

BEFORE THE VILLAGE OF BARTLETT
PLAN COMMISSION

IN RE THE MATTER OF:)
)
Beaver Pond Park Development)
Settlement Agreement, Special)
Use Permits (a) Fishing Pier) Case No. 11-07
(b) Horseshoe Pits and (c))
Dock/Grading in a Special)
Flood Hazard Area and Site)
Plan Review Meeting.)

REPORT OF PROCEEDINGS

July 14, 2011
7:30 P.M.

PROCEEDINGS had and testimony taken before the
Bartlett Plan Commission of the above-entitled cause
taken at the Village Hall, 228 South Main Street,
Bartlett, Illinois, before LYNN M. EVANS, C.S.R.,
License #084-003473, a Notary Public qualified and
commissioned for the State of Illinois.

COMMISSION MEMBERS PRESENT:

MR. RAY DEYNE, Chairman.
MR. MARK HOPKINS, Member.
MR. JERRY KALLAS, Member.
MR. STEVE KANE, Member.
MR. TOM KUNCE, Member.



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1 COMMISSION MEMBERS PRESENT: (cont.)

2

MR. JAMES LEMBERG, Member.

3

MR. TIM RIDENOUR, Member.

4

MS. DIANE NEGELE, Member.

5

MR. SHANE COOK, Member.

6

ALSO PRESENT:

7

MR. JIM PLONCZYNSKI, Community Development
Director.

8

MS. ROBERTA GRILL, Assistant Community
Development Director.

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MS. JULIE STRASSER, Secretary, Community
Development Department.

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1 CHAIRMAN DEYNE: Good evening everyone. It's
2 7:30 and I would like to open the Plan Commission
3 meeting for July 14, 2011. May we have a roll, please.

4 MS. STRASSER: Ray Deyne.

5 CHAIRMAN DEYNE: Here.

6 MS. STRASSER: Mark Hopkins.

7 MR. HOPKINS: Here.

8 MS. STRASSER: Jerry Kallas.

9 MR. KALLAS: Here.

10 MS. STRASSER: Steve Kane.

11 MR. KANE: Here.

12 MS. STRASSER: Tom Kunce.

13 MR. KUNCE: Here.

14 MS. STRASSER: Jim Lemberg.

15 MR. LEMBERG: Here.

16 MS. STRASSER: Evelyn Lesko.

17 Terri Morse.

18 Tim Ridenour.

19 MR. RIDENOUR: Here.

20 MS. STRASSER: Diane Negele.

21 MS. NEGELE: Here.

22 MS. STRASSER: Shane Cook.

1 MR. COOK: Here.

2 MS. STRASSER: And attorney Bryan Mraz is present.

3 CHAIRMAN DEYNE: The next item on the agenda is
4 approval of the May 12, 2011, minutes. Do we have a
5 motion?

6 MR. KALLAS: So moved.

7 CHAIRMAN DEYNE: Do we have a second?

8 MR. KANE: I'll second.

9 CHAIRMAN DEYNE: Is there any discussion? If
10 not, can we have the roll, please.

11 MS. STRASSER: Jerry Kallas.

12 MR. KALLAS: Yes.

13 MS. STRASSER: Steve Kane.

14 MR. KANE: Yes.

15 MS. STRASSER: Shane Cook.

16 MR. COOK: Abstain.

17 MS. STRASSER: Tom Kunce.

18 MR. KUNCE: Yes.

19 MS. STRASSER: Mark Hopkins.

20 MR. HOPKINS: Yes.

21 MS. STRASSER: Diane Negele.

22 MS. NEGELE: Abstain.

1 MS. STRASSER: Tim Lemberg.

2 MR. LEMBERG: Yes.

3 MS. STRASSER: Tim Ridenour.

4 MR. RIDENOUR: Yes.

5 CHAIRMAN DEYNE: Next item on the agenda is
6 actually Beaver Pond; however, we are going to adjourn
7 for a few moments to Executive Session and we will be
8 back.

9 MR. MRAZ: There should be a motion to go, to
10 adjourn to executive session to discuss security
11 procedures pursuant to Section 2(c)8 of the Open
12 Meetings Act and pending litigation pursuant to
13 Section 2(c)11 of the Open Meetings Act.

14 CHAIRMAN DEYNE: Do we have a motion for that?

15 MR. COOK: So moved.

16 MR. KUNCE: I'll second.

17 CHAIRMAN DEYNE: Roll call.

18 MS. STRASSER: Shane Cook.

19 MR. COOK: Yes.

20 MS. STRASSER: Tom Kunce.

21 MR. KUNCE: Yes.

22 MS. STRASSER: Mark Hopkins.

1 MR. HOPKINS: Yes.

2 MS. STRASSER: Jerry Kallas.

3 MR. KALLAS: Yes.

4 MS. STRASSER: Steve Kane.

5 MR. KANE: Yes.

6 MS. STRASSER: Jim Lemberg.

7 MR. LEMBERG: Yes.

8 MS. STRASSER: Tim Ridenour.

9 MR. RIDENOUR: Yes.

10 MS. STRASSER: Diane Negele.

11 MS. NEGELE: Yes.

12 CHAIRMAN DEYNE: Okay. We'll be back shortly.

13 (Whereupon, the Board went

14 into Executive Session.)

15 CHAIRMAN DEYNE: I would like to reconvene the

16 Plan Commission. May we have the roll, please.

17 MS. STRASSER: Ray Deyne.

18 CHAIRMAN DEYNE: Here.

19 MS. STRASSER: Mark Hopkins.

20 MR. HOPKINS: Here.

21 MS. STRASSER: Jerry Kallas.

22 MR. KALLAS: Here.

1 MS. STRASSER: Steve Kane.

2 MR. KANE: Here.

3 MS. STRASSER: Tom Kunce.

4 MR. KUNCE: Here.

5 MS. STRASSER: Jim Lemberg.

6 MR. LEMBERG: Here.

7 MS. STRASSER: Evelyn Lesko.

8 Terry Morris.

9 Tim Ridenour.

10 MR. RIDENOUR: Here.

11 MS. STRASSER: Shane Cook.

12 MR. COOK: Here.

13 CHAIRMAN DEYNE: Next item on our agenda is case

14 No. 11-07, this is Beaver Pond Park Development.

15 This is a public hearing. With that we'll open the
16 public hearing. Is the petitioner present.

17 MR. ADAMS: Yes. Have all of the necessary
18 documents been received?

19 MS. GRILL: Yes.

20 CHAIRMAN DEYNE: They're all in order. Okay.
21 Great. For the record, could we please have the
22 petitioner introduce themselves.

1 MR. ADAMS: Good evening, Chairman Deyne and
2 Members of the Plan Commission. My name is Steve Adams.
3 I'm the attorney for the Park District. I'm from the
4 Law Firm of Paul Tressler. We have in attendance with
5 us this evening a number of officials of the Bartlett
6 Park District, as well as some of our representatives,
7 consultants.

