

PLAN and ZONING

_____ REPORT OF THE PROCEEDINGS OF A MEETING
BEFORE THE VILLAGE OF NORTHFIELD
PLAN AND ZONING COMMISSION

COMMISSION

REPORT OF PROCEEDINGS had before the Village of
Northfield Plan and Zoning Commission taken at the
Northfield Village Hall, Board Room, Northfield, Illinois on
the 9th day of January, 2006, at the hour of 7:00 o'clock
p.m.

MEMBERS PRESENT:

GEORGE WARGA, Chair
JOHN DOLAN
DAN deLOYS
GERALD SMITH
JOANNA STEIN
WILLIAM HIELSCHER
BILL VASELOPULOS

ALSO PRESENT:

STACY ALBERTS SIGMAN, Asst. Village Manager
EVERETTE M. HILL, JR., Village Attorney

1 CHAIRMAN WARGA: Good evening, everybody. This is the Plan
2 and Zoning Commission meeting. And tonight we have four items on our agenda,
3 if you're here for those. 161 Northfield Road, 400 Wagner Road, 1799 Willow
4 Road, and 1803 Willow Road. Before we begin, we have a presentation from our
5 Village Attorney. So to start, I'd like to call this meeting to order, and welcome
6 everybody back from their holidays. And we have a new member on our
7 committee and we'll start with Bill, and he can introduce himself, and we'll go
8 around.

9 COMMISSIONER VASELOPULOS: Bill Vaselopulos, and I'm at
10 561 Briar Lane.

11 COMMISSIONER DOLAN: John Dolan.

12 CHAIRMAN WARGA: George Warga.

13 COMMISSIONER HIELSCHER: Bill Hielscher.

14 COMMISSIONER STEIN: Joanna Stein.

15 COMMISSIONER deLOYS: Dan deLoys.

16 COMMISSIONER SMITH: Gerry Smith.

17 CHAIRMAN WARGA: And this is Buzz Hill, our Village Attorney,
18 and he is going to go over some new procedures that we will be following at these
19 meetings. MR. HILL: Thank you for letting me come in and talk to you

20 for a little while. I apologize to those of you in the audience because this might, the
21 things I'm going to talk about might not be of general interest to you. But, I'll try to
22 be brief and we'll be sure, those of you that fall asleep, I'll come and wake you up.

23 And so many of you, a number of you I really have never had
24 an opportunity to meet before, so I'm pleased to do that. I don't know if it's a sign

1 of old age or not, but I used to know everybody on all the boards and commissions
2 and I guess I just don't anymore. And those of your fellow Commission members,
3 Gerry Smith, Gerry was once the Village treasurer a few years ago and had many
4 happy moments during Gerry's tenure doing that, and I can never see Bill Hielscher
5 in any kind of setting, particularly a professional one without mentioning that in the
6 last 15 years I have lost but one Appellate or Supreme Court case, and that was to
7 my dear friend Mr. Hielscher. But always a worthy opponent.

8 I wanted to talk to you because we are instituting some new
9 procedures that Stacy and I have been discussing over the last few months. And
10 these, the institution of these new procedures is triggered by an Illinois Supreme
11 Court case that actually came out a couple of years ago. But the fallout is
12 continuing to develop. And I think when it first came down there were a number of
13 people who recognized that it was going to be a seminal decision in Illinois, and
14 affect just about every zoning decision that could possibly be made.

15 My attitude toward it when it first came down was let's sort of
16 leave it alone and maybe it won't have the big effect that everybody thinks it will
17 have. But that was wishful thinking. A number of cottage industries have grown up
18 around this case. It's garnered so much attention in the legal and planning and
19 zoning communities that hardly a zoning question can be asked that the Klaeren
20 case doesn't bear on. And let me tell you a little bit about what the Klaeren case,
21 the background of it and then what the Illinois Supreme Court said about the
22 Klaeren case and how it's going to affect what, it has affected what you've done
23 over the last couple of years, but how it's going to have an even greater effect in
24 the future on your own thinking and decision making.

1 The case is called Klaeren, K-l-a-e-r-e-n, versus Village of
2 Lisle. It came out of the Illinois Supreme Court in the year 2002. The Village of
3 Lisle was the recipient of a request by a Meijers Department Store, one of the big
4 block stores to come into Lisle and build one of their stores and start marketing
5 there. The place that they had chosen was once an abbey, and was an abbey at
6 the time that Meijers came and wanted to buy it. The church, the operators of the
7 abbey had for years and years protected that property. It was very important to
8 them, but there came a time when it became viable that they felt they couldn't hang
9 on to it any longer. They had had a number of offers for it over the years and
10 Meijers made them an offer they virtually couldn't refuse.

11 So, Meijers signed a contract with the abbey to purchase it
12 contingent upon their being able to annex to the Village of Lisle, contingent upon
13 their being able to rezone the property to the appropriate zoning to allow them to
14 do what they wanted to do, and also conditioned upon their getting a PUD to build
15 it because there was no zoning classification that would allow that everything that
16 they needed. They were going to need some exceptions and Lisle provided that
17 opportunity or was able, could provide, potentially could provide that through a
18 PUD.

19 Now, Lisle did something that we used to do in Northfield but
20 some of us were never quite comfortable with it and we've gotten away from it over
21 the last 10 or 12 years. They had a joint session of the Village Board, the Plan &
22 Zoning Commission, and the Zoning Board of Appeals. There were some
23 exceptions that were needed in the PUD that under the Lisle ordinance couldn't be
24 granted just through the PUD. The Zoning Board of Appeals would have to grant

1 variations in addition to granting a PUD. So, all three of those bodies met at the
2 same time and met jointly.

3 Now, there is a saying in the law which is bad facts make
4 even worse law. And this is a, the Klaeren case is a prime example of it. And what
5 I mean by that is when the -- the Village President ran the meeting, and when the
6 Village President opened up the meeting, he announced that, first of all, that this
7 was not going to be a forum for the public to ask questions. Now, here you have a
8 public hearing and the Village President announces it's not going to be a forum for
9 the public to ask questions. He said the public can comment but your comments
10 are going to be limited to two minutes.

11 And so, the Meijers store and all of their experts, their
12 planning experts, their architect, their engineers, their attorneys, everyone got up.
13 They made this huge presentation. They had spent tens of thousands of dollars on
14 the presentation. They made it, and when each were finished, the audience put up
15 their hands to ask questions of them and the Village President wouldn't let them
16 ask any questions. And after hours and hours of presentation by the petitioner in
17 presenting their case, when people from the public got up to comment on it, the
18 Village President had a timer up there and when that two minutes went off, he
19 made them sit down and held the two -- he enforced the two-minute rule, allowed
20 no cross examination.

21 Well, on those facts, even though historically in Illinois up
22 until the Klaeren case, the Illinois Supreme Court had always said that zoning
23 proceedings including special use and PUD proceedings are legislative
24 determinations by the Village Board acting solely upon just on recommendations

1 from the Plan & Zoning Commission, or I think it was called the Plan Commission
2 in Lisle, even though there had been a hundred-year history out in the Illinois
3 Supreme Court of saying those are legislative decisions, in this particular case, the
4 Illinois Supreme Court said from now on, to prevent this kind of thing from
5 happening, we are declaring that special use hearings, PUD hearings are quasi-
6 judicial in nature. They are no longer legislative in nature.

7 And once they called them quasi-judicial in nature, that sets
8 in motion the concept that whoever is there and participates in the hearing is
9 entitled to due process. And they said that, the Supreme Court said that as a
10 matter of due process, you've got to have the right to cross examination. You can't
11 be limited by some artificial, something as artificial as two minutes. The Supreme
12 Court suggested that there may be some time limits that may be reasonable that
13 can be placed on everyone, but a two-minute time limit for people to comment on a
14 presentation that took hours and hours and hours did not meet due process
15 requirements and was patently unfair.

