

**Village of Deer Park
Regular Board Meeting Minutes
September 17, 2001**

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1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, September 17th, 2001 at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 8:06 pm. Upon roll call the following were present: President Karl, Trustees Benjamin, Dowell, Gifford, Plautz, and Werch. Trustee Kizior was absent. Other Village Officials present were Administrator Diesen-Dahl, Clerk Smith, Engineer Gordon, Building and Zoning Inspector Holmes, and Attorney Scott Hargadon. President Karl declared a quorum.

Guests present were: Gary and Bonnie Drzewiecki (44 Deerpath Road); Fred Chamberlain (Dover Pond Homeowner Association); Trent Punnett (20288 Wallingford Lane); Michael A. Moses, Esq. (Max & Erma's); Diane Edelson (Max & Erma's); Jamie Bonham (Max & Erma's); Tom Polzin (Hey & Assoc); George & Urszula Polywka (1599 Coral Reef, Lake Zurich); Karen Wulff Robertson (Grand Rapids, MI); Gloria Wulff Linone (Des Plaines, IL); Robert Wulff (St. Charles, IL); George B. Lauber (21861 Inglenook Court); Stefan & Irene Gomboc (131 Rue Touraine); Nadia Zaffarkhan (217 Rue Jardin); Pearl Zarazinski (135 Rue Touraine); Ruben Medina (20543 Wallingford Lane); Nancy Roto (20405 Dover Court); Mary Lahr (201 Rue Tournaine); Bill & Patti Hughes (400 Bramble Lane); Andris Putnins (300 Bramble Lane); Robert & Yvonne Zeman (22337 Wooded Ridge); Glen Sharapata (22285 Wooded Ridge); Russell A. Carnehl (22321 Wooded Ridge); Thomas Swider (22464 Wooded Ridge); Nora Halloran 22356 W Sturm, LZ); John Nueber (VSI, Inc.); Karen Sande (22333 W Sturm, LZ); Eric Peterson (Daily Herald); Garrett Vojack (Rue Vallee); Phil & Sue Romanchuk (22480 W Sturm, LZ); Dan Csaki (139 Rue Touraine); Joe Tassi (20676 Wallingford Lane); Julie Nagle (208 Hidden Pines).

2. CONSENT AGENDA

Minutes from:

- A. Plan Commission Meeting 9/4/01
- B. Plan Commission Public Hearing 9/4/01
- C. Zoning Board of Appeals Meeting 9/4/01
- D. Board of Trustees Regular Meeting 8/20/01

MOTION: by Dowell second by Benjamin to accept the Consent Agenda.

Upon Voice Vote:

YES: (5)

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

3. REOPEN MEETING

MOTION: By Koe second by Lahr to reopen the Regular Meeting of the Plan Commission. Upon voice vote:

YES: (5)

NO: (0)

Motion Carried 5/0

4. ZONING BOARD OF APPEALS

A. 16 Deerpath Road

Petitioners Lesa Meyer and Scott Sauer are petitioning for a variance from the accessory use size limitation for the addition of a 3-car garage. Current garage is old (original house dates from 1920, with an addition in 1980) and does not meet the needs of the homeowners. Petitioners are not able to attach the proposed garage to

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the house due to layout of the exterior of the home, and utilities. Proposed garage to be stick and frame with wood or vinyl siding. Footprint of new garage will be approximately the same as for existing garage and shed (to be removed).

Petitioners have appeared before the Zoning Board; ZBA recommends granting of the variance requested.

MOTION: by Werch second by Gifford to grant the variance submitted, as it does not violate the spirit of the ordinance regarding outbuildings. Variance granted with restriction that garage is to be no more than 16' in height and 35' wide x 28' deep, with existing accessory buildings to be removed prior to 12/31/01. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Plautz, Werch

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

B. 21861 Inglenook Court

Petitioner George Lauber requested a variance to the 50' front setback (requesting setback of 38') to add an additional stall to an existing 2-car garage. Petitioner unable to expand in other directions without moving utilities and losing an exterior bedroom window. Board has previously desired to hold fast to the front setback restrictions.

Petitioner has appeared before the ZBA; ZBA recommends granting of the variance requested.

MOTION: by Dowell second by Benjamin to reject the petition from Mr. Lauber for a variance to the front setback. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Plautz, Werch

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

C. 44 Deerpath Road

The Zoning Board of Appeals meeting for this petition was held immediately prior to the Board Meeting; Attorney Hargadon presented the following summarization of the meeting. Petitioners own four separate lots, any one of which is nonconforming, but when taken as a whole would constitute a conforming R-1 lot. Any expansion, therefore, requires a variance. ZBA ruled in favor of the petitioners with the condition that final COO be contingent upon resubdivision to a single lot.