8 So I can name them briefly for you; President
9 Steve Eckelberry, Executive Director Rita Fletcher,
10 Superintendent of Parks and Planning Jon Carlson; our
11 consultant from W-T Engineering, Todd Abrams. We also
12 have Commissioner Ted Lewis, Commissioner Marianne
13 Cordell, Commissioner Lori Palmer.

14 We are prepared to present to you this
15 evening when you're ready.

16 CHAIRMAN DEYNE: Please proceed.

17 MR. ADAMS: I would like to start by thanking the
18 Plan Commission for your attendance this evening and
19 it's our hope that our proposal for special use permits
20 and for site plan approval tonight will be approved
21 and recommended to the council.

22 As the public is well aware and as I'm sure

1 that members of the Plan Commission are aware from
2 the memorandum prepared by staff and the accompanying
3 documentation, we are here to present not only a
4 request for special use permits --

5 CHAIRMAN DEYNE: Sir, I'm very sorry, I have to
6 interrupt you for a moment. I need all the petitioners
7 you may have to swear in. Please, I forgot. My
8 apologies. Please raise your hand.

9 MR. LEMBERG: Raise your right hand.

10 (The oath was thereupon
11 duly administered to the
12 witness by the Notary.)

13 CHAIRMAN DEYNE: Sorry.

14 MR. ADAMS: Thank you for that. Appreciate you
15 catching that little oversight.

16 CHAIRMAN DEYNE: If I didn't, I would be fired,
17 so please proceed.

18 MR. ADAMS: The Park District is before you for --
19 on its request for special use permit under the
20 building code for certain grading activities and the
21 installation of the fishing piers, storm sewers, and --
22 storm sewers in the special flood hazard area. We

1 are also before you tonight for approval of the special
2 use related to the fishing piers under the zoning
3 ordinance and the horseshoe pits and also for approval
4 of site plan.

5 As the documents that have been tendered to
6 you previously indicate, we are also here to present
7 information related to the settlement agreement that's
8 been negotiated and prepared by the Park District
9 and the Village and to present information pertinent
10 to that as well. As you are aware, the Park District
11 and Village are engaged in litigation regarding this
12 project right now. It is our hope to resolve that
13 litigation through the settlement agreement that's
14 been tendered to you.

15 And part of that executing the objectives
16 of that settlement agreement include presenting to
17 you this evening and obtaining your recommendations
18 to approve special uses as I described before and
19 also approval of the site plan.

20 It's also our hope that if the -- it's our
21 expectation that if the settlement agreement is
22 approved and the council approves the ordinances

1 granting the special uses and approval of the site
2 plan, as well as the parking variance that was before
3 the Zoning Board of Appeals last week, that the
4 litigation will be terminated upon the approval of
5 those ordinances and also upon the approval of the
6 settlement agreement.

7 Regarding the terms of the settlement
8 agreement, I want to point out that the settlement
9 agreement demonstrates the desire on the part of both
10 the Park District and the Village to compromise on a
11 number of issues pertaining to this project, including
12 issues related to the site plan submittal and approval,
13 parking requirements, variation requirements, special
14 use requirements, and action on special uses. Those
15 are the area of disagreement between the parties based
16 on the code and the presentations related to this
17 project.

18 It is the hope of the Park District that the
19 differences between the Village and Park District can
20 be resolved through reasonable compromise which all
21 sides are making certain sacrifices and the community
22 is enhanced by the relatively minor improvements to

1 the 22-acre park that was acquired for all of the
2 residents of Bartlett.

3 We know that there are some residents that
4 oppose the project and oppose many improvements that
5 have been considered in this park. We understand the
6 position. No park improvement project can be perfect.
7 The Park District is committed, however to, working
8 with the Village and the residents to ensure that
9 these park improvements that are in the plan before
10 you this evening will enhance the quality of life
11 for the residents of Bartlett. It is certainly the
12 opinion of the elected officials of the Bartlett
13 Park District that this is a meritorious project and
14 in their view and in the views of most consultants
15 and professionals that have looked at this plan, it
16 is not what would be considered an intense project.
17 This is a passive park.

18 Regarding the special use permit for the
19 fishing pier, the dock, and horseshoe pits, I'm going
20 to speak first about those and treat them together as
21 they are relatively comparable in terms of how they're
22 being treated as a special use in our application and

1 under the Village's code as being applied under the
2 settlement agreement.

3 The pond as you are aware is stocked with a
4 wide variety of fish. Fishing is a widely recognized
5 recreational activity. There has been fishing
6 occurring in the pond for many, many years. The
7 fishing dock will enhance the Park District's ability
8 to provide for this very well recognized recreational
9 activity to the public. Those in the community that
10 fish will have an enhanced experience. The many area
11 residents that already play horseshoes in the park as
12 well will also have an enhanced experience through the
13 addition of the horseshoe pits that are part of the
14 plan.

15 The horseshoe pits and fishing pier have
16 been determined by the Park District elected officials
17 to be desired recreational amenities based on the input
18 from recreational professionals and the public.

19 The fishing pier and horseshoe pits are in
20 no way detrimental to the public health, the public
21 safety, morals, or the general welfare of the area's
22 residents. These improvements are not injurious to

1 the property values in the vicinity.

2 The pier and horseshoe pits will be
3 constructed in accordance with the applicable building
4 codes, ADA standards, and the pier will include proper
5 safety railings.

6 These proposed special uses do conform to
7 the applicable regulations and conditions specified
8 in the Village's Title 10, which is the zoning code,
9 Municipal's code Title 10, zoning code including
10 Section 10(b)84 and 10 13 8.

11 The special use under the building code
12 for grading, fishing pier installation, storm sewer
13 installation in the special flood hazard area is also
14 before you this evening. Part of this project involves
15 some excavation and fill in the special flood hazard
16 area.

17 This plan has been approved by the Village's
18 engineer and it is recognized that the plan will have
19 no adverse impact on the Brewster Creek Regional
20 Stormwater Project.

21 The height of the existing pond will not be
22 impacted by this plan. The plans and specifications

1 that have previously been submitted to the Village for
2 this project demonstrate that there will be no
3 increasing flood heights or increasing velocity of down
4 stream flow of water.

5 During the construction and after the
6 construction, ground water and service water resources
7 will be protected and enhanced through naturalized
8 plantings which are a part of our plan. All work in
9 the flood hazard area will be conducted in accordance
10 with the applicable regulations in order to protect
11 the floodplain and wetland flora and fauna.

12 Previously submitted elevations for this
13 project show that additional storage was added to the
14 pond for the proposed Park District improvements.

15 As a result, the proposed plan before you
16 this evening has no adverse impact on the sites
17 floodplain or stormwater conditions. In fact, those
18 conditions will be enhanced. This work in the special
19 flood hazard area will have no injurious effect on the
20 neighborhood nor will it be detrimental to the public
21 welfare or in conflict with the Village's comprehensive
22 plan or official zoning map.

1 The Village Engineer Burke, Christopher B.
2 Burke and Associates, engineering firm, has approved
3 the plan. When the plan was previously submitted,
4 the Village staff also recommended no changes to the
5 stormwater plans and specifications.