16 And they also said that because they are quasi-judicial in
17 nature, that the decisions, any decision that comes out of a special use or PUD,
18 and as you know a PUD is simply a type of special use, that the only way they can
19 be reviewed is by administrative review. That means that when you go to the
20 Circuit Court to get the court to review a denial of a special use, there is no
21 presentation of evidence or witnesses before the Circuit Court. The Circuit Court
22 decides the case on the basis of the record that was created before you at the
23 public hearing and also the record that occurs before the Village Board.

24 That's why this gentleman to my right is sitting here. He is a

1 court reporter and if someone who is an applicant for a special use before you
2 decides they don't like the ultimate decision that the Village Board makes, if we
3 don't have a complete record to submit to the Circuit Court, that is held against us
4 as the administrative body and our ability to prevail without a record is virtually
5 zero. So, that's why we have a court reporter.

6 Now, the court didn't say that you absolutely have to have a
7 court reporter. The court simply said that they would be reviewed, your decisions
8 would be reviewed by administrative review. And we think it's safer to have a court
9 reporter here in most instances rather than trying to take it down with a tape
10 recorder and have something go wrong with the tape recording. Or if it's reviewed,
11 we have to have a court reporter transcribe it anyway. But that's why we have the
12 court reporter here.

13 Now, I think in Northfield, we've always been pretty good
14 about assuring that people got to have their say. I don't think there has ever been
15 a time before our Plan & Zoning Commission when people didn't have ample
16 opportunity to cross examine witnesses that petitioners brought forward and vice
17 versa. But the practices that we've had have now become the law. And so, we've
18 got to make sure that they are observed.

19 There are a lot of things that people have speculated about
20 in terms of what Klaeren really established, but I think that three things are certain
21 that Klaeren established and you want to keep this in mind. First of all, if a
22 petitioner presents witnesses, you have to give people in the audience, objectors,
23 interested persons, an opportunity to cross examine those witnesses. The second
24 thing is that artificial time limits that are patently unfair, you can't have those. I

1 would say that probably we could establish that no person in the audience could
2 take more than 15 minutes perhaps. Particularly in a case where you had 10
3 people objecting to a petition, some time limit would probably be appropriate. And,
4 of course, the third thing is what I just referred to, there has to be a record for
5 people to be able to take up to the Circuit Court on administrative review.

6 So, we have put together some rules, I think they probably
7 went out in your packet. Stacy and I have worked on those, and our objective was
8 to really be as liberal as we could possibly be in the way you conduct your
9 hearings, in giving people at least for now, giving everybody ample opportunity and
10 as much time as they feel they need to comment, to cross examine. If after some
11 experience with these rules you come back to us and say, gee, we have objectors
12 who just go on and on, they're so repetitive, can we maybe tighten these up a little
13 bit and still be consistent with the Klaeren case? Yes, we can probably do that.
14 But I think as we've drawn these up now, Northfield has always been a place that's
15 friendly to people coming in and objecting to zoning issues, and we felt we wanted
16 to continue in that spirit. If we have to tighten them up a little bit at some point
17 along the way, we can take another look at that.

18 So, that's what the Klaeren case is about. You have some
19 materials here to go over if you feel like it. And I'm certainly here to answer any
20 questions that you might have.

21 COMMISSIONER HIELSCHER: Just a quick one, Buzz. In your
22 considerable experience, I'm curious, do you believe that Klaeren's progeny is
23 ultimately going to further define reasonable limitations or will it remain in the realm
24 of reasonable limitations?

1 MR. HILL: No, I have no doubt that it will. There, in my law firm
2 alone, we represent about 20 municipalities, maybe 50 school districts. And in my
3 law firm alone, we currently, by last count, we have eight cases either in the Circuit
4 Court or the Appellate Court on interpretations of Klaeren. Bill, you'd be more
5 interested in this probably than most but I have a case going on right now where
6 there's a Klaeren challenge to a Plan & Zoning Commission special use decision.

7 And as I told you, the Supreme Court said that any review is
8 by way of administrative review, meaning it goes to the Circuit Court based on the
9 record. The Circuit Court reads the record and decides whether it was a
10 reasonable decision or not. And administrative review, once again as you well
11 know, has to be, if you're going to file for administrative review, you've got to do it
12 in 35 days. But I have a case now where they didn't file for almost six months and
13 they're making the claim that just because they said it was by administrative review
14 doesn't mean that the statutory, statute of limitations apply.

15 And so, there are just all sorts of permutations of the Klaeren
16 case that we're going to have to work out. But for now, as I say, we know we've
17 got to have a good record. We know that you've got to let the cross examination
18 go on. And we know that artificial time limits on objectors is inappropriate.

19 COMMISSIONER HIELSCHER: Thank you, Buzz. And just one
20 other thing. Klaeren did not state with certainty as to the cost of the record, did it?
21 Is it being --

22 MR. HILL: As to who pays for the record, well, Klaeren didn't, but of
23 course, I think the cases are pretty clear that if the administrative body doesn't
24 provide the record to the court, you're in trouble. So, we're going to bear that cost.

1 COMMISSIONER HIELSCHER: Thank you.

2 COMMISSIONER STEIN: Just a quick question. Actually a couple,
3 several pronged. But I read this fairly clearly and we have always conducted the
4 business of this Commission pretty much along these lines.

5 MR. HILL: I agree.

6 COMMISSIONER STEIN: We've always had a record. Perhaps
7 there were some gaps in it just because of the recording equipment. But I don't
8 see where we have to change the way we proceed with only one minor question,
9 and that is questioning of the petitioner. Our Chairman has always asked the
10 questions to be addressed to him and then he would then pass them on to the
11 correct --

12 MR. HILL: Right.

13 COMMISSIONER STEIN: -- member of the petitioner's party who
14 could answer that question. That we don't have to change, do we? In other words
15 --

16 MR. HILL: Yes, you do. I believe we do. I think that the clear intent
17 of the Klaeren case is that people have a right to ask the questions and examine
18 the witnesses themselves. And it doesn't have to, it shouldn't be filtered through
19 the Chair or anyone else. So, that will, that is a change that we need to make.

20 And I think one of the jobs that the Chair will have, now that
21 the Chair isn't asking the questions on behalf of the audience is that if people get
22 up and you have a number of objectors or interested parties and they want to keep
23 asking the same questions, he certainly has a right to say that question has been
24 asked. If you don't have a new question, then that's it. But ask a question that

1 hasn't been asked.

2 MS. SIGMAN: And if I could clarify? What we have always done is
3 kept meeting summary notes. We have never done verbatim notes of the meeting.
4 So, because of the way this will move forward, we just felt it was better to have
5 exact transcripts of the meeting and exactly what was said and not sort of our
6 overview of what was discussed.

7 CHAIRMAN WARGA: Thanks, Buzz. A pleasure to have you as
8 always.

9 MR. HILL: Thank you.

10 COMMISSIONER STEIN: Thanks for your time.

11 CHAIRMAN WARGA: We probably should have had this question
12 asked before seeing that we just heard that, but can we have a motion to approve
13 the notes from our last meeting?

14 COMMISSIONER STEIN: Certainly.

15 CHAIRMAN WARGA: Do we have a second?

16 COMMISSIONER HIELSCHER: Second.

17 CHAIRMAN WARGA: All in favor?

18 (Chorus of ayes.)

19 CHAIRMAN WARGA: Against?

20 (No response.)

21 CHAIRMAN WARGA: So moved. So, that, to clarify, that was for
22 our meeting on Tuesday, November 1st, 2005. Those notes were approved.

23 Okay. So, to review the meeting purpose here today, we're
24 responsible for holding a public hearing to review developmental proposals and

1 provide a forum for public input on proposed projects. This committee then makes
2 a recommendation and a recommendation only to the Village Board of Trustees.
3 The Board will review the items being discussed tonight at their next meeting which
4 is scheduled for January 17th.

