In The Matter Of:

ZONING PLANNING & APPEALS COMMISSION

17-TA-1

Testimony of:

September 5, 2017

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

ZONING, PLANNING AND APPEALS COMMISSION

September 5, 2017

Case Number 17-TA-1
APPEARANCES:

Mr. Joseph Krusinski, Chairman
Ms. Wendy Clark, Commissioner
Ms. Holly Hirsch-Bollhoffer
Ms. Liz Leonard, Commissioner
Mr. Mark Meluso, Commissioner
Ms. Catherine Murphy, Commissioner
Mr. Orren Pickell, Commissioner
Mr. Bob Irvin, Deputy Village Clerk
Ms. Sandy Gallo, Village Clerk
Mr. Greg Smith, Attorney
CHAIRMAN KRUSINSKI: Well, everyone, welcome
to the regular meeting of the Zoning, Planning,
and Appeals Commission. My name is Joe
Krusinski. I'm the chairman of the ZPA.

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

Will the secretary please call the
roll.

MS. GALLO: Commissioner Clark?

COMMISSIONER CLARK: Here.

MS. GALLO: Leonard?

COMMISSIONER LEONARD: Here.

MS. GALLO: Hirsch?

COMMISSIONER HIRSCH-BOLLHOFER: Here.

MS. GALLO: Meluso?
COMMISSIONER MELUSO: Here.

MS. GALLO: Murphy?

COMMISSIONER MURPHY: Here.

MS. GALLO: Pickell?

COMMISSIONER PICKELL: Here.

MS. GALLO: Chairman?

CHAIRMAN KRUSINSKI: Here. I declare a quorum present.

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

COMMISSIONER CLARK: I make a motion to approve.

COMMISSIONER PICKELL: Second.

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

Secretary, again, please call the roll.

MS. GALLO: Commissioner Clark?

COMMISSIONER CLARK: Aye.
MS. GALLO: Leonard?

COMMISSIONER LEONARD: Aye.

MS. GALLO: Hirsch?

COMMISSIONER HIRSCH-BOLLHOFFER: Aye.

MS. GALLO: Meluso?

COMMISSIONER MELUSO: Aye.

MS. GALLO: Murphy?

COMMISSIONER MURPHY: Aye.

MS. GALLO: Pickell?

COMMISSIONER PICKELL: Aye.

MS. GALLO: Chairman?

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

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

As a result, we make no decisions regarding any matter but only make
recommendations to the President and the Board
of Trustees of the Village of Mettawa. This
evening's proceedings will be transcribed by a
certified court reporter. All statements by the
public and all testimony given will be under
oath.

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

Beginning tonight, we are working
through a long list of amendments regarding a
variety of matters that were brought before us
by the Village of Mettawa. As I mentioned, this
work began in December of 2016 and was followed
by a number of workshop meetings. The first
step will be the Village, through its staff,
will provide a general description of each
proposed zoning ordinance amendment in the order
the amendments are presented in the proposed
zoning ordinance amendments document that has
been published and made available to the public.

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

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

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

For instance, if you are here to
address the horse and large stable requirement
proposed amendment, that item is number eight in
the proposed zoning ordinance amendments
document and will be addressed only after the
first seven items have been discussed.

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

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

Step four, if possible and likely that
the public hearing on the proposed text
amendments will not be completed this evening
and that additional public hearings will be
needed to address all of the items under
consideration, another public hearing may be
needed to complete our consideration of all
matters.

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

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

Our determination is not based on the
number of people for or against a proposal, but
instead is a judgment of whether or not a
proposal meets the standards as demonstrated by
the manifest weight of the evidence presented.

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

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

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

Again, a lot of what's going to happen	onight is going to be subject to the time
constraints. But the point I want to make clear
is that we're going to try to get through a
batch of these, cut it off, and then allow the
Commissioners to make their recommendations, revisions, ask questions, and then come to some conclusion on those specific changes from what's been submitted in a draft form so far.

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

MS. GALLO: Commissioner Clark?

COMMISSIONER CLARK: Here.

MS. GALLO: Leonard?

COMMISSIONER LEONARD: Here.

MS. GALLO: Hirsch?

COMMISSIONER HIRSCH-BOLLHOFER: Here.

MS. GALLO: Meluso?

COMMISSIONER MELUSO: Here.

MS. GALLO: Murphy?

COMMISSIONER MURPHY: Here.

MS. GALLO: Pickell?

COMMISSIONER PICKELL: Here.

MS. GALLO: Chairman?

CHAIRMAN KRUSINSKI: Here. I declare a quorum present.
Case number 17-TA-1 arises from an application filed by the Village of Mettawa. The applicant seeks findings of fact and recommendations from the ZPA on text amendments related to the following matters: Item one, residential lot coverages and accessory structures requirements; item two, minimum dwelling sizes; item three, short-term residential rentals; item four, amortization of nonconforming uses; item five, zoning application fees, audio-visual and room rental fees and notices to be given for zoning applications; item six, time limit for appeals from zoning administrator's decisions; item seven, horse and large stable requirements; item eight, commercial use regulations in residential zoning districts; item nine, reorganization of certain zoning ordinance sections; item ten, timelines for construction and completion of improvements approved by a special use permit; item 11, height of structures in residential zoning districts; and item 12, matters related
to those set forth above.

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

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

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

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

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

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

But, again, for the record, that list includes a letter, as stated, to the large stable owners dated July 17th, an e-mail received on August 31st, from Kathy Nelson, an e-mail and documents sent by Keith Gray dated
August 29th, an e-mail from Judy Friedman dated September 5th. There was subsequent correspondence from Keith Gray clarifying some comments that he made in his e-mail dated August 29th.

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

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

I would ask everyone in the audience to please stand, whether you intend on giving testimony tonight or not, you never know. So if everyone would please stand, raise your right
hand. Do you swear to tell the truth in the
testimony that you are about to give in this
matter?

(Chorus of "I do".)

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

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

So I'll start with you, Greg.

MR. SMITH: Thank you.

In the back of the room, the Village
has provided 30 copies of this document that's
also posted on the website entitled Zoning,
Planning and Appeals Commission Proposed Zoning
Ordinance Amendments. If you don't have a copy
of that in front of you, this will be the
document that will be referred to during the
public hearing on this matter. If you're unable
to find a copy back there, if they run out,
please advise and we will have copies made.

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

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

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

The ZPA is considering amendments to
definitions of certain definitions along with
changes to some of the requirements for
residential lot coverages. The proposed changes
are, first, in the definition of accessory
buildings or accessory structures to define those types of improvements as being all of those which are not a principal building and then adding a list by way of illustration of accessory buildings and structures to include barns, garages, guesthouses, horse stables, large stables, arenas, sheds, caretaker's quarters or servant's quarters.

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

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

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

On the second page, there is a proposal to amend Section 15.105(C) of the zoning
ordinance to reduce the allowable percentage of
required occupied yard for accessory buildings
to be no more than 3 percent down from the
current 5 percent.

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

So those are the proposed amendments
under residential lot coverage.

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

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

And over a course of a couple months,
about eight or nine items were originally
referred to the zoning board but came up through
Village Board members. There were a couple of
things mentioned by residents. And there were
so couple of things that came up during the
course of the workshop. So that's what got us
here.

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

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

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

Again, if you would raise your right
hand, state your name and address prior to
making your comments.
MS. STEVENSON: I am Juliette Stevenson, 14371 Riteway Road. I just have a question, for those residential lots that don't currently have a principal structure under the new definitions, what do they become?

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

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

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

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

MS. STEVENSON: Yes.

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

MS. STEVENSON: Yes.

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

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

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

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

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

MS. STEVENSON: Right. Now they will be
nonconforming.

CHAIRMAN KRUSINSKI: Now they would be further nonconforming.

MS. STEVENSON: Yes.

CHAIRMAN KRUSINSKI: That changes things a little bit.

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

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

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

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

These proposed amendments on residential lot coverage doesn't directly address the situation that you're talking about.
But if someone wants to build more -- if someone wants to build more impervious area on their lot than the zoning ordinance currently allows, the mechanism is to seek a variation upon a showing of hardship to allow them to do so.

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

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

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

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

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

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

MR. IRVIN: Let me ask a question maybe to clarify something. I believe our zoning code requires a principal structure be built before any accessory buildings are built. Unless it's in a special use, if you're talking about where the Village in a special use has waived that the principal owner live on the site but it has a,
say, caretaker, single-family house, that meets
the qualification of a single-family house and
the residency has been waived.

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

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

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

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

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

MR. IRVIN: So that should be okay.

MS. STEVENSON: Thank you.

CHAIRMAN KRUSINSKI: Any other comments?

Yes, sir.

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

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

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

But as a general principal, you are correct, that a use that's legal at the time
it's built is allowed to continue to exist.

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

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

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

CHAIRMAN KRUSINSKI: Thank you.

Any other comments on item one and the
revisions proposed?

COMMISSIONER PICKELL: I have a comment.

Just to make it clear, when it says "principal
structure, the main or primary structure," can we say primary residential structure?

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

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

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

COMMISSIONER PICKELL: Okay.

CHAIRMAN KRUSINSKI: We have a list of definitions for a variety of things that runs throughout the zoning ordinance, so we have to maintain a standard of what that definition would be as it applies to all zoning districts. All right. We'll move to item two unless there is any further questions from the Commissioners to any of the comments in the
audience?

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

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

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

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

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

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

Item three, short-term rentals, Greg.

MR. SMITH: One of the items the Village Board specifically asks for input on is whether the zoning ordinance should include specific references to short-term rentals. The zoning
ordinance does not allow for individual room rentals within the R-1 or R-2 districts as the permitted uses that are similar to those only allowed for one-family attached dwellings, which is defined as a single dwelling unit and so on.

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

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

And the Village is a home rule unit of government. There are several communities in the state which have adopted similar restrictions on short-term rentals and a similar
definition has been upheld in an adjudication
process in the Village of River Forest that I
was involved with. I think the language is
adequate for the purpose.

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

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

So this was something that, as Greg
mentioned, we've kind of learned from other
communities can potentially be quite a nuisance
and a huge enforcement problem.

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

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

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

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

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

If you are hosting a guest in your home
and you are not receiving some consideration for
it, then that would not be considered a rental.

MR. RUPEE: Thank you.

CHAIRMAN KRUSINSKI: Mr. Hines.

MR. HEINZ: Tom Heinz, 27157 St. Marys Road.

So anything that's over 90 days is considered a
long-term rental?

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

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

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

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

MR. IRVIN: Anything over 90 --

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

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

MR. HEINZ: So I am asking you, if you have
91 days or a hundred days or whatever past 90
days, is that considered a long-term rental and
is that allowed in the Village of Mettawa?

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

MR. HEINZ: Really?

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

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

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

MR. HEINZ: I remember that.

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

No, there is no intent to -- we
probably have ten or more rentals in this
community right now. There is no intent to
restrict someone renting their property.

   MR. HEINZ: Okay. Thank you.

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

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

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

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

   MR. SMITH: If a resident was interested in
that, the zoning ordinance would have to be
changed to allow for it. And it's not one of
the areas under consideration at this time. So
the ZPA can't make a recommendation to change
that.

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

MR. RUPEE: Thank you.
CHAIRMAN KRUSINSKI: Any other questions on
short-term rentals? Commissioners?

Item four, amortization of
nonconforming uses.

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

The changes to Sections 15.302 and
15.309 are cleanups from a prior set of amendments in December of 2013 to the zoning ordinance.

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

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

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

So if we have another barn fire like we did, this essentially says we couldn't replace it. I'm trying to understand for people that have put substantive investments into the property, why would you limit an ability to
replace a structure because more than 50 percent
of the value was lost? It would seem to be
punitive and take away from the property value
and the property rights of the individual. Am I
misinterpreting this or is the intent different?

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

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

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

MR. SMITH: That's correct.

MR. CASAS: So there is nonconforming uses,
nonconforming structures. If you lose a
structure that's supporting a nonconforming use,
what's the result? Are you out of business?
You can't have a large stable? I mean, it seems
ambiguous the way it's drafted. I'm trying to
clarify.

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

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

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

And I think it's important for any
property right holder that is invested that is
no longer to be conforming or new, that anything
that's already been built permitted should be
safe harbor and grandfathered without exception.
There shouldn't be an ambiguity.

CHAIRMAN KRUSINSKI: Yes, Liz.

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

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

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

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

MR. CASAS: So some nonconforming uses -- for example, our permit really doesn't relate to uses, it relates to structures. So, you know, there is an ambiguity as it relates to what is really safe harbor and what is grandfathered.

This is all I'm trying to point out.

And I think you just need to be clear, if you're trying to do something going forward, whether people agree with it or not is a separate issue, but it should not apply to people that have already had the right to do what they do and the buildings that they have and not be the subject to an amortization as it relates to an inability to replace or continue that business or have that structure.
MR. FRIEDMAN: Mr. Chairman, if I can add to that, I think the point -- the combined points are whether or not that use is legally nonconforming or just conforming, if that structure houses a legal use but they're legally nonconforming or permitted and that structure is, you know, subject to a disaster like a fire, so long as the special use permit authorized that building, it should be allowed to be rebuilt and not subject to the amortization provision.

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

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

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

CHAIRMAN KRUSINSKI: Yeah. Two points, one
is in our deliberation, again, as I said, if
there is any need for clarification, we can do
so. If we even want to ask Greg after we come
to some conclusion taking, you know, the
residents' comments into view, those
clarifications can be made to the language.

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

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

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

Any other comments, yes, on the
nonconformity.

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

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

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

MR. SMITH: Yes. The zoning administrator,
who is Yamin Yamin with Anderson Engineering can
be contacted. And as the zoning administrator,
he interprets the zoning ordinance, which would
include questions along that line.

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

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

MS. O'DONNELL: Thank you.

CHAIRMAN KRUSINSKI: Thank you. Any other
comments?

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

CHAIRMAN KRUSINSKI: The discussion was,
again, that we wanted to create some urgency
that things would commence and then be
completed, that it wouldn't be protracted and
that that occurs in another portion.

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

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

    MR. SMITH: There is no uncertainty about the
interpretation. The question is if the ZPA wants to consider additional language that you've proposed about specifically noting that if you have a special use, then you are not a nonconforming building or other structure or use, that would just be exempt from this requirement I think is what you're looking for.

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

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

Any other comments on the nonconforming use? Commissioners?

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

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

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

Second, this body discussed some clarifying language -- this is a recommendation
that falls outside the zoning ordinance but to
the Village Board that -- the Village also
recoup the cost of rental for any audio-visual
equipment used at a public meeting or hearing
relating to Zoning, Planning, and Appeals
Commission work. While this body only formally
makes recommendations for changes under the
zoning ordinance, this is related because there
are requests from time to time where residents
or other individuals will ask that a screen and
a PowerPoint or projector be arranged for.

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

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

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

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

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

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

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

MR. FANTUS: Thank you.

CHAIRMAN KRUSINSKI: Is that correct?

MR. SMITH: That's what's being suggested to
the Village Board. The Village Board can take
it up and decide if they want to make my changes
or not at their level.

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

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

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

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

From time to time the zoning administer
will render an interpretation. When that
happens, if the person who has received it
disagrees, they have 45 days to challenge it.
Under Section 15.903(B), there is a typo that's been in the code for some period of years, the word "variation" instead of "appeal" is listed. The change here is administrator to correct a typographical error.

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

There is a number of communities that will add these things for the sake of transparency to their zoning ordinances. State law requires for a special use or variation
request that you mail notice to people with the
-- owners within a certain radius and that you
publish in the newspaper.

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

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

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

If you're going to do these additional
things, the idea is that you will direct your
zoning administrator and clerk to do them. But if for some reason they don't happen, the zoning process would still continue.

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

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

Any other comments on this item?

Commissioners?

Item seven is the variation regarding
public assembly that matter has been tabled.

Item eight is the horse and large
stable requirement.

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

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

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

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

In Section 15.303(D)(4), this is in the
R-2 residential district, that's the small lot zoning, there would be a deletion of a -- of the phrase "a special use for semiprivate stable" and the addition of the word "horses" there.

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

Under Section 15.1202(C)(3), there is proposed clarifying language here at the end of the existing text that "provided no more than five horses shall be permitted upon any lot" and then three additional new sentences that "horses are only permitted on a lot on which an occupant of the lot is a resident. Public boarding shall not be permitted. The requirements of this Section 15.1202(C)(3) shall not be varied."
And then in Subsection (A) there, there
is a deletion of the text "unless a special use
permit, therefore, has been obtained pursuant to
the terms of this code."

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

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

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

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

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

And, finally, with regard to horses and
large stables, the ZPA recommends without
specifics being included that the Village Board
adopt a licensing requirement for operators of
large stables to have operating standards,
routine inspections, and so on.

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

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

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

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

CHAIRMAN KRUSINSKI: Before we get comment,
is large stable described somewhere in the
ordinance? Do we have a definition for large
stable?
MR. SMITH: Yes, it is defined in Section 15.201.

CHAIRMAN KRUSINSKI: As six stalls or more?

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

CHAIRMAN KRUSINSKI: Excess of five. Okay.

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

Comments from the audience? Yes, sir.

Name and address, please.

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

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

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

MR. SMITH: A large stable is defined as being authorized by a special use permit, a building which may include an indoor riding arena for the stabling of a number of horses in
excess of those permitted in this chapter per
40,000 square feet of land. And in the case of
the lots in excess of 200,000 square feet in
area, a building providing stabling for a number
of horses in excess of five.

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

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

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

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

CHAIRMAN KRUSINSKI: That was the intent,
yes.

MR. LYS: So on 40 acres you are still not
permitted more than five horses?

CHAIRMAN KRUSINSKI: That's correct.

MR. LYS: But we have eight stalls.

CHAIRMAN KRUSINSKI: You're existing.

MR. LYS: So this does not apply retroactive?

CHAIRMAN KRUSINSKI: No.

MR. LYS: Thank you.

MR. CASAS: Ed Casas.

CHAIRMAN KRUSINSKI: Yes.

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

COMMISSIONER LEONARD: Bob, can I clarify one
thing? If I'm not mistaken, in our zoning
ordinances as they stand and has for quite a
while, it does say that five horses are the max
unless you come and get a special use.

MR. IRVIN: That's correct.

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

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

COMMISSIONER LEONARD: Correct.

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

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

MR. IRVIN: Well, I believe that is your
recommendation. But you as the commissioners, I
think the intent was by the changes in this
ordinance, that this would only impact -- 
removal of additional large stables only impacts 
one that aren't out there.

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

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

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

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

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

COMMISSIONER LEONARD: And a lot of that 
language had been in there also previously. We 
just kind of clarified it.
Again, I said that language had also
been in our ordinances and we just clarified
what was not allowed in large stables. And
there has always been -- there has always been
certain things that, even though you had a
special permit for a large stable, there is
still things that you couldn't do and that was
in there to start with.

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

MR. IRVIN: Yeah. The Village has about a
dozen special uses for large stables, but there
are three that were permitted by the overall
subdivision approval and, Tom, with yours being
one of them -- and I think it was just a
miscommunication between the Village clerk and I
-- I said send them to the people with special
uses. But there is a -- yours, there is one in
Riverside Preserve and Deerpath Farm who do not
have special uses for those arenas, but they
were approved as part of the development
agreement.
So it's -- I would guess I would have -- so, I'm sorry, that's why it wasn't sent to you. But I guess in terms of how things apply to large stables that don't necessarily have special uses but were approved as part of an overall subdivision, we may need to address that to make sure that they also are not impacted going forward because I don't think the intent is to remove those either. But there are three of those that exist.

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

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

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

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

CHAIRMAN KRUSINSKI: So we get the language right.
MR. SMITH: And I don't have the benefit of
the planned development ordinances in front of
me this evening. But I do note that planned
unit developments in the R-1 district where I
believe Mr. Lys' property is located is a
special use.

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

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

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

MS. STEVENSON: Juliette Stevenson, 14371
Riteway.

I just want clarification at the top of
page 8, point C, "a large stable established
prior to whatever date this would happen is
subject to the following requirements," which
would be the owner of the premises resides.

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

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

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

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

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

COMMISSIONER LEONARD: Right. But I think
the question here becomes who has to comply with
this.

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

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

MS. STEVENSON: This doesn't read that way.

"It says in addition to."

COMMISSIONER LEONARD: I just agreed with
you.

COMMISSIONER CLARK: We're agreeing with you.
We're saying the wording may be -- and that's
what we are here for, is to tighten up the
wording.

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

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

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

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

MR. SMITH: No, it's not even close to
two-thirds of the language.
MR. CASAS: Mr. Chairman, I really appreciate you guys clarifying the intent because I think it's important.

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

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

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

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

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

     So just to be quite clear, it's our
intention after -- when we begin deliberation,
to incorporate these comments and we may have to
go back to creating some revisions, some of
which may require some legal research, but
nevertheless revisions, that will ultimately be
our recommendation to the Board.

MR. CASAS: Thank you.

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

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

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

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

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

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

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

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

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

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

COMMISSIONER LEONARD: I would agree with that.

COMMISSIONER CLARK: We can take out built-in.

CHAIRMAN KRUSINSKI: Was this the original language?

COMMISSIONER LEONARD: I think it was.

CHAIRMAN KRUSINSKI: So we can clarify the feeder issue.

COMMISSIONER LEONARD: Yes.
CHAIRMAN KRUSINSKI: Thank you. That's a good point.

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

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

COMMISSIONER CLARK: Without built-in.

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

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

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

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

MR. GRAY: Keith Gray, 15540 Old School Road. This has to do with the bottom of page 6, clarity on the storage of manure, hundred feet from the property line and 250 feet from any dwelling. Effectively, as I pointed out, it makes it almost -- well impossible in many cases to store manure.
So does that include the dwelling of
the owner of the manure or the neighbors?

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

COMMISSIONER PICKELL: Forever.

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

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

COMMISSIONER MELUSO: All you have to do,
there aren't that many people, Keith, with a lot
shaped like you have. You just qualify as a
hardship because of your lot dimension. So you
just come up and say, "Hey, I can't do it, trying to conform, okay."

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

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

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

COMMISSIONER LEONARD: I would say yes.

COMMISSIONER MELUSO: The other thing we were trying to do, too, it used to say manure spreading was okay. And what we're saying is it's not okay, put it in a can. I don't think that's unreasonable.
MR. GRAY: I'm not questioning that. So it really has to do with the storage.