6 Regarding the site plan, I want to speak a
7 little bit about the elements of it. It's all -- you
8 can all see it before you. I think that you're aware
9 that this is a 21-acre park. That the park has been
10 used for recreational purposes for many, many years.
11 The Park District owned the property since 1989 -- 1988.
12 The park includes an 11-acre fishing pond. It is
13 approximately 85 percent in the floodplain.

14 The plan includes an eight-foot wide handicap
15 accessible path that meanders through the park, a
16 couple of benches along that path, a picnic shelter
17 with picnic table and horseshoe pits, two fishing
18 stations, handicap accessible pier, and does not
19 include many items that were originally suggested by
20 residents of the community in our planning meetings and
21 were ultimately removed when others complained, others
22 who were interested in the plan suggested that they

1 should be removed. I'll go over those in a minute.

2 The plan came into existence after initial
3 brainstorming sessions were held with residents in
4 December of 2007. In January of '08 the Park District
5 hired a landscape architect to develop a concept plan
6 based on staff and resident input. On May 13, 2008,
7 the concept plan was submitted to a Park District
8 committee and also to the public for review and comment.
9 At that time there was a parking area included in the
10 plan. There was some residents in attendance at those
11 meetings who objected to parking being included in the
12 plan.

13 After the May 13, 2008, committee meeting,
14 another concept plan was presented with revisions
15 taking into account comments from the public. And
16 again residents in attendance provided comments. On
17 June 10, 2008, the committee and the public again
18 reviewed a revised plan. Each time the plan was
19 revised in accordance with public input.

20 At that meeting certain residents in
21 attendance expressed concern about the parking and the
22 updated plan that was submitted on June 10, 2008,

1 removed the parking lot. It also removed a sand play
2 area, a bag toss area, a climbing wall, and a volleyball
3 area. Some of these improvements may have been pro-
4 posed by residents, but we are aware also that certain
5 residents who were in attendance at those meetings
6 proposed other improvements that were not included in a
7 plan including a bridge over the pond, the ability to
8 use kayaks in the pond. And other suggestions from the
9 public included the pathway, which did get into the
10 plan, picnic tables and a picnic area, the fishing pier
11 and benches as well as landscape plantings.

12 The final concept plan was reviewed by the
13 public and the Board and the ultimate decision of the
14 Board of Park Commissioners after the public meetings
15 was to adopt what was then presented to the council
16 beginning in -- at its meeting -- rather was filed with
17 the Village, excuse me, in January of 2010 and the Park
18 District also submitted for an Illinois Department of
19 Natural Resources grant in 2008, which was awarded in
20 the pond construction of this project. The Illinois
21 Department of Natural Resources will provide a \$400,000
22 grant to support the expenses of the project.

1 So after that extensive public review and
2 input process and the receipt of grant confirmation,
3 the Park District proceeded through the Village hearing
4 processes and ultimately was denied leading to the
5 litigation. The attempt now is to resolve the disputes
6 in the litigation through the approval of the
7 submission by the Park District to certain aspects of
8 the zoning code that were in dispute for this project
9 and to gain approval.

10 There is a genuine desire on the part of the
11 Park District to enhance the recreational offerings
12 of the Park District and as I mentioned, this project
13 was designed with extensive resident input.

14 The -- I got off track a little bit talking
15 about what is in this plan. I went through that, the
16 benches, the picnic shelter, the fishing station. And
17 as I mentioned before, the park's 11-acre fishing pond
18 is already extensively used for fishing.

19 Regarding parking, the site as it exists
20 today is served by three parking spaces, which are
21 located on Kingston. There are two regular, one
22 handicap spaces there. As I mentioned before also,

1 there was initially additional parking included in the
2 plan and at the request of many of the area residents
3 during the Park District's planning process.

4 The Park District determined to remove the
5 additional parking from the site plan altogether. The
6 Park District does not believe that the project will
7 generate substantial additional park use and thus
8 does not believe that additional parking is required
9 or desirable or sought by most of the residents in
10 the area. Most new users of the park will be bikers
11 and joggers and will not require parking.

12 However, after parking was removed at the
13 behest of certain area residents, concerns about the
14 adequacy of parking were raised by other area residents
15 who were opposed to the project and that occurred
16 during certain hearings before the Village. And
17 rather than -- it's the goal I should say of the Park
18 District rather than spend taxpayers money litigating
19 how many parking spaces or whether or if parking spaces
20 should be required for this project under the code,
21 a compromising principal has been reached between the
22 Village and Park District that eight spaces is adequate

1 to meet the needs of the park improvements.

2 As a result the Park District has added eight
3 spaces to the plan which should be more than adequate
4 to offset additional demand for parking created by the
5 minor additions of the small picnic shelter, some
6 horseshoe pits, which are primarily used now by area
7 residents, and fishing piers which will support the
8 existing fishing activity.

9 The addition of the parking will not require
10 floodplain mitigation because the additional parking
11 spaces are outside of the floodplain.

12 Regarding the -- I think I've covered the
13 special uses and a general review of the site plan.
14 I think at this point we would be happy to yield the
15 mic and allow the public to provide any input, allow --
16 give you the opportunity to ask any questions that
17 you may have about the plan or about the settlement
18 and assist you in deliberating and making a decision.
19 Thank you.

20 CHAIRMAN DEYNE: Thank you very much. Commission
21 members, any questions of the petitioner at this time?

22 If not, then this is a public hearing, it's

1 been opened. Where are the yellow sheets?

2 MR. PLONCZYNSKI: They're in the back and I think
3 some of them are on the podium, so please fill out
4 those yellow sheets and turn them in to Roberta when
5 you go up to speak.

6 CHAIRMAN DEYNE: If anybody has any comments,
7 questions regarding the petitioner's request, we ask
8 that you fill out one of those sheets. If somebody
9 would like to start, that's fine. We need you to
10 introduce yourself. You can fill out the form after
11 you've completed your questioning.

12 MR. PLONCZYNSKI: Please speak directly into the
13 microphone so we can have the court reporter pick up
14 the comments.

15 MS. BURSETH: My name is Cheryl Burseth. I live
16 at 880 Kingston Lane. I've lived there since 1986.
17 I purchased the property and my home before the Park
18 District took it over and the agreement when I
19 purchased the home is that the property around the
20 pond will never be developed.

21 I also would like to know from the Park
22 District if an environmental study has been done on

1 this development and the impact it will have on the
2 pond?

3 CHAIRMAN DEYNE: What we'll do is we'll take your
4 questions.

5 MS. BURSETH: This is a big concern of mine. If
6 an environmental study has not been done, you're going
7 to be adding asphalt and a lot of other things to the
8 park and I don't know if the Park District or the
9 Village even knows that there is an egret, white egrets
10 that live at the park. They've been on the endangered
11 species list since 1977 and I would like to know what's
12 going to happen to the impact of endangered species
13 on this park, especially the white egret that's been
14 on the endangered species list since 1977. It's quite
15 obvious if the Park District officials were so
16 concerned about the park and fishing, they would do
17 an environmental study.