MOTION: by Dowell, second by Werch to grant the variance requested for 44 Deerpath Road for a 3-car attached garage and family room, subject to the property being resubdivided as a single lot prior to COO. Upon roll call:

YES: (5)

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

5. ENGINEERS REPORT

RFP's for snowplow bids resulted in bids from VisionScape and Plote. Engineer Gordon noted that VisionScape has provided snowplow service for the Village for the last two years. Engineer Gordon recommends that the Board accept the bid from VisionScape. President Karl reported that Trustee Kizior concurs.

Equipment to be dedicated for service within the Village was not requested in the RFP; John Neuber (VisionScape) agreed to provide a list of dedicated equipment.

MOTION: by Dowell second by Gifford to accept the proposal from VSI Industries for snowplowing for the 2001 – 2002 season, subject to final attorney approval of the contract. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Plautz, Werch

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

Field Parkway and Deer Park Boulevard are the responsibility of the Village (snow removal). Standards have been increased to "bare pavement" policy.

6. POLYWKA SUBDIVISION

President Karl noted that petitioners have appeared before the Plan Commission numerous times. Board members have minutes from these meetings, as well as reports from Village Consultants and interested parties:

Attorneys Hargadon and Meek (9/7),
Engineer Gordon (8/3, 9/13, 9/14),
Health Officer Karney (8/7, 9/6),
Stormwater Management Commission (6/29, 7/30),
Dept of the Army (8/3),
Illinois Dept of Natural Resources (7/31),
Planner Savoy (7/27),
Applied Ecological Services (8/6),
Manhard Consulting (7/31),
Correspondence from neighbors (7/24, 9/11)..

Petitioner George Polywka, a Lake Zurich resident for 8 years, is requesting resubdivision of a 2.8-acre lot to two lots. Polywkas plan to leave existing home on one lot, and build a new single family home on the 2nd lot. Mr. Polywka noted that a contract to purchase had been entered into in December; petitioner has been pursuing approval for the last 10 months. Mr. Polywka believes that the proposal meets all Village requirements, and has received approvals required from LCSWMC, US Army Corps, Village Planner, Lake County Health Department, Village Engineer, and has handled all issues presented by opponents' engineers (Manhard Consulting). Additionally, the proposal allows for a maintenance easement for the Village should access be required for the pond and creek located on the property.

Tom Polzin (Hey & Assoc.) noted that Hey & Associates had performed the BFE determination, as well as an analysis of drainage for an additional 185 acres upstream of the proposed subdivision. Both of these have been reviewed and approved by LCSWMC. Hey & Assoc. also performed the wetlands delineation, which has been reviewed and accepted by the Corps and the Village. Mr. Polzin noted that the concern over drainage from the east relative to the driveway and adjacent lots' septic systems has been handled with a design solution proposing the drive at grade. This design handles drainage from the east while maintaining elevation of water in the east ditch and preserving overflow for the 185 acres.

Attorney Hargadon called attention to a letter from Urban Forest Management (with plans), dated 9/17/01, indicating favorable review of the plans for compliance with the Village Tree Preservation Ordinance. Attorney Hargadon noted that the issue of compliance resides in the intent of the ordinance—namely, to preserve woodlands without rendering a site unbuildable.

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Engineer Gordon referenced his letter of review to the Village dated 9/14/01 in which he supported the opinion that the site plan and final plat submitted meet the requirements of the LCWDO and Village Ordinance with regard to site grading, erosion control measures, wetland buffer areas, and base flood elevation. Engineer Gordon recommends approval of the site grading plan and final plat of subdivision. Further, Engineer Gordon recommends that the proposed building plan and plat of survey be submitted with the building permit application and sent to Gewalt Hamilton for review for concurrence with the subdivision's engineering plans prior to issuance of a building permit.

Public Comments:

Andi Putnins (300 Bramble) noted lack of information and lack of time for review of new information.

Bill Hughes (400 Bramble) noted the potential for flooding due to wetlands on the property. Mr. Hughes pointed out the efforts throughout the Village to preserve wetlands, and noting that wetlands delineations are subjective, felt that approval of this project could open the door for other developers with other questionable properties.

Yvonne Zeman (Wooded Ridge) questioned the wisdom of allowing new homes when SWMC has offered to purchase additional homes for alleviation of potential flooding in the area.