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

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

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

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

MR. SMITH: The last sentence of the manure-related amendments, on page 6 onto page 7, the last sentence says that you can't compost it any longer. And if you go back onto
page 6, it says that manure may only be stored
in covered and secured containers, whereas the
current code states manure may be stockpiled
providing the stockpile is at least 250 feet
from any dwelling. Mr. Gray, it's not just your
neighbors, it says any dwelling.

So the ZPA wants to allow people, under
the new language, put the container five feet
from the back door, at their backdoor, whatever.
I can modify that any dwelling language to
reflect that it's a dwelling not on the lot or
I'll come up with appropriate language.

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

CHAIRMAN KRUSINSKI: I think the point is
well taken. And I think Greg's recommendation
of some minor language revisions there is
appropriate. Just so we can move on because
there was some other questions.

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

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

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

So I do not intend to put it into a
container, nor do I intend to remove it once a
week. I think that's just a waste of a
landfill.

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

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

COMMISSIONER LEONARD: We actually have some.

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

And the problem is that we have had
homeowners that are irresponsible in their
manure management. They're spreading it right
out of their stalls, taking it from the stalls
and spreading it on the land. That's not
composting. I've done research.

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

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

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

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

COMMISSIONER CLARK: And that's what we kind
of talked about, perhaps you come to the Village
and say I would like an exception from having to
have my manure based on these reasons. But it
has to be done responsibly.

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

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

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

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

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

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

MR. RUPEE: Come inspect.

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

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

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

MR. RUPEE: Okay. So punish them.

COMMISSIONER PICKELL: In order to punish people, you have to have a rule of law. All right. And if the rule of law we say wherever the composing requirements and guidelines are from, you know, the college and wherever, right, whatever those are, if you're composting within those limits, then great.
But I can tell you, if people aren't composting that way, it's the neighbors who are going to say "place wreaks to high heaven and I would like you to do something about it, Bob," right. And now you can send an inspector there and it's obvious it's not being done according to whatever the specified regulations are for composting and you can stop it.

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

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

COMMISSIONER PICKELL: We can do something like that.

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

COMMISSIONER CLARK: And Wendy does have all of the specifications from several extensions on
what is required to actually compost.

CHAIRMAN KRUSINSKI: Do you have rules and
guidelines?

COMMISSIONER LEONARD: Yes.

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

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

My issue is that when you have -- like
say you have got a special use permit and you
have six horses, that requiring of weekly
removal when you have six horses versus somebody
with 40 horses, I feel there should be some
language and some sort of calculation based on
the number of horses that are currently in -- I
can't fill a 20-yard dumpster in a week. And it
just becomes financially, you know, costly to
have to remove it as every -- it's a $350 charge
every time they take it.

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

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

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

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

For instance, when I had more horses, I
had a bigger dumpster. Now that I only have one
horse, I have a smaller dumpster. It's a lot
less expensive. They still come and take it
once a week. But it's -- they charge you by the
size of the dumpster. They're coming every
week. So you just get a smaller dumpster and it
doesn't cost as much.

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

CHAIRMAN KRUSINSKI: Tom.

MR. LYS: Tom Lys, 25300 North Nektosha Way.
I have a question: How do you perceive
inconsistencies in the code to be handled? I
can give you an example. Our PUD specifies that
we can have up to 40 horses. We currently have
eight stalls. But there is also a provision,
since we are a large barn, we can't add any more
stalls.
So on the one hand, we are allowed to have another, whatever, 32 horses. On the other hand, we can't because we are not allowed to add stalls. So how will the code deal with such inconsistencies?

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

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

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

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

CHAIRMAN KRUSINSKI: What does your original PUD say?

MR. LYS: 40 horses.

CHAIRMAN KRUSINSKI: With respect to the stalls? Does it speak to stalls?
MR. LYS: No.

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

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

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

The language that's proposed on page 7 in 15.1209(B) that you previously looked at would not allow him to build the additional stalls. If you think that, you know, taking into consideration that he has been granted the ability in the PUD to have 40 horses but he only has an eight-stall stable on his property at that time, if you think it would be fair to allow him to build up the number of stalls equal to the number of horses, then that language
would have to be changed. Whether or not it's changed is a policy point for you all to discuss.

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

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

But if each lot has an individual private stable, that's going to -- would be additional horses. So we have to look into the details of that. But there may be limiting --
and I know you placed the stable and arena on lot two, if you ever recorded the subdivision document. So that's -- it's probably a combination of individual lots and the stable arena that's been built which would determine that.

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

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

COMMISSIONER CLARK: Why did you say that out loud?

CHAIRMAN KRUSINSKI: Because someone asked me
and I don't know anything about horses. All I'm suggesting is that perhaps there needs to be just something that allows that.

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

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

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

CHAIRMAN KRUSINSKI: It's just a temporary
situation, that's really not an issue.

COMMISSIONER LEONARD: I wouldn't think so.

Wendy, do you think so?

COMMISSIONER CLARK: No.

CHAIRMAN KRUSINSKI: Thank you. Perfect.

There was a question in the back.

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

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

MS. TRELISON: I know it was a long time ago, but we were told we had to have a dumpster and it was picked up weekly.
COMMISSIONER LEONARD: So was I. And that was like 30 years ago.

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

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

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

COMMISSIONER LEONARD: And less than five.

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

Thank you for that comment. It's a cleanup, that's the reason we made the revision or proposed revision.
There was a question in the back. I may have missed a hand. Any other comments?

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

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

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

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

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

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

COMMISSIONER LEONARD: You're in a building?

MS. CASAS: Yes.

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

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

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

COMMISSIONER LEONARD: You have a good point.

CHAIRMAN KRUSINSKI: And we can wordsmith
that. And, obviously, the code approved working
fire extinguishers is something that I already
talked to Greg about that.

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

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

And I think this is really noteworthy and applaudable as it relates to trying to clean up manure piles, and I endorse that. Just don't throw the baby out with the bath water is all I'm suggesting.
Just a general question, a lot of this stuff, I think, has evolved from concerns and things, obviously, in an open forum to try and put a level of tighter controls on things and fears and concerns relative to the equestrian side, I guess. It comes off as really anti-equestrian in terms of way the ordinances are drafted.

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

But it seems to me when you take and target large stables -- and if you look at the history and what's going on in the marketplace, I mean, half the property sales in this market in the last few years have been short sales. Most of the property has devalued. And the only
exceptions, the only exceptions in the context
of this community on property values
appreciating are those associated with large
stable equestrian use.

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

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

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

And so I just don't get it. What's --
is this because there has been complaints
relative to large stables in the context that
they had negative impact on neighbors? Has
there been some sort of burden or negative
impact relative to the operations of those
facilities? Or is this kind of a knee-jerk and
would you consider putting a little pause button
relative to things that you want to make sure
you have the ability to enforce for
irresponsible behavior? All for it.

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

If you look at it and you look at your
permits, you know how much money is coming in
and what areas. It's coming in from those
properties. Why do we want to -- I ask you, why
do you want to shut that down? Is there a
reason or is there a study to know what the
impact is going to be on property values by
doing that? Because you're going to affect
everybody. And I think from a community
perspective, while all the things that you
embrace from a perspective of rural living and
country oasis and the things that are important
all require a balance of corporate users with
tax subsidies and bedroom communities with
affordable housing but nice housing and some of
the planned developments that you've done and
the aspect of the equestrian farms and elements
that have allowed people to enjoy this as a
rural community.

So I'm wondering, short question is,
have you done any type of impact analysis by
imposing these and shutting this down? Because
that's what you're doing. You're saying that
even if we grandfather and safe harbor, the
rules are there and you're shutting it down for
anyone else that wants to come to this
community. And you will not get that investment
and you will have people coming in here and help
you revitalize elements that actually would
benefit by that revitalization. And you would
be a lot better off with that type of investment
and all the property owners would.

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

CHAIRMAN KRUSINSKI: Thank you. Great
comments.

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

So it's not just something we said,
well, let's look at this. It was input that we
had from both the Board as well as residents to
consider these kinds of changes.

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

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

So it certainly most definitely was not
done to shut down any business or to impact in a
negative way our community. In fact, on the
contrary, it was over a long period of time, a
number of considerations, a number of things
that just had to be cleaned up, as well as
cconcerns from the residents. In fact, there was
a significant petition that was put forth that
came to us as -- again, as I will call it
resident input, you can call it evidence, as to
why we should stop large stables all together
and large barns.

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

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

The hearing is not closed. So

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

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

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

COMMISSIONER MELUSO: I have one with
compost.

CHAIRMAN KRUSINSKI: Do you mind if we get to
that?
COMMISSIONER CLARK: Maybe go in the order.

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

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

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

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

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

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

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

MR. SMITH: It is by definition.

COMMISSIONER CLARK: So we are okay on that?

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

MR. SMITH: No.

MR. FRIEDMAN: Are you taking comments?

CHAIRMAN KRUSINSKI: No comments.

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

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

MR. FRIEDMAN: All right. Thank you.

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

MR. IRVIN: I think the commissioners who
spoke made it clear there was no intent to make
any changes to the --

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

            COMMISSIONER LEONARD: No.

            COMMISSIONER CLARK: No.

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

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

            Even like just residing that somebody
-- the owner must reside on the property if
they're going to have a large stable, that's
always been in our code. It hasn't been
enforced lately.

CHAIRMAN KRUSINSKI: Well, we allowed it.

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

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

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

COMMISSIONER PICKELL: Or whatever it is. I
can't remember what it was.

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

MR. IRVIN: The uses versus structure.

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

MR. SMITH: This is number four, if we're
jumping ahead, it's number four on page 3.
If the ZPA wants to consider some
language in line with what Mr. Casas was
discussing, I can bring back some language to
address it.

COMMISSIONER LEONARD: There is only one
other thing, too, now that I'm thinking about
this and that comes up here. And that is
special use, is it to have a building or is it
what goes on in that building? And I think this
is where Orren is going with this.

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

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

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

CHAIRMAN KRUSINSKI: So I think the point is
this section is not where I think the issue is.
I think there is some issues that maybe just
need clarification with respect to existing
special uses and that's -- that, quote/unquote,
safe harbor.

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

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

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

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

CHAIRMAN KRUSINSKI: Yes.

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

CHAIRMAN KRUSINSKI: I don't think there is
any other changes. I don't think that existing
special use issue needs any clarification here,
do you, Greg?

MR. SMITH: No.

CHAIRMAN KRUSINSKI: I don't think so either.

I think number one --

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

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

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

So item one we're good.

Then item two, the only clarification I
had was, again, a comment on floor area, the
definition of floor area. Do we need to clarify
that and say living space? That was something I
saw in some other codes. They used the word
"living space."

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

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

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

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

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

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

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

COMMISSIONER PICKELL: "Living space."

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

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

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

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

COMMISSIONER HIRSCH-BOLLHOFER: I remember we had that comment from Tom Heinz and he was saying, you know, 90 days is that short-term.
But I know there is other accessory buildings, but you can't rent those out. It's pretty much we're talking about primary house. So you can't rent out your accessory buildings either.

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

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

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

MR. IRVIN: Exactly.

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

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

COMMISSIONER CLARK: Was there some question
in there, Joe, about the 50 percent?

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

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

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

There is no problem in inserting it in appropriate places when you're dealing with them. But that's how you would work through the code if the issue came up in the absence of that language.
CHAIRMAN KRUSINSKI: Okay. So do you think we need to add the zoning administrator language here or not?

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

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

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

If that is your policy determination, I can draft language to incorporate that. I just
need to know if that's your consensus.

COMMISSIONER PICKELL: Yes.

COMMISSIONER CLARK: Yes.

COMMISSIONER LEONARD: I would say if

somebody has got something and it burns down and
they've been allowed to build it in the first
place, then they should be allowed to build it
again.

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

COMMISSIONER PICKELL: Right.

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

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

CHAIRMAN KRUSINSKI: The question I have --

MR. SMITH: -- which I believe was

Mr. Casas' request.

CHAIRMAN KRUSINSKI: I understand that. I
think the problem I have is with his proposed
draft language, I think needs some further
clarification than just saying "shall be exempt
from the requirements of section." I think we
need to be a little more --

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

CHAIRMAN KRUSINSKI: This is what he sent.

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

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

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

CHAIRMAN KRUSINSKI: Your point is perfect.
COMMISSIONER PICKELL: -- it's going to go on forever and ever.

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

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

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

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

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

MR. IRVIN: Correct.

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

COMMISSIONER PICKELL: Yes.

COMMISSIONER LEONARD: So can we put in here somehow that it's from the date of issuance of the building permit? I mean, would that solve
this problem? I don't know. I'm just throwing it out there.

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

COMMISSIONER LEONARD: You know the villages have something.

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

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

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

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

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

MR. SMITH: So if we recommend that the Village Board may extend these timelines, that's one thing. Do you also want to increase the period?
COMMISSIONER PICKELL: I would.

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

COMMISSIONER LEONARD: You build, not me.

COMMISSIONER CLARK: What do you think is reasonable?

COMMISSIONER PICKELL: I would say a year.

CHAIRMAN KRUSINSKI: Year to start?

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

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

COMMISSIONER PICKELL: On both sides.

CHAIRMAN KRUSINSKI: On both, is that all right?

MR. SMITH: Understood.
COMMISSIONER LEONARD: I'm good.

COMMISSIONER CLARK: I'm good with that.

CHAIRMAN KRUSINSKI: Zoning application fees.

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

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

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

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

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

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

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

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

COMMISSIONER LEONARD: Yes.

COMMISSIONER PICKELL: That's good.

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

Okay. Page 5 item six, this is the
time limits, we talked about this a little bit already.

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

CHAIRMAN KRUSINSKI: I don't have any notes.

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

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

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

MR. SMITH: My thought would be that you
could say something along the lines -- well, let
me take a step back.

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

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

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

COMMISSIONER LEONARD: It's not even --
honestly, the lids on dumpsters aren't even like
lids on -- they are not like the lids on garbage
cans. They're just corrugated plastic and they
flop over and there is always space on the all
sides.
MR. SMITH: It may be easier to just strike the words "covered" and "secured" in all of the manure sections, which these would ultimately be incorporated into the large stable requirements and it just says "stored in containers."

CHAIRMAN KRUSINSKI: "Appropriate containers."

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

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

COMMISSIONER LEONARD: How about "approved"?

CHAIRMAN KRUSINSKI: Who is going to approve it?

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

MR. SELLER: Duke and Prairie.
COMMISSIONER LEONARD: So you have -- you contract independently of the Village?

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

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

MR. SELLER: Just saying.

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

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

COMMISSIONER HIRSCH-BOLLHOFFER: How about a refuse container?

MR. SMITH: I think the word "appropriate" could be workable because a cardboard box is a container. If someone puts their manure in a cardboard box, that's clearly inappropriate. So there is some baseline of reasonableness.
CHAIRMAN KRUSINSKI: You use both words.

MR. SMITH: Who is doing the approving?

COMMISSIONER LEONARD: I don't know.

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

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

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

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

COMMISSIONER PICKELL: If there is a container, if you the owner didn't want a cover on your manure, there is probably a container that will keep combustion from happening.
Wherever that is, it can be researched and put this container or something like this. That was like you do it in architecture, right, it says something like that.

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

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

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

COMMISSIONER CLARK: That's what I was saying, if somebody wants to come forward and want to maybe -- maybe we put a line in there saying -- Liz and I talked about this -- if you come forward and say I'm never going to do this, I'm not going to put my manure in a container, I want to compost, then you say that's fine, then you go to Bob Irvin and you get a permit. That's responsible, but these are the guidelines. But who is going to police it?
COMMISSIONER LEONARD: Let me point out something that Bob made note of here, which you guys probably read but I'm going to point it out to you. It says, according to the Barrington Hills Village administrator, this section which is talking about handling manure and composting all that stuff basically makes horse owners get dumpsters for their manure.

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

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

All I'm saying is whatever that is, whatever the specifications are to composting
properly is what we should put to composting. I
don't think people should have to get a permit,
if the police will be the neighbor who smells it
and calls Bob, right, or whoever gets called
around here, maybe it's the mayor, I don't know
who gets called.

MR. IRVIN: That's who it is.

COMMISSIONER PICKELL: But whoever who gets
called.

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

COMMISSIONER LEONARD: And still do have
that.

MR. IRVIN: I think that was the initial
thing. And then, secondly, was, anywhere it is
being kept, even in a dumpster, it shouldn't be
out next to the property line. So if the
spreading is removed and it has to be kept into
a container that's not visible to the street,
let's say, then do we need to do anything more
than that?

COMMISSIONER LEONARD: We do.

COMMISSIONER MELUSO: Absolutely.

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

So I think Orren has a good point, that
let the neighbors police it, police everybody.
COMMISSIONER PICKELL: That is an opportunity to go fix the problem. If you don't have this in a place as a rule or a law, then you can't fix the problem.

CHAIRMAN KRUSINSKI: That's exactly right.

And I think that's the one thing that we learned tonight, unless we have a specific ordinance that says, no, you cannot use that as a method of getting rid of manure, that's step one. So I think we are all clear on that.

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

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

All I'm recommending is that we have this, you know, approved or appropriate
container. I don't think anybody objects to that and the option of composting if, if, the big if, if an approved composting system or method or whatever has been, you know, utilized or approved. And now by who, I don't know.

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

COMMISSIONER LEONARD: I think that will be too hard.

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

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

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

COMMISSIONER PICKELL: Here's the interesting thing. And I think this is something we can look into, perhaps Bob can call Lake County because Lake County is in charge of the septics
and not Mettawa and this is the runoff of fluid
in essence.

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

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

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

MR. SMITH: Could I ask a couple of
questions? Is it possible to distill what
you've learned, Commissioner Clark and
Commissioner Leonard, in your research on
compost and horse manure into a couple of
requirements, baseline requirements that could
be put into the ordinance, that if you compost
you must do at least these things, and then
allow people to compost if they do those things
and they can also do more.
Would it be possible to have a list of
the must haves that would satisfy the public's
health concerns?

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

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

COMMISSIONER PICKELL: For how long?

COMMISSIONER CLARK: Five months.

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

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

COMMISSIONER PICKELL: If you talk to
Mr. Casas, because he obviously has a bunch of
experts working on building equipment and a
facility to do this, there may be newfangled way
to compost it, you know. It's interesting to know.

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

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

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

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

COMMISSIONER LEONARD: If Bob could get from IEPA, if you can get their requirements, then I think that should do it.
CHAIRMAN KRUSINSKI: There is two other things that came up in the conversation. Like you just said, this container six by six by five, that can't handle a lot of material. So that's -- what is that, that's the minimum?

COMMISSIONER CLARK: That's the minimum.

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

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

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

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

CHAIRMAN KRUSINSKI: That's bedding too.
COMMISSIONER LEONARD: You can't separate this.

CHAIRMAN KRUSINSKI: That's what fills it.

That's what fills it.

COMMISSIONER PICKELL: One yard per horse per week.

COMMISSIONER LEONARD: Yeah.

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

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

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

CHAIRMAN KRUSINSKI: We're getting into the weeds.

MR. SMITH: My suggestion is that Commissioner Clark send the minimum requirements that could be generally applicable that would make you comfortable to allow composting to occur. Those minimum requirements will be distributed and vetted. And then at the next
hearing, we can take more testimony and
ultimately decide what you want to recommend.

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

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

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

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

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

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

I think the consensus is we want weekly
pickup, we want an appropriate container.
That's always been our -- that's always been in
the code. This whole issue of composting, it
has to be done in a responsible, appropriate way; and if so, we will allow it, but it's a big if. Okay.

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

MR. SMITH: Under what section?

COMMISSIONER CLARK: Number four.

CHAIRMAN KRUSINSKI: Are you going back?

COMMISSIONER LEONARD: Page 8.

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

Now, that says remove from the stable weekly, but it doesn't say remove from the
property weekly, so that would be a change.

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

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

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

MR. IRVIN: No, no, I know. Whether you want
to change or not, we were going over the points
that were brought up. I just brought that up,
that was her point. And I believe we are being
much more specific. Because I don't see
anything in the code right now --
CHAIRMAN KRUSINSKI: That's what we wanted to do.

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

CHAIRMAN KRUSINSKI: It does now or it will.

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

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

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

COMMISSIONER CLARK: The new wording says be removed from the premises on no less than a
CHAIRMAN KRUSINSKI: Let's go -- we are on page 7. I think there were a couple of things that came up here that we need to address and they're kind of legal points, is the existing conditions or existing in the one case PUD, how can we deal with that so it's clear that this is intended on a going-forward basis. I think that was one of the concerns.

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

So the language in 15.1209(B) currently provides that the existing stable structures and -- the existing large stable structures and
large stable related structures, meaning
horse-related sheds, accessory structures that
have a nexus to horses or stable operation
established prior to the date of the amending
ordinance shall not be altered or expanded
except in compliance with Article 3 of the
chapter and the following, if it's necessary for
maintenance and does not intensify the existing
use.

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

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

In order to get more shelter for
horses, first, according to our rules, you have
to put a primary residence and then you can put
a barn on that lot. But he first has to
subdivide those lots and I don't believe he has.
I don't think he has got a plot done.

MR. IRVIN: It's not been recorded.

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

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

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

CHAIRMAN KRUSINSKI: I think we're getting
off track here because Tom's document -- you
almost have to have the document in front of
you. There is a lot of missing points to that
document that need clarification.
I think Greg's point is the most important one, is that regardless of what his PUD says, these rules still apply, period. And I think that's -- I think that's the bottom line here.

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

MR. SMITH: The language by its own terms only applies to existing large stables and existing large stable-related structures. It does not -- you know, this language -- in your workshops when you were discussing this, you said, Greg, we don't want new large stables to be established, what's here is fine, nothing -- no more new stables. And you said how do we
control the expansion of the existing large
stables? And we turned to the places of public
assembly.

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

COMMISSIONER LEONARD: I would leave it.

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

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

COMMISSIONER PICKELL: I'm not a lawyer. But
there is a lawyer in the audience right now who
had a concern at the beginning of the meeting
and there's a bunch of people in the audience
that have heartburn about the fact that can you
come back after me, even though I have an
approval. And normally just to make that go
away, you just make it very clear language, if
you have a special use permit, it will supersede
anything that we've said here today, something
like that. I don't know how you do it legally,
but it would make everybody feel more
comfortable that is our intent.

