

MINUTES OF THE SPECIAL MEETING OF THE ZONING PLANNING & APPEALS COMMISSION OF THE VILLAGE OF METTAWA, LAKE COUNTY, ILLINOIS, HELD AT THE HOUR OF 7:00 P.M. ON TUESDAY AUGUST 02, 2016 IN THE SAVANNA ROOM OF THE HILTON GARDEN INN, 26225 N. RIVERWOODS BOULEVARD, METTAWA, ILLINOIS

I. CALL TO ORDER

Chairman Krusinski called the meeting to order at 7:03PM.

II. ROLL CALL

Upon a Call of the Roll, the following persons were:

Present: Commissioners Bohm, Busscher, Hirsch, Leonard, Meluso, Pickell and Chairman Krusinski

Absent: None

Chairman Krusinski declared a quorum present.

Also present: Colleen Liberacki, Deputy Village Clerk; Village Attorney Gregory T. Smith of Klein, Thorpe & Jenkins, Ltd.

III. APPROVAL OF MINUTES:

No minutes to approve.

IV. CALL OF CASES:

A. PUBLIC HEARING: CASE NO. 16-SU-S-3: 25575 St. Mary's Road - Application for an Amendment to an existing Special Use Permit to allow for the Construction and use of a Large Stable for up to Fourteen (14) Horses, to allow for Boarding and the Collection of Money for the Boarding of up to Six (6) of the non-owner Horses.

1. Chairman Krusinski called the Public Hearing to order at 7:10 PM.

Present: Commissioners Bohm, Busscher, Hirsch, Leonard, Meluso, Pickell and Chairman Krusinski

Absent: None

Chairman Krusinski declared a quorum present.

Verbatim minutes of the Public Hearing have been taken by Cheryl Sandeck of Cynthia A. Pavesich & Associates, certified court reporters of Chicago, Illinois, a transcript of which shall be placed on file in the Village Clerk's office.

Chairman Krusinski made opening remarks stating the expectations and functions of the Commission.

Chairman Krusinski further noted that this hearing was for an amendment to an existing Special Use Permit to allow for the construction and use of a large stable for up to fourteen (14) horses, to allow for boarding and the collection of money for the

boarding of up to six (6) of the non-owner horses. This application was submitted by William and Lezlie O'Donnell, who own the property in question, which is currently improved with an eleven (11) horse stall large stable, and who seek to add an additional three (3) stables in an area within the existing large stable currently containing a storage room.

Chairman Krusinski stated for the record that notice of the hearing on Case No. 16-SU-S-3 was published in the Daily Herald on July 18, 2016, in the manner required by law. The Village Attorney has the newspaper's certificate of publication, which is admitted as the Commission's **Exhibit #1**.

Chairman Krusinski noted that if there were any objectors in the audience, they would get a chance to speak and asked for a monologue format, as opposed to dialogue, so that the comments could be recorded accurately. He stated that the applicant would get a chance to address the comments after all objectors' testimony and comments.

Chairman Krusinski inquired if there were any objectors in the audience, and there were numerous hands raised. He asked those people to stand and be sworn in to testify truthfully: Mitzi Heytow, Nanette Viglione, and David Bush. There were additional people who wanted to make comments: Lynn Gordon and Cathy Nelson; all those who wished to speak were sworn in.

The following were sworn in as testifying on behalf of the Applicants: Bob O'Donnell, attorney-at-law, and applicants William and Lezlie O'Donnell.

Bob O'Donnell, attorney for the Applicants, presented the Deputy Village Clerk with copies of the notices sent to residents within 1,000 feet of the property and the receipts of delivery. They were entered into the record as **Exhibit #2**.

Attorney O'Donnell presented the Applicant's case, noting that the Special Use Permit was sought and obtained in September 2014, which resulted in an eleven (11) stall stable, caretaker's residence and arena. He then presented photos as evidence: which depicted interior of new stable leading into indoor riding arena; interior of new riding arena; exterior view from the north and noting the new barn to the right; and close-up of north face of riding arena. This was entered into the Commission's record as **Exhibits #3A – 3D**.