5 To review our meeting procedure, I'll try to summarize all
6 these different aspects, but basically, the first thing we'll do is to ask, after we
7 decide or discuss what case we're opening for public hearing is then to ask for any
8 petitioner, any objectors and any interested persons wishing to be heard on this
9 matter to stand, raise their right hand and swear that any testimony given by me
10 will be the whole truth. So, anybody who is involved must stand at that point.

11 Then we have the petitioner's presentation, objector's
12 presentation, interested persons' presentations. And we have within, after each of
13 those presentations, time for cross examination, questions by Commission and
14 there is a period for rebuttal. Then there is Staff presentation and which we have
15 cross examination, questions by Commission and rebuttal again.

16 Then we have final questions by the Commission. Closing
17 remarks then follow, final deliberation and motion by the Plan & Zoning
18 Commission, and then a recommendation will then be forwarded to the Village
19 Board for their review at their next meeting.

20 Prior to speaking, everyone here must give their name and
21 address or interest for the record. And we have microphones to pass into the
22 audience for those, and those who are actually doing the presentations may come
23 up to this microphone up here and stand at the podium.

24 **So, our first item on the agenda tonight is 161 Northfield**

1 **Road, and they are requesting a continuation of a special use for parking on**
2 **the Union Pacific/ComEd property for the North Shore Senior Center located**
3 **at 161 Northfield Road, submitted by North Senior Center.** Petitioner
4 requested to be continued to the March meeting. They're trying to gather more
5 information, I believe?

6 MS. SIGMAN: They're continuing to work on a plan. They originally
7 were trying to work on additional parking in the ComEd right of way and looking at
8 some engineering issues. They're still pursuing that and they are also pursuing
9 other options for the site. So, they do not have a definitive plan to present just yet.

10 COMMISSIONER STEIN: March, not February?

11 MS. SIGMAN: They've asked for March.

12 COMMISSIONER HIELSCHER: George, I make a motion that the
13 petitioner's request to be continued to the March 2006 meeting be granted.

14 CHAIRMAN WARGA: Do we have a second?

15 COMMISSIONER DOLAN: Second.

16 CHAIRMAN WARGA: All approve?

17 (Chorus of ayes.)

18 CHAIRMAN WARGA: Any against?

19 (No response.)

20 CHAIRMAN WARGA: So moved. **Next item, consideration of an**
21 **amendment to Special Use Ordinance 93-763 at 400 Wagner Road submitted**
22 **by Northfield Community Nursery School.** And who is here on behalf of the
23 Northfield? Hello, Joan. Yes, please come up. And so, we are opening the public
24 hearing on this case and we are asking any petitioners, any objectors, any

1 interested persons wishing to be heard on this matter to stand and raise their right
2 hand.

3 (Witnesses sworn.)

4 CHAIRMAN WARGA: Thank you. And should we introduce this
5 gentleman after?

6 MS. SIGMAN: When he speaks, he can just say his name for the
7 record.

8 CHAIRMAN WARGA: When he speaks. Okay, very good. And go
9 ahead and introduce yourself.

10 MS. HOHOLIK: Good evening. My name is Joan Hoholik and I
11 reside at 5 Country Lane. I am part of the board of directors of the Northfield
12 Community Nursery School which is at 400 Wagner Road. We are housed within
13 the Northfield Community Church. We, however, are not affiliated in any way with
14 the church.

15 Back in 1993, a special use permit was granted to allow the
16 nursery school to move back from Middlefork School into the church building.
17 Many years ago, we had operated in the church and then we grew too large and
18 we moved over to the Middlefork School. In any event, at that time, a special use
19 permit was granted. There was an item number 10 that was contained within the
20 special use permit, and it basically stated "No permanent sign usage shall be
21 allowed on the Subject Property for the School."

22 So, at this point, we are asking that that number 10, item
23 number 10 be amended to allow for signage. We feel that it is imperative that we
24 have a sign for emergency purposes. If we have some sort of medical emergency,

1 perhaps if it's a private ambulance, they're not going to know where we are. There
2 could be mix ups with either police or fire and we feel it's very important that we be
3 granted the ability to display a sign at the church property.

4 The church has agreed to allow us to have that sign. And I
5 hate to say that the sign has been up for the last 13 years and I apologize for that.
6 That was no part of mine or any of the other ladies that are currently involved. So,
7 we at this point are requesting that you give consideration to make that change to
8 our special use permit.

9 CHAIRMAN WARGA: Okay. And cross examination of the
10 petitioner. Now, this is from the interested party?

11 MS. SIGMAN: You could, I guess, just ask if anybody would --

12 COMMISSIONER STEIN: We have no questions.

13 MS. SIGMAN: Yes, Commissioner comments or if there's any from
14 the audience.

15 COMMISSIONER STEIN: We have no questions.

16 CHAIRMAN WARGA: No question? Okay. And objectors? Are
17 you an objector?

18 MR. BARKAN: Yes, sir.

19 CHAIRMAN WARGA: Okay. Please state your name and address.

20 MR. BARKAN: I'm Rick Barkan and I live at 421 Chapel Hill. I
21 wasn't aware of the reason for wanting the sign up until I just heard you speak.
22 And I certainly can't deny that a sign that would bring police or fire to the location is
23 important. What I have issue with, as Joan said, there is a number 10 in their
24 special use permit that speaks that no sign should be put up. I did business with a

1 man years ago who I felt was quite disgusting and he used to say constantly when
2 it came to getting permits and staying within the regs of state advertising
3 guidelines, that he'd rather beg forgiveness than ask permission.

4 And I believe that's what these folks have done for 13 years.

5 And I think that that speaks to the way that they operate their business from top to
6 bottom. And that annoys me, because as a society, we walk around doing as we
7 choose and begging forgiveness instead of asking permission. Where is the
8 control?

9 Now, as far as the sign being up, I imagine the reason the
10 signs aren't allowed is that they are distractive. I think that one message needs to
11 be sent from the Board. I actually would love to see all of Willow Road two-lane
12 highway, living on that street, it causes tremendous backup and tremendous
13 problem. But I have only been around the Village about three years, but my
14 understanding is that the Board and certainly the president, John Birkinbine, as it
15 states in the January-February Northfield News, feels that it would be dangerous
16 for children and cause issues if even the highway was widened past Sunset Ridge.

17 So, if we are going to make a concerted effort regardless of
18 the problems and the issues it might cause on the other side to watch out for kids'
19 safety, then we have to keep all distractions from being there as well. You know,
20 we have a church and we have a nursery school that certainly are interested in the
21 safety of their kids, but only when it doesn't inhibit their other desires. And I find
22 that to be distasteful. And that's all that I have.

23 CHAIRMAN WARGA: Thank you. Petitioner rebuttal?

24 MS. HOHOLIK: I'm not quite sure what the relevance is. I mean,

1 I'm here to ask for a sign, and you even agreed that for safety purposes it is
2 important. I think the Willow Road expansion is a whole other ball of wax. So as
3 far as I'm concerned, I think we need to focus on what's at hand here.

4 CHAIRMAN WARGA: Thank you. And any --

5 MR. BARKAN: Well, if I may? Can I ask you why you felt it was
6 appropriate to have your sign for 13 years when you were directed not to have
7 one?

8 MS. HOHOLIK: As I stated earlier, I wasn't affiliated with the
9 nursery school 13 years ago.

10 MR. BARKAN: Is there anybody else here that can speak to that?

11 MS. HOHOLIK: No. It's all volunteer parents. So, as children enter
12 the nursery school, the parents participate. As the students move on to Middlefork
13 and other elementary and middle schools, the parents move on. So, I can't say --

14 MR. BARKAN: Can I ask you how long you have been affiliated or
15 any of the other gals?

16 MS. HOHOLIK: Last four years.

17 MR. BARKAN: So, for four years, can I ask you why you didn't take
18 the sign down and come to the Board and ask permission?