COMMISSIONER LEONARD: Yes.

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

COMMISSIONER PICKELL: Yes.

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

COMMISSIONER PICKELL: That is a very true
statement.

MR. SMITH: I can add some clarifying
language to the start of 15.1209.
CHAIRMAN KRUSINSKI: I agree, Greg, that could take some heartburn out of this.

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

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

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

COMMISSIONER LEONARD: There is nothing.

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

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

COMMISSIONER PICKELL: Right, which he may be doing.

COMMISSIONER MELUSO: Okay. I was just
curious.

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

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

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

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

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

MR. SMITH: So the next change would be in
15.1209(C) with a note that it's requested by
Mr. Casas, that to the extent of any complex
between the zoning ordinance and the special use
permit that the term of the special use permit
would control.

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

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

COMMISSIONER LEONARD: It's a minimum.

COMMISSIONER CLARK: That's a minimum.

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

COMMISSIONER LEONARD: I can't do that.

CHAIRMAN KRUSINSKI: Don't worry about it?

COMMISSIONER CLARK: Don't worry about it.

COMMISSIONER LEONARD: So they have fun, you
CHAIRMAN KRUSINSKI: Okay. It was a comment that I got.

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

CHAIRMAN KRUSINSKI: Thank you.

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

COMMISSIONER LEONARD: I agree with her.

CHAIRMAN KRUSINSKI: And it's in most codes where you do have a fire extinguisher requirement. There is language in a lot of the codes that have the fact that it has to have an annual certification and inspection.
COMMISSIONER CLARK: Greg, right before that in (C) before fire extinguishers, we talked about taking out built-in feeders also.

MR. SMITH: That's been noted.

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

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

CHAIRMAN KRUSINSKI: Okay. So that would be consistent.

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

COMMISSIONER CLARK: Which number are we on?

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

COMMISSIONER LEONARD: We don't have any of
that in the Village.

CHAIRMAN KRUSINSKI: We don't?

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

MR. IRVIN: That's correct.

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

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

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

MR. SMITH: The Corporate Way SUP has an allowance for special events. I don't recall the O'Donnell's SUP. But there is also -- the difference between instruction of riders and horsemanship, which equine therapy could be done potentially under that permission, as opposed to
being a demonstration for persons with
disabilities. Keep in mind if the -- if the
riders are getting on horses, that's more like
instructions of riders and horsemanship.

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

COMMISSIONER MELUSO: I understand about the
O'Donnells.

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

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

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

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

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

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

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

MR. IRVIN: No variations requested. There is already a lot of vegetative existing
landscaping that I don't think anybody would see
it, so I don't think there is any landscaping.

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

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

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

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

MS. GALLO: No.
CHAIRMAN KRUSINSKI: We may get additional
comments. If we do, they'll be sent to you as
well as Greg's drafting.
So, Greg, maybe you can make a motion with regard to the continuance of the public hearing so it's clear.

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

COMMISSIONER LEONARD: So moved.

COMMISSIONER CLARK: Second the motion.

CHAIRMAN KRUSINSKI: Any discussion before the vote?

Can you take the roll?

MS. GALLO: Commissioner Clark?

COMMISSIONER CLARK: Aye.

MS. GALLO: Leonard?

COMMISSIONER LEONARD: Aye.

MS. GALLO: Hirsch?

COMMISSIONER HIRSCH-BOLLHOFFER: Aye.
MS. GALLO: Meluso?

COMMISSIONER MELUSO: Aye.

MS. GALLO: Murphy?

COMMISSIONER MURPHY: Aye.

MS. GALLO: Pickell?

COMMISSIONER PICKELL: Aye.

MS. GALLO: Chairman?

CHAIRMAN KRUSINSKI: Aye. Motion approved.

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

COMMISSIONER PICKELL: Second.

CHAIRMAN KRUSINSKI: All in favor?

(Chorus of ayes.)

(End of meeting.)
STATE OF ILLINOIS )
COUNTY OF COOK )

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

CHERYL L. SANDECKI, CSR, RPR
C.S.R. License No. 084-03710
In The Matter Of:

ZONING PLANNING & APPEALS COMMISSION

17-TA-1

Testimony of:

October 3, 2017

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

ZONING, PLANNING AND APPEALS COMMISSION

October 3, 2017

Case Number 17-TA-1
APPEARANCES:

Mr. Joseph Krusinski, Chairman
Ms. Wendy Clark, Commissioner
Ms. Holly Hirsch-Bollhoffer
Ms. Liz Leonard, Commissioner
Ms. Catherine Murphy, Commissioner
Mr. Orren Pickell, Commissioner
Mr. Bob Irvin, Deputy Village Clerk
Ms. Sandy Gallo, Village Clerk
Mr. Greg Smith, Attorney
CHAIRMAN KRUSINSKI: I will now call the
continued public hearing in case number 17-TA-1
to order.

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

MS. GALLO: Commissioner Clark?

COMMISSIONER CLARK: Here.

MS. GALLO: Leonard?

COMMISSIONER LEONARD: Here.

MS. GALLO: Hirsch?

COMMISSIONER HIRSCH-BOLLHOFFER: Here.

MS. GALLO: Murphy?

COMMISSIONER MURPHY: Here.

MS. GALLO: Pickell?

COMMISSIONER PICKELL: Here.

MS. GALLO: Chairman?

CHAIRMAN KRUSINSKI: Here. We have a quorum
present.

Case number 17-TA-1 arises from an
application filed by the Village of Mettawa.
The applicant seeks findings of fact and
recommendations from the ZPA on text amendments
related to the following matters.

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

I would like to set a time limit this evening again, so 9:30 is a time to perhaps bring this to a close. And we'll probably have to reconvene.

I think what's going to happen is, again, we're going to have to do a final draft that hopefully we can get to at our next meeting for recommendations.

With the case we had today, I'm hoping we can get through the last issues so that Greg can continue his efforts to create the final document for our review.

I'm just going to -- again, if you have the draft that Greg submitted 9/25, that has the
red lines. So, obviously, from our last
hearing, item 1, we really didn't make any
changes from our first go-around. So that one
is really as is, unless there is any comments
anyone has on what we've previously done.

COMMISSIONER LEONARD: Number 1.

CHAIRMAN KRUSINSKI: Residential lot
coverage.

COMMISSIONER LEONARD: Good.

CHAIRMAN KRUSINSKI: Second was minimum house
size. Greg made those revisions with regards to
the livable floor area and the other minor
wording, just so it's clear what is included in
the dwelling.

Greg, any additional comments on that?

MR. SMITH: No. This wording on number 2
pages 2 and 3 was taken from the Commission. I
note also that the Village clerk brought 20
color copies of the document that we're
referring to, which is in the back of the room,
if anyone here needs it.

The red text in this document are the
changes from the prior public hearing.

CHAIRMAN KRUSINSKI: Okay. Thank you.

Item 3 is the short-term rental.

Again, we have covered that. There were not any changes in our review at the last meeting. So that's as is.

Item 4, you'll see the changes in Section 306 with regard to nonconforming.

MR. CASAS: Mr. Chairman, I want to respect the process. Are we allowed to provide any comments or this is your review first?

CHAIRMAN KRUSINSKI: We will go through this review and pick up with item 9 where we left off.

MR. BURKLAND: But come back --

CHAIRMAN KRUSINSKI: Any comments from the audience.

MR. CASAS: So you want us to reserve those to the end?

CHAIRMAN KRUSINSKI: Yes. I want to make sure the Commissioners have the revisions from our last meeting.
Greg, I know we did the extension of
time issue that was brought up.

MR. SMITH: Yes. There is now an allowance
in Section 15.306 where the Board of Trustees
for good cause can extend the time requirements
so long as a timely request is made. I will
also note that prior to the continued public
hearing tonight, the Village clerk emailed this
document to those on the Village email list for
the purposes of giving an update.

CHAIRMAN KRUSINSKI: Item 5 is the zoning
application fees. Really no changes there.

COMMISSIONER MURPHY: I have a question.

CHAIRMAN KRUSINSKI: Go ahead.

COMMISSIONER MURPHY: It looks like
section -- 901 was crossed out, 9.03 was added.
Professional fees was crossed out and
reimbursement. I don't remember talking about
requiring a deposit in our discussion.

MR. SMITH: The reason the red line appears
this way is because we moved the section in
which the audio-visual payments were to be made.
It was previously in Section 9.01 and the definition of professional fees.

But because the ZPA, based in part on public comment, wanted to pass along the cost of the audio-visual equipment to the requester of them, which in some cases is the applicant and some cases is an objector/supporter, it was more appropriate to move the language into the reimbursement section because the definition of professional fees has to be paid by the applicant.

So in order to achieve your change in how you wanted this structured, it was just a move on the part of the Village code as it appears.

COMMISSIONER MURPHY: So reimbursement, you moved that up into the section?

MR. SMITH: Correct. The black underlined language on page 5 in Section 2.03 has been added to the reimbursement section. That was the change that was made. It would require that the person or entity requesting the audio-visual
equipment pay for it, rather than being the
applicant's charge. For instance, if an
objector requested it, it's probably unfair to
charge them for the cost of the AV equipment.

COMMISSIONER MURPHY: Okay. Thank you.
CHAIRMAN KRUSINSKI: Item 6 is the time limit
that we discussed regarding decisions. There
weren't any changes.

Item 7, obviously, was tabled.

Item 8, we picked up a number of
changes that was brought out from a comment from
both the Commissioners as well as the audience.

COMMISSIONER CLARK: And that's where, Joe,
it makes reference on page 8 about the
composting standards.

CHAIRMAN KRUSINSKI: Yes. And as you recall
or for the record again, this issue received
some comment. You have it in your packet. One
was an email dated September 20th from Trustee
Towne and this will be part of the record Sandy,
correct?

MS. GALLO: Uh-huh.
CHAIRMAN KRUSINSKI: It is in his request that a survey be done to understand the extent of present practices in our Village.

And in addition to that, Bob sent us a report that he received regarding disposal when he contacted the county, Bob, you can speak to this, they sent him what was in the Illinois EPA requirements.

MR. IRVIN: That's who regulates it in Lake County, I guess any unincorporated counties in particular.

But when I contacted Lake County, they said we don't regulate it. It's the IEPA. I contacted their Rockford office, talked to their staff who has Lake County under his purview, and he sent those regulations of what they use in terms of manure disposal or stockpiling in unincorporated counties.

CHAIRMAN KRUSINSKI: Just on this IEPA information, their requirements are quite stringent. It would be difficult, perhaps impossible, to comply with these requirements if
you were to do spreading of manure on property.

So it's another approach in terms of creating a benchmark for both odors, water pollution, proximity to water and well. So I offer this as another option to be considered.

In addition to that, Wendy -- and I'll pass this around and make this part of the record -- has created a memorandum regarding composting guidelines for manure. And, Wendy, I'll let you summarize that as well.

COMMISSIONER CLARK: Basically, it's just a report that I complied from the Illinois Department of Agriculture, North Dakota State University Department of Agriculture, and Colorado State Department of Agriculture talking about the benefits to composting.

And, basically, the -- to compost you have to have a concrete floor or a packed lime screening. It's a solid floor and add clippings and water to it.

Their recommendations are that the temperatures of a manure composting pile reach
between 131 and 170 degrees for 15 days before it removes all of the parasites and seeds and weeds.

They also talk about the water leaching into any floodplains or any state waters. It's against the law to have any kind of manure water go into any state or public waterways. So that's just kind of a guideline that I compiled based on the information they gave me.

COMMISSIONER PICKELL: Did they talk about spontaneous combustion as well?

COMMISSIONER CLARK: Well, there was some people that that was a fear, but it would have to be absolutely sealed airtight, like we talk about Lakes. You know yourself, the wind will blow the cover off. So there is no fear in any of the receptacles that we use that they're going to start on fire.

CHAIRMAN KRUSINSKI: So this is a complex issue. It's an issue that there is certainly a number of different approaches. So I think, again, one of the difficulties that we're facing
is how to police this no matter what approach we
take and what is in the best interests of the
residents.

So our language at this point is based
upon removal. And the option would be to create
some other type of language that would allow for
the composting if that circumstance were
allowed, now we get into again, which standards
do we use, who would be the policeman for those
standards, and what resources would we have to
maintain that.

COMMISSIONER CLARK: Bob is keeping his hands
down.

COMMISSIONER MURPHY: Joe, do we know how
many of the stables do composting?

CHAIRMAN KRUSINSKI: You know, one of the
things that was said that was suggested by
Trustee Towne was to get a more accurate handle
on what the residents are doing that do have
stables now and what their process is. So it's
another option to have a study done.

Exactly under whose purview that would
be done or who would do that, I don't think that
would be the work of the ZPA, but something
perhaps that the Village would like to do even
after our recommendation, if the recommendation
was we want to stand by our original thoughts,
and that is that all manure is to be removed
from the stables sobeit. Of course, the Village
Board can take other action.

So this is a complex issue and
certainly one that certainly needs more work.

MR. IRVIN: I know there are about eight or
nine residents to get dumpsters from Lakes for
that purpose and then there is some who get
extra toters, but that's small, you know, maybe
ten.

COMMISSIONER LEONARD: There is -- I mean,
just in my neighborhood, there has got to be
eight or nine dumpsters, just in my
neighborhood.

COMMISSIONER PICKELL: You mean for
composting?

COMMISSIONER LEONARD: No. Hauling off.
Everybody except the one in our neighborhood who
has a barn has a dumpster. So there is more
than that in the Village.

MR. IRVIN: The ones that Lakes gave me a
list of were no more than eight or ten in the
Village.

COMMISSIONER PICKELL: They all live by you.

COMMISSIONER LEONARD: Really?

MR. IRVIN: And they are not all on Mettawa
or Westwood. I know some have St. Marys'
addresses.

COMMISSIONER LEONARD: I know the people on
St. Marys with dumpsters.

MR. IRVIN: I can look at that. That will
fill in some of the information.

CHAIRMAN KRUSINSKI: So you know, we have a
recommendation that's in the section now. We
could stand by that.

COMMISSIONER CLARK: I would like to go back
to what we had originally talked about in the
sentence top of page 8, where we talk about a
pile containing refuse and manure and shall not
be construed as compost and shall not be permitted, if we have that there as a period, and take out most of that, except as otherwise allowed within the Code. Composting is allowed and maybe let the Village talk about that. But our recommendation is that we would not allow composting.

COMMISSIONER PICKELL: At the last meeting, one of the residents appeared to be a professional composter. There is something about his job that I forget specifically that that's what he -- a university or -- I forgot, but he was definitely into composting and was probably good at it.

And that leads me to believe that if that's the case and someone can do it properly, then, you know, we should let them compost if it's done properly.

COMMISSIONER CLARK: I think that's what Joe was saying, how do we police it, though? Are you --

COMMISSIONER PICKELL: With your nose.
COMMISSIONER LEONARD: No. Then it becomes subjective, that's the problem. I mean, if you say, okay, you can compost if you follow these guidelines set out by whatever -- you know, whatever authority that we're going to use, whether it be the State of Illinois agricultural or it be one of the universities who does it -- because otherwise, you know, you can say anything and say I'm composting. So it has to be done. If you're going to compost, we have to pick a standard and it would have to be done to that standard.

COMMISSIONER PICKELL: Yes.

COMMISSIONER LEONARD: Which means everything that I've read in the stuff Wendy has gotten is that -- and I think Bob too -- is that you have to have a floor. I mean, you can't just stick a pile out in your yard. You have to have a floor to do this.

COMMISSIONER PICKELL: If you pour a concrete floor.

COMMISSIONER LEONARD: Right, or pour a
limestone floor or something. You have to have something to do --

COMMISSIONER PICKELL: My point is if there is a criteria that you can measure --

COMMISSIONER LEONARD: You would have to have a criteria.

COMMISSIONER PICKELL: -- and then you can measure it if you need to. And you would need to if a neighbor or someone had a complaint of whatever.

Now, there's measurements you can take. You don't have a floor, so there is no floor here and you're supposed to have a floor. You have to get a floor or you have to throw the compost away, if you want to do this, if you want to keep it simple from the Village. There will be some people that will not be happy about it.

CHAIRMAN KRUSINSKI: I don't mean to kick the can down the road, but that's to some degree almost what you're suggesting Wendy, which is understandable, that we take a strong position
and one that's very understandable because I think the fear is that it's -- that there are other standards with regard to manure disposal.

The fact is, though, how do we establish those standards and who is the group, department, person that's going to monitor and make sure that everything is done to those standards?

So I think if we do as you suggest, we put the onus back on the Village Board, if they can provide the kind of resources that you would need to allow for other methods and other -- and that's within their purview.

We certainly can't from the ZPA standpoint provide the resources or the recommendations with regard to hiring people or monitoring it or setting up the criteria that other standards, you know -- that the standards would be met.

COMMISSIONER CLARK: I was thinking just more our recommendation to the Board this is what we think, if they want to take the next tier and
provide that kind of policing.

CHAIRMAN KRUSINSKI: And to also get to some
degree, as to Trustee Towne, some input from the
community saying here is option A or option B or
whatever, as to dealing with this.

I know that is to a degree kicking the
can down the road, but at least we were making
-- and I will get into this a little later --
that even from our comprehensive plan, if we go
back to that, those criteria are very clear with
respect to environmental standards and the kinds
of things we talked about.

So that's certainly an approach to
consider and it's kind of getting the monkey off
our back and moving it to the Village Board.

MR. SMITH: To be clear, Commissioner Clark
what you're proposing is that the sentence on
the top of page 8 beginning with "A pile
containing putrescible refuse" would end after
the word "permitted" and then the remainder of
that paragraph would be deleted?

COMMISSIONER CLARK: Yes.
COMMISSIONER LEONARD: Go back again --

MR. FANTUS: Did you say "shall not be permitted"?

MR. SMITH: Correct. After the word "permitted," she's proposing it be deleted after the word "permitted."

COMMISSIONER MURPHY: The rest of the sentence says "except as otherwise allowed within this code." Is it addressed in the code?

COMMISSIONER LEONARD: Not really. I think what Greg was saying was that in our codes we actually -- because of our standards for -- because of our standards, it would be construed as not allowing it. Is that what you're saying, Greg?

MR. SMITH: No. I was simply just clarifying what Commissioner Clark was asking to change --

COMMISSIONER LEONARD: But I'm talking about changing within our codes, it was within our codes for environmental.

MR. SMITH: I see. The chairman mentioned that the comprehensive plan addresses
environment, water, air quality.

COMMISSIONER LEONARD: I knew somebody did.

CHAIRMAN KRUSINSKI: But, Wendy, wasn't your first comment was to exclude all of that even "except as otherwise allowed in the code"? That would all be excluded.

COMMISSIONER LEONARD: That would be the simplest way to do it.

CHAIRMAN KRUSINSKI: It's certainly kicking the can down the road.

COMMISSIONER LEONARD: It would be the most ensuring way that manure is handled properly because otherwise you really do have to police this and a lot of people will say, "well, I compost this." Well, they really don't and it's kind of --

CHAIRMAN KRUSINSKI: The other practical side of this thing is it really doesn't matter if it's a five-acre lot or 20-acre lot. So there is other issues here as well. Some of the larger facilities --

COMMISSIONER LEONARD: It does not matter.
CHAIRMAN KRUSINSKI: So this --

COMMISSIONER CLARK: That was just my recommendation.

MR. SMITH: I would like to while we are on the topic turn to page 11, which is 15.1209, this was a product of the last public hearing on September 5th, that the same language on manure was drawn into this section, is the proposal that the same deletion be made here?

COMMISSIONER CLARK: Yes.

COMMISSIONER LEONARD: Yes.

MR. SMITH: That would have to be consistent.

CHAIRMAN KRUSINSKI: So we've got a little more work to do and we can pick it up from here. But before we do that, I want to make sure we get into the record -- and I think now it's appropriate for some public comment.

We received and you have in your packets a letter from Kristin and Ed Casas dated September 27th, as well as a document that was submitted by their attorney dated September 26th from Holland & Knight. So they have some
suggestions as well.

And I think there is another letter
tonight that may be appropriate to enter into
the record.

The floor is yours. And these
exhibits, the draft of September 26th as well as
September 27th, as well as this new document,
will all be Exhibit 3 in our public hearing, the
Holland & Knight draft and the Always Faithful
letter as well as what we are going to receive.

MR. BURKLAND: I will hand this out for now,
briefly explain it, and then we'll talk at the
appropriate time.

I'm Mark Burkland. I want you to know
that Peter Friedland asked me to tell you that
he wishes that he can be here, as he was at the
last meeting, but was inextricably bound to
another meeting tonight.

But I'm glad to be here. I'm going to
hand out to you -- first of all, let me say we
have -- that everything is going very
positively. We believe that this is headed
exactly where every one, I think, wants to be. And we have just a handful of suggestions to the changes that the Village attorney has prepared for you.

And in order to make it very simple to walk-through them when we go back to the public presentation or testimony part of the hearing, this will be a tool for you. And the good news is you don't have to read it now. But as each of the four or five things pop up and I speak about them, I can point you right to them.

So I want to give it to you now and then we'll come back to it a few times during your meeting.

CHAIRMAN KRUSINSKI: So, Mark, maybe in the interests of time and just so we keep moving on this, if the Commissioners don't mind, why don't we skip to this for the moment, let you make your presentation, and we'll try to follow it with what we have, if you don't mind.

MR. BURKLAND: Yes. We have an opening --

MR. CASAS: So Ed Casas from 855 North
Bradley Road, Always Faithful Equestrian Club.

So the two pieces of correspondence that we've submitted, one was in response for you of the original draft and taking into account the conversations that occurred at the last meeting, and the second was based on the distributed copy of a draft dated September 25th, that is what we just distributed after having a chance to review the redlined that emanated from the last public hearing.

I would like to make a couple observations because I think what's most important in terms of expressing our concerns is the conceptual framework that we're operating under.

And one of the things that we felt reassured, as I think several other large stable operators and significant capital investors in the community, was that there was an absolute clarity of intent to grandfather and safe harbor existing commercial stable operations as they are today. And those are both legally
conforming and nonconforming structures and
uses.