Attorney O'Donnell further noted that this property was used as a private facility in the function of recreational and social use, stating that the owners' friends have boarded horses there and the group takes their riding pursuit seriously. He recounted how the owners received a letter from the Village reporting that non-owner horses were boarding at the facility, which constituted commercial use, however the homeowners respectfully disagreed. The purpose of this application was to bring clarity to the use of their property and this request.

Attorney O'Donnell advised the commission that the application had three parts: 1) permission to board up to six (6) non-owner horses; 2) allow the homeowners to obtain reimbursement for the costs of care of the non-owner horses that they incur out-of-pocket as no profit was involved and; 3) for their fifteen and a half (15.5) acre property, they would like to increase the population of the horses from eleven (11) to fourteen (14) without any additional exterior construction or enlargement. He further explained that the storage area in the stable would convert to the three extra desired stalls.

Attorney O'Donnell wanted the commission to recognize that other horses would be on the property and would be training with the homeowner in a recreational and social manner. He further noted that it would be unusual for an owner to have an eleven (11) horse stable for only one person. He further noted the Exhibit #3D photo, which showed the interior of the barn and storage area, which would be converted into three additional stalls. Commissioner Hirsch inquired about the stalls on the map, to where Attorney O'Donnell pointed out and satisfied her question.

Lezlie O'Donnell stood and introduced herself as the owner, and that she desired a minor amendment to the Special Use Permit and did not want to change the R-1 zoning. She spoke to the Zoning Commission and residents in the audience, stating that she was very happy with her farm, barn, arena and rural charm of Mettawa. She felt that her barn was attractive and functioned efficiently among the beauty and seclusion of the area, which she shares with family and friends. She noted that she thought horse ownership was not an issue in the Special Use Permit that they obtained in September 2014, and felt that their goals for the use of their property was distinct from a commercial barn enterprise. She felt that the purpose of this new application was adding clarification to their purpose.

Lezlie O'Donnell shared that she wanted to create an environment and support team for her equestrian goals and she has since qualified for finals at two international riding competitions and obtained another important recognition just recently. She explained that keeping her team (three close friends) in place was important to achieving her goals and she has previously turned away acquaintances and strangers who inquired about boarding at her private barn. She stated that they have the acreage to support the requested horses and they do provide quality care and have been told that they are good neighbors. She informed the group that she was at the barn six to seven days a week and felt that her barn was an example of Mettawa living at its finest, being able to enjoy nature and pursue their passions.

Commissioner Leonard inquired if O'Donnell lived in Mettawa, to which O'Donnell replied that her residence remains in Wilmette, as she has a special needs child who requires the support that their school district provides. Commissioner Pickell inquired if O'Donnell was paid for boarding the six horses at her barn, to which she replied that they have been reimbursed for the shavings, grain, hay and labor to provide same. She further stated that the prior owner advised her that boarding

horses was fairly common. Attorney O'Donnell stated that the original Special Use Permit stated "no commercial use", not "boarding", and they do not consider this a commercial use, as the reimbursement is far less than the actual cost incurred.

Commissioner Pickell inquired if O'Donnell understood the provision of "family only" in the Special Use Permit, to which she replied that she thought friends would be allowed as well. Attorney O'Donnell offered the builder, Ken Jackson, to answer any questions. Attorney Smith inquired about how long the building process would take for the three (3) stalls and if there were any exterior change, to which Jackson replied the building process would take no time and there was no physical change to the exterior of the building.

Chairman Krusinski then asked for the objectors to speak.

Mitzi Heytow (25775 St. Mary's Road) described herself as a 37-year resident of Mettawa who loves the horses and ambiance and welcomed the O'Donnells to the community. Her only concern was the commercial aspect of the request for the amendment to the Special Use Permit and wants assurances that this would not segue into a commercial use, such as a bank, B & B, gas station, etc. She stated that she wanted to maintain the integrity of the zoning and safety.

Nanette Viglione (25620 St. Mary's Road) spoke, stating that the homeowner was explicit about personal use and now things have changed with the other horses being boarded and intentions have changed. She questioned about the necessity of six horses being added. Lezlie O'Donnell corrected Viglione stating that three non-owner horses are present in the stable. Nanette Viglione responded by stating that her privacy was important; O'Donnell does not live in Mettawa and she was concerned about the transience of people coming and going, strangers or friends.