18 Secondly, there is the issue of the streets
19 in our subdivision. We do not have curbs. If people
20 park on either side, you cannot get a safety vehicle
21 down the streets.

22 Secondly, if there is an incident -- last

1 year I had a person passed out on the picnic bench
2 behind my property for four hours. I had noticed it
3 earlier and then noticed it later in the day and I
4 called the police to come out. They had to get
5 permission from me to cut through my yard so they could
6 investigate.

7 The police cannot patrol Beaver Pond at all.
8 They would have to go through -- if they drove around
9 the neighborhood, they could not see the park except
10 maybe at the entrance of Kingston Lane, but they cannot
11 see the rest of the park and they would not be able
12 to see where the pavilion is going to be put in. And
13 other issues like that they would not be able to patrol
14 and they would have to go through private property to
15 be able to investigate if anything is going on.

16 Secondly, they keep saying it's for the
17 community. This park is for the community. I'm all
18 for Bartlett. The trouble is the people coming to the
19 park are not from Bartlett. Several times it's been
20 submitted to the Village of the parking stickers.
21 People are coming from Chicago, Pingree Grove, and
22 all over.

1 This fishing site is listed on a DuPage
2 website which has come about from the Park District
3 doing the fishing derby in conjunction with other
4 groups and so it's -- people aren't going to be riding
5 their bikes. People drive to come to this park.
6 They're coming from a long distance.

7 I would like to know what issues are going
8 to be done -- in the State of Illinois if you fish, you
9 have to have a fishing license. Nobody is patrolling
10 who has a fishing license. I've seen people taking
11 fishing this big, two inches out of the park, buckets
12 of it. I said what are you doing with these fish.
13 They said they're going to go home and eat them; you
14 know, which is ridiculous. My husband is a fisherman.
15 You don't eat two-inch fish.

16 So what happens is we have people outside
17 the community coming to the park, parking, cutting
18 through our yards. I've seen them urinating in our
19 yards, playing on our equipment, playground equipment
20 on our properties and nobody is monitoring who's got
21 fishing license, who -- it should be at least a catch
22 and release at this location, but I just think --

1 The other issue I have is the Park District
2 is talking about handicap. I am disabled right now
3 and I have a handicap parking. Sorry.

4 CHAIRMAN DEYNE: Take your time.

5 MS. BURSETH: And I was denied entrance to the
6 festival from a Park District official for the 4th of
7 July event. And I've called them on it and nobody has
8 addressed the issue. So I have an issue with them
9 saying that they're doing this for handicap because
10 if you deny me the access to the festival for the
11 4th of July, which is supposed to be for the whole
12 town, I can't believe that they're going to do good
13 things for people around the park.

14 There is also a safety issue. You have one
15 handicap parking. So a handicap person is going to
16 park at Beaver Pond on Kingston Lane and then they're
17 going to go all the way around to Stearns Road and all
18 the way around to almost the other side of Braintree
19 so they can go to the pavilion. So I just think there
20 is a lot of issues that you guys need to think about
21 and safety issues.

22 Everybody in this subdivision is for Bartlett.

1 The trouble is the people coming to the park are not
2 riding their bikes. They're not walking. They're
3 driving or coming from other communities and I would
4 like to see an environmental study done before anything
5 is done and I'm going to be checking with the State
6 of Illinois on the endangerment of an egret because
7 once you put in extra stuff, you ruin the habitat
8 that's around the park. Thank you.

9 CHAIRMAN DEYNE: Thank you very much. We'll
10 address those questions. We've made a list of those.

11 Is there anyone else, please?

12 MS. DONES: Good evening. My name is Sandi Dones.
13 I live at 729 Braintree Lane, right next to where the
14 proposed parking is going to be. There is just so many
15 issues to address here and it's hard to start with what
16 you're doing here.

17 Let's start with the parking. What your map
18 there doesn't show is directly across the street from
19 the parking there is a sidewalk that comes through the
20 subdivision on the other side where children and other
21 people who are walking cross.

22 Currently the traffic down here is unbeliev-

1 able and it's gotten worse since they've opened the
2 Stearns corridor. People trying to get north on to 59
3 now cut through our subdivision. As it is they speed
4 down there.

5 There is a Village streetlight in my property
6 that has been run over twice since I've lived at this
7 property. As recently as this past March and not only
8 did they take out the street light, they took out one
9 of my decorative driveway lights.

10 So now you're going to add this parking on
11 the curve where people are trying to cross and people
12 driving too quickly as it is. A stop sign, something
13 should be considered. This is danger, okay, because
14 there a lot of people.

15 Again, we have no sidewalks, we have no curbs,
16 so this is going to cause a little bit of a problem.
17 As it is, many people are walking and jogging on the
18 streets, walking their dogs every afternoon. We're
19 adding that much more traffic and what this woman
20 said is 100 perfect true, two years we took pictures
21 of all the cars parked along that area. There is
22 city stickers, not one was from Bartlett, not one

1 for weeks on end.

2 People cut through my yard all the time,
3 every single day. They may say oh, well the ComEd
4 property isn't mowed. Then why don't you walk down
5 my mowed piece of property along the property line.
6 I'll be sitting right in my backyard and people
7 literally walk right past me on my deck with absolutely
8 no disregard to my own privacy. I remind you that our
9 neighborhood we can't fence it. It is in the covenant
10 that you can't fence. It would be ugly seriously if
11 people were to fence. It would really take away the
12 beauty of the pond. We have no way of protecting our
13 privacy.

14 Also, I have not once heard the Park District
15 talk about the issue of outhouses. You're asking to
16 bring more people in. Where are they going to relieve
17 themselves. As it is they're peeing in their
18 (inaudible). Nobody wants to wake up in the morning
19 going on their deck and have a cup of coffee and
20 have some man relieving himself on a tree at the end
21 of your backyard. So where are these people going
22 to go.

1 You're encouraging them to come. Where are
2 they going to go. Besides which the sidewalk which
3 runs through the ComEd property to get to Beaver Pond
4 which is in a swan zone is almost a block and-a-half
5 from the pavilion area. So anyone coming with their
6 children and coolers are not going to walk that
7 distance. It's just too far, so they're going to park
8 down the street, down by the Harrington's and cut
9 through which they do anyway.

10 Beverly Jacobsen and Don Furio have a big
11 lot in between their yards. Beverly has actually
12 put up a very decorative chain to keep people from
13 continuing to cut through her property and cut through.
14 As they do it, it disrupts their dogs and everybody
15 is barking, but again, my husband and I see every
16 weekend people park there anyway, walk right over the
17 chain, and go straight down to the lake. They don't
18 have any disregard.

19 So if they're going to do this, I think the
20 Village should be putting in outhouses, putting up
21 respect our neighbor's privacy, no trespassing signs, a
22 stop sign would address the issue of people trying to

1 cross the street at that point. And honestly, I really
2 don't see it drawing the type of people Bartlett wants
3 to see. I think it's giving more access to the people
4 that have been coming here that aren't there.