And we think that it's important to
make sure that there isn't a conflict within any
text amendment that might say it's here, but it
doesn't say it's there for absolute clarity.
And so many of our comments relative to the
technical aspects of the drafting, I would
submit counsel to make the comments because
that's really not my realm. But counsel has
pointed out in several areas throughout the
ordinances is where there appears to be
conflicts and we think it's very important to
resolve those.

I think the second comment that I would
make is, as I stated at the last meeting and
continues to be a relative concern, is being
respectful to the time and efforts and
objectives of this body, is to try and
understand truly the strategic objectives beyond
some of the ones that are clearly pointing to
safety or health or security or protection and
preservation of value in terms of community.
And some of these things are pretty far sweeping
that have very material implications.

And absent understanding that there has
been some level of majority consensus, some
level of impact analysis as to what we're doing
and why, it's very difficult for a resident that
is invested in the community to understand the
shift in direction, especially when we're
talking banning something that we currently do.

From a self-interest perspective,
competitive free enterprise, restricting anybody
else from coming and doing what we do, it
doesn't hurt us. So I'm not speaking from a
selfish motive as an operator. I'm speaking
more in that context as a resident.

So first and foremost, please, with
consistency honor the grandfathering and safety
harboring. Those are two different concepts,
right. Grandfathering saying, you know, you
have been permitted to do it legally in the
past, whether it's conforming or nonconforming
to current regulations, we know that and you're
going to continue to be permitted to do that
because that's the basis of your investments,
that many operators have made in the community.

And the safe harboring meaning you
shouldn't take away the right or amortize the
right over some time period. If you lose a
structure, you should be able to replace it, you
know. It shouldn't be if you need to do a
cessation of operation for whatever you're doing
for renovations for a period of years, you
shouldn't lose it. The concept of using or
losing it is -- an amortization of the right to
do it are safe harboring concepts.

I would tell you from reading as a
layperson and confirm with counsel's review -- I
would be happy to spend the time and dollars to
study it as a responsible citizen -- that's the
current draft. And so there's some specific
recommendations that we're making that we hope
you adhere to.

The third concept that I will layout is
in listening to the first case that you heard
this evening and listening to the legitimate
concerns expressed by the Commissioners, it
seems a lot of it is legitimately focused on
aesthetics and how is this going to impact the
neighborhood and what it's going to look like
and can you use a pole barn structure for
residence, these are, I think, all really
positive things focused on preserving value and
not imposing burdens or unsightly type of
appearances to neighbors that we, you know, all
care about.

On the other side, when we talk about
broad sweeping changes that are very
restrictive, our experience and my general
knowledge fairly studied in the area is that
real estate values are directly related to
people's view of perceived use. And the more
you restrict and the more you tighten down and
the more you put regulations and the more
expensive you make it for people to try and use
their properties, the reality that will drive
properties down.

So to the extent we care about property values, I would just encourage that we focus on some of the key things that have been said by many of the members, which we care about what it looks like, we care that it's a sound structure, we care that it meets the standards and that it improves and enhances the value in the community, and not shortcuts and unsightly structures.

The last point I'd make -- and I really don't want to go on -- we spent a lot of time talking about manure. But a legitimate concern of having stockpiles of manure that are malodorous and are putrefying, not only unsightly to look at and burden the neighbors with smell and foul odors is a very legitimate purpose. But to then say the thing we should do is you can't do it period, even though we know there are legitimate operators that are going through properly engineered processes that don't create any of these side effects and have no
complaints, would now all of a sudden be
restrictive after having approved structures
with significant capital commitments to make
sure they were doing it properly.

So I would just caution you to not kick
the can in a way that is biased and
discriminatory towards operators that have
invested significant amounts of capital to do it
right, as opposed to direct your energies on the
things that are valid, which is restricting this
informal stockpiling and calling it composting
and burdening your neighbors with obnoxious
smells and unsightly piles of manure.

Those are the comments. I think in the
context of the draft-specific language, we can
do whatever you want us to do. We've encouraged
that counsel can have direct conversations to go
through the technical drafts so there is clear
direction from the Commission.

We've been advised, no, you know, right
now we want to air these out, which is a rather
tedious process for the Commissioners and the
audience and we don't want to necessarily
monopolize time to go through those. But if
that's what we need to do so that you understand
each of the points and how they are compatible
with the opening statements I just made, in
terms of the conceptual framework, we're happy
to do it.

I just want to be respectful,
Mr. Chairman, to you and your time and our
fellow commissioners' time and efforts. So if
you prefer us to do it that way, understanding
that those are the frameworks, what we would be
more interested in is really hearing the
consensus of the group relative to the
principals I just laid out.

CHAIRMAN KRUSINSKI: Thank you, sir.

So I think -- and, again, I will defer
to counsel on this -- that this is more or less
a legal matter in terms of the language. I
don't think that it's the intention of our group
to do anything that would in any way prohibit
the existing special uses from proceeding as
they've been approved. However, if there is
some language that needs to be reviewed in
regard to that, sobeit.

And so I think rather than spending a
lot of time on this this evening if, Greg, you
can review this and make a recommendation to the
Commissioners, as you've done in the past with
specific language and/or revisions or discussion
that we need to have in regard to making changes
to what we've already done. Is that fair?

MR. SMITH: Yes.

CHAIRMAN KRUSINSKI: So I would prefer that
we do it this way. If there are -- and as I
said, I think in terms of the timing of all
this, we're going to have another meeting.

MR. CASAS: Understood, Mr. Chairman. And we
respect that approach and we embrace it. The
only thing I want to make sure from just a
layperson's perspective, and not get into the
legal aspect of it, is that the differentiation
in saying, well, if you've already been
permitted to do it under an approved SUP versus
saying if it's an existing legal conforming or 
nonconforming structure or use, those are two 
different things.

And just to be very clear, I will point 
out one thing as an example, you can read our 
SUP. There is nothing in it that says anything 
about the commercial equestrian use that that 
property has been engaged in for over six 
decades. And when we came in here, it was told 
that it was grandfather clear, everybody knew 
it.

So we have to be very careful in terms 
of how you delineate these things. And one of 
the conflicts in some cases it says legal 
conforming and nonconforming and other cases 
approved by prior SUP and those are not the same 
universe. And I just want to make sure that the 
group understands that, because that's what 
we're focused on, is to make sure that we are 
covered to continue to do, which what I think is 
the intent of the Commissioners, which is not to 
take guys that come into the community and are
operating existing facilities and doing it
legally, to be told now all of a sudden the
rules change and now they can't do it. So I
want to make sure everybody understands that.

CHAIRMAN KRUSINSKI: I think, again, that's
certainly a legal point that we need to make
sure that we get some help from Greg and to take
that into account.

MR. FANTUS: Richard Fantus, 14253 West
Riteway Road. I would like to add to a couple
points that Mr. Casas made in reference to
putrescible waste, which is the compost which I
think you're striking out of it, from what I can
tell with your discussion on item 8 page -- on
page 8 to remove allowing stockpiling
putrescible waste and compost.

There is significant disease burden
associated with improper composting. There is
also regulatory bodies, as you pointed out, that
you addressed. Illinois.edu, which is the
Illinois version of the places you went to has a
robust website on the benefits of composting as
well as the hazards and the way it should be
done in a thoughtful process.

    The Illinois EPA licensed facilities
for those who are nonconforming, which happens
to be if you're less than a quarter of a mile
away from a nonfarm residence, which is listed
as one of the bullet points under the Illinois
EPA.

    If you do consider moving forward with
composting, they should be required to get a
permit under the Illinois EPA. They provide the
inspection. It would be a simple way instead of
trying to emulate or duplicate or come up with
guidelines for composting within the Village
limits.

    One of the other points that Mr. Casas
made is property values. We have seen several
houses go down in value. They sold recently
five times reduced price, off the market for a
year. I'm not an owner of a large stable. I
have a house that's a large investment. I don't
want to see the property value go down.
I would like to see the same standards applied, though, when talking about manure in a container, that used to have a cover -- and I understand you have some concerns with combustion if it sits there for a week, which I'm not familiar with because it was a covered container at one point and now it's removed to an open container. Having lived over 22 years sandwiched in a property with putrescible waste spread around and what had been requested of Corporate Way with what they needed to do for their manure structure to cover theirs, I think some screening from vision from a public road or a private road or from a neighbor should be added to whatever this container requirement is so we don't have to look at it.

You know, I think the same standards recently applied by this body and approved by the Board that may have build -- I'm not saying build some huge structure like the hundred-thousand-plus-dollar manure structure for Corporate Way, but some way to screen
whatever container you choose to allow people to
use. I'm referring mostly to the residential
areas that it's screened from view as you go by.

CHAIRMAN KRUSINSKI: That's a good point.

Thank you.

So as I said, we're going to let Greg
speak to the issues that have been submitted	onight. And I think, obviously, that screening
of containers is probably an appropriate
addition somewhere in here as we review this.

And we also had a suggestion that we allow --
which is where I think I was headed -- is that,
you know, this is not a function of -- I think
that's under the purview of the ZPA.

But if the Village Board wants to
allow, as an example, composting, then it -- and
it sets a standard that they do so with an
Illinois EPA permit, that's a perfect out for us
and really requires no additional, I don't
think, Village personnel to monitor and stay
after that. I could be wrong.

MR. IRVIN: I think it would be like most of
the other ordinances, we would respond on complaints. We wouldn't be going out looking for problems.

MR. FANTUS: The permit requires visits twice a year by the Illinois EPA, according to what is on the Illinois.edu website linked to the Illinois EPA. Or for anyone without a permit, that there is a complaint that would be lodged with Illinois EPA, they will come on-site to inspect. But having the permit process requires biannual inspection.

COMMISSIONER LEONARD: That solves the problem.

MR. CASAS: What you're talking about is commercial composting facilities that are heavily regulated for a reason. But when you're talking about private owners and what they're doing in some of the descriptions and the testimony that has been provided before, they are not creating unsightly, they're not creating the smell, I'm not sure why you would want to get state regulators to impose that burden on
your residents that are doing things in a way
that's not creating a negative impact or burden
relative to their neighbors.

CHAIRMAN KRUSINSKI: I guess the only issue
there is that we could have someone that's
following all the standards and do it correctly,
but there could be others who are not following
the standards and there is nothing to hold their
feet to the fire.

MR. CASAS: But the standards that are being
referenced, again, are for commercial
composting.

CHAIRMAN KRUSINSKI: Those aren't our
standards. Those would be the EPA standards.
If they have standards that are, I would call,
acceptable and reasonable for five-acre parcels
of land that have horses, then that would seem
reasonable.

Granted that's not a commercial
endeavor by any stretch of the imagination. But
the EPA does regulate a lot of things that are
not commercial. I deal with them every single
day.

MR. SMITH: An option for the ZPA here is to make a recommendation on this text, but include in the findings a suggestion to the Board that they come up with a plan to study the issue of composting manure and then refer the matter back to you or take some steps to address the composting manure after they've studied it. But your recommendation could be for the time being, this is what we recommend subject to the Board studying and doing something about it.

CHAIRMAN KRUSINSKI: And specifically if there are operations that deal with the manure in a way that, you know, meets EPA standards or other standards, then the Board has the right to say this is acceptable and, you know, life goes on.

The issues here are not so much those that are doing it the right way. It's for those that are creating problems.

MR. BURKLAND: Can I suggest one thing. If there hasn't been in recent time a significant
issue related to this, wouldn't it be sort of safer and more useful to recommend the status quo, which means not any particular regulation at this time, but in your recommendation to the Board of Trustees, make the recommendation that they study this issue so that it can be addressed at a time when there is a determination as to what the appropriate regulation is.

COMMISSIONER LEONARD: I would like to address this. I think something that you really do not understand is we have had issues here. We have had complaints here. And that's why we are addressing these issues.

We're not doing this just because we want something to do. We have had residents who are complaining about these things. That's why we are taking this up.

So I think you have to, you know, understand, you don't live here and you're not here all the time and you don't get these complaints. We do.
MR. BURKLAND: It was just a suggestion.

COMMISSIONER LEONARD: Just so you know where we're coming from on this.

MR. BURKLAND: Yes, I do understand.

MR. FANTUS: I have a naive question. Where does all the compost go once it's made?

COMMISSIONER LEONARD: Most people just spread it. If they're doing it properly, it's good for their garden. If they're not doing it properly, it's not good for anything.

MR. FANTUS: But for large stables that have a much larger volume?

MR. IRVIN: We have a large stable owner here.

MR. CASAS: To answer that question, from our perspective, it is, and as part of the development, we planted over 2,500 trees and a variety of bushes, eliminated buckthorn, and we did the landscaping to support that on this kind of soil, which is a clay-based soil. It is extremely difficult, absent two things, fertilizer and water.
And so I think the focus, at least from our perspective as a user, is making sure we are most efficient in terms of recycling and doing it in a way that isn't creating any toxicity and burden on the neighbors.

I totally get the concern that Bob has expressed and what he has lived with. And I don't think anybody should be forced to be put in a position with this and wholeheartedly support efforts to correct those.

All I'm suggesting is you don't throw a baby out with the bath. You don't ban things that are good for the community and the importance of the people that are doing it right. Don't ban the type of efforts. People put in a lot of capital in terms of high-end materials. I have heard great things about Corporate Way. We feel good about what we've done. We think that that helps and attracting that type of investment is very positive.

The concern is if you take what our legitimate concerns and broad stroke it and just
push it upstream, it really creates an
adversarial environment where you're really
getting punitive, not with intent, but in an
effect on existing operators.

COMMISSIONER LEONARD: I think we're trying
to write ordinances to benefit the Village as a
whole. I understand where you're coming from.
I really do. And, like I said, if you compost
and you do things right, it's a plus for the
environment.

The problem is, as Joe said, the
policing of it, the standards that you have to
have for composting and then everybody has to
have the same standards.

And that's where the problem becomes.
I mean, you get somebody -- okay, you can
compost it, you can do it correctly, you know,
that's nice. But a lot of people don't.

So what do you have, two standards for
people? It's okay -- you know, unless you have
somebody that goes around and checks these
things, nobody knows whose standards are right
because they're a very subjective thing.

MR. CASAS: Well, I think if you establish
the standards and then you have complaints, you
can evaluate whether somebody is compliant or
not.

COMMISSIONER LEONARD: That's what we're
trying to do.

MR. CASAS: For most commercial standards,
that would create burdens in the tens of
thousands of dollars on operators that are not
the cause of any of the complaints that you've
received seems an undue and unfair burden.

To say you can't do something that
cycles and avoids literally tens of thousands of
dollars in substitute costs for materials that,
quite frankly, oftentimes are even more toxic
than what you're producing in a natural
recycling way that's properly done. It makes no
sense to an existing operator. So I think just
be careful of that impact, it's discriminatory.

COMMISSIONER LEONARD: I think this is
something Joe is right about, that we need to --
CHAIRMAN KRUSINSKI: I understand everyone's point. And there is no question we seem to be on a divergent path. If somebody has an acceptable composting program, as I think you do, it's not our intent to dismantle that.

However, the other side of that coin is -- and, again, not necessarily to do anything other than kick the can down the road -- if we set a standard for that for -- that I think works for a majority of the smaller stables, which sounds like most do, remove the material. And if beyond that somebody wants another program, a sophisticated composting program that meets standards, then they can do so.

But the problem is there doesn't seem to be anything in between. It's either removed or it's done right.

COMMISSIONER LEONARD: There shouldn't be anything in between.

CHAIRMAN KRUSINSKI: But the point is that there is.

COMMISSIONER LEONARD: But there shouldn't be
and that's what we have to get to.

COMMISSIONER PICKELL: The burden is -- would
be the permit fee. What does it cost to get a
permit? And if the EPA is going to make you
compost properly and that costs more, why would
we care? We want it done right.

COMMISSIONER LEONARD: We don't care.

COMMISSIONER PICKELL: Now if the permit
itself is onerous -- I don't know how much it
costs. Does anybody know how much it costs? I
mean, if it's not a big deal, then I mean --

CHAIRMAN KRUSINSKI: That's what I'm saying,
this is not the time or place to debate this or
the EPA. I think that is something that there
is a next step to this. We will never -- we
can't get to that next step. I think if we do
make it clear -- and, again, I think this is
important and we have to move on a little bit.

But one of the things that you know, Ed
you said in your letter, is that we are -- we
are moving in a way that is arbitrary and that
we're absent the appropriate rationale and
vision and interest of the Village residents and there is no research or anything to support what we're doing, two comments with regard to that.

One is -- I think Liz made it very clear -- these are not things that we dreamed up over a many, many months via complaints, via issues that the Board brought or issues that the residents brought as well as things that we need to do strictly from an administrative sense, we have to clean some things up and that's what we are in the process of doing.

Secondly going back, way back, to our comprehensive plan and as far back as 1950 when this community voted in favor of incorporation, there was significant effort to maintain a rural atmosphere to our community, and that was the direction of the residents at that time, and it was input that we received in 2015 and 2016 as we reviewed and made changes to our comprehensive plan.

And those objectives clearly state that we would create policies that would be adopted
by the community to retain the unique qualities
of the rural residential environment.

And so I know you made comments about
the issues with regard to market conditions,
with regard to growth and the ability of
economic sustainability, those are all very
valid points. But kind of our guidepost
throughout this thing and the guidepost that,
really, the community has given to us via their
input, is that we want to perpetuate the rule of
protecting the village's environmental resources
and providing a viable alternative of a rural
lifestyle in contrast to a higher density urban
style, suburban lifestyle.

That's out of the bible that the
community established in giving us, you know,
kind of our marching orders and to kind of get
us where we are at.

So we have no intention of undoing
what's been done to allow facilities such as
your own -- and it's an absolutely gorgeous
facility. There is no question about it and
everything is being done properly. But I think
our guideposts are with respect to the input
we've received over a period of time from the
community.

So that's kind of the track we're on.
We are really, again, out of time. And the only
other thing I would like to do very, very
quickly so that we have a chance to is -- are
there any other comments so that Greg can do one
last draft of this?

COMMISSIONER CLARK: I have a question, Greg.
If we go to page 13 under item 13 height of
structures, somehow looking back in my notes, we
have talked about Orren's recommendation, the
ceiling level height of a principal building
shall not exceed 35 feet and that was on Orren,
we had a discussion about that. Do you remember
we talked about --

COMMISSIONER PICKELL: We took the ceiling
out. I think we took the ceiling out because
the ceiling height inside a residence was not
relevant. So we basically went from 45 feet of
the overall height on the residence to 40 feet.

COMMISSIONER LEONARD: That was a question to
40?

COMMISSIONER PICKELL: So this is correct.

COMMISSIONER CLARK: Okay. I knew there was
some talk about 35 and 25, I was just wondering.
That was just a question.

CHAIRMAN KRUSINSKI: Any other comments? I
know other issues, you know, that Greg -- ball
is in Greg's court then to review this with
respect to those issues that are -- that provide
the safe harbor for the existing special use
permits.

Greg, any other -- sorry, Bob.

MR. PRICE: Bob Price from Pegaso Farm.

Page 11, three quarters of the way down, it says
[as read]: The ZPA also recommends that the
Village Board adopt a licensing requirement for
operators of large stables with operating
standards, routine inspections, and so on.

Whose idea was that?

CHAIRMAN KRUSINSKI: There was some
discussion. And we never -- again, we, to some
degree, kicked the can down the road on that
because there were issues with regards to things
like the manure issues that we didn't have clear
standards to follow.

And, frankly, that's all we said, is
that this is something that perhaps the Board
can consider. I don't remember if there was any
other discussion.

COMMISSIONER LEONARD: There was. And the
rest of it -- actually, some of this came from
the Village Board because there was -- there
have been cases where people are not living up
to their special use permits and that has caused
a problem of sorts. And there has been some
talk amongst people at this Board and the
Village Board about how to -- again, no one
likes to police things -- but how you make
people live up to their standards that they're
supposed to have, regarding their SUPs and just
regarding -- well, mostly with any large stable,
it's going to be an SUP, so that's where that
came from. Now, whether or not they'll do it, I don't know. That's up to them.

CHAIRMAN KRUSINSKI: The bottom line is -- and the reason we probably put it in is it did come from the Village for us to look at those issues. And I think after our discussion, we said the ZPA is not the policing body for existing facilities.

MR. PRICE: You have a board member here and he says he never remembers any of that coming from the Board.

CHAIRMAN KRUSINSKI: Well, it came from the memorandum from the Board that gave us all of these issues to review.

MR. PRICE: Okay. I just -- you know, I think you guys are setting yourself up for, you know, some -- a world of hurt.

CHAIRMAN KRUSINSKI: Thank you.

COMMISSIONER CLARK: Could I ask you, Bob Price, when you got your special use permit, you put in a composting, that's what you currently use on your property, is you compost your
manure.

MR. PRICE: Right.

COMMISSIONER CLARK: What do you do with your compost?

MR. PRICE: I actually don't use the composter. It's removed every week.

COMMISSIONER CLARK: Okay. So I knew that you had had --

MR. PRICE: Besides the whole manure thing, which is caused by basically one resident in this town, you know, tell me what, you know, in the large stables -- you know, what my issue is, who is capable of looking for what, the welfare of the horses, the -- you know, the stall sizes? I mean, I thought all that stuff was -- where somebody builds a barn, I thought all that is checked and approved before you're even given the occupancy.

COMMISSIONER CLARK: All those things are. It's the going forward. You know, our -- if you have a permit for -- you have 26 stalls, right?

MR. PRICE: 24.
COMMISSIONER CLARK: 24. And your special use permit gives you X amount of stalls to use for commercial or lease, the rest are private. So at some point how do we know that you don't have 24 stalls in there. It's a check and balance. No one is looking to take anything away from you.

MR. BOYD: Doug Boyd, Sapphire Riding Academy, the inspections part, that's something that needs to be clarified how they're going to do it because I've run into a situation where somebody acting as a village board member came in and started helping themselves to counting stalls and horses and pointing fingers and trying to regulate me without any notice of any sort whatsoever. I had been home literally from Florida after being gone for four months, I had been home for two days and got bombarded with all this. It's like you're not -- you're not a village board member. I'm just saying, are you getting notices? How are you doing this? Are these inspections -- not that anybody is doing
anything wrong. But are these just going to be
drandom, hi, we're here and we want to look at
your property and so forth?