David Bush (25291 St. Mary's Road) spoke, explaining that he is new to Mettawa and he came from a small fishing town in Florida. He stated he was concerned about the future impact and does not want a business on his street and that this change should not impact his neighbors.

Lynn Gordon (25680 St. Mary's Road) spoke in support of the amendment to the Special Use Permit and previously used Lezlie O'Donnell as a resource and support when she started boarding her own horses on her property. She stated that she has watched the transformation of the property and has never had a sense of any commercial transformation taking place. She further stated that she searched for four years for this type of property and community and she would be very aware if there was any commercial concern. She stated that she could respect the slippery slope, but felt that stipulations could allay the concerns of the commission members, and asked not to quash the applicant's request.

Cathy Nelson (26209 St. Mary's Road) spoke in support of the amendment to the

Special Use Permit and as a horse owner herself, loved the O'Donnell's intent for their property and what they have done. She did not see six additional horses and their owners causing a traffic jam and the Village has already set a precedent with other barns and there was no reason to decline the application.

Chairman Krusinski then asked if anyone else wished to speak and several members raised their hands, and each were sworn in.

Diane Rycerz (25487 St. Mary's Road) stated that she understood the neighbor's concern about commercialization and its impact, but did not wish to quash the O'Donnell's dream. She further stated that the farm was pristine and the feed was phenomenal.

Wendy Clark (15409 W. Old School Road) identified herself as a 25-year resident and an owner of a six stable barn. She appreciated the hard work of the O'Donnells, but noted that another private stable turned commercial just a couple of years ago and it became a legal issue. She was further concerned that the owners did not live in the Village, having a residence elsewhere, noting that there were eight other Mettawa barns that had boarding and also lived elsewhere. She was worried about a precedent and wanted more owners to be part of the community.

Chairman Krusinski put out a last call if anyone else wished to speak and then presented several resident emails regarding the amendment application, including them as Commission's **Exhibit #4:** Ginny Bartholomay (25439 St. Mary's Road) who expressed reservations about granting the amendment for the Special Use Permit; **Exhibit #5:** Robert Holler who expressed concern about the view from the back of the barn and noise of equipment; **Exhibit #6:** Kevin Dunphy who was an immediate neighbor and supported the amendment for the Special Use Permit. Chairman Krusinski suggested that Attorney O'Donnell respond to the emails.

Attorney O'Donnell suggested imposing conditions for approval of the application: 1) limit the number of owners to three, meaning two horses per owner and 2) the owner's willingness to submit an annual statement indicating the boarding cost and collection of monies thereof, to support their claim that this was not a commercial operation.

Chairman Krusinski summarized the emails noting the concern of the view in the back of the barn, suggesting landscaping on the south end and the noise of the operation.

Lezlie O'Donnell responded to the emails, stating that construction stopped one year ago, so she was confused what noise they were speaking of. She further stated that Rycerz family was her nearest neighbor and she has checked in with them several times, to which they assured her there was no smell or noise. O'Donnell stated she had taken care in the construction material using hardy board. Commissioner Pickell consulted one of the photographic exhibits. Attorney O'Donnell stated this issue

was not part of the amendment, but he would address it. Lezlie O'Donnell responded by stating that they had a small gaiter that runs the manure and a tractor that runs to the arena. Other than that, a truck comes to remove the manure and there is no other equipment that would generate noise. Attorney O'Donnell presented another photo located on his phone, which he shared with the commission and it was entered into the record as **Exhibit #7**. Bob Irvin detailed the noise that Holler was speaking of was the beeping back up noise of a truck. Roman Rycerz (25487 St. Mary's Road) was sworn in and stated that Holler was hardly ever at his residence. He further stated that he himself was the resident next door in closest proximity and his family does not hear any noise, and the view that Holler speaks of is sufficiently blocked with three rows of buckthorn and other trees.

