event, it's just -- we haven't had
8 enough requests for people to regulate that. I
9 know some towns do.

10 COMMISSIONER LEONARD: I know a lot of towns
11 do.

12 MR. IRVIN: But it doesn't happen here.

13 CHAIRMAN KRUSINSKI: I see, Liz, too, if you
14 recall, one of the things that was asked of us
15 to do is a definition of commercial use. And
16 that is Section 15.201.

17 COMMISSIONER LEONARD: What page?

18 CHAIRMAN KRUSINSKI: Bottom of 11. So I
19 think we need to be consistent with that. I
20 think if you said or if somebody said once you
21 add that provision for "not-for-profit," it
22 really muddies the water.

23 COMMISSIONER LEONARD: It does.

24 CHAIRMAN KRUSINSKI: And we get into a whole

1 other issue that we don't want to go there.
2 There is too many things that could be construed
3 as not-for-profit.

4 Again, to bring this to some closure,
5 I'm recommending and I would like you to
6 consider approval of the request for items two,
7 three, and five. Those are the modifications
8 that I think clearly make it consistent with our
9 desire it would not impact any existing granted
10 special uses.

11 COMMISSIONER LEONARD: Greg, I see no problem
12 with that either. However, I'm not a lawyer and
13 does that tie the village's hands at any point
14 or does it just really say what you got you can
15 keep, even though you're changing things.

16 MR. SMITH: That's a hard question to answer
17 in the abstract. You know, if I have specifics,
18 I can give a much clearer answer.

19 When I review the request two, three
20 and five I see requests that are intended to
21 allow for the continued use and maintenance of
22 structures on a grandfathered, safe-harbored
23 basis that we have heard about over the last
24 couple of meetings of public hearings.

1 I don't know with regard to tying the
2 village's hands that that is the case. I mean,
3 for instance, all of the sections, two, three,
4 and five, reference approvals or establishment
5 of these things prior to January 1st of 2017.
6 So they only apply to structures and uses
7 looking back for, number one, not going forward.

8 You know, this body has talked a lot
9 about wanting to allow what's in place to
10 continue.

11 COMMISSIONER LEONARD: Which we do.

12 MR. SMITH: And given the look-back, the fact
13 there is a date and we were talking about prior
14 to, then I think it's in furtherance of that.

15 You know, I'm not aware of the village,
16 since my office came in, training to reduce the
17 number of large stables or take actions to try
18 to minimize those uses by telling someone that
19 they can no longer do what they have been
20 previously approved to do in 2000, let's say.

21 So in terms of tying the village's
22 hands based on past practice, I think that these
23 requests are in line with the policies that
24 you've stated.

1 COMMISSIONER LEONARD: Okay.

2 COMMISSIONER PICKELL: Greg, point one and
3 point four, if you were counsel for one of the
4 large stables that we're discussing that's
5 investing millions and millions and millions of
6 dollars into the property, would you feel at
7 risk if you didn't have point one or point four,
8 would you feel at risk if there is a new board,
9 there's new ZPA, would you feel at risk at any
10 time given everything that you know about our
11 code and what's being put here in two, three,
12 and five?

13 MR. SMITH: I can't answer that question. I
14 can't put myself in the mindset of the large
15 stable owners or their attorneys. I think the
16 fact that they've requested it tells you what
17 they feel about risk. I think Mr. Casas
18 expressed his strong desire to have the items
19 included, which tells you about his assessment
20 of risk.

21 You know, any property owner who wants
22 to protect what they have is going to ask for as
23 many favorable changes as they can. And I think
24 that they're asking for number one and four to

1 protect their investment.

2 I can't answer your question directly,
3 but I hope that gives you some insight.

4 COMMISSIONER PICKELL: I'm trying to look at
5 both sides of the equation. First of all, the
6 first thing this board looks at is the better
7 good of the other 350 families of Mettawa and
8 instead of, you know, the seven large stables
9 there in Mettawa.

10 Is there anything in points one and
11 four that could be -- I know this is a really
12 tough one -- that someone could manipulate and
13 do something further down the road that is not
14 agreed to, has never been agreed to by this
15 group or the board? Would these two, I'm
16 talking about one and four, allow a legal firm
17 to come in and manipulate special use to get
18 something more that was ever intended? That's
19 what I'm thinking of first.

20 And the other side of the coin is if
21 I'm putting tens of millions of dollars in a new
22 property and I want to do so to keep it up, is
23 there anything on the converse that would allow
24 a new board to take away something that they

1 gave to me. And if that's not the case with one
2 or four, then we take them away and they are
3 protected. I'm the kind of guy, if one and four
4 isn't going to make a difference and they can't
5 come and manipulate what we have agreed to for
6 them, what's the difference? That's how I think
7 about things.