5 I have called the police at least two or
6 three times people over fishing in that lake. They
7 come out with their five gallon buckets and pull fish
8 after fish after fish out of the lake. The DNR never
9 comes by and checks for fishing license. Nobody checks.
10 And they're not from our area, I guarantee you.

11 We had some people out here with nets one
12 time. I'm not talking butterfly nets. Nets to trap
13 fish and I called the police on that. It's ridiculous,
14 particularly behind my house because it's the best part
15 of the lake to fish in. I see this on a daily basis
16 And I've never seen anybody play horseshoes out there.
17 Maybe in their own backyards, but I've never seen
18 anybody play horseshoes out there.

19 My concern here is this again, the police
20 aren't going to get through the pavilion. This will
21 create a teen hangout. The police are going to have
22 to cut through the yards because if they try to come

1 down that sidewalk, those kids are going to be long
2 gone before any police get there.

3 We voted this down before. To add the
4 outhouses, the maintenance and upkeep, it's going to
5 cost a lot of money and that money comes from us
6 taxpayers that are paying your salaries to maintain
7 that pond and your salaries and we voted it down.
8 It's been voted down and it keeps coming back like a
9 bad penny, so please listen to us. We really don't
10 see this as, you know, something that's going to help
11 the area, only cause more problems. Thank you.

12 CHAIRMAN DEYNE: Thank you. Do we have anyone
13 else?

14 All right. Commissioners have any questions?
15 I have a number of questions that have been raised by
16 the audience that I would like to address the petitioner
17 with these questions.

18 The first young lady that was up here she
19 had talked about an environmental study and also she
20 brought up some concern about endangered species, how
21 do you wish to address that?

22 MR. ADAMS: In the course of obtaining our grant

1 from the Illinois Department of Natural Resources, an
2 analysis of the site was done at that time and it was
3 determined that there were no species that required any
4 sort of change to the plan or a decision not to
5 construct the plan based on the DNR's review of that
6 issue as part of our grant application, so --

7 CHAIRMAN DEYNE: You know, honestly, something
8 struck me here while we're sitting here listening to
9 some of the comments that were made and what you're
10 talking about right now. Apparently, you know,
11 there is some existing problems out there right now.
12 The Park District is here talking about trying to do
13 something -- I'm only speaking for myself. I don't
14 want to influence the Commission at all.

15 The Park District is here trying to do
16 something and, you know, you guys have a problem out
17 there right now and that's really what's disturbing
18 to me, but I'm sorry, I got side tracked.

19 MR. ADAMS: I understand that. I think that's
20 actually a good point. I think it's important for us
21 to listen and hear and learn and hopefully work towards
22 solving some of these problems that exist already and

1 to the extent that --

2 CHAIRMAN DEYNE: Well, they have some legitimate
3 concerns too, which I'm sympathetic to.

4 MR. ADAMS: Well, for example, the public
5 urination issue --

6 CHAIRMAN DEYNE: Well, before we get to that,
7 please, we're dealing with something else.

8 MR. ADAMS: Okay.

9 CHAIRMAN DEYNE: The other question that they had
10 were the curbs for street safety and maybe we can kind
11 of roll this altogether, the handicap parking there
12 was some concern about that and there was some concern
13 about the no curbs and street parking, and probably
14 we could throw this in there too, who would control
15 who visits the pond? Its public.

16 MR. ADAMS: Do you want me to respond?

17 CHAIRMAN DEYNE: Go ahead.

18 MR. ADAMS: Under Illinois law we are not
19 permitted to restrict access to a public park to our
20 local residents, that would violate Illinois law.

21 CHAIRMAN DEYNE: Correct.

22 MR. ADAMS: Number two, regarding the safety of

1 the vehicles, safety vehicles being able to get down
2 the street and the width of the street and the fact
3 that there is no curbs, it's our understanding that
4 based on street widths of Kingston and Braintree there
5 is adequate clearance for emergency vehicles and there
6 will be adequate clearance in the area where the
7 additional parking is.

8 CHAIRMAN DEYNE: Now, where did that information
9 come from?

10 MR. ADAMS: Well, the information I have is
11 through our communications with representatives of the
12 Village concerning the width of Kingston, width of
13 Braintree, the emergency vehicle width, width of
14 typical automobiles. And when you do the calculus
15 on that there is adequate room for emergency vehicles
16 to proceed through those streets when there is parking
17 on both sides of the street.

18 The other thing I think is important to
19 bring up about traffic and access through Braintree
20 and Kingston is that we do restrict parking to one
21 side of the street for the fishing derby, which is
22 the one event where this park is presently actively

1 programmed. So there is a parking restriction that's
2 been -- that gets placed on the streets adjacent to the
3 park when we do the fishing derby is my understanding.

4 Regarding the issue of the parking being
5 on the curve, there is -- you know, the Park District's
6 expressed willingness to work with the Village and with
7 area residents to the extent we need to make sure we're
8 maximizing the safety of that parking area. From my
9 view of the property, it's pretty clear that there is
10 very good visibility on either side of that curve. So
11 I do understand the concern about parking on a curve,
12 but I think that there is not -- it's not such a sharp
13 curve in the topography or the slope there isn't so
14 substantial that you can't see the cars before you get
15 to them when you're driving.

16 The issue of signage and/or pavement markings
17 to warn motorists that there is parking coming up or
18 to -- and also possibly directional signage to
19 encourage users of the park to get to those parking
20 spaces is also something we're more than happy to talk
21 about with the Village and participate in including
22 in the plan going forward.

1 CHAIRMAN DEYNE: Those are Village owned streets,
2 right?

3 MR. ADAMS: Correct.

4 CHAIRMAN DEYNE: So the requirement on stop signs
5 and whatnot, that would become our responsibility. We
6 would have jurisdiction in that if we need stop signs,
7 etc.?

8 MR. MRAZ: That's correct.

9 CHAIRMAN DEYNE: You know, another disturbing
10 thing was brought up tonight was the fact that who,
11 and I don't know who's going to patrol the pond. Is
12 DNR going to be responsible for the --

13 MR. ADAMS: No, the Park District has an agreement
14 with the Village under which the Village police
15 department patrols our parks, so regarding --

16 CHAIRMAN DEYNE: How about access to the lake,
17 would they have to go through the common area to --

18 MR. ADAMS: There is plenty of access for
19 emergency vehicles or police officers to access the
20 pond through the ComEd area where the new parking is
21 going to go.

22 CHAIRMAN DEYNE: And what enforcement would be

1 the responsibility of the Village? What would they
2 be responsible for?

3 MR. ADAMS: Well, I think --

4 CHAIRMAN DEYNE: Are they going to check fishing
5 licenses?

6 MR. ADAMS: Yeah, I don't know what -- it's
7 actually good that the residents have brought that up
8 because I think we should look into trying to work with
9 the Village to create a more enforced environment with
10 regard to licensing.

11 CHAIRMAN DEYNE: Would that require the Village
12 to add another officer on staff or would that become
13 part of --

14 MR. ADAMS: I don't think it would. What I'm
15 thinking about is signage that as the resident who
16 spoke a minute ago suggested that some signage on
17 catch and release or if that's not desired as a policy
18 matter, at least signage that --

19 CHAIRMAN DEYNE: I guess you can catch a blue gill
20 that's two inches, you can take it home and fry it is
21 my understanding.