Attorney O'Donnell wanted to address the inference that the O'Donnell's "got caught", stating that this was not true and in the Special Use Permit, there was no mention of prohibition of boarding horses owned by people other than the home owner. It understands that things were not as clear as they should have been and now seeks an amendment to clarify the matter. Commissioner Bohm inquired about the neighbor to the north, to which Lezlie O'Donnell replied that would be Mitzi Heytow. Commissioner Busscher inquired if the Special Use Permit was attached to the land, to which Attorney Smith replied that yes, it was. Chairman Krusinski noted that the Special Use Permit was granted two years ago and it stipulated no commercial use of the property, and he cited Ordinance 759 as well.

Attorney Smith suggested that the cost recovery could be approved by the Village Board, but not have it attached to the property, as an acceptable limitation. Commissioner Leonard inquired how much money was recovered per horse, to which Lezlie O'Donnell stated \$1,200/horse, and other stables charge \$1,300 – \$1,700 per horse and their out-of-pocket cost is about \$1,650 per stall. Commissioner Leonard inquired if they had less than six (6) boarded horses, could they have less support staff for them, to which O'Donnell replied that she had not thought of that, but the a portion of the salary was figured into the \$1,650 cost per stall. Commissioner Busscher inquired if there was full-time care, to which O'Donnell replied that her caretaker, who is highly qualified (former employee of Always Faithful stables) is there 24/7.

Commissioner Bohm inquired about traffic, to which O'Donnell replied there was no change. Commissioner Bohm inquired about holding equestrian shows, to which O'Donnell replied that it was not allowed. Commissioner Pickell inquired about the feed bill, to which O'Donnell replied that there was labor costs involved to distribute it, approximately \$105 for the hay/stall and \$150 for the grain/stall, as well as the shavings which came to \$1,655 perstall and this did not include the "soft" costs such as water, laundry, heat, etc. Commissioner Pickell inquired if O'Donnell rode in unison with others, and O'Donnell explained that the riders share the same trainer. Commissioner Pickell estimated that the barn revenue from the reimbursements was about \$85,000 annually. Lezlie O'Donnell stated that she does not solicit horses to

be boarded at her barn and would not consider someone unless they fit in and since they were pursuing the amendment, they decided on the six horse capacity for boarding. Commissioner Bohm inquired if six horses was the maximum desired for boarding, to which O'Donnell replied, yes, as there was no more space without doing an addition. In regards to the offer from Attorney O'Donnell to issue an annual statement indicating the boarding cost and collection of monies thereof, Chairman Krusinski asked if any other barn owners had similar accountability. Bob Irvin replied that there were no such instances and wondered what he would do with the information, as there was no comparison.

Chairman Krusinski called for any additional speakers, to which Josephine Chaudoir (25600 St. Mary's Road) stood and was sworn in. She commented that if Lezlie O'Donnell had been riding for 35 years, why did she not know two years ago when they were applying for a Special Use Permit that O'Donnell had not known what she needed to accomplish her goal. Dave Bush questioned if the O'Donnell's were allowed to recover reasonable costs, what would the next steps be and if this was not setting a precedent and zoning considerations. Chairman Krusinski replied that the commission would deliberate and decide with a vote; then make a recommendation to the Village Board who would ultimately vote on it and accept, reject or make amends. He stated that this property would remain R-1 zoning.

Commissioner Bohm inquired if there would be more horses, more support labor and more traffic involved. Chairman Krusinski replied that there would be no variation with the amount of horses boarded, but that the issue would be the money received for the boarding costs. Chairman Krusinski called for any additional speakers, to which Mitzi Heytow commented her concern that there would be no commercial activity in perpetuity. Chairman Krusinski acknowledged her comment and now called for the closure of all audience input and time for the commission to deliberate at 9:02pm.

Commissioner Bohm noted the approval of Pegaso Farms (with its legal ramifications) and Corporate Way for their approvals. Commissioner Pickell stated that the standing ZPA Commission at the time of the Pegaso Farm application voted against the application. Commissioner Leonard expressed concern that often a Special Use Permit ended up differently from what was originally intended to be and that big stables and boarding horses have now morphed from that. Commissioner Pickell stated that they were now trying to bring this Special Use Permit into compliance. Commissioner Leonard shared that she has many stalls and only one horse, and she has not asked the Village for boarding privileges, which Chairman Krusinski noted was part of the dilemma.