8 But I also know, and no offense, I know
9 how the legal mind can work. And one and four
10 could allow someone to sneak their nose under
11 the tent and work out something different that
12 was ever intended by this group or the board of
13 Mettawa. And if that were the case, I would be
14 totally against one and four. I just don't
15 know, I'm not a lawyer.

16 MR. CASAS: I can't speak for counsel. But
17 what was explained to me was really it's the
18 former. Because we can't be granted something
19 that's more than what's been granted. That's
20 what the document clearly says, right. We're
21 saying what you have been granted, we're
22 protected.

23 But if there is a conflict, the
24 ordinance changes, there is some conflict within

1 the ordinance itself and what we have been
2 granted, a good lawyer could try to figure out a
3 way to take it away from us. And that's the
4 concern. And so we're really trying to protect
5 about the scenario you're talking about.

6 I don't think -- and Greg, I don't want
7 to speak for you. But I'm not interpreting this
8 as any way that allows us to expand because it
9 is what it is. We don't have a right to expand
10 it. We're just trying to make sure if there is
11 a conflict in the ordinances is to somehow to
12 take it away, that it's clear that that's not
13 the intent. That's really what we're trying to
14 do.

15 COMMISSIONER PICKELL: Would you feel
16 comfortable if one and four were stricken from
17 this? Are you comfortable with two, three, and
18 five protecting your investment and what you try
19 to do -- basically, trying to tell you, two,
20 three, and five that, yes, everything you've
21 been given and granted will in perpetuity go
22 with that property, whether you own it or
23 someone else?

24 MR. CASAS: The answer would be yes provided

1 someone doesn't come in and read the ordinance
2 and say, well, over here it says you can't do to
3 or over here there is a twist that we think
4 would restrict that. And that's what you know
5 lawyers get paid to think about.

6 So I'm just saying I heard your intent
7 loud and clear. I'm asking to make sure that
8 it's equally loud and clear in the document.
9 And it has been described -- and I think one of
10 you guys said this. There is an extra level of
11 protection to make sure someone can't come in
12 and doing what you are exactly saying. That's
13 all it is.

14 MR. SMITH: To respond to the question, it's
15 speculation to try to get into what someone down
16 the road, the way they may interpret the zoning
17 ordinance or a specific special use permit. Two
18 people could read the same contract, read the
19 same sentence and in good faith claim that they
20 mean different things.

21 I think that the changes in two, three,
22 and five make, you know, needed changes to the
23 ordinance to make clear that structures and
24 uses, both legal and legal nonconforming, are

1 all treated the same.

2 And on number one and four, I said
3 previously it's really a policy question. I
4 don't see it as legal one. So whether or not
5 you want to include what tonight has been
6 described as belt and suspenders language, if
7 there is a conflict, where do we look to resolve
8 it. The village, to my knowledge, has always
9 looked to the most specific document, which is
10 the ordinance, the special use ordinance, or the
11 legal nonconforming status to resolve those
12 issues. So that's in your policy discretion. I
13 don't see a legal dimension to that at this
14 level.

15 CHAIRMAN KRUSINSKI: Orren, the only other
16 thing I would say in regard to the concern, even
17 though everything really has already been
18 granted, there is not much more to do.
19 Everything has been built for the most part.
20 Yeah, maybe a CO hasn't been obtained or there
21 is still work to be done. But in terms of the
22 improvements, per se, and other kinds of things,
23 it's for the most part behind us.

24 Secondly, your concern that perhaps or

1 a concern in general, not necessarily your
2 concern, that the Board would undo what it's
3 done is a huge stretch in my view. It's an
4 absolutely gorgeous facility. As I said, it's
5 98, 99 percent done, 100 percent done from my
6 view from the outside. But, nevertheless, I've
7 never been in it.

8 I think the concern about undoing is
9 remote at best. But I do think -- and that's
10 why I agree that because it's always our intent
11 to make it crystal clear -- that what has been
12 granted is not -- it's not our intention to undo
13 it in any way whatsoever.

14 COMMISSIONER PICKELL: I would agree 100
15 percent. But 20 years from now, who knows what
16 the political climate is going to be in Mettawa.
17 That's all I'm saying.

18 And I've watched political climates in
19 communities I work in just go south and new
20 boards do different things. It's because of the
21 political climate, people invest a lot of money.
22 They don't want a political climate to impact
23 their investment. So I'm coming from the
24 standpoint.

1 Also thinking about the community and
2 what our political climate is right now is
3 exactly what we're doing, right. So as long as
4 everyone is protected, I'm happy as a -- you
5 know, a member of this committee to vote on it.

6 CHAIRMAN KRUSINSKI: I agree, Orren, and
7 that's well said. Thank you.

8 Any other comments? Where we are at
9 now is where I think we hope to be. And for
10 some reason Greg said we would be done at 9:00
11 o'clock, he wasn't too far off.