19 MS. HOHOLIK: We didn't know. We were not aware of it until the
20 church put up a new sign. And at that point, the church was notified by the Village
21 that our sign should not have been up. When the church sign went up, it just --

22 MR. BARKAN: Did you take it down at that point?

23 MS. HOHOLIK: It was down.

24 MR. BARKAN: Is it up today?

1 MS. HOHOLIK: It is up today, yes.

2 MR. BARKAN: Are you allowed to have the sign today, ma'am?

3 MS. HOHOLIK: That's why I'm here.

4 MR. BARKAN: But are you allowed right now to have that sign up?

5 MS. HOHOLIK: No, I'm not. I guess we're not.

6 MR. BARKAN: Okay. Well, that's my point. That's my point. We
7 live by rules.

8 CHAIRMAN WARGA: Okay. We'll continue with our formality of the
9 procedure. I don't think we're getting anywhere going in that direction.

10 COMMISSIONER STEIN: I have a brief comment. I was a member
11 of the Northfield Community Nursery School Board for many years and I had left
12 prior to the move to the Northfield Community Church. But it is a group of
13 volunteer mothers. The term generally is three years, so the turnover is constant.
14 And if they say they were unaware of the ordinance details, I feel a bit we have to
15 believe them and judge the issue as it stands today instead of what did somebody
16 13 years ago think or overlook or a mistake was made. So, and you apologized for
17 it.

18 CHAIRMAN WARGA: As far as Staff, is there anything you want to
19 add to this, Stacy?

20 MS. SIGMAN: No, I guess I wish I had more information from you.
21 It's a little unusual that a clause like this is put in an ordinance. I mean, normally
22 something like this is put in there for a very specific point. Given the fact that I
23 wasn't here 13 years ago, I was bound and determined to try to figure out why it
24 was there. Was it safety on Willow Road? Was it sign clutter? Did the church not

1 want additional signs?

2 I could find nothing in the Staff report, the applications or the
3 meeting minutes that gave us any clue as to why that statement was there. I can
4 tell you that it wasn't in there at the time they went to Plan Commission. So, it
5 wasn't in the Staff report and it wasn't discussed at Plan Commission. It was likely
6 added at the Board level, but again, I have nothing in the meeting minutes that
7 indicates why that was placed there.

8 COMMISSIONER STEIN: Could it just have been a transfer from
9 the Family Services of Winnetka special use?

10 MS. SIGMAN: It wasn't in the old one. No, it just appeared, this
11 was a completely different special use and it just kind of appeared. So, you know, I
12 don't have any reason today. We have numerous locations within the Village
13 where there's joint tenants in the building, they have signage. They're all subject to
14 the maximum signage allowed by Architectural and the review of them to make
15 sure that they are consistent with the neighborhood, that they're safe visibility.

16 So, Staff's recommendation is that you lift that number 10
17 allowing for the sign, but that approval will still be subject to the Architectural
18 Review of the sign to make sure that it's done properly. So, your lifting this doesn't
19 necessarily give them the authority to keep the sign out there today. They still
20 have to take that to Architectural.

21 CHAIRMAN WARGA: Are there other questions by Commission
22 members to Stacy? Any other final questions? Or closing remarks if any by the
23 petitioner, objectors, interested persons or Staff?

24 MS. ROLIGHED: Can I make a comment?

1 CHAIRMAN WARGA: Could you state your name and take the
2 microphone? Your name and --

3 MS. ROLIGHED: Well, I can speak loudly, I'm okay.

4 CHAIRMAN WARGA: You still need the microphone. Stacy, I think
5 she also needs to be sworn in. Yes --

6 (Witness sworn.)

7 CHAIRMAN WARGA: Thank you.

8 MS. ROLIGHED: I'm Glo Rolighed. I live at 1868 Sockton. I'm first
9 vice president at the nursery school. The only thing, and I don't know if this is
10 possible or not, but I do know that the sign would then not be able to go back up
11 until the 16th, is that right? At the earliest after the Architectural Review?

12 CHAIRMAN WARGA: I'll let Stacy answer that.

13 MS. SIGMAN: Well, technically, the petition has to first be approved
14 by the Village Board at their meeting which is next week, which I believe is the
15 16th, Tuesday the 16th.

16 MS. ROLIGHED: Okay. The only reason I bring that up is we do
17 have several children at the nursery school who have severe allergic reactions to
18 nut oils and are on Epiphens. And we have had experience in the past where it
19 has been difficult to find even from somebody local because they misconstrue the
20 church for the school. And I don't know if there is any leeway there to let it stay up
21 until then, but we do have several that immediately have to be administrated the
22 Epiphen and go by ambulance to the hospital should something happen with an oil
23 of some sort.

24 COMMISSIONER HIELSCHER: If I might?

1 CHAIRMAN WARGA: Yes, please.

2 COMMISSIONER HIELSCHER: We understand and empathize
3 with your position. However, this Board only makes, this Commission only makes
4 recommendations to the Village Board. We do not, sitting here tonight even if we
5 wanted to, have the power or the authority to tell you you can keep your sign up
6 until the Village Board meeting on the 17th. We don't have that right.

7 CHAIRMAN WARGA: Well stated.

8 MS. ROLIGHED: Thank you.

9 CHAIRMAN WARGA: Okay. Do we have a deliberation? A
10 motion?

11 COMMISSIONER STEIN: I will make the motion.

12

13 **A motion to recommend to the Village Board of Trustees, approval of an**
14 **amendment to Special Use Ordinance 93-763 eliminating condition 10 which**
15 **states "No permanent sign usage shall be allowed on the Subject Property**
16 **for the School" subject to the following conditions:**

- 17 **1. An approval pursuant to any requested review by a Village consultant,**
18 **Staff member, Board or Commission shall be an approval of only**
19 **those items specified in any motion, resolution, ordinance or written**
20 **report. Under no circumstances shall such an approval be deemed to**
21 **be the approval of any other matter by virtue of the fact that those**
22 **other matters may appear on the supporting documents such as a site**
23 **plan, engineering plan, or plat that was the subject of the review.**
24 **Neither shall any such written approval be deemed to be an approval**

1 **of any matter, which is within the jurisdiction of any other Village**
2 **consultant, Staff member, Board or Commission or any County, State**
3 **or Federal Agency.**

4 **2. All signage for the school shall be subject to the review and approval of**
5 **the Architectural Commission.**

6

7 COMMISSIONER HIELSCHER: Second.

8 CHAIRMAN WARGA: We have a second. All in favor?

9 (Chorus of ayes.)

10 CHAIRMAN WARGA: Any against?

11 (No response.)

12 CHAIRMAN WARGA: So moved. Thank you, Joanie, we
13 appreciate it.

14 We are now opening the public hearing on the 400 Wagner
15 Road case which is consideration of an amendment -- excuse me, strike that. **This**
16 **is the hearing for the 1799 Willow Road, consideration of a special**
17 **development plan review for Your Home at 1799 Willow Road, submitted by**
18 **Orren Pickell Designers & Builders, LLC. This is Case No. 2006-01.**

19 Any petitioners, objectors, interested persons wishing to be
20 heard on this matter, please stand. Raise your right hand.

21 (Witnesses sworn.)