Commissioner Pickell summarized that this originally was a PUD for three homes that got reshuffled and now has 11 horse stalls. He further noted that it was designed and built well, but he has an issue charging rent for those horses that are boarded. He felt that when money changes hands, in his opinion, it is a commercial relationship. He further drew the analogy of guests in his home, which might bring

food and drink to help with the entertainment, but if and when he started charging money, it would change the relationship from friend to business. He further stated that even if Lezlie O'Donnell hand-picks who can board in her barn of her friends, there is no distinction from that to a stranger who would also be willing to pay. Commissioner Leonard agreed, noting that the charging for board was not permitted, but they have no concerns about friends boarding, as they could not approve their application and deny others the same thing. Lezlie O'Donnell noted that Pegaso Farms was zoned R-1 and they charge for boarding horses, but she was quickly corrected by Commissioner Leonard, noting that the ZPA did not vote for that, as the ordinance stated "no commercial activity". Commissioner Pickell had no problem with the O'Donnell's boarding friends' horses, but that even if it was a net loss, it was still defined as commerce, reasoning that if you could not receive compensation, you would not ask a stranger to board their horse.

Attorney O'Donnell stated that the owners were not cited for money being charged for the boarding, but for the boarding of non-owner horses on the property. Commissioner Leonard replied that the owners could not charge for boarding compensation, but the commission does not care whose horses are boarded there. Chairman Krusinski read the original ordinance and the Special Use Permit for clarification. Commissioner Meluso referenced Corporate Way and Commissioner Leonard noted that Corporate Way was an historic farm and the permitted use runs with the property. Commissioner Meluso felt that this was unfair, because Corporate Way benefitted from the grandfathered permit.

Commissioner Pickell stated that the residents do not want commercial business and Pegaso Farms is a slippery slope. He further noted that Price still got what he wanted and the Special Use Permit was clear before he bought the property. By allowing this zoning variance of 14 stalls and having friends' horses stay and allowing owners to charge changes everything. He noted that some barns have a grandfathered clause that allows this and the O'Donnell's do not. He stressed that Mettawa does not want further commercialization, as defined by the exchange of money.

Commissioner Busscher had no objection and would like to recommend if the property is sold that it reverts back to the original state and not run with the title, however, it does look like commercial use. He recalled asking O'Donnell two years ago when the original Special Use Permit was considered how many horses did O'Donnell want on her property, to which he recalls O'Donnell stated "three". He further recalled asking if other horses were to be boarded, to which O'Donnell replied "no" at that time and now her mind is changed. To him, it did appear that they were setting up this property for future sale, using the expansion concept. William O'Donnell spoke, stating he would accept the condition that the permission to accept reimbursement would not run with the property.

Chairman Krusinski noted a differing of opinions among the commissioners

regarding the allowable number of stalls and allowing the acceptance of money for boarding and suggested bifurcating the application in order to make progress. Commissioner Leonard felt that allowing the owners to charge for boarding horses could compromise the R-1 zoning. William O'Donnell felt that further defining compensation was complicating matters and he would only let friends stay at his barn, anyway. Commissioner Pickell was adamant about not charging for boarding, otherwise, there was no difference between friends and a business relationship with a stranger. Bob Irvin read the code, which stated on two visiting horses could stay at any time, not a Special Use Permit. The code was silent on the ownership of horses on property. Commissioner Leonard was still unmoved by the compensation issue and Commissioner Leonard agreed. He did state that the rule stated not having more than six horses and the O'Donnell's were in compliance with that issue.

Chairman Krusinski was ready to frame a motion for 1) the expansion of eleven (11) stalls to fourteen (14) stalls; and 2) for the prohibition of commercial use except for the right to charge for boarding, limited to three owners with a month-to-month contract in place.

It was moved by Commissioner Meluso, seconded by Commissioner Leonard to approve the following motion as stated by Chairman Krusinski: to recommend to the Village Board an approval of the bifurcated application for an amendment to the Special Use Permit regarding Case No. 16-SU-S-3 for the interior expansion of three horse stalls to a barn that has eleven (11) horse stalls.