22 MR. ADAMS: These are things we want to stay

1 active in trying to ensure that the law isn't being
2 violated on the property. We want to try to maintain
3 the park in a clean and sanitary condition. It's a
4 challenge for park districts generally to keep up with
5 that when you're responsible for maintaining a large
6 number of parks in a system and, you know, all the
7 parks have unique needs, but you know, I think we will
8 continue to work with the residents and to work with
9 our staff to maximize our ability to enforce the --

10 CHAIRMAN DEYNE: I would think that maybe the
11 Village would be in a better position if we had
12 considered maybe some no trespassing signs and whatnot.
13 At least that may -- I don't know the legality of it
14 and I'm not trying to step on your toes, but I would
15 think that the Village may have some more stability if
16 we had maybe some no trespassing signs up and earmark
17 people to the common areas to access the lake and
18 whatnot. I don't know if that's been considered. You
19 know, they have a problem out there now.

20 MR. ADAMS: Part of the problem is we have --
21 sometimes we hear one thing that's negative and we
22 think about a solution to that and then we hear another

1 thing that somebody else is bringing that would be
2 negative about that solution and it becomes difficult.
3 For example, with regard to public restrooms --

4 CHAIRMAN DEYNE: I wanted to ask you about that.

5 MR. ADAMS: We had that in the original plan and
6 certain residents that attended planning meetings
7 weren't in favor of them.

8 CHAIRMAN DEYNE: I'm sorry?

9 MR. ADAMS: Certain residents weren't in favor
10 of public restrooms, registered their objection with
11 us, and we removed them from the plan if I'm not
12 mistaken.

13 CHAIRMAN DEYNE: Well, either we're going to have
14 a public restroom or we're not. There are people here
15 that are talking about that.

16 MR. CARLSON: We regularly use portable restrooms
17 in many of our parks. The way we determine where the
18 portable restrooms --

19 CHAIRMAN DEYNE: By the way, I'm sorry, I need
20 you to --

21 MR. CARLSON: I'm sorry, Jon Carlson,
22 Superintendent of Parks. And the way we determine it

1 is we evaluate the use of the park whether it's needed
2 or not. Sometimes it's only seasonal according to the
3 use of the park and then we'll remove them at the end
4 of a baseball season or at the end of the summer season,
5 so this would be the same kind of situation.

6 And then addressing the fishing issue, I
7 think the real core issue with fish being removed from
8 the pond is do we have a healthy fish population in
9 that pond? We had the IDNR do a fish survey two years
10 ago and they actually reported that it's an excellent
11 sport fishing lake with good bass and blue gill
12 population.

13 While perhaps maybe sometimes someone does
14 take fish illegally too small or too many, it
15 apparently isn't affecting the population of the lake,
16 so to expend a lot of time and energy in enforcement,
17 I'm not sure would be worth it. I'm a fisherman myself
18 and I personally have never been asked for my license
19 in any Illinois waters I fish. I don't think --

20 CHAIRMAN DEYNE: The enforcement action that I
21 was speaking was more encompassing.

22 MR. CARLSON: Okay.

1 CHAIRMAN DEYNE: It didn't only have to do with
2 the restricted area of the fishing alone. It's much
3 more encompassing than that.

4 MR. CARLSON: Thank you.

5 CHAIRMAN DEYNE: Yes, sir.

6 MR. ADAMS: I'm just coming back to see if there
7 was any further specific questions.

8 CHAIRMAN DEYNE: What we're going to do real quick
9 is we're going to establish some ground rules here.
10 You know, we've had two people to speak. We're going
11 to allow you up here one more time to make a comment
12 and then we'll have to cut it off because we have some
13 work to do this evening, so go ahead. The lady
14 behind you, go ahead.

15 MS. BURSETH: Going back to the environmental
16 study -- Cheryl Burseth, 880 Kingston Lane. There
17 has been egrets living in this pond since I've lived
18 there since 1986, so I find it very hard to believe
19 that nobody has done a study to see what's living in
20 the pond or even asking the people that live around
21 the pond.

22 Secondly, the Park District didn't start

1 cleaning up the park until they started wanting to
2 present this to the Board. Up to that point most of
3 the clean up around Beaver Pond has been done by the
4 residents living around Beaver Pond.

5 CHAIRMAN DEYNE: I think that's very evident
6 because of the fact that being here this evening we
7 all recognize the fact that you do have a situation
8 and problem out there right now, so we're sympathetic
9 to that, this Commission.

10 MS. BURSETH: You know, there is a safety issue.
11 He says there is no issue. If you could put up the
12 other map that shows the houses on there, if you go
13 from Kingston where the three, where it's the opening
14 to get into the park and heading towards Stearns Road
15 the five houses coming down that whole lane, every
16 single one of us except maybe the last four houses,
17 have had their front parkway trees taken out by cars.

18 CHAIRMAN DEYNE: Well, that's what we're saying.

19 MS. BURSETH: It's gotten worse. Since 2009 it's
20 gotten much worse, just to let you know, but I want the
21 issue on the egret and environmental study should be
22 done. I think it's despicable that the Park District

1 has not done it. Thank you.

2 CHAIRMAN DEYNE: Okay. Thanks.

3 MR. FURIO: My name is Dominic Furio. I live at
4 741 Braintree. I've been in the asphalt business for
5 many, many years and I'm out of that business right
6 now.

7 My question will be how do you cut the grass
8 on both sides of the ten-foot asphalt paths without
9 destroying the paths over and over again. When it
10 rains, it gets soft, you try to go over it, and before
11 you know it you're replacing and repairing the asphalt
12 ten-foot bike paths. I'm not sure how they go from
13 one end, one side to the other side of the bike path
14 without crossing over and destroying the asphalt. They
15 are not going to go over it. They're going to go below
16 it and above and it will be destroyed.

17 CHAIRMAN DEYNE: I believe that's a maintenance --

18 MS. NEGELE: I can comment on that. I live in a
19 subdivision that has three lakes and with the grass
20 that's being mowed on both sides, it has not ruined it.

21 CHAIRMAN DEYNE: Well, that would be a maintenance
22 program. Same thing like the golf cart paths at

1 Bartlett Hills.

2 MS. BURSETH: It's wetland over there. Wet, soft.
3 It's not hard.

4 MR. MATTHEWS: Hi, my name is Ken Matthews. I'm
5 at 856 Kingston. My house is right next to the access
6 off from Kingston there and I had a couple of comments
7 I just wanted to make and a question.

8 Cheryl mentioned the environmental study.
9 One thing that I have noticed is we have a lot of
10 wildlife around the pond, a lot of cranes, geese, and
11 ducks. I've noticed especially on Saturday and Sunday
12 morning when we have the most people there fishing, the
13 birds disappear until the people disappear and then we
14 get them back.