22 CHAIRMAN WARGA: Thank you. And who is here on behalf of the
23 petitioner?

24 MR. KEMPF: My name is Bart Kempff. I'm --

1 CHAIRMAN WARGA: You can step on up please, Bart. Thank you.
2 Welcome.

3 MR. KEMPF: Thank you. My name is Bart Kempff. I'm general
4 counsel and director of development with Orren Pickell Designers & Builders.
5 We'd like to make a brief --

6 CHAIRMAN WARGA: You may go ahead and give your
7 presentation.

8 MR. KEMPF: On behalf of Orren Pickell Designers & Builders, we
9 were pleased to have the opportunity to open what we are terming Imagine Your
10 Home with Orren Pickell directly across the street here connected to the Starbucks.
11 What we are proposing to put into that space is a custom home furnishing,
12 cabinetry and design center whereby we will really be creating, so to speak, a
13 dream house where there will be several different parts of the home from the
14 kitchen to the master bath to the master bedroom to the office, all showing state-of-
15 the-art products, design ideas and furnishings that we believe the community, fits
16 into both the North Shore and specifically the Northfield community. And we are
17 just very pleased to have the opportunity to come into the Village.

18 CHAIRMAN WARGA: Thank you. Are there any questions by the
19 Commission?

20 COMMISSIONER STEIN: Just briefly. You have to gut the inside of
21 the building to put in pretty much all that?

22 MR. KEMPF: Yes, ma'am. We will be completely gutting out the
23 entire building. We'll be putting in a new staircase which will be a sweeping
24 staircase, very dramatic and beautiful, bookshelves all up the side. We'll also be

1 putting in, for health and safety, a new elevator in the building as well that will go to
2 the second floor.

3 COMMISSIONER STEIN: Great.

4 CHAIRMAN WARGA: You've seen the Staff recommendations?

5 MR. KEMPF: I have.

6 CHAIRMAN WARGA: Okay. And are you having any issues or
7 concerns with what we're requesting as far as drainage information?

8 MR. KEMPF: Not at all. I believe, I'm with Mark Benner who is an
9 architectural principal for our company, I believe the engineering and drainage was
10 submitted today to the Village and the signage for the Architectural Review
11 Commission will be submitted next week.

12 CHAIRMAN WARGA: Okay. And landscaping, did you resolve --
13 there was a question about whose property that was, I believe to the, is it to the
14 east of you?

15 MR. KEMPF: Yes, with Dr. Butell?

16 CHAIRMAN WARGA: Right.

17 MR. KEMPF: We're currently discussing it with Dr. Butell. We've
18 offered at no charge to the Doctor to do a landscaping plan that incorporates the
19 front of his property as well. He just has asked for a little bit of time, I believe, to
20 review it and upon his review and approval, then we would implement that.

21 CHAIRMAN WARGA: Okay. And you're okay with the hours for
22 business?

23 MR. KEMPF: Absolutely. You know, I live in Glencoe and that's
24 my Starbucks as well. I'm sure it's like everyone else's here. So, that's why we

1 decided not to open until 10:00 in the morning because we know there's a huge
2 rush in there from, you know, 7:00 to 9:30 to 10:00 and that parking lot is packed.
3 So, we're happy to open at 10:00 o'clock when it slows down a little bit as well.

4 CHAIRMAN WARGA: Very good. Any other questions?

5 COMMISSIONER VASELOPULOS: Yes. Do you have any more
6 details on your sign?

7 MR. KEMPF: We do not, it's in, I believe, final design phase now
8 but we will have a more formal signage by next week.

9 COMMISSIONER STEIN: I just have a quick question. We're
10 making some feeble attempts to unify the landscaping in Downtown Village Center.
11 Just that when you do have the particular landscaping plans and the plant material
12 that you're going to be using, you will get a copy of that, will you not?

13 MS. SIGMAN: Yes, I will.

14 COMMISSIONER STEIN: As well as Architectural?

15 MS. SIGMAN: Right. Linnea O'Neill does the formal reviews of
16 those but with me.

17 COMMISSIONER STEIN: Good. It looks good.

18 CHAIRMAN WARGA: Okay. Any closing remarks by you?

19 MR. KEMPF: None at all.

20 CHAIRMAN WARGA: Okay. Do we have a motion?

21 COMMISSIONER HIELSCHER: Yes. While I do think it is perhaps
22 the most difficult parking lot in the State of Illinois to navigate at times, clearly the
23 use is not going to be any different than what has been Don's operation there, so.

24

1 **A motion to recommend to the Village Board of Trustees, approval of a plan,**
2 **within an area of Special Development Control, for Your Home to locate**
3 **within the property commonly known as 1799 Willow Road subject to the**
4 **following conditions:**

- 5 **1. An approval pursuant to any requested review by a Village consultant,**
6 **Staff member, Board or Commission shall be an approval of only**
7 **those items specified in the motion, resolution, ordinance or written**
8 **report. Under no circumstances shall such an approval be deemed to**
9 **be the approval of any other matter by virtue of the fact that those**
10 **other matters may appear on the supporting documents such as a site**
11 **plan, engineering plan, or plat that was the subject of the review.**
12 **Neither shall any such written approval be deemed to be an approval**
13 **of any matter, which is within the jurisdiction of any other Village**
14 **consultant, Staff member, Board or Commission or any County, State**
15 **or Federal Agency.**
- 16 **2. Final detailed engineering and drainage information must be provided, as**
17 **required by the Village Engineer, prior to permitting.**
- 18 **3. The landscape plan, lighting plan, building elevations, all site**
19 **improvements, and signage shall be subject to the review and**
20 **approval of the Architectural Commission.**
- 21 **4. Your Home shall not be open for business prior to 10:00 a.m. Monday**
22 **through Friday.**
- 23 **5. There shall be full compliance with the plans and written materials**
24 **submitted.**

1

2

CHAIRMAN WARGA: And do we have a second?

3

COMMISSIONER SMITH: I'll second.

4

CHAIRMAN WARGA: All approve?

5

(Chorus of ayes.)

6

CHAIRMAN WARGA: Any against?

7

(No response.)

8

CHAIRMAN WARGA: So moved. Thank you very much. We

9

appreciate it very much. Good luck.

10

Now, for our last item on the agenda tonight which it looks

11

like we have a few people here interested in. **This is the public hearing on Case**

12

No. 2005-36, 1803 Willow Road, consideration of a special use for a personal

13

wireless service "impact" facility and a height variation for antennas 166 feet

14

to be mounted on top of Commonwealth Edison existing 151 foot tower at

15

1803 Willow Road which is the Northwest corner of Willow Road and Central

16

Avenue, submitted by US Cellular.

17

And would the petitioner, any objectors and any interested

18

persons wishing to be heard on this matter stand? Raise your right hands.

19

(Witnesses sworn.)

20

CHAIRMAN WARGA: Thank you. And please, we'll have the

21

petitioner present and state your name first.

22

MR. BIENIEK: Yes. Good evening. My name is Mike Bieniek, 655

23

First Bank Drive, Palatine, Illinois. I'm with the company called Site Acquisition

24

Consultants. We represent US Cellular. With me this evening, I have Trevor

1 Gadson who is a project manager with US Cellular, and Andre Termanowski who
2 is the radio frequency engineer with US Cellular as well.

3 Real briefly, what I'd like to do -- Trevor, can you show the
4 Board? What I'd like to do is explain what our proposal is. What we are proposing
5 to do is do what's called a power mount on a ComEd existing tower which is
6 basically caddy-corner across, northwest across Willow and Happ. As you may
7 recall, we were before this Commission almost exactly a year ago on a site right
8 behind Bank One. However, a problem arose. We got to the Village Board level,
9 ComEd went to do some test on it. The gentleman who went to do a test on the
10 line went up with straight hair and came down with curly hair.

11 We found out from ComEd just before the Village Board
12 hearing that that site is actually an extremely high voltage line that comes out of
13 the Zion area and runs straight to the south. So, the power on those transmission
14 towers was too high of a voltage level to go on. So, what we are doing is we are
15 proposing to switch lines from the west line as you see in the picture to go to the
16 east line.