MR. IRVIN: I think as the chairman said,
it's been recommended to the Board to look into
it, but that's as far as it's gone.

MR. BOYD: As far as somebody regulating
these rules, I think that you need to have
professional horse people on the committees as
well to help regulate it because most of these
are -- not the EPA stuff and manure. But I
think they need to come from people that are
professionals and understand the industry,
especially where large stables are concerned.

CHAIRMAN KRUSINSKI: Thank you.

We're going to adjourn the meeting and
to make sure we have a quorum for our hopefully
what could be our last meeting on this to review
the final draft. So the regular scheduled
meeting is November 7th. I want to make sure a
quorum is available for that date, which will
again be a public hearing -- continued public
hearing. So November 7th, our regular first
Tuesday of November meeting, please, please,
please. And so I need a motion to continue the
public hearing.

MR. SMITH: I can state the motion. Motion
to continue the public hearing in case 17-TA-1
to November 7th, 2017, at 7:00 p.m. in the
Cottonwood Room at 26225 North Riverwoods Road,
Mettawa.

CHAIRMAN KRUSINSKI: Thank you. If somebody
can second that.

COMMISSIONER CLARK: Second.

CHAIRMAN KRUSINSKI: Sorry, you have to make
the motion.

COMMISSIONER CLARK: I make the motion.

COMMISSIONER LEONARD: I will second.

CHAIRMAN KRUSINSKI: We have a motion and
second. All in favor.

(Chorus of ayes.)

CHAIRMAN KRUSINSKI: Motion carries. We'll
see you all on November 7th.

(End of meeting.)
STATE OF ILLINOIS
COUNTY OF COOK

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

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

ZONING, PLANNING AND APPEALS COMMISSION

November 7, 2017

Case Number 17-TA-1
APPEARANCES:

Mr. Joseph Krusinski, Chairman
Ms. Wendie Clark, Commissioner
Ms. Holly Hirsch-Bollhoffer, Commissioner
Ms. Liz Leonard, Commissioner
Mr. Mark Meluso, Commissioner
Ms. Catherine Murphy, Commissioner
Mr. Orren Pickell, Commissioner
Mr. Bob Irvin, Deputy Village Clerk
Ms. Sandy Gallo, Village Clerk
Mr. Greg Smith, Attorney
CHAIRMAN KRUSINSKI: I'm going to call the meeting to order. It's a few minutes past seven. I think one of your other commissioners is on the way, but we can get going.

So welcome to the regular meeting of the Mettawa Zoning, Planning, and Appeals Commission. My name is Joe Krusinski, chairman.

Will the secretary please call the roll?

MS. GALLO: Commissioner Clark?

COMMISSIONER CLARK: Here.

MS. GALLO: Leonard?

COMMISSIONER LEONARD: Here.

MS. GALLO: Hirsch?

COMMISSIONER HIRSCH-BOLLHOFER: Here.

MS. GALLO: Meluso?

COMMISSIONER MELUSO: Here.

MS. GALLO: Murphy?

COMMISSIONER MURPHY: Here.

MS. GALLO: Pickell?

COMMISSIONER PICKELL: Here.

MS. GALLO: Chairman?

CHAIRMAN KRUSINSKI: Here. I declare a quorum present.
The first order of business is the approval of the minutes from our October 3, 2017, meeting. Before discussion, firstly, is there a motion to approve those minutes?

COMMISSIONER PICKELL: I have a comment.

CHAIRMAN KRUSINSKI: After the motion we can comment. Okay. So I need a motion to approve.

COMMISSIONER CLARK: I make a motion.

CHAIRMAN KRUSINSKI: Second?

COMMISSIONER MURPHY: Yes.

CHAIRMAN KRUSINSKI: Is there any discussion or comment?

COMMISSIONER PICKELL: Yes, I voted nay to the guesthouse, attached four car-garage.

CHAIRMAN KRUSINSKI: I think we made that correction.

COMMISSIONER PICKELL: I didn't get that.

CHAIRMAN KRUSINSKI: It was on the first draft, but then it was corrected I think in the final.

COMMISSIONER PICKELL: I didn't get a delivery.

MS. GALLO: We didn't do any delivery.

CHAIRMAN KRUSINSKI: Did we make the
correction?

MS. GALLO: I'm double-checking what he is referring to.

COMMISSIONER MURPHY: It's on page 3, Sandy.

MS. GALLO: Okay. Yeah.

CHAIRMAN KRUSINSKI: Okay. We'll make that correction. Thanks, Orren. Sorry.

Any other additions or corrections for the minutes?

Again, will the secretary please call roll.

MS. GALLO: Commissioner Clark?

COMMISSIONER CLARK: Aye.

MS. GALLO: Leonard?

COMMISSIONER LEONARD: Aye.

MR. SMITH: Hirsch?

COMMISSIONER HIRSCH-BOLLOFFER: Aye.

MS. GALLO: Murphy?

COMMISSIONER MURPHY: Aye.

MS. GALLO: Pickell?

COMMISSIONER PICKELL: Aye.

MS. GALLO: Chairman?

CHAIRMAN KRUSINSKI: Aye. Motion carried and the minutes are approved.
For the information of everyone who is here, the work of the Zoning, Planning, and Appeals Commission consists of reviewing matters brought before us that affect zoning and planning in the village. This Commission is a fact-finding body and has no final authority. As a result, we make no decisions regarding any matter, but only make recommendations to the President and Board of Trustees of the Village of Mettawa.

This evening's proceedings will be transcribed by a certified court reporter. All statements made by the public and all testimony given by witnesses will be given under oath. Following the public hearing, our deliberations regarding the case are open in the sense that all are invited to listen and watch. However, the public may not speak during the deliberations.

We have one item on our agenda tonight, a long list of amendments to the zoning ordinance regarding a variety of matters on a zoning application filed by the Village of Mettawa in Docket 17-TA-1.
I would now call the continued public
hearing in case number 17-TA-1 to order. Again,
for the record, will the secretary please call
the roll.

MS. GALLO: Commissioner Clark?

COMMISSIONER CLARK: Here.

MS. GALLO: Leonard?

COMMISSIONER LEONARD: Here.

MS. GALLO: Hirsch?

COMMISSIONER HIRSCH-BOLLHOFFER: Here.

MS. GALLO: Meluso?

COMMISSIONER MELUSO: Here.

MS. GALLO: Murphy?

COMMISSIONER MURPHY: Here.

MS. GALLO: Pickell?

COMMISSIONER PICKELL: Here.

MS. GALLO: Chairman?

CHAIRMAN KRUSINSKI: Here. I declare a
quorum present.

Case number 17-TA-1 arises from an
application filed by the Village of Mettawa.
Findings of facts and recommendations are sought
from the ZPA on text amendments related to the
following matters: Residential lot coverage and
accessory structures; minimum dwelling sizes;
short-term residential rentals; amortization of
nonconforming uses; zoning application fees, and
audio, visual, and home rental fees and notices;
time limits for appeals for zoning administrator
decisions; horse and large stable requirements;
commercial use regulations in residential zoning
districts; reorganization of certain zoning
ordinance sections; timeliness of construction
and completion of improvements approved by a
special use permit; height of structures in
residential zoning districts; and matters
related to those set forth.

The text amendments, if adopted, would
affect property in the entire village. And
amendments, if adopted, are not limited to a
certain parcel or parcels of property in
Mettawa.

Tonight we continue the public hearing
on this matter, which began on September 5th and
was continued on October 3rd. The public
hearing was continued tonight for further
consideration.

On September 5th and October 3rd, the
Commission heard a great deal of testimony and evidence regarding the proposed areas under consideration.

The procedure will follow tonight is as follows: First, the village and its staff will describe the changes to the latest draft proposed and any changes that the Village has received from the public.

Following the staff's presentation on the update of the proposed amendments that have been updated and then the presentation on the additional changes that have been requested by the public, all members of the public will be allowed to make their case about the proposals and Commissioners may ask questions of any member of the public who testifies.

We will pause the public testimony of tonight's hearing and give the Commissioners an opportunity to discuss what has been presented this evening amongst themselves. And I will allow the Commissioners to give input on the items discussed.

It is possible that the public hearing on the proposed text amendments will not be
completed this evening, which I hope is not the case, and that additional public hearings will be needed to address all of the items under consideration.

If another evening is required to complete our consideration, the Commission will make a motion at the end of today's hearing to continue a public hearing at a date certain.

The final step is when the Commission has taken all the public testimony on the proposed text amendments, the public hearing will be formally closed and the Commission will deliberate and come up with a final recommendation.

I ask everyone in the audience who may wish to speak this evening to please stand so that you may be sworn in. So anyone who wishes to speak this evening on any matter please stand.

Do you swear to tell the truth in the testimony that you may give on this matter?

(Chorus of "I do.")

CHAIRMAN KRUSINSKI: Thank you.

As I said, the format tonight is to
review what amounts to be a, more or less, final
draft with whatever minor revisions or revisions
that we make this evening.

So I've asked our village attorney,
Greg Smith, to begin that presentation and to
briefly go through the changes that basically
are in your hands that -- and have been
distributed as well so that we can quickly
review, basically, again, just the changes that
we made to the last version and/or if you have
any questions on those changes, that we can
bring those up at this point. After that, we'll
ask for public testimony.

So, Greg, if you could just go through,
again, the revision that you submitted.

MR. SMITH: Certainly. Thank you, Chairman.

In the back of the room is a document
that states "Draft October 30th of 2017." If
you don't have a copy of the document, they're
available for the members of the audience
tenight.

In this document, additions from the
last draft of September 25th are noted in red
underlined text and deletions struck through in
red stricken text.

The changes made per the last public
hearing of the ZPA on October 3rd, appear first
on page 7 of the document. At the October 3rd
meeting, the ZPA proposed some language there in
the last paragraph which states that "Each week
between such removal, manure may only be stored
in appropriate containers, which shall be
screened from view from adjacent lots and
rights-of-way." That last portion about
screening was new language that the ZPA
considered and asked to be included at the
October 3rd public hearing.

And then on the bottom of page 7 going
on to page 8, the ZPA requested that the
language regarding composting be stricken and
instead language be inserted that "The ZPA
recommends and urges the Village Board to decide
how to allow composting manure, to study the
issue, and to regulate it accordingly."

And then if we move on, similar changes
were made at the top of page 11 with regard to
the new stable text there. Chairman Krusinski
before the meeting tonight suggested on page 11
that the last paragraph before number 9 be revised to provide that "The ZPA also recommends that the Village Board consider a licensing requirement" as opposed to "adopt." That's something that he mentioned to me prior to this evening, so softening the language from "adopt" to "consider." That's something you can certainly discuss later.

And then the last area of proposed changes are 14 and 15. They are the six requests from the Always Faithful Stables. Mr. Casas is here. They made the request on October 3rd in a memorandum that was distributed to the Commission at that meeting.

Briefly in number one, they seek the addition of a new subsection F, Section 15.301, that would expressly provide that a variation -- excuse me, that a structure or use that has been authorized by a variation or a special use permit for a large stable, large stable-related structure, or equine operations would not be subject to the amortization or nonconforming status in Article 3 of the zoning ordinance.

What they are asking to add is this
language, which would further protect what the Village has previously allowed in a variation or a special use permit. In regard to the special use permits, those relate to large stables, large stable-related structures, and equine operations.

So if you agree -- and I think the ZPA has voiced an opinion on this previously, but tonight this should be a part of your deliberations. If you want to further protect and grant the status of those types of variations and special use permits, then this should be considered for inclusion in the final draft that you send along to the Board as part of your recommendation. I'm happy to answer questions about these if the ZPA has them.

With regard to number two, there is a proposal to add in language that would -- that would further clarify that the new limitation on horses being placed on lots -- if you recall, the ZPA is considering a recommendation that horses may only go on lots where a resident is also present, that this language would be added to clarify that these -- this new language shall
not apply to limit or restrict legal conforming
use of a large stable, large stable-related
structures, or equine operations established
prior to January 1st of 2017.

Again, if the ZPA wants to include
language to allow what is in place to continue
without question, then this language would be
appropriate to consider adding into the final
language.

With regard to number three, Always
Faithful is proposing to add to the end of
Section 15.1209(B) that improvements that were
authorized in a special use permit prior to
January 1st of 2017 be allowed to be
constructed, even if permits haven't been pulled
prior to the effective date of the new language.

The part of the proposed text
amendments that this relates to is the part that
says you cannot expand certain kinds of large
stable-related structures or uses on property.
This language would have an exception to that
for circumstances where the Village Board
previously approved something but it hadn't yet
been built.
So if the ZPA agrees that if the Village Board has previously approved something, it should be allowed to be constructed, then this language would be appropriate to include in your final recommendation to the Village Board.

With regard to number four, there is a proposal here to add at the end of that section that limits the expansion of large stable-type uses, that if any conflict between the zoning ordinance, the village code, and a legal confirming -- nonconforming or conforming large stable, the legal nonconforming or conforming large stable status shall prevail and the limitations on expansion shall not apply.

So, again, it relates back to your policy, you know, position on how you want to treat these matters.

With regard to number five, they want to include Always Faithful is requesting in Section 15.1209(C) that legal nonconforming uses established prior to January 1st of 2017 are specifically called out as being allowed to continue.

You know, structures are mentioned.
They point out that use -- legal nonconforming
uses are not mentioned. So if you're okay with,
you know, clarifying these matters, it would be
appropriate to add that language in if that's
your direction.

And then, finally, in number six, they
request that the definition of commercial use be
modified to, at a minimum, excluded from the
definition of commercial use not-for-profit
activities or previously grandfathered and
safe-harbored legal nonconforming or conforming
uses. And that would be in the definition of
commercial uses as proposed per Section 15.201.

So these are all the changes and then
the proposals that are before you tonight.

CHAIRMAN KRUSINSKI: So, again, as I
outlined, what we will do is we will go through
these separately after any of the public
discussion. And this is -- I know you are
seeing this tonight for the first time, so we'll
have some time to review that.

In addition to that, I also want, for
the record, to incorporate a number of documents
that we received since the last meeting and add
to our exhibits. Just for the record, that includes a document that was submitted by the chairman of the Zoning, Planning, and Appeals Commission with regard to the work of the Commission on this matter and to give some background on the work that the ZPA had done with respect to revisions to the Mettawa comprehensive plan in light of comments that were made regarding that.

Secondly, there was a document from Keith Gray in regard to my -- the previously mentioned document. And for the record, Keith stated that with regard to the fact that the Village has actually made a number of land purchases in light of the comprehensive plan and potential commercial development potential, that the promise is false, mere -- these are words from Keith Gray. "The promise is false. Mere purchase of the land offers no assurance against future development as long as future boards have the authority to sell or develop it. The only way to ensure that is to allow a conservation easement held by an entity, not controlled by the Village." So I would like to put that
comment into the record.

And also there was a resubmittal of a prior email that was sent by Judy Friedman. The new email is the prior email, but this one is re-dated as of November 7th. And that is also to be included in the record.

And I believe, Sandy, that's all the documents. Or is there something else?

MS. GALLO: The manure.

CHAIRMAN KRUSINSKI: I'm sorry. One last document. We will make this all part of Exhibit 3.

MR. SMITH: Yes.

CHAIRMAN KRUSINSKI: Yeah. There was another document that was submitted that -- it's entitled "Compost Facility Permits." It's from the Illinois State University Department of Agriculture and it gives some specifics about the requirements with regard to the Illinois EPA and issues in regard to compost.

So we'll add those all to Exhibit 3, Sandy. I'm sorry. And there was one other document, it's Lakes Disposal Manure Removal List dated 10/26/17, and it gives the listing of
properties that have different size Mettawa
dumpsters and toters. So that's also in your
package and will be part of the record.

Anything else?
MS. GALLO: That was it.
CHAIRMAN KRUSINSKI: Thank you.

So now it's time for public testimony on this matter. And, again, we'll just --
anyone who has a comment, simply raise your hand and you will be asked to state your name and address for the record and you may make your comment. So anyone wishing to make a comment?
MR. CASAS: Ed Casas.
CHAIRMAN KRUSINSKI: Thank you.
MR. CASAS: 855 North Bradley.

I appreciate counsel's review of the requested additions to the text amendment. His characterizations are consistent with our intent. And I think from the first meeting to this one, what we've asked for is what has been repeatedly, at least informally told us to make sure it gets formally addressed, and that is there is an intent to grandfather and safe harbor the legal nonconforming uses associated
with large stables.

    Obviously, we've pointed out that the SUP, as has been drafted, doesn't specifically address the commercial uses of the property that are developed, that have been grandfathered and admitted.

    We just want to make sure that that's clear, the reference to the SUP without the combination of legal nonconforming use doesn't get us there, and that's what we are trying to do.

    The second concept in those requested modifications really just relates to conflicts. You know, it says one thing one place, doesn't say it someplace else, we don't want to get caught up in maybe ambiguity or lack of clarity in the ordinance or the text amendment that's being drafted. And so I just want to make sure that the grandfathering or the safe harbor status supersedes any text amendments.

    Those are the concepts. I think they're more policy protected. Hopefully, they're not the controversial, and they seem to be consistent with what has been expressed
previously. And we'd appreciate your
clarification for making those considerations.

CHAIRMAN KRUSINSKI: Thank you, sir. Any
other comments from the -- you came in late, so
I would ask you: Is the testimony you are about
to give the truth?

MS. O'DONNELL: Yes.

CHAIRMAN KRUSINSKI: Thank you. Please state
your name and address.

MS. O'DONNELL: Leslie O'Donnell, 25575 North
St. Mary's Road. I'm not sure where I came in
on this. But I just wanted to -- I just wanted
to talk about the section -- it sounds like have
we gone through all of it?

CHAIRMAN KRUSINSKI: Yes.

MS. O'DONNELL: I wanted to go -- I wanted to
speak specifically to the conduct of stable
operations, livery stables shall not be
permitted, that's always been the case. Horse
shows shall not be permitted, that's always been
the case.

I have a concern with C, which is horse
clinics shall not be permitted, which include
events at which instruction or coaching --
you've got it all written down here. My
problem --

CHAIRMAN KRUSINSKI: Excuse me, is that
page 10?

MS. O'DONNELL: I'm on page 10.

MR. SMITH: Thank you.

MS. O'DONNELL: My problem is that it looks
like it's going to restrict me being able to
bring in a specialist to help with a particular
area for me and my borders.

Now, I understand that we're trying to
limit things open to the public. But I don't
understand why if I need work on something, if I
want to bring somebody in from out of state or
out of town to help me with a particular issue
and I'm willing to pay for that and my borders
would participate, I don't understand why that
would be restricted.

And I can understand the public
component of it. But private, you know, I have
a horse in Wellington, Florida. My trainer
comes up from Florida every once in a while to
help me out. I don't want that to be
restricted. So I don't understand why that's an
issue.

CHAIRMAN KRUSINSKI: So just so I understand, is your concern the difference between a private event or private clinic versus a public event?

MS. O'DONNELL: Right. My concern is that I privately for myself and my borders could not bring in, according to this language, an instructor that's not my normal instructor to help for a couple of days or a weekend. I mean, that's my problem with that language.

CHAIRMAN KRUSINSKI: Okay. Thank you. Any other comments?

COMMISSIONER MELUSO: Don't we really address that in E when we talk about instruction of riders and horsemanship, you know, up to four risers and horses? I'm not understanding what the problem is.

MS. O'DONNELL: Well, I think it says that -- the way I understand it is that a clinic is when you bring in an instructor from outside. So this is where it's not clear to me. Yes, we are allowed to have up to four lessons going at a time. But now we are saying I can't bring in a professional trainer who is not the large
stable's regular or routine trainer which
professional trainer is paid to give instruction
to borders and outside horses and our riders who
may trailer in.

COMMISSIONER MELUSO: I got it.

MS. O'DONNELL: I'm really more concerned
about instruction for myself and for my borders.
I don't understand why I couldn't hire someone
to come. I mean, that seems to be as
restrictive as saying I can't hire someone other
than my usual swimming coach to help my kids,
you know, at my swimming pool.

So, to me, it's the private versus the
public component of this. And I can't
understand why the private use for people who
are legally my barn and for myself, why I can't
hire whoever I want to hire have help me through
a particular issue.

Dressage is a very, you know,
educationally oriented sport and there are
people from big country, a lot of countries
living in Wellington or California or live in
Europe, and I don't want to be restricted. If I
want to be able to have my trainer come up from
Florida who is not my regular trainer and help
me for a couple days and to help, you know, my
borders for a couple of days, it's the same
people in the barn, it's the same horses in the
barn, I don't understand why I would be
potentially in trouble if I hired this man to
come help me or a woman for that matter. I
don't know if I'm making it clear.

CHAIRMAN KRUSINSKI: I think you made it very
clear. And, again, what we will do is during
the deliberation, the Commissioners will discuss
this.

MS. O'DONNELL: I can understand the public.
That I don't have any issue with. I just feel
like for me and my riders, it doesn't make a lot
of difference if it's Sue in the middle of the
arena or it's John in the middle of the arena,
we are still getting lessons and it's still the
same horses and the same riders.

I would like to be able to continue to
do that. I have not done it to any great
extent. But I would like to not have that
limitation at my property.

CHAIRMAN KRUSINSKI: Thanks for your
clarification.

MS. O'DONNELL: Thank you.

CHAIRMAN KRUSINSKI: So are there any other members of the audience who wish to make comments or have a question?

MR. FANTUS: Richard Fantus, 14253 West Riteway.

I read the Chairman's letter. I would like to go on record to publically commend the ZPA for the work and effort they did. And I think it does represent the plurality of the constituents within the village, not a minority. The only questions I have, notwithstanding the actual language of the notwithstandings, are you able to render some examples of what the impacts are? Because, one, with the Always Faithful additions at the end of the document that relate to, you know, all these additions and what the impact is as far as making changes, expansion to an existing special use based on the exact wording of these. I'm not an attorney. I didn't get it reviewed. But I'm not sure of the actual impact.

CHAIRMAN KRUSINSKI: So, again, with respect
to those things as well, we'll deliberate on those. We'll ask for expert help from our attorney and then whatever modifications or changes are necessary, we'll make as part of our recommendation. So we will deliberate on each one of those points.

MR. FANTUS: All right. Thank you.

CHAIRMAN KRUSINSKI: Any other comments or questions from the audience?