15 Parking on Kingston one of the things that
16 I've struggled with and I wanted to ask the Park
17 District if they were preparing the parking there if
18 there was going to be some sort of a curb, bumpers I
19 mean to keep the cars from driving to the lake. I've
20 had three situations where not only did people not park
21 near the road where you're supposed to where there is
22 an asphalt area, they actually drive back to the pond

1 and park and then use my backyard to turn around in.

2 So not only do I have a situation of people
3 parking on Kingston and cutting across my front yard
4 and backyard, I have people driving in my backyard and
5 turn around. So the parking that's going to be
6 installed or improved there on Kingston if there's
7 going to be some bumpers there to keep cars from
8 driving back there.

9 The other thing is I want to make a comment
10 on was that it came up tonight about the porta johns
11 or the facilities for relieving yourself as the word
12 was used, I think originally why that was not proposed
13 or was taken out of the proposal is we still have a
14 flooding situation in that pond. And I'm wondering
15 with the new drains and everything that we're planning
16 to do is that going to be taken care of?

17 May of this year I believe it was the pond
18 flooded again and took half my yard with it. It floods
19 up into my yard and we're still having flooding going
20 into our basement and everything. So the new
21 draining -- they're draining some of the property,
22 relieving the flood, I guess it's going down Stearns

1 and over by Home Depot. I'm wondering if we've got
2 this flooding issue solved yet and if we're just making
3 improvements to the pond like the paths that are going
4 around, putting porta johns now, if we aren't creating
5 more of a problem here unless that's addressed.

6 I don't know if I'm complaining or not about
7 it. I kind of like part of the idea. Some of it I
8 don't, but, you know, we've got to go with change too.
9 There is some concerns. So thanks.

10 CHAIRMAN DEYNE: All right. If I may, I would
11 like you to describe -- I know you addressed this once,
12 but just for the sake of everyone that's here this
13 evening, can you talk about the environmental study and
14 what took place because we're again back to wildlife.
15 And then I need you to describe the parking area
16 because people are turning around in his backyard and I
17 think we should make some comment about that or address
18 that issue.

19 MR. ABRAMS: Good evening. My name is Todd Abrams.
20 I'm with W-T Civil Engineering. I'm the civil
21 engineering consultant that worked on the Beaver Pond
22 project.

1 As Steve had mentioned earlier as part of the
2 grant submittal, the project was -- concept plans or
3 site plans were submitted to the IDNR. It's called
4 EcoCAT and what EcoCAT is it's a Department of Natural
5 Resources program which has a database that includes
6 locations of existing endangered species.

7 This site was initially submitted as part of
8 the grant procedure. It was also submitted by me
9 approximately a year later, resurveyed and was found
10 that the post improvements would not have an adverse
11 effect on endangered species. And actually, it was
12 submitted another time to EcoCAT approximately three
13 or four months later by the wetland consultant as part
14 of the wetland study, so all three times it was found
15 that the improvements would not have an adverse effect
16 on the endangered species.

17 CHAIRMAN DEYNE: So there are no endangered
18 species that would be effected with this development
19 at Beaver Pond?

20 MR. ABRAMS: Correct.

21 CHAIRMAN DEYNE: Okay. So we're not going to hear
22 anymore about endangered species. It's a dead issue

1 according to what he's telling us. I better not use
2 the word dead. It's not an issue.

3 Okay. Now, I would like you to -- you know,
4 the gentleman was here just a minute ago talking about
5 the parking. Can you describe what we see the site
6 plan -- what is the conceptual idea of the parking
7 you'll have out there?

8 MR. ADAMS: I'm going to let Jon Carlson tell you.

9 MR. CARLSON: Regarding unauthorized vehicles in
10 the park that question? I'm sorry, was that the
11 question?

12 CHAIRMAN DEYNE: The question was can you describe
13 what the parking area would look like, what it would
14 be? Are you going to have bumpers there? Are you
15 going to have curb stops, bumper stops?

16 MR. CARLSON: Currently on Kingston we have three
17 car parking area, so there are no curbs, no parking
18 stops, or anything. And we actually hadn't heard of
19 any issues with unauthorized vehicles in the park.
20 What we do if -- what we can do and we can look at it
21 either parking stops or bollards are commonly used to
22 prevent access of vehicles in the parks.

1 CHAIRMAN DEYNE: Jon, he's talking about people
2 driving down to the pond in their car.

3 MR. CARLSON: Yeah, and that would be through
4 the access either --

5 CHAIRMAN DEYNE: That's why it's enforcement.

6 MR. CARLSON: We actually hadn't heard that. If
7 we had been getting complaints about vehicles in the
8 park, we would have been calling the police. I would
9 encourage residents to call the police if there are
10 vehicles in the park.

11 MR. MATTHEWS: We did call the police.

12 MR. CARLSON: Okay. We don't want vehicles in
13 the park, unauthorized vehicles. We would address
14 it either with bollards or with parking stops.

15 CHAIRMAN DEYNE: Okay. Thank you. As far as
16 porta potties in a flood area and whatnot, Plan
17 Commission cannot plan for that. You know, that has
18 to be something that the Park District would have to
19 do as part of their operation maintenance program.
20 There is nothing we can do.

21 MR. MRAZ: I would just state with regard to the
22 flood issue, part of the settlement agreement goes

1 beyond the purview of this body, but one of the
2 conditions is that we get the sign off from the Park
3 District and that there be easements for flood control
4 measures that are being engineered by Christopher
5 Burke Engineering designing it for the county. And
6 the program ties into detention improvements or
7 retention improvements that are going to ultimately
8 be on the DuPage County Forest Preserve property, but
9 there are a number of storm sewers and conveyances to
10 get it there and part of that actually is on this
11 property, which will help this neighborhood as far as
12 that goes.

13 The County is funding that and we are in the
14 process of procuring easements, not just from the Park
15 District, but from other property owners along the way
16 to get it there. That's going to help with the
17 flooding in Beaver Pond and these peoples' homes that
18 took in water during the 2008 flood event and the 100
19 year storm event that we have more than every 100 years.
20 So I think that issue will improve itself.

21 I can't address when they're going to put in
22 porta potties and whether or not that's suitable. I

1 think if they're required, that can be added at a later
2 date or made a condition for that matter.

3 CHAIRMAN DEYNE: Commission members, any questions
4 to the petitioner or any comments?

5 We're going to move this along. Please, come
6 ahead. I need you to fill out a yellow form because
7 they keep me after class if I don't have you fill out
8 those yellow forms.

9 MS. BOLLMAN: My name is Pat Bollman. I've been a
10 resident of Bartlett now for five years and I live
11 at Park Place, so I have a small park, Kermit's Corners,
12 with a pool of stagnant water that smells and attracts
13 mosquitoes and is a big detriment. It's dangerous.
14 Cars have been speeding off of 59 and have gone into
15 that pond on occasion. There are more young children
16 in the neighborhood now and there is no way to prevent
17 a child from slipping into that pond. It is a
18 nightmare waiting to happen. So there has been no
19 money put into it for erosion system, which I've
20 spoken to the mosquito abatement department saying
21 that would be a big help.