17 In order to do that, there are only certain towers that
18 structurally can handle, I don't know if -- I'm sorry?

19 COMMISSIONER HIELSCHER: Yes, could you hold that up?

20 MR. BIENIEK: Sure.

21 COMMISSIONER HIELSCHER: Thanks.

22 MR. BIENIEK: What we are proposing to do is go to the eastern
23 line. And in order to do that, what we are proposing to do is locate on the tower
24 that is closest to Willow Road to that intersection. The reason for that is that only

1 certain towers are able to handle the antenna load. Some towers are transition
2 towers that hold the lines that go to the towers that have the structural strength.
3 So, on that line, that's why we are going to that tower.

4 What we are proposing to do is locate on that tower, go
5 underground with all our lines, and there is a cluster of trees that you can see here
6 are evergreen trees. And we are proposing to locate an equipment cabinet behind
7 those so that it's completely screened from view.

8 What I'd like to do at this point in time is we have the Staff
9 report which obviously you've seen which has some objection to what we are
10 proposing based on the fact that it is termed a "no impact" site. However, I would
11 like to disagree with the Staff report in that what we are here for is a special use
12 permit. Obviously this is what we considered to be a special use. The Staff report
13 states that, as I stated, the definition of "no impact" is not met by the Village Code
14 and, let's see, it says that we have not provided information as to why we cannot
15 locate on a public taxing body.

16 That is something that we discussed last year. What I have
17 for you, and I will have Trevor pass out to you, are propagation maps which show
18 that that is something that we certainly did look at, that was something that US
19 Cellular did consider. Here, let me pass each of them out. What I'll do after he
20 passes all these out is explain what we are looking at in each of the sites and as to
21 why they would not work for our coverage objectives.

22 MS. SIGMAN: If I could note, if these are going to be exhibits that
23 are handed out, they need to be labeled Exhibit A, B, C and will need to be entered
24 into the public record. So, we need to indicate which one we're speaking of and --

1 CHAIRMAN WARGA: These are different than what's in our packet.

2 MS. SIGMAN: Yes.

3 MR. BIENIEK: Yes. The first one that I'd like to show you is the
4 facility at 1800 Winnetka Road, the title kind of got a little bit cut off at the top there.
5 You can see here, it really leaves a big gap in coverage for what we are looking at.

6 CHAIRMAN WARGA: Let's call that Exhibit A then. And make sure
7 we all have the same sheet.

8 COMMISSIONER STEIN: Which one?

9 MR. BIENIEK: The 1800 Winnetka Road.

10 CHAIRMAN WARGA: That's what's on top of the sheet.

11 COMMISSIONER STEIN: Got it.

12 CHAIRMAN WARGA: All right. That's -- is that all the evidence you
13 have? This is this one here. So, we're just getting that. So, that's A.

14 (Whereupon Exhibit A was marked for identification.)

15 MR. BIENIEK: Okay. As you can see, it clearly leaves, based on
16 the colors, in a nutshell what the colors represent, the green and the blue represent
17 what is considered to be a good coverage level for US Cellular. And if you look at
18 the intersection of Willow and Happ as well as north of there, it completely leaves a
19 coverage gap based on the red, the black and the yellow.

20 The second one that we looked at and will be Exhibit B is
21 546 Frontage Road. And again, you can see, it clearly leaves that coverage gap in
22 the middle here near Willow and Happ. That is our coverage objective area.

23 CHAIRMAN WARGA: Dan, we need to pass this. So, this is Exhibit
24 B?

1 MR. BIENIEK: B, correct. So, having shown you those, that
2 provides the information that you are looking for regarding our ability to locate on
3 those existing facilities. It clearly shows that we do not meet our coverage
4 objectives by going to those sites.

5 The second point, "has not provided evidence supporting
6 their need for a variation to allow the structure, if it collapses, to fall completely
7 within the site on which it is located." We have a structural analysis that I could
8 provide. I only have one copy. And it states that the tower will meet and hold the
9 loading of the antennas for US Cellular. This I'll provide as Exhibit C.

10 Now, one of the things that you have to realize is these are
11 existing towers. And we're not building a new tower, we are simply adding a 15-
12 foot mount on top of them. That structural report clearly states that ours would not
13 cause the tower to tip. And in the very unlikely event that anything did happen to
14 those towers, they are designed with the cables, the power lines that run from
15 tower to tower. They hold up the tower so they would not literally fall over. Those
16 cables would hold them up, so they will not fall.

17 "Has not provided evidence that they have approval to
18 access the equipment shelter across UP right of way", we have an access
19 easement. I've got the deed that I will provide as Exhibit D. This is the same deed
20 that we provided last year showing that ComEd has an easement through that
21 property. And as such, with an access agreement and the lease with US Cellular,
22 US Cellular does have the right to access that property through that easement.

23 The variation, I have propagation maps. Can you pass those
24 out? Okay. The propagation maps, I guess we're up to Exhibit E, I believe.

1 (Whereupon Exhibits B and E were marked for
2 identification.)

3 CHAIRMAN WARGA: Let's see, that was C, this would be D. I
4 believe D.

5 MS. SIGMAN: This is D. The deed is D.

6 CHAIRMAN WARGA: This is C, all right, that's D. We only have
7 just one copy of D, is that correct?

8 MR. GADSON: That is correct.

9 MR. BIENIEK: Yes.

10 CHAIRMAN WARGA: I could make a recommendation in the future
11 that I believe we're supposed to be provided this individually in the future.

12 MR. BIENIEK: Okay. If you'd like, I'll keep that and make copies for
13 you.

14 CHAIRMAN WARGA: It's okay right now. But in the future so we
15 can -- instead of trying to shuffle through on this.

16 MR. BIENIEK: Absolutely.

17 CHAIRMAN WARGA: Thank you.

18 MR. BIENIEK: So, the next exhibit is the propagation map showing
19 the site Willow and Happ at 35 feet, that propagation map. What this shows, and I
20 will compare it to the next exhibit as well is Willow and Happ proposed ComEd
21 installation. That will be the next exhibit.

22 CHAIRMAN WARGA: That would be F, right?

23 MS. SIGMAN: That's correct. E and F are the two.

24 (Whereupon Exhibit F was marked for identification.)

1 MR. BIENIEK: Correct. Okay. On Exhibit E, you can clearly see
2 that there is a significant diminution of coverage as compared to Exhibit F, the
3 ComEd installation proposal. It leaves a very significant gap in coverage along
4 Hubbard up by Tower and, you know, in that general area along Skokie Boulevard.
5 So, that clearly shows that based on the coverage at the 35-foot level, we would
6 basically be covering the site and maybe a block around at best which obviously
7 does not meet the coverage objectives for this area.

8 That basically sums up all the exhibits that I want to provide
9 to you. As I stated to you before, this is a special use. It's very unique and we feel
10 that based on the aesthetics, you will not notice that it's even there. Yes, I
11 understand that it's 15 feet above the ComEd towers, but if you look at the pictures,
12 the aesthetics does not change. People aren't going to suddenly notice that you
13 have antennas there. So, at this point, if you have any questions, I'd be more than
14 happy to answer them.

15 CHAIRMAN WARGA: Okay. First, we have time for cross
16 examination by interested parties or objectors. Okay, please, we have a
17 microphone please. And state your name and your address.

18 MR. PECK: Hi, I'm Jon Peck. I live at 838 Camden Lane. I'm at a
19 bit of a disadvantage because I haven't really seen all these exhibits. It's kind of
20 hard to see what's going on here. But my concern is the access building and the
21 support building down below. It sounds like this is going to essentially be on our
22 block, the Union Pacific line, which is our corridor which we're hoping at some point
23 to turn into a bike trail and a pedestrian pathway. It's also a pretty prominent place
24 in the Village and it doesn't seem to me that the objectives of the Village are

1 necessarily to solve US Cellular's problem.