12 What we need now -- because we have
13 discussed all the issues -- is a motion to
14 approve the revisions that have been made to the
15 draft dated 10/30/2017 and for us to vote on,
16 basically, this document with the revisions that
17 we discussed.

18 MR. SMITH: Could I go through them one more
19 time so the ZPA is clear on this?

20 CHAIRMAN KRUSINSKI: Maybe you can frame the
21 motion.

22 MR. SMITH: So it will be a motion to
23 recommend to the Village Board and President the
24 approval of the text amendments proposed in the

1 draft document dated October 30th of 2017 with
2 the following changes. On page 10 in Section
3 4(c), that words "borders and" be stricken.

4 On page 11 that the word "adopt" in the
5 last paragraph in Section 8 be replaced with the
6 word "consider."

7 On page 12, that Sections C and D be
8 switched and that the lettered Section D, be
9 expanded to apply to subsections A, B, and C and
10 that the applicant or special use permit holder
11 be allowed to request the extension.

12 Also on page 12, Section 12, that it
13 applies to special use permits approved on or
14 after the date of the ordinance, 2017, and
15 that's what is intended to be included there.

16 With regard to pages 14 and 15, that
17 being the requests from Always Faithful Stables,
18 that two, three, and five be included. So that
19 would be the motion.

20 CHAIRMAN KRUSINSKI: Do we have a motion?

21 COMMISSIONER HIRSCH-BOLLHOFFER: I will make
22 a motion.

23 COMMISSIONER LEONARD: I will second it.

24 CHAIRMAN KRUSINSKI: Before voting, any

1 further discussion? Will the secretary please
2 call the roll?

3 MS. GALLO: Commissioner Clark?

4 COMMISSIONER CLARK: Aye.

5 MS. GALLO: Leonard?

6 COMMISSIONER LEONARD: Aye.

7 MS. GALLO: Hirsch?

8 COMMISSIONER HIRSCH-BOLLHOFFER: Aye.

9 MS. GALLO: Meluso?

10 COMMISSIONER MELUSO: Aye.

11 MS. GALLO: Murphy?

12 COMMISSIONER MURPHY: Aye.

13 MS. GALLO: Pickell?

14 COMMISSIONER PICKELL: Aye.

15 MS. GALLO: Chairman?

16 CHAIRMAN KRUSINSKI: Aye. The motion
17 carries.

18 The Chair will also entertain a motion
19 to be authorized to draft, sign, and forward to
20 the President and Board of Trustees a report of
21 the Zoning, Planning, and Appeals Commission
22 containing findings of fact and our
23 recommendation regarding this case. Is there a
24 motion for that?

1 COMMISSIONER CLARK: I will make a motion.

2 CHAIRMAN KRUSINSKI: Motion by Wendie.

3 Second, please.

4 COMMISSIONER LEONARD: Second.

5 CHAIRMAN KRUSINSKI: Thank you. Any
6 discussion on that?

7 COMMISSIONER CLARK: Would this go in front
8 of the Village Board this month or December?

9 CHAIRMAN KRUSINSKI: Greg, how quickly can
10 you turn this around?

11 MR. SMITH: It depends on the transcript
12 coming in. And the recommendation is going to
13 have to take into account the exhibits, the
14 prior two evenings' transcript and this one. So
15 while we will aim for November 21st for the
16 initial presentation, it may not be until the
17 December meeting, given the volume of materials
18 that need to be reviewed and put into the
19 recommendation.

20 CHAIRMAN KRUSINSKI: To answer your question,
21 Wendie, we want to provide a complete package of
22 all of the testimony as well as the
23 recommendation. So the minutes, et cetera, will
24 have a very comprehensive package besides the

1 recommending itself. Does that answer your
2 question?

3 COMMISSIONER CLARK: Yes.

4 CHAIRMAN KRUSINSKI: Any other questions?
5 Secretary call the roll again, please.

6 MS. GALLO: Commissioner Clark?

7 COMMISSIONER CLARK: Aye.

8 MS. GALLO: Leonard?

9 COMMISSIONER LEONARD: Aye.

10 MS. GALLO: Hirsch?

11 COMMISSIONER HIRSCH-BOLLHOFFER: Aye.

12 MS. GALLO: Meluso?

13 COMMISSIONER MELUSO: Aye.

14 MS. GALLO: Murphy?

15 COMMISSIONER MURPHY: Aye.

16 MS. GALLO: Pickell?

17 COMMISSIONER PICKELL: Aye.

18 MS. GALLO: Chairman?

19 CHAIRMAN KRUSINSKI: Aye. Motion carries.

20 (End of meeting.)

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22

23

24