MS. FRIEDMAN: I have a question. I'm Judy Friedman, 25310 St. Mary's Road.

The clarification page 14, section 3, about nonconforming or conforming with large stable, structures established prior to, I just was wondering with the advancement in modern technology, if that's going to prohibit one from making improvements. I didn't quite understand the limitations of number three.

MR. SMITH: So, Ms. Friedman, if you look at page 8, going on to page 9 in the document, you can see the entirety of the proposed text. And, basically, the ZPA has borrowed this concept from another part of zoning ordinance which relates to places of public assembly. Places of
public assembly in the village are not allowed to be expanded in any way at this time under the terms of the zoning ordinance.

What the ZPA is proposing, is that large stables that exist can continue to do so but not be expanded with regard to their large stable-related uses as set forth in this zoning ordinance or these proposed text amendments.

And the language that Always Faithful has proposed says that if the village had previously approved -- let's say that the village previously approved a horse-related structure on a property in the special use permit and these changes are put in, you know, after the time when the village previously approved something, that the special use permit holder could still build what they were allowed to build, although the village has put in this intervening text.

Does that answer your question?

MS. FRIEDMAN: I just find that very limiting. Because if you have -- you're talking about a newer structure versus older structures, okay. And so if you have an older house,
technology comes, you want to improve your home.

So are you saying if I don't get a permit now
before you do this ordinance, I wouldn't be able
to make upgrades to my property?

MR. SMITH: It only relates to large
stable-related structures, not residential
structures.

MS. FRIEDMAN: I'm a large stable. So
that's -- I find this a problem.

MR. SMITH: And that's a policy issue to put
to the ZPA and deliberate by them.

MS. FRIEDMAN: I'm bringing that to the
attention. And I find it very limiting for
people who have, you know, older properties that
are not newer construction. If you want to
improve the property with modern technology,
more efficient, fuel efficient, et cetera, et
cetera. You know, it's like new agriculture is
developed every day.

CHAIRMAN KRUSINSKI: I think if you look at
points one and two, if that's your issue, it's
not issues that have to do with the care or
maintenance, alteration or upgrading, but not
the expansion of a facility. And I think that's
the key here, that this is really drafted in a
way -- you have to go back to, you know, the
very beginning of that section, 15.1209. Those
very first two points there make it clear that
certain things, in terms of care and
maintenance, are required. In certain
instances, care and maintenance may be
improvement because you have to replace a window
that's broken or siding that's deteriorating.
That's not what we're talking about.

What we are limiting is the expansion
of it.

MS. FRIEDMAN: Let's say you have a building
that doesn't, you know, allow the proper airflow
and now with new technology you want to expand
the building to have better airflow. I'm just
throwing something out here. That's why I just
find this a limiting, you know, thing. That's
what I'm bringing.

CHAIRMAN KRUSINSKI: I think in that case --

MS. FRIEDMAN: The arena is 80 by 80 and
that's not an efficient, healthy requirement.
Now new technology and you want to expand to it
150 so airflow would be better -- I'm just using
this as an example -- I just find that very
restrictive.

CHAIRMAN KRUSINSKI: That's a good example.
And in accordance with the ordinance, it would
not be allowed without --

MS. FRIEDMAN: Without what?

CHAIRMAN KRUSINSKI: Without going through
the approval process.

MS. FRIEDMAN: What is that approval process?

CHAIRMAN KRUSINSKI: It depends what you are
doing too.

MS. FRIEDMAN: I'm bringing this up because,
you know, it's a point here.

CHAIRMAN KRUSINSKI: I think we understand
your point. And if there is some clarification
that needs to be made that makes it clear, that
this is speaking to additions and major
alterations and not the care and maintenance, we
can do so.

MR. SMITH: If there is a consensus on the
ZPA to change that language, that can be done
tonight.

CHAIRMAN KRUSINSKI: But most certainly an
expansion, that would not be the case for
MR. IRVIN: Greg, on the number three that has been requested by Always Faithful, isn't that more of a belt and suspenders issue?

First of all, I don't know what the exception of one potential maybe not even that, I don't know of any -- if there is a special use out there that's been improved where somebody hasn't built everything, so I think number three may be meaningless anyway. But to me, if you have a valid special use and you haven't submitted for a building permit, we wouldn't deny that anyway. So this to me is not even necessary. Again, I don't know if there is even an example.

MS. FRIEDMAN: So if I wanted to expand my arena --

MR. IRVIN: No, no, no, that's not the issue. Mr. Casas has asked that we have a provision that says if you have a special use and it was approved and it has a number of buildings on it and you have yet to obtain a permit for one of those buildings, you would still be able to do.

What I'm saying is I would give you
that permit anyway. I don't think you need that
language.

MS. FRIEDMAN: You would give the permit?

MR. IRVIN: Your special use goes back to the
'90s. I believe you built everything that's in
your special use, so it wouldn't apply.

Ed, is there something you have a
concern about? What have you not built that you
are concerned about? I'm asking Mr. Casas.

MR. CASAS: Are you finished? We haven't
finished the arena. We haven't been issued it
for several buildings. We probably have four
structures that we have completed recently, one
is still under way.

So, I mean, not knowing the timing of
when this would be approved.

MR. IRVIN: But you already have a building
permit for it.

MR. CASAS: But you're putting forth an
ordinance that says, period, it can't be done.
So I'm not understanding why is it
controversial, Bob, that --

MR. IRVIN: It's not. My point is I don't
think it applies to anything. I think it's a
meaningless point is what I'm saying. If we put it in -- let's put it this way, that's why I said belt and suspenders. I think it does nothing either way because you already have all your permits, Ed.

MR. CASAS: Again, we are trying to just be appropriately cautious and I think it's easier --

MR. IRVIN: That's why I don't care if it's in because it does nothing.

MR. CASAS: Yeah. And these weren't recommended by the lay people. These are the same experts that you rely upon, which are zoning experts and outside counsel that have prepared this. So I wouldn't put myself out there as a legal authority. I'm just trying to make sure that the --

MR. IRVIN: I have no problem with saying either way, in and out, it doesn't affect you. You have all your permits. It doesn't affect you.

MR. CASAS: I think that the issues and the clarification for her as well as other large stable owners is that the concept of safe
harboring, which is if you are going to need to
replace or upgrade from a technology
perspective --

MR. IRVIN: That's a different issue. I'm
talking about this particular one right here.

MR. CASAS: If I may finish, I'd appreciate
it.

It's a little bit different than if you
want to double the size of an arena, right. And
I think Joe has made a clear distinction of
that. But if you had to go in and if you are
grandfathered and appropriately safe harbored,
which is what we're trying to do with this
language makes it clear, you will be able to
upgrade and improve from a technology
perspective.

If you are amortized out because it's
not specifically saying you have a right to have
it or use it in a certain way, then when it came
to replacement time, you would not. So that's
one of the distinctions that we're trying to
ensure that we have a right to continue to use,
not just burn off the right to that use, which
really isn't appropriate given the magnitude of
investment in these type of facilities.

MR. IRVIN: That's a different issue. That's not this one.

MR. CASAS: I think she put a couple concepts in there. I want to make sure.

MR. IRVIN: I was specifically talking about number three.

MS. FRIEDMAN: I was wondering where are those concepts if it's not in here?

COMMISSIONER CLARK: We are saying, Joe, at that time if she would want to double the size of her arena, she couldn't do it.

COMMISSIONER MELUSO: But how does that have anything to do with new technology, doubling the size of the arena? I don't get that. I'm not trying to be negative. I just don't understand.

MS. FRIEDMAN: Well, it's just the way you train a horse, what was built -- you know, I didn't come in and build from new. I purchased an existing piece of property, you know.

Things have changed since this farm was built in 1970 or prior to that, I don't know the exact dates. So do I have to rush before this ordinance is approved to go get the approval to
expand my arena that's, you know, not big enough
compared to everybody else's nowadays what
people ride in. Do you see what I'm saying?
It's like having a four-cylinder car before a
six-cylinder was invented or whatever. It's
differences now than there was in 1970.

So that's my concern about that. So,
you know, I think that's all I'm bringing to the
attention here. And also the efficiency, my
place, I guaranty you, is not as efficient as
the newer, just the way the buildings are
designed for airflow, the heights, the lengths,
the way the -- several of these farms are really
state-of-art technology, which I would think
this committee would really like and residents.
It's just improving the whole village for all of
us.

Which I have another point that I'd
like to bring out. My question to all of you
here is what is the vision as a resident here,
your future vision of this community? Because
in ten years, with this new ordinance, I doubt
that any of these horse farms will exist. I
know that it's just this -- I said it in my
letter, which I don't know if it ever was read.

I think this village is getting a reputation for
not being an agriculture or open land usage.
And you take a property like mine and you take
my neighbor's property, which will probably go
up for sale in the next ten years and who is
going to buy it? What's going to happen to
those properties with this kind of ordinance?
It's going to be housing developments. Do you
guys want another 20 houses --

COMMISSIONER LEONARD: It's not going to be
housing developments. That's against the zoning
ordinances.

MS. FRIEDMAN: On five acres?

COMMISSIONER LEONARD: Yes. It's against the
zoning ordinances. Did you read the zoning
ordinances?

MS. FRIEDMAN: What then are you doing to the
value of my property? How I would list the
property.

COMMISSIONER LEONARD: The same way I'm going
to sell mine. Our zoning ordinance say a
minimum of five acres in an R-1 residential
district, which you are in and I am in. And
when I go to sell my property, I have to sell it
as a minimum of five acres just like everyone
else in this village.

MS. FRIEDMAN: So you take five acres and you
can build how many houses on five acres.

COMMISSIONER LEONARD: One house on five
acres.

MS. FRIEDMAN: Okay, so that's six houses on
30 acres.

COMMISSIONER LEONARD: That's what you can
do.

MS. FRIEDMAN: I'm just saying the vision by
this ordinance, I find it very, very prohibitive
for any kind of person in their right mind to
want to invest in an expense of upgrading horse
facilities. And what do you do with my
property? You turn -- what's going to happen to
my property, my neighbor's property, properties
across the street? I'm just saying.

COMMISSIONER LEONARD: I guess people who
want to live on five acres are going to buy
them, just like they always have.

MS. FRIEDMAN: So instead of one home, there
will be six homes on my property.
COMMISSIONER LEONARD: If that's what it is.

MS. FRIEDMAN: My neighbor, instead of one
home, it will be ten homes.

COMMISSIONER LEONARD: Could be. That's the
way our zoning ordinances are written.

MS. FRIEDMAN: That's with the open land
policy here, all that. I'm just bringing this
up. So what is the future of this village?
What is the future of environmental issues?

COMMISSIONER LEONARD: Rural residential is
what we are and what we've always been. And
those of us who live here, who actually live
here, want to keep it that way.

MS. FRIEDMAN: I live here. I have been here
for over 20 years.

COMMISSIONER LEONARD: Okay. Well, I've been
here 30.

MS. FRIEDMAN: Okay, great. I'm just saying,
in the next ten what is the vision? What's
going to happen?

COMMISSIONER LEONARD: I would say rural
residential village like we've always been.

MS. FRIEDMAN: I bring it up to you all.
Think about it. Who in their right mind would
want to --

MR. FANTUS: I think with the cap on seven special use permits, it will make it more attractive because there is only seven available in the village. Because somewhere in says no more special use for large stables.

COMMISSIONER LEONARD: You can still -- you could sell yours for exactly the way it is.

MS. FRIEDMAN: But I can't improve it. These new farms will be obsolete in ten years. But you can improve your house.

COMMISSIONER LEONARD: You can improve your house too.

COMMISSIONER PICKELL: You can improve it, you just can't make it any bigger.

MS. FRIEDMAN: I'm bringing this up to think forward --

COMMISSIONER LEONARD: Okay, we'll think forward.

MS. FRIEDMAN: -- in an ordinance like this.

MR. FANTUS: As a point of clarification, moving forward, are they allowed to amend their special use to make an expansion if they go to the ZPA, or no?
MS. FRIEDMAN: No. He just said no.

COMMISSIONER MELUSO: It's my understanding, correct me if I am wrong, Joe, you wouldn't be able to expand.

CHAIRMAN KRUSINSKI: That's correct. I will defer to counsel on that.

MR. SMITH: That is correct.

MS. O'DONNELL: I don't have plans to do this. But -- and I don't have expansion plans, but I have considered a round pen as a training round pen.

MS. FRIEDMAN: Which is training.

MS. O'DONNELL: Would a round pen -- if it's not covered, it's not an issue. But if I had a covered round pen, then -- so that I can use it more times of the year, that becomes an expansion issue if I do the round pen?

COMMISSIONER CLARK: Yes.

MS. O'DONNELL: So I would have to do a noncovered around -- I see. So I couldn't do a round pen, a covered around pen.

MR. CASAS: I think what we are all struggling with is two things. Yes, Bob is right, you know, if you have a limited supply,
you can theoretically drive values up as a large
stable. I think the discussion isn't about
individual concerns at that level, it's about
what the community represents.

I think it's challenging when you say
you want to be rural and residential, but yet
you don't want anything that normally is in a
rural, which are horses and open land. And
usually you get the compost for your own
property. There is things that you're saying
you want rural, but it's not really rural. It's
very restrictive.

And I expressed this before, so I don't
want to belabor it because I know you worked
hard at it and you're not getting paid for it,
except maybe the lawyers.

Really, guys, there is an element to
this contributory, to land values in the
community. And when we get into this type of
strict control and you take it and make it
extremely difficult to even operate, even though
you have a right to use it, I think at the end
of the day, you're destroying value. It's not
helping value.
And I think the thought in this and the
study of it doesn't seem to be there other than
the desire and the motivation of not allowing
these things to expand in the community.

And the only thing I would say is
doesn't this warrant a level of study so that we
understand the impact on land values. Those of
us that have come into the community and have
invested substantially, we feel strongly about
it. It shouldn't be disregarded.

And I don't know that there is
everything that's been provided other than the
strategic plan that says you want to be a rural
community. It doesn't say banning these things
can have this type of effect; you know, where
has land value appreciated in this community,
what would be the things that would support the
entire community to benefit.

Certainly nobody wants manure piles
next to the residential home and being
disruptive. We all share that view.

I don't know if there's a way to do it.
I understand you guys are a body that's
recommending based on requests that have been
made to you and you need to move on with it.
But it's a sensitive issue. And it's like what
a fatigue that's going to be imposed to them not
even to be able to come to the ZPA and have no
resource to come in and say, look, this has
changed and this is really important for our
operations to be successful.

There should be some provision that
allows a thoughtful review, as opposed to an
absolute that says, no, under no circumstances
could you even have it considered, which is I
think the way the ordinance is drafted today.

CHAIRMAN KRUSINSKI: The ordinance that we're
recommending or may be recommending, I should
say, subject to any revisions would limit that.
And that is the intention.

The only way to circumvent that would
be to, again, go through a text amendment
process, which is a way if the mayor and
trustees felt so inclined to revise it again to
accommodate it.

So there is no question that the way
it's drafted now is -- has significant
limitations and that's the -- that's the
intended effect.

And just to make it clear, issues with regard to technology or other maintenance and improvements, that's not the intention. But expansion would be or changes to an existing special use permit, that definitely would be considered not eligible.

MR. CASAS: Just an example, okay, let's say from an equine therapy perspective there is hydrotherapy that they can do. You need a separate structure for it, you need to have the pump systems for it. You need to you are owner of 20, 30 acres and this is going to take maybe, you know, a couple hundred square feet of property. You really feel it's important for the care of your horses and it becomes standard to do that.

Shouldn't there be a provision for existing operators to come in, short of having to go through a text amendment process, to ask the ZPA for the permission to do it? I can understand if you want to say, look, nobody else -- at the end of the day, we don't want it. That's a decision that really is representative
of the plurality and not those that are paying
attention without understanding what the impact
would be, which I have concerns about, but
that's separate, shouldn't we have a more
friendly basis to be able to come and have it
reviewed by reasonable people, as opposed to
saying we have to modify the entire ordinance
for it to be considered to do it?

CHAIRMAN KRUSINSKI: The problem with that is
that once you open the door a crack, you have
opened it up. And then you have no -- there is
no strength to the ordinance.

MR. CASAS: If it's to existing stable
operators -- you're just saying for those that
are existing in business today, that need to
improve or modify their properties or add -- I'm
not saying -- if you want to say you can't
expand the number of horses beyond what you
have, I get it, you want to keep the density
where it's at, you don't want to expand it.

When it comes to structures and support
facilities that would be pursued and captured in
expansion, is it possible to provide a little
bit more delineation so that there is not that
type of no restriction?

CHAIRMAN KRUSINSKI: I think it would be
difficult to verbalize or to put, you know, the
exact requirements of what would be allowed and
what wouldn't be allowed. If you're saying
improvements, it's too broad of an area.
Someone could make the case that I need to --
that I need a bigger building because that's the
technology you need to train a certain type of
horse. And it just opens the door.

MR. CASAS: So if you're a business operator,
forget about equestrian, and you're in a
community and you have a business and you have a
right to do that business. And the limitations
being imposed on a text amendment saying that
you can't do anything to change your business
relative to property that you own, even if that
means adding a little thing here or putting
something there that's going to be vital to your
success, it's not allowed unless you go back
through a process of modifying the whole text
amendment.

It seems onerous. Again, distinguished
between those that don't have it versus those
that are already there today. And please
consider a combinations that would allow what's
there to be today to be successful into the
future as opposed to limit them.

MS. FRIEDMAN: Because there is no future.

CHAIRMAN KRUSINSKI: Doctor, you had your
hand up first.

MR. FANTUS: I would like to speak towards
the property value and the value of large stable
operations. Anecdotally, there's three new
ones, Always Faithful, Corporate Way, Pegaso.
There was a house that was dropped in value from
one-four to 1.25, 150,000 that's unsold for
three years. And there was another one and they
are within 500 feet of one of these large
stables that's supposed to improve the property
values and values of -- the majority of what
Mettawa is is single-family homes in a rural
residential community.

You have another house 14080 Old School
Road, which is 500 feet between two new large
properties, that one has been reduced 15 times
since 2014. And it is now currently 150,000
less than it was purchased for.
So I don't see the halo effect to the
other members of the community as far as these
large operations, as far as improving the value
as a resident on a five-acre property.

MS. O'DONNELL: First of all, just in
contradiction to what was just said, the
property next door to mine, Diane and Roman
Risek, they put their property on the market.
It's under contract within less than a month. I
don't know the sale price, but I know that
they're within -- I know they did really -- I
know because I wanted to -- quite frankly, I
wanted to buy it and Bill said no. So I
couldn't add to my land.

But we knew they were going on the
market. They weren't on the market more than
three weeks before that property sold. And it
sold -- I know -- I don't know the -- because I
talk to Diane, I know it sold within a
reasonable number from what they were asking.

So that's -- that's next door to mine
and their property runs alongside my indoor
arena, which is 210 feet long. They had more
people looking at that property and wanting to
buy it and it's under contract.

So I think that just goes to show -- I mean, my property is quiet. They don't have a problem with it. But there's a long arena that they're having to look at and that did not -- that did not deter them. They had several people. They had plenty of activity there and it's under contract. That isn't the reason that I raised my hand, although that did come up.

I just wanted to say on page 12, the bottom of the page, D, "A special use permit shall be null and void if the use for which the approval was granted ceases for a period of one year."

I have a problem with that. I built the entire arena. I have got it up and running. I have every intention that it continues to run. But say, for instance, I got cancer, and it can happen, and I had to shut it down for a year while I got chemotherapy and radiation and tried to get my life together, with this language, I would not be able to put horses back on my property after I got healthy again?

I mean that just seems -- or let's say
for instance we decided to move the horses and
decided to take a sabbatical for a year, we want
to come back, we want to start over, we want to
put our horses, we want to live there happily
ever after, I mean, there is any number of
reasons that could mean you are not operating
for a year.

MS. FRIEDMAN: Training under a trainer for
the Olympics.

MS. O'DONNELL: Right. Yeah, there is
certainly many situations where someone could
not operate for a year and then want to come
back and put their horses back and start where
they left. So I have an issue with that in
particular.

MR. IRVIN: If I could add, your comments are
good, except it wouldn't affect yourself. These
are for special uses approved after the date of
this ordinance. It's valid for new ones, but it
wouldn't affect existing ones.

MS. O'DONNELL: I mean --

MR. IRVIN: It says, the first sentence, "for
special use permits on or after, blank, 2017,
unless otherwise provided for."
MS. O'DONNELL: So I would be okay in my --

MR. IRVIN: It only affects new special uses approved after the --

MS. O'DONNELL: I'm relieved to hear that. I don't have any intention --

MR. IRVIN: But someone else -- it's a comment that's valid for someone who is approved.

MS. O'DONNELL: I mean, horses are something that people can kind of get into and then they want to take a break from and they want to come back. I mean, that's -- I guess if it doesn't affect me, I don't need to speak to it any longer.

There was language in here at one point about licensing requirements. Is that still in here, the licensing requirements?

MR. IRVIN: Licensing requirements are not zoning related. The -- under discussion is a recommendation from this board to the Village Board to consider such licenses.

MS. O'DONNELL: So that would be a separate discussion?

MR. IRVIN: That's correct. It would not
take place at the Zoning Board. It would be at
the Village Board.

MR. CASAS: Just for the record as a
follow-up to the point made by Mr. Fantus or
Dr. Fantus, we're not suggesting that this is
about a halo effect. This is about a use of
property, right. And I think it's pretty clear
that the more you limit use of property, the
more you are going to limit value, period. And
that's kind of demonstrated the correlation
throughout the country. I don't care where you
are.

What I think would be really helpful is
understanding the impact of this type of
specific restriction. And the factual data is
the entire universe of properties that have been
transferred in the last five years, unlike the
single-family residential five-acre properties
that you are seeming to want to embrace are the
only ones that have appreciated in value.
That's the point, not the halo effect.

So when you go down the path and use
and think about your property or the kids using
the property, there is no ability to consolidate
and have greater open land and have that type of
certainty. These options are, essentially,
eliminated by design. And I appreciate the
forthrightness from the Chairman. But I think
these are the concerns.

And absent an objective study, it's
really hard -- and I'm not an expert, you know,
but there are people that are that can do a
study and could be commissioned to do a study to
make sure that we don't do something that could
be really negative for the entire community.