2 US Cellular has its objectives. The Village has its own
3 objectives having to do with the quality of the Village Center and our other uses for
4 the land. And whether or not these meet the US Cellular objectives is really not
5 relevant for whether this is an appropriate use of the land. I'm very concerned that
6 we not give up this corridor now for US Cellular's need and thereby preclude the
7 multi-Village initiative to build a bike trail and a pedestrian walkway that would run
8 north-south through the Village. If we cut it once, it's cut and we can't very well
9 restore that. Thank you.

10 CHAIRMAN WARGA: Thank you, Jon. And this gentleman, please
11 if you could take the microphone?

12 MR. DOHERTY: Good evening, George and Commissioners. My
13 name is Pat Doherty and for the past 33 years, my wife and I have lived at 197
14 Avon Avenue here in Northfield.

15 The proliferation of cell phone usage and the resulting need
16 for cellular antennae or towers has been a hot and a controversial issue here in the
17 northern suburbs since at least 1996. Monopole was the word that Ameritech used
18 for such antennae or towers. Nicknames included Space Needle and even Nike
19 Missile. And it was not uncommon in the heat of battle to hear them referred to as
20 the Monopole monstrosities.

21 The Pioneer Press August 8th, 1996 editorial warned
22 communities to examine using their zoning authority to limit the size of monopole
23 towers or antennae and to seek out locations within their communities or nearby
24 that might be either permitted or excluded. I have a memo from Village Manager

1 Mark Morien some nine years ago stating that the Federal Government prohibits
2 municipal authority to stop such antennae or tower installation. The best we can
3 do is to determine locations in town where construction might be appropriate.

4 So, here we are staring at the possibility of permitting a
5 monopole monstrosity right smack in the busiest intersection in Northfield.
6 Perhaps they can find a more suitable location in or near our town and perhaps
7 they would be agreeable to cooperating with the negative Village sentiment. Let's
8 hope we don't all arise one day and view a Space Needle surrounded by a
9 chainlink fence, or like what happened in Niles by a barbed wire fence. Let's do
10 everything we can to avoid such an eyesore in such a prominent location in our
11 charming principally residential community. Thank you very much.

12 CHAIRMAN WARGA: Thank you, Pat. Any other parties or
13 questions for John? Or excuse me, Mike?

14 MR. BIENIEK: That's all right.

15 CHAIRMAN WARGA: Okay. Questions by Commission members?
16 Oh, we have someone? I'm sorry. Please, sorry about that.

17 MR. HOFFMAN: I'll just make it quick. Cliff Hoffman, I reside at 142
18 Frontage Road. And similar to Jon, I would like to go on record as objecting to this.
19 Anything I think that would infringe upon that UP land without any further study as
20 to other uses, once this is accepted and used, you don't get that land back. And
21 I'm a proponent for the tri-village bike trail, and for that reason, I object to that.

22 And I do have a question as to, you stated about, there's
23 going to be a cabinet? Can you tell me the size of that cabinet?

24 MR. GADSON: I'm Trevor Gadson, project manager of US Cellular.

1 The cabinets are approximately 48 inches high, 44 inches wide, about 24 inches
2 deep.

3 MR. HOFFMAN: And there's a service building that resides under
4 that tower, too?

5 MR. GADSON: No, the cabinets will be in place in lieu of the
6 service building so there would not be a building on the property.

7 MR. HOFFMAN: The cabinets go where?

8 MR. GADSON: The cabinets will be in place of the building so there
9 would not be a building.

10 MR. HOFFMAN: And the materials for that cabinet?

11 MR. GADSON: The cabinet will be made of standard metal cabinet
12 materials. But there will also be a fence as well as mature trees to be planted
13 along the perimeter of the compound so that none of the cabinets or the equipment
14 will be visible to the public.

15 MR. HOFFMAN: Well, the fence and the landscaping would
16 definitely be visible, right?

17 MR. GADSON: Right, but we'd be more than willing to work with the
18 Village to come up with the landscaping plans, et cetera.

19 MR. HOFFMAN: So, whether that's sightly or unsightly is a matter
20 of opinion.

21 MR. GADSON: But the cabinets themselves are indeed invisible to
22 the public.

23 MR. BIENIEK: And there are existing mature trees that we are
24 locating to the, that would be the south and east side of where we're proposing to

1 go. So, we would locate existing or propose shrubbery on the other sides to
2 basically shield this from view. That's our objective.

3 MS. SIGMAN: Chairman Warga, if I could ask a moment? The
4 application you submitted shows the 30 by 30 equipment shelter on top of those
5 existing evergreens. And you do indeed show a cable housing shelter. Are you no
6 longer going with the application you submitted?

7 MR. BIENIEK: That was, Ms. Sigman, if you may recall, that was
8 submitted prior to our discussion that we had, I believe, in late October-early
9 November.

10 MS. SIGMAN: But we never received any additional application.
11 You submitted a letter stating you wanted to move forward with the application as
12 presented.

13 MR. BIENIEK: Okay.

14 MS. SIGMAN: Is that no longer the case?

15 MR. BIENIEK: No, we are proposing to do the cabinets. That was
16 something that you had stated you'd prefer, so that's what we are proposing to do.
17 They are obviously much smaller, as Trevor mentioned, and less visible. An
18 equipment shelter is 11. by 20. It's ten-foot with a slight pitch roof on it, so we're
19 going away from that to go to the cabinets.

20 MS. SIGMAN: And for the record though, Staff has seen no
21 documentation, no submittals. We discussed the entire location being
22 inappropriate as outlined in Staff's report but I never received any additional
23 documentation nor a move of the location which in this particular case calls for the
24 removal of all of those mature evergreens that you see on that location and putting

1 the 30 by 30 location on top of it.

2 MR. BIENIEK: I don't believe we're proposing to remove them.

3 MS. SIGMAN: It's shown on your Exhibit L-1.

4 MR. BIENIEK: Is it? Okay, I apologize.

5 COMMISSIONER STEIN: So, what are we talking about now?

6 COMMISSIONER HIELSCHER: So, at this point, we're really not in
7 possession of an application of what you're asking for.

8 MS. SIGMAN: It appears not. I mean, Staff's letter, the letter that
9 Staff received said that they wanted to move forward with the application that they
10 had submitted to us in August of '05. That's what you received. And I received
11 that notice a month or two ago. But I have not received any additional information
12 than the exhibits that you received this evening.

13 MR. BIENIEK: We can certainly provide that for you.

14 COMMISSIONER HIELSCHER: Well, I understand, believe me,
15 what you're saying. But as you may have heard from the, if you were here for the
16 beginning of our meeting tonight, we are acting on your application as filed which
17 calls for the building.

18 CHAIRMAN WARGA: We don't have any of the documentation.

19 MR. BIENIEK: I understand.

20 CHAIRMAN WARGA: So, I guess at this point, if this is not what
21 you want to apply for, I don't think necessarily you want us to be --

22 MR. BIENIEK: Well, if you would prefer to continue it to next month,
23 I will have drawings that show that equipment cabinet and --

24 MS. SIGMAN: It's already too late to be published for next month's

1 meeting and Staff would need additional time to review this. So, the soonest we
2 could continue it to is the March meeting.

3 CHAIRMAN WARGA: Would you like to make a request for that?

4 MR. BIENIEK: Yes, that would be appropriate.

5 CHAIRMAN WARGA: Do we have a motion?

6 COMMISSIONER STEIN: Well, before we move on this, I certainly
7 would like to see some sort of engineering guarantee that this can withstand winds.
8 I think our code says 120 miles an hour.

9 COMMISSIONER HIELSCHER: I think he submitted -- we just don't
10 have copies of that. He has submitted it.

11 MS. SIGMAN: Except I don't believe that's what this engineering
12 report says. From our conversations, this says it can support the antenna. It does
13 not say it can support wind loads of 120 miles an hour.