Tom Swider (Wooded Ridge) indicated that overtopping of the road occurs approximately 6 times per spring, and that as recently as 1 week ago the flags delineating wetlands on this property were under water.

Glen Sharapata (Wooded Ridge) raised the following issues:

1. Typical to design a driveway so that it will overtop?
2. Culvert pipe is too small and placed incorrectly.
3. Drive is named Wooded Ridge—request denial to remove 100-year old trees.
4. Kildeer is more strict with tree preservation issues.
5. What will happen to this property when the Polywkas move?

Karen Sande (Sturm Subdivision), a resident since 1990, raised concerns as follows:

1. Residents are not against a home per se, but cherish nature, seclusion, quiet, serenity, and protection from flooding; this proposal could change these elements of the neighborhood.
2. Sturm flooding is somewhat under control; addition of home reduces the amount of water property can absorb.
3. Potential septic issues.
4. Problems have arisen with this neighborhood due to previous governments approving with no liability.

Bunnie Guzzi (Sturm) Village is repeating mistakes of the past; filling in of wetlands caused original flooding problems in the subdivision.

Patti Hughes (400 Bramble) attended Illinois task force hearings (letter from Richard Acker-wetlands commission) indicating that building changes the ability of land to handle water. Ms. Hughes feels that there are too many problems, and neighbors do not want to see this subdivision happen.

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Bob Zeman (Wooded Ridge) expressed the opinion that what seemingly benefits one party will affect many others negatively.

Phil & Sue Romanchuk (Sturm) noted problems existing with the septic system of the Brunswick Zone. President Karl requested Health Officer Karney to work with the Romanchuk's to direct a review of the problems.

Gloria Linone (Wooded Ridge) noted that there had been no flooding at the original house until a tree from a neighboring property fell down and caused water problems.

Bob Wulff (Wooded Ridge) indicated that the culvert added in 1996 has alleviated flooding; petitioner has met all requirements and received all required approvals.

Mary Lahr (Rue Vallee) inquired if this proposal would have an affect on the drainage solutions discussed previously regarding Swansway flooding issues.

Travis Smith (Sturm) expressed the belief that the house will act as a dam where the wetlands are currently located.

Board Comments:

Attorney Hargadon requested the opinions of Engineers Gordon and Polzin regarding culvert sizing and placement. Both believe the culvert is sized and placed correctly.

Trustee Benjamin noted that, while understanding resident's concerns, addressing water problems is an ongoing issue for the Village, as well as other neighboring villages. Consultants have concluded the proposal is feasible and would not violate ordinances, raising liability issues for the Village if approval is not granted.

Trustee Werch expressed the belief that engineering has been carried to a conclusion of opinion. However, Trustee Werch remained uncomfortable with implications of tree ordinance interpretations as applicable to the remaining areas of the "Triangle".

MOTION: by Gifford second by Benjamin to approve the Polywka Subdivision with a note on the plat that the dive and culvert not be altered, and subject to final engineering approval. Upon roll call:

YES: (3) Benjamin, Dowell, Gifford

NO: (2) Plautz, Werch

ABSENT: (1) Kizior

Motion Carried 3/2

Petitioner to work with the attorney on final plats.

6. MAX & ERMA'S

A. Waitstaff Age Requirements

Attorney Moses referenced his letter to the Board dated 8/7/01 concerning the requirements of the Village concerning age of waitstaff for liquor. Attorney Moses noted the potential shortage of eligible labor force, noted historical experience of Max & Erma's, and presented examples from surrounding communities' requirements, and training and employee manuals.

MOTION: by Werch second by Gifford to amend the liquor ordinance from now through the end of calendar year 2002 to allow restaurants within the Village that have liquor licenses to have waitstaff 19 years of age serving tables liquor and bartenders

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21 years of age, provided individuals undergo TIPPS or BASSETT training programs. Training records to be available for review on restaurant sites. Upon roll call:

Yes: (5) Benjamin, Dowell, Gifford, Plautz, Werch

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

Board request public hearing at end of calendar year 2002 to evaluate.

B. Flagpole request

Diane Edelson of Max & Erma's indicated that new prototype restaurants have flagpoles which fly both the U.S. Flag and a Max & Erma's flag. Board indicated concerns with lighting requirements, and sign issues. Item tabled.