I just don't understand that. That's
just a recommendation. I understand you have to
get on with this.

CHAIRMAN KRUSINSKI: Thank you.

MR. CASAS: Thank you for tolerating.

MR. IRVIN: Joe, one thing just from an
administrative standpoint -- and I recognize
it's very difficult to come up with language
that could cover every case.

But, you know, the more definitive the
language can be from an administrator's
standpoint the better off. Clearly when
something says no or yes, that's very simple.
If there is a provision approved that says there
will be provision -- all along the lines of the
public assembly that you mentioned, that there
would be no -- well, a little bit different.
But there will be no additional large stables,
that's pretty simple. Somebody calls and has a
question, sorry, there is no provision for it.

And if you say existing ones cannot
expand and expand the numbers, again, that's
real simple. If Always Faithful has 70 horses,
they're not going to get anymore.

The more gray area is the one that says
"alteration does not intensify the use" or, you
know, it's necessary as part of the care and
maintenance.

What I want to avoid is conflicts of
someone comes in and says I submit for a
building permit, I want to do a modification to
my facility, and we put the zoning administrator
in a situation where -- well, we will be
putting -- with the language as it is right now,
I will tell you this, it could be a substantial
broad interpretation that could be made.

I don't know a lot about the horse
business, so I don't know all the things that
could be applied for. But, you know -- and then
one other thing along those lines, we do have
special uses that says they can alter the site
plan of their property if it's allowed in any
R-1 zone.

So you have that -- that -- so we could
have a conflict there because somebody could
come in for a building permit for a new shed
that's permitted as a permitted use that --
using the language and the special use that says
they can have that because it's allowed.

But then what if we said, But that's an
expansion of their horse facility, so then we've
got a bit of a problem.

MR. CASAS: My sentiment is that challenging
to identify those things that you clearly want
to control, right, number of horses per density
versus the things that would be important and
supportive that you wouldn't, even intuitively.
Giving an example, they say, no, that's not
unfair, we should be able to address that as an
administrator and the ZPA, whatever the process
is short of, a pretty expensive legal process to
modify and do a text amendment.

MR. IRVIN: I guess my goal would be to make -- without -- you can't -- it would be impossible to cover every particular circumstance, but at least perhaps some simple ones that it could affect. I don't know. I just don't want to get into a tough administrative issue.

MS. O'DONNELL: So I have got residential buildings and I have got commercial -- well not -- special use permit buildings. Say I wanted to expand my three-car garage to a four-car garage and put, you know, storage above. So I mean -- how do you separate a residential ask from a special use permit if it's all on the same property? That's my -- I'm just curious.

How would I -- say we wanted to move in, I got a residency exemption, but say we wanted to move in and we wanted to expand our home. Am I -- is that going to be, well, you have got a special use permit. So I don't know how that line gets decided between -- you are telling me this doesn't affect residential
expansion, but it does affect the building.
So that's my question. It's sort of like -- or what if we wanted to add on another bedroom so we have -- it's a three-bedroom house. You know, we might want a fourth bedroom in there some day. We might want to add a bedroom. Is that going to be a problem?

MR. IRVIN: Well, I guess the best answer is it depends. And I say that because it depends on the language in the special use. I believe yours is probably broad enough -- and I'll defer to Greg -- under the -- under the -- what's permitted in an R-1 zone and it's -- I mean, it's normal anyway. So it might -- so it probably would.

And the reason I said it depends, more often than not, what you see in special uses, has not been the case here, is that if you receive a special use permit for whatever it is, for the construction of something, it's typically confined to that exact structure and that exact site plan and there is no variation from that unless you get an amendment going forward for anything.
The language that we put in these special uses that says you can still do things on your property that are -- as long as they are allowed in regular R-1 zoning. I use the shed for example. Because if you want to put up a storage shed and you have the -- you don't exceed the five percent currently accessory impervious surface number and you meet the setbacks and you get a permit for that.

Sometimes it will be a very specific special use that says no alteration whatsoever without an amendment, then the answer would be pretty simple, no, you couldn't expand your house under those circumstances.

But given I think you have that -- the more standard language that you have --

MS. O'DONNELL: I would like to find out if I have that.

MR. SMITH: I don't recall what the O'Donnells' special use permit says. But the language under consideration simply says that a legal nonconforming or conforming large stable and large stable-related structures shall not be altered or expanded unless -- and then it goes
on. It says nothing about the other structures
on the property.

This body specifically tailored the
language to relate to the large-stable related
structures on the property because you wanted to
allow for large stable operators to modify their
residential or non-large stable structures on
their properties, as I recall.

I think a broader version of this
language was previously under consideration and
the direction was to actually narrow the scope
of this to only apply to the large stable itself
and those related structures, because you wanted
to give flexibility to these folks on other
matters.

MS. O'DONNELL: For instance, what if we sell
the property in 20 years and whoever buys it
wants to tear the house down and put up a new
house. It's only a three-bedroom home and they
have got 15-plus acres, they might want to put a
six-bedroom home on that property? And I don't
want to be in a situation where our buyer would
not be able to tear the house down and build a
house.
I'm just really concerned that this language is going to bleed over into restrictions on the residential side and that I don't think the Village wants to have happen. I don't want this language to be used against us in that situation.

We don't have plans to do that. But, you know, I don't want to -- I want to be clear -- I understand what you are saying -- that it's only with the stables. But then where does the -- I mean, I -- my site plan had an original house on it. So would my site plan for the special use include my residential home? I don't know.

CHAIRMAN KRUSINSKI: The language that we're suggesting, not yet recommending, but suggesting is that the alterations would be limited to the large stables and would not affect the house or the residence.

MS. O'DONNELL: I really --

CHAIRMAN KRUSINSKI: So it's pretty clear.

MS. O'DONNELL: If you could be very careful with the language so that it doesn't restrict the residential, I mean other than the -- other
than what's clearly now in the zoning. I can't
put a 20,000-square-foot home on the property.
But I don't want to be in a situation where five
years from now when our kids are through school
and Bill and I want to move out here, we
couldn't, you know, have a little bigger home if
we wanted to.

We don't have any intention of adding
horses, nothing there. The only thing I can
think of was around pen, which has to not have a
roof on it. But we do have and have always when
we bought the property known if we were to live
there full-time, we would want to add living
space somewhere, somehow. Not a lot. But Bill
has got three kids from a previous marriage and
grandkids and we would like to have a place
that's big enough to have our children and
couple -- I mean, right now we don't have a
guest bedroom. So anyway...

CHAIRMAN KRUSINSKI: The language allows you
to --

COMMISSIONER PICKELL: Knock the house down
and build a new one as long as you are under the
FAR or covered area.
CHAIRMAN KRUSINSKI: The issues related to impervious area.

It's all very consistent. I appreciate your comments.

MS. FRIEDMAN: I just have one final comment as we were talking here. Just so you all know, because what comes to my mind as we are talking here, I can think of three properties that are over 20 acres where the owners are in their 80s and 90s, and this ordinance -- the person that should buy that property would be a horse owner.

What's going to happen, just think about it, with this ordinance is it's going to turn into multiple houses. Those 20, 40 and 60 acres are going to be housing developments. So that's the future of this community. And I just think this is really a dangerous thing that's about to happen. And I'm sure you've thought twice about staying here living. There is more people ready to leave. I'm not welcome in this community. It's just crazy, you know.

To take these beautiful pieces of property that are ultimately going to turn into housing developments is very, very sad to me.
Yours is already zoned for three homes.

MS. O'DONNELL: No, we gave that up.

MS. FRIEDMAN: That's all, just the vision of the future of this village.

CHAIRMAN KRUSINSKI: Thank you. Any other comments?

So we've got a couple things we can kind of go back to the beginning.

COMMISSIONER CLARK: All the way to the beginning?

CHAIRMAN KRUSINSKI: Not quite. Before we close the public hearing, are there any members of the ZPA who would have any questions of any members of the public who have testified?

COMMISSIONER MELUSO: I have one.

CHAIRMAN KRUSINSKI: Yes, sir.

COMMISSIONER MELUSO: Ed, with some of the language you asked to be put in here, I thought it's fine. I don't have a problem with it.

The only one I didn't understand was the very last one, Section 15.201, that should be modified at a minimum to exclude not-for-profit activities.

MR. CASAS: This is -- I think it's a
general -- this isn't necessary a large stable, I think we have covered with the large stable side of it. The issue is you can't do anything in an R-1 zone that would be deemed as an exchange. You do a fundraiser, that's to contribute. It's not for personal profit or gain. I think technically, the way it's drafted you wouldn't want to do that.

You want to do a political fundraiser.

There were several events that were held in the R-1 zone area by people that were in this room that participated.

I think the way it's drafted, if anybody contributed anything, you wouldn't be able to accept that.

COMMISSIONER MELUSO: With all the language we put in here, with the grandfathered in, you are okay.

MR. CASAS: I try not to be selfish in my comments honestly relative to the general comments and the statements on vision, the statements on why we are banning this stuff. I can make the argument that this would be bad for us that have it and creates value for us while
it hurts others. Don't accept my comments as purely out of self interest. I'm trying to make statements generally. I think the way the ordinance is drafted is restrictive.

COMMISSIONER MELUSO: I think they are good points. I don't have a problem with it. But that one seemed weird to me. I didn't understand that one.

MR. CASAS: That was the basis of it. I think there was a fair amount of things that -- Equestrian Connection isn't technically in the village. They do an annual fundraiser. If they were in our village, they wouldn't be able to do it. If we ever wanted them in our village, I can guarantee she wouldn't come in.

COMMISSIONER MELUSO: You do fundraisers now, don't you?

MR. CASAS: We do, yes. This isn't about just Always Faithful. I think this is about the community at large.

So the reason why we made some of these recommendations are to protect the overall community and that last one was one of those. It seemed really onerous and over restrictive.
My understanding is the concern, I think when you are already a commercial user, it doesn't make sense you can't conduct commercial business, right. So we wouldn't be in that, I don't think, at least that's not the way we have read it.

A not-for-profit, I think that's an issue. I mean, I think that there is a lot of people that are pretty benevolent in the community that do things like this all the time. Technically they would be in violation. Do I think anybody is going to enforce it? Probably not.

But why do we want that stuff on the books that technically restricts our ability to use it unnecessarily. Does that answer your question?

COMMISSIONER MELUSO: Yes.

CHAIRMAN KRUSINSKI: Mark, we are going through all the comments.

COMMISSIONER MELUSO: Since we were talking about asking questions of the audience.

CHAIRMAN KRUSINSKI: We are going to come back to that as well.
Any other questions of the audience from the Commissioners?

(No response.)

CHAIRMAN KRUSINSKI: Okay. Then I declare the public hearing closed, having heard from everyone on this matter.

As I announced earlier, I now ask the ZPA Commissioners to take up deliberation and to make our recommendation to the Village Board on this matter.

So I think the best way to do this is there was some comments, if I have forgotten any as we review this, please remind me. But I think the first point that was under consideration was actually on page 10. I think that was the first one. And that's point C with regard to the issue of private versus public event where a professional trainer is involved.

I think the intent of this, again, was from a public use horse clinic. So I don't know, maybe our horse experts could weigh in on this and perhaps there is some language revisions that may be necessary here.

COMMISSIONER LEONARD: I think the point of
this, because she should be able to bring a
trainer in for herself and the people who are
there on a regular basis. You know, not --
again, as she knows, not for having other people
come with their horses or come to audit it, but
for the people who are regularly and routinely
there. I don't -- I mean don't you think,
Wendie?

COMMISSIONER CLARK: Yes.

COMMISSIONER PICKELL: This is written so it
doesn't become a profit center.

CHAIRMAN KRUSINSKI: Yeah. Is there a way to
caveat this in some manner that allows for a --

COMMISSIONER LEONARD: Could I make a
suggestion? How about if it says with
professional trainer, is paid to give
instruction to -- to -- to regular borders,
owners and borders.

MR. IRVIN: This part, the way it's written
is "shall not be permitted." I mean, really
isn't it just the last part where it starts with
the word "outside." Isn't that the part you
want prohibited? So if you take out part of it
and just leave that, then you end up just
prohibiting the outside horses and riders who
may trailer in.

COMMISSIONER LEONARD: Yes.

MR. SMITH: So then you can strike the words
"borders and." So it would be read that "which
professional trainers paid to give instruction
to outside horses and/or riders who may trailer
in"?

COMMISSIONER LEONARD: Yes.

MR. SMITH: Ms. O'Donnell, did you make a
comment there?

MS. O'DONNELL: No.

COMMISSIONER LEONARD: As long as it gives
her the option to have, you know, another
trainer come in for herself and the people who
normally board there. I mean, that's how I
would like it to be. So if we can somehow get
it to be that way.

COMMISSIONER CLARK: I think if we take out
"borders and."

MR. SMITH: It will define a horse clinic to
be --

COMMISSIONER CLARK: "Is paid to give
instruction to outside horses." And you take
out those two words "borders and."

MR. SMITH: Okay. Is that the consensus?

COMMISSIONER HIRSCH-BOLLHOFFER: I think it gives the flexibility that the intent was with the change.

COMMISSIONER PICKELL: For the residents of the barn.

COMMISSIONER LEONARD: You can do it this way or you could do it the other way and say that it is allowed to be done for regular borders, you know, owner and regular borders. Or you could do it, you could take that out. You can do it in the negative or the positive.

MR. SMITH: I think defining it in the negative is easier. It's easier to say what's not allowed. Because if you say something is allowed but there is a slight gradation on it, then it might be difficult to fit it.

I think it's easier to say what should be not be allowed.

CHAIRMAN KRUSINSKI: All right. I think the next point --

COMMISSIONER CLARK: Page 11 we already talked about that, just change "adopt" to
"consider."

CHAIRMAN KRUSINSKI: Yes.

MR. SMITH: So on page 11 in the middle, it will read that "The ZPA also recommends the Village Board consider a licensing requirement" instead of "adopt."

COMMISSIONER LEONARD: Which was actually, I think, that was -- I think that was really kind of their thing to start with.

CHAIRMAN KRUSINSKI: I think the next point was on page 12 where we have established a loss of the SUP if it's not used for a period of one year.

COMMISSIONER HIRSCH-BOLLHOFFER: I think that's on the next page.

COMMISSIONER MURPHY: It's 12.D.

CHAIRMAN KRUSINSKI: Bottom of page 12, expiration of approvals.

COMMISSIONER CLARK: But didn't we think it all goes underneath for special use permits approved on and after?

CHAIRMAN KRUSINSKI: That's true. This only affects --

COMMISSIONER HIRSCH-BOLLHOFFER: I think
that's something to consider, even if it's for
the new ones that are going to be adopted
afterwards. You know, what if somebody does get
one after and, you know, they move or they want
to sell their property and they are no longer
there, that takes a year or longer to sell, I
think there is some things that that would
create hardship.

MR. SMITH: And I have an idea. If you're
willing to consider a change to this provision
D, what we can do is flip flop C and D. C
provides for the extension of time to file for
an application for building permits and then
commence and complete construction.

We can allow for an extension to be
requested of the time for abandonment,
basically, of a special use, so that if one is
sick or if someone, you know, stops using that
guesthouse or whatever structure they have
pursuant to a special use, they can come to the
village and explain their circumstances and the
board can decide whether or not to extend it.
Does that make sense?

COMMISSIONER MURPHY: Yes.
COMMISSIONER LEONARD: Yes.

MR. SMITH: So we can flip C and D and then add a reference in what is now section D to subsections A, B, and C.

COMMISSIONER LEONARD: As long as it's the same owner --

CHAIRMAN KRUSINSKI: That's what it would have to be.

COMMISSIONER LEONARD: It would be the same owner, I won't have any problem with somebody -- I mean, if somebody don't want to have horses for a year, but they're going to bring them back or whatever, I don't see an issue.

MR. IRVIN: Well, this won't apply to horses. If your recommendation goes forward, there is no new special uses for large stables, then this would only apply to any other valid special use. And Greg mentioned guesthouses, I'm not sure how that would ever be precluded because you could always say it's available as a guesthouse.

There is a handful of special uses under the R-1 zone. The only two that I can think of that have been issues are for guesthouses and large stables. I think there is
one for like a -- well, public assembly use is
one. But I don't think this will be used very
often.

CHAIRMAN KRUSINSKI: I understand, Bob, and
you're right.

COMMISSIONER MELUSO: Why do we have D?

CHAIRMAN KRUSINSKI: Here is the thing. This
was our thinking, as I recall, when we were
discussing this. We wanted to have a little bit
of a backup mechanism if for any reason, if
there was cause and unusual circumstances, that
you could go to the Board and ask for an
extension. That was the reason C was really put
in. I remember adding this just for that.

I think there actually was public
comment on this. So I think Greg's idea, even
though, Bob I agree that the -- but who knows
what could come in the future.

MR. IRVIN: I remember the discussion was
more on if someone is issued a special use and
then fails to get their building permit. I
mean, we issued -- the village issued a special
use for a large stable in 2009 or 2011, it's
never been built. And under this provision, it
would have been null and void unless they
come -- but it is valid now because there was no
expiration.

CHAIRMAN KRUSINSKI: Because it's old and
it's, in essence, grandfathered.

MR. SMITH: Keep in mind that accessory
structures over a square footage requires
special use permits, so there are more routine
special uses that you might still see that would
be subject to these requirements.

Every zoning ordinance that I've worked
with, other than in Mettawa, has a provision
like this, the abandonment type provision. It's
typical, but it provides a due process. If
someone wants an extension they can come in, so
they can ask.

And worst-case scenario, they can ask
for a new special use if they have to.

MR. IRVIN: I meant in terms of any large
accessory building over 2,000 square feet
requires a special use. But I'm not sure under
what circumstances it would no longer be used
because it's always going to be a building
available to someone on their property, even if
they hung one coat and it's being used. I'm being extreme here.

An accessory building is always available to a person. I don't know how it would not be used unless it's destroyed.

CHAIRMAN KRUSINSKI: I think that gives us the wiggle room that we're concerned about. I think that's a good point. Greg will do a little redrafting here.

Just as a point of order how we're going to proceed, the goal here is that we come up with these revisions and then, as we typically do, the Commissioners authorize Greg and I to make the findings of fact recommendation to the Mayor and the Board of Trustees. So we are not going to see a redraft unless, unless the Commissioners would like to have that.

COMMISSIONER LEONARD: I don't think we're making enough changes.

CHAIRMAN KRUSINSKI: That's why I want you to understand. So we are going to rely on Greg to --

COMMISSIONER LEONARD: Right.
CHAIRMAN KRUSINSKI: All right.

COMMISSIONER CLARK: Anything on 13?

COMMISSIONER LEONARD: I have nothing.

CHAIRMAN KRUSINSKI: I don't recall. We made the changes. We discussed these at the last meeting, the last public hearing. I think these are good to go. Most of it was reviewed by you.

COMMISSIONER PICKELL: Yes.

CHAIRMAN KRUSINSKI: All right. The next issues are some legal points and things as Greg went through. Some are a little easier than others. But we will rely a little bit on Greg. I have had a chance to review them a little bit too.

So I think this is the time where, as Bob said, we're, to some degree, adding some belt and suspenders, some of which may be necessary because it was never our intent to undo things that had previously been granted.

The first revision is Section 15.301 subsection F that's being requested. I don't see the need for this one. I'm a little confused by it to be honest.

Greg, could you maybe give us some
enlightenment on what the options are with regard to this language?

MR. SMITH: Sure. So the idea here is to elevate structures and uses approved by a variation or a special use permit to the highest level of protection in the zoning ordinance. To say that Section 15.301 where in the code it says that you can continue to do things notwithstanding a subsequent change in the zoning ordinance, if at the time the zoning ordinance was changed, it was legal, right. This is where the legal nonconforming status is created in the zoning ordinance.

So this language, as I described it, as Mr. Casas has elaborated on it elevates even further the status of the use or structure approved in a variation or a special use permit.

It says that -- it creates a situation where, you know, the provisions of this article 3, article 3 of the zoning ordinance provides for the way in which legal nonconforming uses in certain circumstances go away and you're making some amendments to those provisions as part of -- or making recommendation to those provisions,
but elevates these variations in special use permits that are granted to a higher status to make it very clear what the intended protections are. That's what is being asked.

COMMISSIONER LEONARD: I thought that was already in there.

CHAIRMAN KRUSINSKI: That's the point I'm trying to make. I think we already have done this.

COMMISSIONER HIRSCH-BOLLHOFER: Is it redundant?

COMMISSIONER LEONARD: It's not that. I think we already have in our -- in all of our ordinances the fact that if you, you know, were granted something, it remains granted even if the codes change. Isn't that in there already?

MR. SMITH: This is a policy issue, not at much as a legal one. The changes being requested are meant to reinforce the grandfather -- what Mr. Casas would call the grandfathered, safe-harbor uses and structures previously approved by the Village.

You know, there are parts of the zoning ordinance which speak to legal nonconforming
status. And the desire is to strengthen those
provisions by specifically adding this language
in these. And I think five of the six or maybe
all of the six of the recommendations go towards
that, of specifically calling out the
grandfather, safe-harbored status of them.

So I don't consider -- the
consideration here is not as much of a legal
aspect as a policy one, you know, how much
language do you want in your zoning ordinance to
reaffirm the grandfather, safe-harbored status.

You know, the request has been made to
add these in and it's a policy issue. And then
some of these changes do have a legal effect,
you know. And I will discuss this a little bit
later.

CHAIRMAN KRUSINSKI: I don't know if
necessarily redundancy is the right word. I
don't see the necessity of this, particularly in
light of the fact that I do think the revisions
outlined in items 2 and 3 and 5 for that matter,
in a sense somewhat do the same thing, but do
provide what I think has been the issue here,
that we're certainly allowing what has been
already granted and not changing it in any way. So we are, again, providing language that more or less reinforces the existing granted large stable and existing large stable SUPs. So, again, I don't mean to get ahead of ourselves here. But I think these all kind of flow together in a certain sense.

COMMISSIONER HIRSCH-BOLLHOFER: Do you think this is out of place is maybe more what you are saying?

CHAIRMAN KRUSINSKI: Not necessarily out of place. I think there is just a certain almost redundancy to it is perhaps not the right word.

COMMISSIONER PICKELL: It's been said.