14 COMMISSIONER STEIN: That's what our code says. It cannot fall
15 within the area of the lot which this isn't really a lot. It has to withstand winds up to
16 120 miles an hour.

17 MR. GADSON: Understood. And the structure report does state
18 that not only can the tower support our antenna load and co-ax load but it will
19 withstand a wind load of 120 miles an hour.

20 COMMISSIONER STEIN: And then, we are talking about a "no
21 impact" equipment shelter which means it does have to be completely sheltered.
22 And from your landscaping plans in this proposal, that certainly is not --

23 MR. GADSON: That is correct. We will
24 provide an updated plan that will show that that is completely --

1 MR. BIENIEK: We'll make sure that's --

2 MS. SIGMAN: Staff's interpretation of no impact is it's no more
3 visible than what's out there today. So, unless it's underground, I don't know how
4 they can get the equipment to be no impact. They are only allowed in the Village
5 Center as a "no impact". Their other facility was different in that it was located in
6 the B-1 zoning district. In the Village Center, the way if you really read the code,
7 it's to be camouflaged behind false roof of a building into a steeple.

8 COMMISSIONER HIELSCHER: Or behind shutters.

9 MS. SIGMAN: Exactly. So, it's seamless. It doesn't say, you know,
10 you can screen it with landscaping. I mean, it says camouflaged so as to the
11 extent that it's no more obtrusive to the casual observer than the structure on which
12 it is placed. This is not going on an existing structure. The antenna is but the
13 ground equipment is not. The ground equipment would still obviously have to have
14 access and signage and fencing around it, all of which I don't believe can rise to
15 meet the "no impact" standard outlined in the code.

16 COMMISSIONER HIELSCHER: And on that basis, I have a motion
17 --

18 COMMISSIONER STEIN: My only other concern is this access
19 road coming in between Central and the Walgreen's parking lot.

20 MR. BIENIEK: We could do that --

21 COMMISSIONER STEIN: The police doesn't, they don't like it.

22 MR. BIENIEK: Understood. And we've done a similar type of
23 situation in the Village of Morton Grove. We have an existing ComEd and they did
24 not want to see an access road. So, what we used was a material called

1 Grasscrete. It's kind of like a concrete block that allows the grass to grow through
2 holes in the concrete so you don't see it, but yet it provides a sturdy enough ground
3 to drive onto.

4 COMMISSIONER STEIN: Is there a curb cut there now?

5 MR. BIENIEK: Yes.

6 COMMISSIONER STEIN: Do any vehicles go in and out of that
7 site?

8 MR. BIENIEK: ComEd goes through there.

9 MR. GADSON: Certainly the utilities may use that to access --

10 COMMISSIONER STEIN: Can they not come down from the north?

11 MR. BIENIEK: They have, well, it is, we stated before, we went
12 through this last year and they have the access through Bank One parking lot. So,
13 if they had to, they could come through there.

14 COMMISSIONER STEIN: Is any of this proposal on the Union
15 Pacific right of way?

16 MR. BIENIEK: No, it's within ComEd's right of way.

17 MS. SIGMAN: The access drive is in the Union Pacific right of way
18 as shown on the plans that I received. The access road would be.

19 MR. BIENIEK: It is, yes, that's correct. But it is in the easement the
20 ComEd has with Union Pacific.

21 MS. SIGMAN: And again, that's one of the issues that was raised
22 tonight. The Village has begun to move forward with the regional plan for a bike
23 way along there, so Grasscrete pavers and other things would be an obstacle.
24 And obviously any increased traffic along there would also be problematic for any

1 bicycle-way that went through.

2 CHAIRMAN WARGA: So, despite having a, talking about even as
3 far as presenting a different application, we still have issues with some of these
4 matters that I don't think that we're comfortable with. So, let's continue with our
5 conversation.

6 MS. SIGMAN: I guess I just wanted to add two things. Staff did
7 receive two additional letters that I would like to read into the record if I might. I
8 received them this morning.

9 So, the first one says, "Good morning. We would like to
10 express our strong displeasure at the proposed Cellular tower in the middle of our
11 Village. We hope that the Commission will firmly oppose this unsightly structure.
12 Sincerely, Peggy and Bob Soare at 50 Lagoon Drive, Northfield."

13 And then, we got an additional one sent to Linnea O'Neill.
14 "Will you please pass along my objections to the Plan & Zoning Commission for the
15 proposal to allow US Cellular to build an equipment building and antenna on the
16 corner of Willow and Central? Having served on the Community Life Commission
17 for seven years and on the Architectural for four years, I know how important it is
18 for everyone in our community to upgrade the community events sign in the
19 surrounding area at the corner of Willow and Central."

20 "The Friends of Northfield and the Village officials have held
21 open discussions about upgrading and making the entrances to Northfield more
22 beautiful. ComEd should be a good neighbor and not undermine these plans for a
23 few extra dollars. This is a golden opportunity to beautify Northfield. Please do not
24 allow it to be spoiled. Tom Jennings with the Architectural Commission." And I do

1 not have an address.

2 CHAIRMAN WARGA: We'll label those letters which we all have in
3 our hands as G and H, Exhibits G and H.

4 Any other questions by the Commission?

5 (Whereupon Exhibits G and H were marked for
6 identification.)

7 COMMISSIONER HIELSCHER: I have a motion.

8 CHAIRMAN WARGA: Okay. Let me just make sure. Do you have
9 any closing remarks if any by the petitioner?

10 MR. BIENIEK: No. And we would be more than happy if you'd like
11 for us to come back in March to provide drawings. We would certainly welcome
12 the chance.

13 MR. GADSON: Also, I would like to add that if the Commission
14 does have a plan for that corner as far as beautification goes, US Cellular is more
15 than willing to work in accordance with those plans with something that would be
16 acceptable to everybody.

17 CHAIRMAN WARGA: Any other Commissioner questions? Okay.
18 Any motions?

19 COMMISSIONER HIELSCHER: Yes. While I do believe the
20 petitioner tonight has addressed some of the concerns raised by Staff such as
21 providing the evidence that they have approval to access the equipment shelter, et
22 cetera, we have a code which is fairly straight-forward as far as what is or is not a
23 "no impact" facility. And based on my reading of that code, unless this antenna
24 was somehow covered up or behind louvers, whatever the case may be, even if

1 you were to come back in March, you would not be able to demonstrate that the
2 proposed facility meets the definition of a "no impact" personal wireless service
3 facility as required by code in the Village Center zoning district.

4 For that reason, I move that this Commission **recommend**
5 **to the Village Board denial of the proposed special use to allow for a**
6 **personal wireless service facility at 1803 Willow Road as submitted by US**
7 **Cellular.**

8

9 COMMISSIONER deLOYS: Second.

10 CHAIRMAN WARGA: We have a second. All in favor?

11 (Chorus of ayes.)

12 CHAIRMAN WARGA: Any against?

13 (No response.)

14 CHAIRMAN WARGA: So moved. Thank you. Thank you very
15 much.

16 Okay. Is there any new business we need to discuss?

17 MS. SIGMAN: There is no new business. If anybody needs any
18 additional detail, I can always provide them access to Buzz. If you have any
19 questions sort of on the whole new procedures and obviously we started
20 implementing that tonight, but we thought the first of the year was a good time to
21 start. We do have a couple of cases for February, so hopefully everybody will be
22 able to make that. I wish I could remember them off the top of my head but I can't.
23 But you'll be getting an email on those.

24 CHAIRMAN WARGA: Do we have a motion to adjourn?

1 COMMISSIONER SMITH: I make a motion to adjourn.

2 CHAIRMAN WARGA: Second?

3 COMMISSIONER STEIN: Second.

4 CHAIRMAN WARGA: So moved. Thank you everybody. Thank
5 you audience for being here. We appreciate your contributions to Northfield.

6 (Whereupon the above meeting concluded

7 at 8:20 p.m.)

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