7. RESIDENTS CONCERNS

A. Dover Pond Subdivision

Resident Fred Chamberlain noted residents concerns over traffic and speeding through the subdivisions in the Village. Dover Pond requests that the Village install temporary speed bumps from Memorial Day to mid-October (30 of 40 homeowners approve). Board not receptive to idea of speed bumps due to impacts on the road, storage, costs, etc. Board approved "No Thru Traffic" signs for entrances. Trustee Werch to contact Kildeer Police to monitor and to discuss interval checkers. **Resident Mary Lahr** declined Board offer to install signs at Rue Vallee entrances, also.

B. ATV Nuisance Complaints

Residents Trent Punnett and Joe Tassi addressed the issue of ATV usage in subdivisions on private property, noting noise, safety, and aesthetic issues. Board noted that ATV's are prohibited on public streets and rights of way. Attorney Hargadon to draft amendment to the noise ordinance to cover excessive noise from recreational vehicles.

C. Deerpath Road

Resident Julie Nagle reported that the port-o-potty has been removed; however, the snowmobile, trailers, boats are all still present. Board directed permits not be signed for these properties until violations removed.

8. ATTORNEYS REPORT

A. Watershed Ordinance

Lake County updated watershed ordinance to assert jurisdiction over wetlands not covered by the Army Corps of Engineers.

MOTION: by Benjamin second by Gifford to approve Ordinance 01-35, the Watershed Development Ordinance, as presented. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Plautz, Werch

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

B. Ordinance 01-34: Purple Loosestrife

MOTION: by Gifford second by Benjamin to approve Ordinance 01-34 banning purple loosestrife as an ornamental plant. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Plautz, Werch

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

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C. Resolution 01-7: Coal Fired Plants

Tabled.

D. Status of Triangle Construction Budgets

Attorney Hargadon is monitoring SSA Construction budgets due to cost overruns in the construction.

9. SEPTIC SURVEY

President Karl reported that a letter has been sent to Health Inspector Karney re: review times and filing of reports. Health Inspector Karney has agreed to points in the letter; Administrator Diesen-Dahl to monitor. A survey of surrounding villages regarding septic issues included in Board packets for information purposes.

10. REPORTS

A. President Karl

1. Menards Proposal: Possibility of a Menards located on LB Anderson property at Quentin and Rand behind the storage facility. President Karl to pursue discussions/voice objections to Kildeer regarding this possible development. Trustees encouraged to attend the Lake County Framework discussion to be held Wednesday at 6:45 in Lake Zurich.
2. The Revised Comprehensive Plan will be on the agenda for next month.
3. Knights of Columbus donation request: tabled.
4. Lake Zurich may be interested in providing water to the "mini Triangle" if reach full allocation with Palatine.

B. Trustee Dowell - Finance

President Karl and Trustee Dowell met with Engineer Gordon and Jim Defferville to discuss park behind fire station.

MOTION: by Gifford second by Werch that the Board approve to allocate funds to have Engineers complete conceptual drawings of park and fields to be located behind the fire station. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Plautz, Werch

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

C. Trustee Benjamin – Parks and Recreation

Waiting on report from Planner Savoy regarding the outlot on Old Farm Road.

D. Administrator Diesen-Dahl

1. Pruning needed/removal of dead tree (request by Trustee Kizior).

MOTION: by Werch second by Benjamin to authorize an expenditure not to exceed \$2,000 for additional tree trimming in Village rights of way. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Plautz, Werch

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

2. Flagpole for Village Office: VFF to incorporate into the plan for memorial.

3. Water update: pipe has been laid from Cuba to the inside of the house; still needs to be connected.

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4. Office staff held a meeting; job descriptions compiled and will be typed and distributed. Staff working on new letterhead.

- E. Trustee Werch – Public Safety
Vehe Farm Opening this Saturday at 4:00 p.m.
- F. Trustee Plautz – Health and Sanitation
Trustee Plautz inquired as to Board consensus on a review of the Tree Ordinance.

11. CASH DISBURSEMENTS

Additions: 2 - \$500 Road Bond Refunds; new total = \$185,134.95

MOTION: by Dowell second by Gifford to approve the Cash Disbursements dated 9/17/01 in the amount of \$185,134.95. Upon roll call:

YES: (5) Benjamin, Dowell, Gifford, Plautz, Werch

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

12. TREASURERS REPORT

MOTION: by Dowell second by Gifford to approve the Treasurers Report dated 8/31/01. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

13. ADJOURNMENT

Motion: by Plautz second by Gifford to adjourn. Upon voice vote:

YES: (5)

NO: (0)

ABSENT: (1) Kizior

Motion Carried 5/0

The Regular Meeting of the Board of Trustees was adjourned at 12:27 p.m. 9/18/01.

Richard C. Karl
Village President

Sandra R. Smith
Village Clerk

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