COMMISSIONER CLARK: You have this protection.

COMMISSIONER PICKELL: The fact it is redundant, is it in conflict with anything? So if there is a conflict and a confusion, then you would want it for sure. But if it's redundant being said again, what's the harm?

MR. SMITH: The way it's drafted is that the language -- the first part of it, "Notwithstanding anything to the contrary
contained in the code" is meant to eliminate
conflicts between this and other things by
saying that this language controls no matter
what. That's what the first part is trying to
say.

So that if it could be read to create a
conflict, it should be resolved by relying on
what's here, not on the other language. That's
the intent, I believe, of the way this is
drafted.

CHAIRMAN KRUSINSKI: It could place it in a
"subject to interpretation," which is exactly
what we don't want to do. It adds that -- it
adds that to it.

COMMISSIONER HIRSCH-BOLLHOFER: It becomes
unclear rather than clear maybe by having it.

COMMISSIONER LEONARD: Is there any way we
can do -- let's condense all of this in
Section 15. It's mostly to do with large
stables. Could we condense it somehow into one
neat packet, if you have these -- if you are
permitted to do these things, that anything
subsequent that changes in the zoning ordinance,
you're not -- it's not grandfathered in, that's
not really the legal term for it, but your
special use takes precedent. Can't we do one
thing?

MR. SMITH: I would need to take a look at
the changes under consideration. I think, as
Joe said, the specific -- the additions in
requests two, three, and five kind of get at the
core of that by, in number two, specifically
calling out that the limitation on horses being
five to a lot going forward for -- and that
horses can only be on lots where residents are,
saying that that doesn't apply, it makes sense
there because it is a new requirement. And
they're seeking language to see it doesn't apply
to them.

In change -- the requested changes in
three and five are to extend the scope of what
the ZPA is considering to include structures and
uses, not just one or the other, both legal in
the special use permit or legal nonconforming in
the event they were allowed prior to a change in
the ordinance.

So I think that those are all good.

But, Liz, I could draft the single package and I
would borrow elements from what Always Faithful
has provided, but I have to go back and --

  COMMISSIONER LEONARD: I was making it --
  MR. SMITH: -- we have to write other parts
that are clear.

  CHAIRMAN KRUSINSKI: I think I know where you
are going with this, is if we can craft
something that, in essence, puts it all
together.

  COMMISSIONER LEONARD: Yeah.
  CHAIRMAN KRUSINSKI: Frankly, I think it's --
it's better the way it is in these sections
because it relates to specific things, rather
than making a broad brush that anything that has
been previously approved is grandfathered. So
this -- so notwithstanding all of that, I think
my personal recommendation would be not to
include provision one, but to include provisions
two, three, and five because they speak to
specific elements of what we've gone through and
revised here in the ordinance.

    Just to kind of bring this to some --
two, three, and five all look good because they
zero in on certain revisions.
I think four, to some degree, is the same as one in my view, that it, again, is -- it's dealing with a conflict between what's been granted and the -- you know, the legal status issue. So I'm going to rely on Greg here.

I didn't see the -- I didn't see the necessity for revisions that are indicated in recommendation number four.

MR. SMITH: And this is a policy issue ultimately and the extent to which you want the zoning ordinance to contain these statements about what is and what is not grandfathered and safe harbored.

With regard to number four, in particular, it calls out to the extent there is any conflict between the terms of the zoning ordinance, the village code, and a legal nonconforming or conforming large stable, the legal nonconforming or conforming large stable status shall prevail and paragraphs one and two shall not apply.

This is in the section that deals with the scope of allowed alterations or expansions to large stable properties. So you should give
thought to the policy issues behind that and how
that language might change that, you know, what
you have otherwise kind of settled on.

CHAIRMAN KRUSINSKI: Yes, sir.

MR. CASAS: I just want to zero in on what
you are saying. The ones that you identified,
other than one and four, go to making sure we
are covering the SUP and the legal
nonconforming. I agree with that
characterization.

I think the reason why counsel asked
for one and four is for the reason that I think
Joe, you stated, is we don't want a situation of
ambiguity or conflict. We want to just say if
the policy is you are grandfathered and safe
harbored, that's clear that you're grandfathered
and safe harbored. We're not going to take some
other provision and maybe read it to this rate
what I think is the intended policy.

So normally under those circumstances,
you want to put some language in that says what
supersedes. If there is two things in the
document, which one prevails. And my
understanding has been clear, that your policy
has been and continues to be the safe harbor and
grandfather of the prior uses. And this is
specific just to large stables.

I think you can characterize it, Joe,
as belt and suspenders. But on the other side
of the coin, it does give appropriate piece of
mind. It's not redundant, it's not superfluous,
it's just setting the standard.

CHAIRMAN KRUSINSKI: Thank you. I
understand. I understand your point. And the
thing is even the very beginning of it, to the
extent of any conflict, well, there is no
conflict.

COMMISSIONER PICKEL: Yes.

CHAIRMAN KRUSINSKI: You know, there is no
conflict. I just don't like this language.
Again, I think we more than covered it.

MR. SMITH: I mean, it's a -- I think the --
I think as Mr. Casas said, that the desire is if
there is a disagreement or a perceived conflict
between these documents, as Bob said earlier,
sometimes the zoning administrator has to make a
call as to interpretation.

And the idea here is if there is a
conflict in the text of the zoning ordinance, the village code, or a legal nonconforming or conforming large stable, the legal nonconforming or conforming large table status shall prevail and paragraphs one and two above shall not apply.

I guess, as Mr. Casas said, the idea from their perspective is to say which document or which interpretation controls if there is a conflict.

CHAIRMAN KRUSINSKI: But I think we made that clear. And I think the difference here, too, is that now you are going back to one and two and I don't think one is necessary. Two is already where we --

MR. SMITH: One and two that referenced on page 15 relate to the alteration and expansion provisions, not to number 1 and 2 on the AFS requested changes.

This is within the context of 15.1209(B). It's not with regard to the six requested changes here, Joe. Does that make sense?

CHAIRMAN KRUSINSKI: Yes. I think that's all
the more reason to go back to that.

COMMISSIONER LEONARD: You know, for me I would -- this is not something that I would want to do. I would rather stick strictly to the code for this. If they have a special use and it's in effect and those are the terms of it, you know, then they have the right to do that.

But I don't -- I think this is binding our hands long after we're gone.

CHAIRMAN KRUSINSKI: Liz, I tend to agree with you. Even going back and references that goes back to the issues we had earlier with regard to what's normal alteration, care, and maintenance versus expansion. I'm just thinking.

COMMISSIONER HIRSCH-BOLLHOFER: I'm not comfortable with it. I think it adds more interpretation, I think, to think about it. Just the fact we are talking about it so long I think is confusing about what is meant versus what's inferred or how it could be taken.

CHAIRMAN KRUSINSKI: I agree, Holly. I think -- I think two, three, and five are perfectly acceptable.
COMMISSIONER CLARK: I think one, four, and six should be taken out.

CHAIRMAN KRUSINSKI: Six, I have enormous trouble with personally.

COMMISSIONER LEONARD: So do I.

CHAIRMAN KRUSINSKI: It's redefining commercial.

COMMISSIONER HIRSCH-BOLLOFFER: I'm not comfortable with that.

MR. CASAS: If I can, you have six that says you can't do anything commercial in R-1, right, but you have an SUP that says you can do commercial activity based on nonconforming use.

COMMISSIONER LEONARD: But your SUP and most of the SUPs in the large stables, I think all of them actually do make the stipulation that the commercial is limited to boarding horses. And I mean if yours is different, I would be happy to look at that.

MR. CASAS: I don't think any of them say that. And I think that the reality is that --

COMMISSIONER LEONARD: Bob, what do they say relating to commercial? I don't think they're approved for commercial use. I think they're
just for being a stable to board horses.

MR. IRVIN: That's a mix. There is -- the
Always Faithful, you can't find any boarding
reference in the Always Faithful SUP.

Any of those ordinances approved in
2000 don't use the word "boarding" at all. It
just says you can have so many horses.

COMMISSIONER LEONARD: Does it say you can
have a commercial operation?

COMMISSIONER CLARK: It's basically saying
you can take care of horses.

MR. IRVIN: Basically, we allowed what was
going on in the property for 2000 for those.
The later ones are more specific. You know, the
O'Donnells, the Pegasos are very specific on the
number of horses they can board.

CHAIRMAN KRUSINSKI: Corporate Way, too, Bob.

MR. IRVIN: And Corporate Way as well. Bear
in mind that the -- there had been a
recommendation made by the Village Board, there
was no definition in the village code of
commercial that that should be added.

And I guess I look at a difference
between a charitable event and one that's
not-for-profit. I know we have other
controlling issues in the code and,
unfortunately, I walked out of my house without
my zoning code. I know we have home occupation
regulations and stuff, that you can have a home
office and those kind of things.

But you put this word in here for
"not-for-profit" and I don't think it could be
done, but what troubles me is that someone would
read this and say, well, I'm not going to do a
commercial activity, but I'm going to set my own
not-for-profit up in my residential district and
I'm going to start selling things,
not-for-profit, I'm not doing commercial. I
think there is -- no one is going to, as Ed
said, is going to go after someone that's having
a charitable event. That's not a not-for-profit
activity, that's a charitable event. I think
this causes more problem.

COMMISSIONER LEONARD: We have discussed this
before, not-for-profit, there is a lot of
different designations for a not-for-profit.
And some of them are charitable and some of them
are just a not-for-profit.
COMMISSIONER HIRSCH-BOLLHOFFER: Enterprise or event. There is a calculation.

COMMISSIONER LEONARD: There is a difference here in not-for-profit. If you're talking about raising funds, you can come to the village and ask for a special permit to have for an event. The church does it. They do it for their picnic. Other --

MR. IRVIN: We do permit it. It just happens.

COMMISSIONER LEONARD: They have always done it. Are you talking about our picnic?

MR. IRVIN: The Serbian fest, there is no permits issued for that.

COMMISSIONER LEONARD: There is not?

MR. IRVIN: No. And people will have charitable events at their home with tents. One of your neighbors in your neighborhood a few years ago had one. I mean, we do not have a permit process for that.

COMMISSIONER LEONARD: Then how do we -- like how would you regulate something like that?

MR. IRVIN: Well, I think what happens is if it's not a problem, no one complains about it,
we don't regulate it. I think it only -- it
would only rise to that level if I think it was
a continual issue that people ask. But
otherwise it just, you know, hasn't been an
issue. We haven't had a lot of people saying --
to get a permit, to put up a tent for, you know,
a charitable event, it's just -- we haven't had
enough requests for people to regulate that. I
close some towns do.

COMMISSIONER LEONARD: I know a lot of towns
do.

MR. IRVIN: But it doesn't happen here.

CHAIRMAN KRUSINSKI: I see, Liz, too, if you
recall, one of the things that was asked of us
to do is a definition of commercial use. And
that is Section 15.201.

COMMISSIONER LEONARD: What page?

CHAIRMAN KRUSINSKI: Bottom of 11. So I
think we need to be consistent with that. I
think if you said or if somebody said once you
add that provision for "not-for-profit," it
really muddies the water.

COMMISSIONER LEONARD: It does.

CHAIRMAN KRUSINSKI: And we get into a whole
other issue that we don't want to go there.
There is too many things that could be construed
as not-for-profit.

   Again, to bring this to some closure,
I'm recommending and I would like you to
consider approval of the request for items two,
three, and five. Those are the modifications
that I think clearly make it consistent with our
desire it would not impact any existing granted
special uses.

   COMMISSIONER LEONARD: Greg, I see no problem
with that either. However, I'm not a lawyer and
does that tie the village's hands at any point
or does it just really say what you got you can
keep, even though you're changing things.

   MR. SMITH: That's a hard question to answer
in the abstract. You know, if I have specifics,
I can give a much clearer answer.

   When I review the request two, three
and five I see requests that are intended to
allow for the continued use and maintenance of
structures on a grandfathered, safe-harbored
basis that we have heard about over the last
couple of meetings of public hearings.
I don't know with regard to tying the village's hands that that is the case. I mean, for instance, all of the sections, two, three, and five, reference approvals or establishment of these things prior to January 1st of 2017. So they only apply to structures and uses looking back for, number one, not going forward.

You know, this body has talked a lot about wanting to allow what's in place to continue.

COMMISSIONER LEONARD: Which we do.

MR. SMITH: And given the look-back, the fact there is a date and we were talking about prior to, then I think it's in furtherance of that.

You know, I'm not aware of the village, since my office came in, training to reduce the number of large stables or take actions to try to minimize those uses by telling someone that they can no longer do what they have been previously approved to do in 2000, let's say.

So in terms of tying the village's hands based on past practice, I think that these requests are in line with the policies that you've stated.
COMMISSIONER LEONARD: Okay.

COMMISSIONER PICKELL: Greg, point one and point four, if you were counsel for one of the large stables that we're discussing that's investing millions and millions and millions of dollars into the property, would you feel at risk if you didn't have point one or point four, would you feel at risk if there is a new board, there's new ZPA, would you feel at risk at any time given everything that you know about our code and what's being put here in two, three, and five?

MR. SMITH: I can't answer that question. I can't put myself in the mindset of the large stable owners or their attorneys. I think the fact that they've requested it tells you what they feel about risk. I think Mr. Casas expressed his strong desire to have the items included, which tells you about his assessment of risk.

You know, any property owner who wants to protect what they have is going to ask for as many favorable changes as they can. And I think that they're asking for number one and four to
protect their investment.

I can't answer your question directly, but I hope that gives you some insight.

COMMISSIONER PICKELL: I'm trying to look at both sides of the equation. First of all, the first thing this board looks at is the better good of the other 350 families of Mettawa and instead of, you know, the seven large stables there in Mettawa.

Is there anything in points one and four that could be -- I know this is a really tough one -- that someone could manipulate and do something further down the road that is not agreed to, has never been agreed to by this group or the board? Would these two, I'm talking about one and four, allow a legal firm to come in and manipulate special use to get something more that was ever intended? That's what I'm thinking of first.

And the other side of the coin is if I'm putting tens of millions of dollars in a new property and I want to do so to keep it up, is there anything on the converse that would allow a new board to take away something that they
gave to me. And if that's not the case with one 
or four, then we take them away and they are 
protected. I'm the kind of guy, if one and four 
isn't going to make a difference and they can't 
come and manipulate what we have agreed to for 
them, what's the difference? That's how I think 
about things.

But I also know, and no offense, I know 
how the legal mind can work. And one and four 
could allow someone to sneak their nose under 
the tent and work out something different that 
was ever intended by this group or the board of 
Mettawa. And if that were the case, I would be 
totally against one and four. I just don't 
know, I'm not a lawyer.

MR. CASAS: I can't speak for counsel. But 
what was explained to me was really it's the 
former. Because we can't be granted something 
that's more than what's been granted. That's 
what the document clearly says, right. We're 
saying what you have been granted, we're 
protected.

But if there is a conflict, the 
ordinance changes, there is some conflict within
the ordinance itself and what we have been
granted, a good lawyer could try to figure out a
way to take it away from us. And that's the
concern. And so we're really trying to protect
about the scenario you're talking about.

I don't think -- and Greg, I don't want
to speak for you. But I'm not interpreting this
as any way that allows us to expand because it
is what it is. We don't have a right to expand
it. We're just trying to make sure if there is
a conflict in the ordinances is to somehow to
take it away, that it's clear that that's not
the intent. That's really what we're trying to
do.

COMMISSIONER PICKELL: Would you feel
comfortable if one and four were stricken from
this? Are you comfortable with two, three, and
five protecting your investment and what you try
to do -- basically, trying to tell you, two,
three, and five that, yes, everything you've
been given and granted will in perpetuity go
with that property, whether you own it or
someone else?

MR. CASAS: The answer would be yes provided
someone doesn't come in and read the ordinance
and say, well, over here it says you can't do to
or over here there is a twist that we think
would restrict that. And that's what you know
lawyers get paid to think about.

So I'm just saying I heard your intent
loud and clear. I'm asking to make sure that
it's equally loud and clear in the document.
And it has been described -- and I think one of
you guys said this. There is an extra level of
protection to make sure someone can't come in
and doing what you are exactly saying. That's
all it is.

MR. SMITH: To respond to the question, it's
speculation to try to get into what someone down
the road, the way they may interpret the zoning
ordinance or a specific special use permit. Two
people could read the same contract, read the
same sentence and in good faith claim that they
mean different things.

I think that the changes in two, three,
and five make, you know, needed changes to the
ordinance to make clear that structures and
uses, both legal and legal nonconforming, are
all treated the same.

And on number one and four, I said previously it's really a policy question. I don't see it as legal one. So whether or not you want to include what tonight has been described as belt and suspenders language, if there is a conflict, where do we look to resolve it. The village, to my knowledge, has always looked to the most specific document, which is the ordinance, the special use ordinance, or the legal nonconforming status to resolve those issues. So that's in your policy discretion. I don't see a legal dimension to that at this level.

CHAIRMAN KRUSINSKI: Orren, the only other thing I would say in regard to the concern, even though everything really has already been granted, there is not much more to do. Everything has been built for the most part. Yeah, maybe a CO hasn't been obtained or there is still work to be done. But in terms of the improvements, per se, and other kinds of things, it's for the most part behind us.

Secondly, your concern that perhaps or
a concern in general, not necessarily your concern, that the Board would undo what it's done is a huge stretch in my view. It's an absolutely gorgeous facility. As I said, it's 98, 99 percent done, 100 percent done from my view from the outside. But, nevertheless, I've never been in it.

I think the concern about undoing is remote at best. But I do think -- and that's why I agree that because it's always our intent to make it crystal clear -- that what has been granted is not -- it's not our intention to undo it in any way whatsoever.

COMMISSIONER PICKELL: I would agree 100 percent. But 20 years from now, who knows what the political climate is going to be in Mettawa. That's all I'm saying.

And I've watched political climates in communities I work in just go south and new boards do different things. It's because of the political climate, people invest a lot of money. They don't want a political climate to impact their investment. So I'm coming from the standpoint.
Also thinking about the community and what our political climate is right now is exactly what we're doing, right. So as long as everyone is protected, I'm happy as a -- you know, a member of this committee to vote on it.

CHAIRMAN KRUSINSKI: I agree, Orren, and that's well said. Thank you.

Any other comments? Where we are at now is where I think we hope to be. And for some reason Greg said we would be done at 9:00 o'clock, he wasn't too far off.

What we need now -- because we have discussed all the issues -- is a motion to approve the revisions that have been made to the draft dated 10/30/2017 and for us to vote on, basically, this document with the revisions that we discussed.

MR. SMITH: Could I go through them one more time so the ZPA is clear on this?

CHAIRMAN KRUSINSKI: Maybe you can frame the motion.

MR. SMITH: So it will be a motion to recommend to the Village Board and President the approval of the text amendments proposed in the
draft document dated October 30th of 2017 with
the following changes. On page 10 in Section
4(c), that words "borders and" be stricken.
On page 11 that the word "adopt" in the
last paragraph in Section 8 be replaced with the
word "consider."
On page 12, that Sections C and D be
switched and that the lettered Section D, be
expanded to apply to subsections A, B, and C and
that the applicant or special use permit holder
be allowed to request the extension.
Also on page 12, Section 12, that it
applies to special use permits approved on or
after the date of the ordinance, 2017, and
that's what is intended to be included there.
With regard to pages 14 and 15, that
being the requests from Always Faithful Stables,
that two, three, and five be included. So that
would be the motion.
CHAIRMAN KRUSINSKI: Do we have a motion?
COMMISSIONER HIRSCH-BOLLHOFFER: I will make
a motion.
COMMISSIONER LEONARD: I will second it.
CHAIRMAN KRUSINSKI: Before voting, any
further discussion? Will the secretary please call the roll?

MS. GALLO: Commissioner Clark?

COMMISSIONER CLARK: Aye.

MS. GALLO: Leonard?

COMMISSIONER LEONARD: Aye.

MS. GALLO: Hirsch?

COMMISSIONER HIRSCH-BOLLHOFFER: Aye.

MS. GALLO: Meluso?

COMMISSIONER MELUSO: Aye.

MS. GALLO: Murphy?

COMMISSIONER MURPHY: Aye.

MS. GALLO: Pickell?

COMMISSIONER PICKELL: Aye.

MS. GALLO: Chairman?

CHAIRMAN KRUSINSKI: Aye. The motion carries.

The Chair will also entertain a motion to be authorized 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 our recommendation regarding this case. Is there a motion for that?
COMMISSIONER CLARK: I will make a motion.

CHAIRMAN KRUSINSKI: Motion by Wendie.

Second, please.

COMMISSIONER LEONARD: Second.

CHAIRMAN KRUSINSKI: Thank you. Any discussion on that?

COMMISSIONER CLARK: Would this go in front of the Village Board this month or December?

CHAIRMAN KRUSINSKI: Greg, how quickly can you turn this around?

MR. SMITH: It depends on the transcript coming in. And the recommendation is going to have to take into account the exhibits, the prior two evenings' transcript and this one. So while we will aim for November 21st for the initial presentation, it may not be until the December meeting, given the volume of materials that need to be reviewed and put into the recommendation.

CHAIRMAN KRUSINSKI: To answer your question, Wendie, we want to provide a complete package of all of the testimony as well as the recommendation. So the minutes, et cetera, will have a very comprehensive package besides the
recommendating itself. Does that answer your
question?

COMMISSIONER CLARK: Yes.
CHAIRMAN KRUSINSKI: Any other questions?
Secretary call the roll again, please.

MS. GALLO: Commissioner Clark?
COMMISSIONER CLARK: Aye.
MS. GALLO: Leonard?
COMMISSIONER LEONARD: Aye.
MS. GALLO: Hirsch?
COMMISSIONER HIRSCH-BOLLHOFER: Aye.
MS. GALLO: Meluso?
COMMISSIONER MELUSO: Aye.
MS. GALLO: Murphy?
COMMISSIONER MURPHY: Aye.
MS. GALLO: Pickell?
COMMISSIONER PICKELL: Aye.
MS. GALLO: Chairman?
CHAIRMAN KRUSINSKI: Aye. Motion carries.
(End of meeting.)
STATE OF ILLINOIS  
COUNTY OF COOK  

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

CHERYL L. SANDECKI, CSR, RPR  
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