Aye: Commissioners Bohm, Busscher, Hirsch, Leonard, Meluso, Pickell and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried.

It was moved by Commissioner Meluso, seconded by Commissioner Busscher to approve the following motion as stated by Chairman Krusinski: to recommend to the Village Board an approval of the bifurcated application for an amendment to the Special Use Permit regarding Case No. 16-SU-S-3 for the prohibition of commercial use, except for permission to accept boarding fee/reimbursement for a maximum of six (6) horses, on the basis of a written month-to-month contract and the condition of the Special Use Permit that will not run with the property, only limited to the present owner of record.

Aye: Commissioners Busscher and Meluso

Nay: Commissioners Bohm, Hirsch, Leonard, Pickell and Chairman Krusinski

Chairman Krusinski declared the motion denied.

It was moved by Commissioner Leonard, seconded by Commissioner Pickell to approve the following motion as stated by Chairman Krusinski: to recommend to the Village Board to decline approval of the bifurcated application for an amendment to the Special Use Permit regarding Case No. 16-SU-S-3 for the

prohibition of commercial use, except for permission to accept boarding fee/reimbursement for a maximum of six (6) horses, on the basis of a written month-to-month contract and the condition of the Special Use Permit that will not run with the property, only limited to the present owner of record.

Aye: Commissioners Bohm, Busscher, Hirsch, Leonard, Meluso, Pickell and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried.

It was then moved by Commissioner Leonard, seconded by Commissioner Bohm to authorize Chairman Krusinski to draft, sign and forward to the President and Board of Trustees a Report of the Zoning, Planning and Appeals Commission containing Findings of Fact and their Recommendation regarding Case No. 16-SU-S-3.

Aye: Commissioners Bohm, Busscher, Hirsch, Leonard, Meluso, Pickell and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried.

Chairman Krusinski declared the PUBLIC HEARING: CASE NO. 16-SU-S-3: 25575 St. Mary's Road closed at 9:29pm.

- B. PUBLIC HEARING: CASE NO. 16-SU-S-3: 25220 Shagbark Road - Application for a Special Use Permit to allow for a Guest House.

2. Chairman Krusinski called the Public Hearing to order at 9:29 PM.

Present: Commissioners Bohm, Busscher, Hirsch, Leonard, Meluso, Pickell and Chairman Krusinski

Absent: None

Chairman Krusinski declared a quorum present.

- C. Chairman Krusinski further noted that this hearing was for an Application for a Special Use Permit to allow for a Guest House, prior to the main residence being built.

Chairman Krusinski stated for the record that notice of the hearing on Case No. 16-SU-S-4 was published in the Daily Herald on July 18, 2016, in the manner required by law. The Village Attorney has the newspaper's certificate of publication, which is admitted as the Commission's **Exhibit #1**.

Chairman Krusinski asked if there were any objectors in the audience, and the audience was empty except for the applicants.

The following were sworn in as Applicants: Karen Caruthers and Joseph Nitiss.

The Applicants presented the Deputy Village Clerk with copies of the notices sent to residents within 1,000 feet of the property and the receipts of delivery. They were entered into the record as **Exhibit #2**.

Joseph Nitiss spoke and explained how they were currently living in what they consider to be their guest cottage while their main residence would be built. It was their plan to move to the main residence upon completion and allow the sister of Karen Caruthers to live in the cottage without charging rent, due to her chronic debilitating neurological condition. He further stated that there are plans to refurbish the barn and have the existing shed torn down, and there would be a total of three structures on the property, which is eight and two-tenths (8.2) acres. He shared that they purchased the property in 2011 and became permanent residents in 2016 after they improved it.

Attorney Smith gave background information, stating that a guesthouse is considered special use, so the applicants needed zoning approval to designate the guesthouse as such so they could begin building their main residence. Commissioner Pickell questioned what the code would be for a guesthouse that is attached by a roof, to which Commissioner Leonard replied that the two do not have to be attached. Chairman Krusinski clarified the situation stating that the two structures were hundreds of feet apart, and Attorney Smith further clarified ordinance by stating that the guesthouse must be detached.

Commissioner Pickell inquired why the applicants would go to the expense thus far without acquiring the Special Use Permit prior to committing as they have. The applicants responded that they spoke with the Village Engineers (Anderson), who told them it should not be an issue. Commissioner Leonard did want to clarify that the applicants could not charge rent, however Attorney Smith thought it redundant, as that is the very definition of a guesthouse per ordinance.

Chairman Krusinski asked if there were any questions of the commissioners, to which Attorney Smith replied that they should attach the condition that the applicant not be allowed to change the footprint or location of the guesthouse without an additional application and site plan. Commissioner Hirsch inquired as to the duration of the building process, to which Caruthers replied that it would be approximately nine months and they would live in the cottage throughout the duration of the process.

Commissioner Bohm inquired if they received any feedback from their neighbors, to which Nitiss replied no, he had not, although he had chatted with others and there was no problem. Chairman Krusinski asked for any final statements from the applicants or commissioners and Commissioner Leonard wanted a clause "never be rented" included. Attorney Smith stated that this was unnecessary, as the zoning ordinance carried this prohibition, which also had permission to levy a fine if

violated. Chairman Krusinski declared the PUBLIC HEARING CASE NO. 16-SU-S-4: 25220 Shagbark Road closed at 9:45pm.

It was moved by Commissioner Bohm, seconded by Commissioner Leonard to approve the following motion as stated by Chairman Krusinski: to recommend to the Village Board an approval of the application for a Special Use Permit regarding Case No. 16-SU-S-4 for the guesthouse, a one story frame, to be used and maintained as a permanent resident without modification of the footprint or location.

Aye: Commissioners Bohm, Busscher, Hirsch, Leonard, Meluso, Pickell and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried.

It was then moved by Commissioner Bohm, seconded by Commissioner Hirsch to authorize Chairman Krusinski to draft, sign and forward to the President and Board of Trustees a Report of the Zoning, Planning and Appeals Commission containing Findings of Fact and their Recommendation regarding Case No. 16-SU-S-4.

Aye: Commissioners Bohm, Busscher, Hirsch, Leonard, Meluso, Pickell and Chairman Krusinski

Nay: None

Chairman Krusinski declared the motion carried and ended the public hearing at 9:49pm.

V. COMMUNICATIONS:

None.

VI. REVIEW OF REPORTS OF COMMISSION COMMITTEES:

None Presented

VII. OLD BUSINESS:

In regards to Commissioner Bohm's request about an engineering report of other properties which have lot coverage approaching or over fifteen percent (15%) impervious surface, Bob Irvin reported that of the 220 homes in Mettawa, seventeen (17) properties fit that category.

VIII. NEW BUSINESS

Chairman Krusinski reminded everyone that there would be no September 6, 2016 meeting, and the final business of the Always Faithful Stables text amendment would be considered at the 10/04/16 ZPA Commission meeting. Chairman Krusinski noted that the presence of a country club and church in R-1 zoning is

adding credibility to the Always Faithful Stables request. Attorney Smith suggested that the Village land planner be involved on the 10/04/16 ZPA Commission meeting. Commissioner Leonard felt that Conway Farms was hundreds of acres in size and not a valid comparison.

Chairman Krusinski wanted to know if everyone was getting Bob Irvin's emails. Irvin noted that he sometimes sends meeting alerts to the members personal emails, but all emails with document attachments always goes to their Village email accounts. Attorney Smith reinforced that notion, stating that due to FOIA requests, any member who uses their personal email for Village matters could be required to search their personal accounts if a FOIA request was involved.

Chairman Krusinski suggested having the Anderson report for the purpose of having experts available for potential improvements to the zoning ordinance that they intend to review, to which Bob Irvin agreed, stating that it might provide a higher standard to meet. Commissioner Leonard suggested starting a list of the missed items in the ordinances. Attorney Smith suggested potential text amendments and talking to the Village Board to get some direction.

IX. ADJOURNMENT

With no further business to discuss, it was moved by Commissioner Leonard, seconded by Commissioner Hirsch that the meeting be adjourned.

With unanimous consent, Chairman Krusinski declared the motion carried and the meeting adjourned at 10:02 PM.

Colleen Liberacki, Deputy Village Clerk