22 And I see a lot of money going into this

1 project, by now, what, 800 to a million dollars, and
2 when does the money run out and my -- I feel sorry for
3 these residents because I have been a realtor for 25
4 years and I do not feel this is in any way going to
5 be a plus to the community. I see this as being
6 detrimental to their real estate values and I think
7 a study could be done that could show that because I
8 can see it with the bright lights and loud teen
9 parties.

10 I mean this will just go with it, but I
11 wonder because of the flooding problem -- I have a good
12 friend that lives right on Braintree. She couldn't
13 make it this evening and, you know, her concern is
14 reflooding and what is that going to do to the
15 sidewalks and what is the projected maintenance.

16 It seems everything that goes in with the
17 park district starts out at one price and where is the
18 line being drawn or what is the projected maintenance?
19 It seems like it would be a huge issue for a park of
20 this size.

21 CHAIRMAN DEYNE: Well, that will definitely be
22 taken into consideration.

1 MS. BOLLMAN: Does anyone have a figure on that?
2 Has that been figured out?

3 CHAIRMAN DEYNE: There is no way. It comes to the
4 Park District. This commission has no --

5 MS. BOLLMAN: Have you figured out a projection
6 for the maintenance?

7 CHAIRMAN DEYNE: I would suggest that you call
8 the -- start with the Village on the grade problem
9 that you have.

10 MR. ADAMS: First of all, this project isn't
11 anywhere near Kermit's Corner and that property has
12 nothing to do with the case before you.

13 Second of all, the Park District maintains
14 over 600 acres of Park District property. The cost
15 to maintain a passive park with a picnic shelter and
16 pathways when we already maintain -- I couldn't even
17 venture a guess at how many miles of pathway we already
18 maintain, is not incrementally overwhelming or
19 problematic for the District in any way. I would
20 submit that that issue is probably beyond the scope
21 of this hearing anyway.

22 CHAIRMAN DEYNE: Correct. Agree. Commission

1 members, any questions, any comments?

2 MS. NEGELE: I have a comment. In regard to the
3 public safety which was addressed in the access along
4 Braintree there because you have the parking and you
5 said there is another street in which it has a walkway
6 that crosses on to that, in looking at that, I would
7 like further study on whether or not there should be
8 some crossing line, white lines put in, stop sign.
9 That problem is not unique. I've seen it in the
10 Village before, including the area I reside in, and
11 that would help the safety of a lot of residents,
12 people would be walking to that park. I don't know
13 if we can put that in or not.

14 MR. ADAMS: We agree with that and would be happy
15 to work with the Village to determine a proper way
16 to add pavement markings and/or signage necessary to
17 alert motorists in that area.

18 MS. NEGELE: Would that be Park District though
19 or would that be the Village?

20 MR. ADAMS: Well, it's a public street and the
21 Park District doesn't have the authority to put up a
22 stop sign on a public street without Village approval

1 and action, so we would do it cooperatively.

2 MS. NEGELE: Who would be doing the study then,
3 the Park District or the Village?

4 MR. ADAMS: We can probably sit down at the staff
5 level with people already on the staff and determine
6 from the two jurisdictions where best to place signs
7 and whether it will have the intended effect of
8 improving the safety; and if so, execute it. We would
9 be happy to participate in that.

10 MS. NEGELE: I would rather see that before a
11 problem happening, would be proactive.

12 CHAIRMAN DEYNE: Go ahead, Mark.

13 MR. HOPKINS: This is a curious and uncomfortable
14 situation for me and I'm sure it is for everybody here.
15 What we're seeing in the Plan Commission now in front
16 of us, forget about legal agreements and things that
17 are happening in court, but in terms of our process in
18 reviewing the site plan, we're seeing what came to us
19 before. And there is some partial response to our
20 concerns by the addition of some parking spaces and
21 then some legal documents that are -- really not part
22 and parcel to that.

1 So the objections to the dysfunctionality in
2 my opinion of the site plan remains as when it first
3 came around. And I applaud the addition of some, some
4 partial parking, but that doesn't offset all the basic
5 life safety, emergency vehicle access, police
6 observation, and other issues.

7 Basically, vehicular and pedestrian access
8 which is just as dysfunctional as it was before and
9 that way I just have to object to the findings of fact
10 as they're written because they say the vehicular
11 access, pedestrian access is sufficient and safe and
12 it just doesn't work for police, fire, and EMT's.

13 MR. MRAZ: Let me just say that their attorney,
14 Mr. Adams, referenced that there was some requirements
15 of emergency vehicles because the residents had raised
16 that. The Village did measure the pavement there.
17 Most of our residential subdivisions have curb and
18 gutter and are 28 feet back of curb to back of curb
19 or about 25 feet to the front of their curb or that
20 lip, the pavement.

21 MR. HOPKINS: Bryan, what I'm talking about is
22 what I talked about last time, not a fire truck making

1 it through parking on both sides on Braintree or
2 Kingston. What I'm talking about let's say somebody
3 has a heart attack out at the picnic shelter, so we
4 don't have any provision other than somebody parking
5 way down at the throat of the common easement or over
6 here on Kingston or up here on Stearns Road to be able
7 to get across there other than going through private
8 property.

9 Furthermore, that police, normal police
10 patrols can't see down in there that makes this picnic
11 shelter, forget the public urination that's going to
12 occur if more people are brought to this thing or worse
13 than is happening now, but they can't see what's
14 happening down there and I could just imagine it's
15 all going to be smoking, drinking, graffitizing, and
16 whatever else is going on and police simply can't see
17 it. And if there is a call that they can't get to it
18 fast enough for the kids not just to disperse, so
19 they're going to have to go through private property
20 to get through to patrol this property.

21 And as I commented last time, if we were
22 really going to approve this thing, we would need to

1 get a commitment for the toilets, for the porta potties
2 to be up for certain seasons. And we would need that,
3 but we would also need that eight-foot walk structured
4 to be able to take emergency vehicles like a squad
5 car or an ambulance to get down to the scene and not
6 be assuming that they're going to be able to get from
7 these public right-of-ways through private property
8 whatever condition they're in because this association
9 can at any time enact a fence ordinance if they care
10 to.

11 So those objections were all on the table
12 the last time to this site and a few parking spaces
13 that's great, that's better than we had before, but
14 for us reviewing site plans, this is no different.

15 CHAIRMAN DEYNE: Keep in mind, Mark, my opinion
16 is that, you know, I agree with life safety, trust me
17 on that, you know, but we can't make ourself bullet
18 proof. Situations are going to occur and, you know,
19 we have other areas in the Village that have similar
20 situations and I cannot believe in my heart that if
21 somebody were in major need of having some type of
22 medical assistance that any one of the residents would

1 object to somebody utilizing their private property to
2 get to this individual to save their life. I think --
3 I don't think it's an issue. It's an issue, but I
4 don't believe that anybody would object.

5 MR. HOPKINS: I think it's an issue, Ray. It's
6 the same thing happening here with our municipal
7 government and our park district happening in
8 Washington, D.C. They're both arguing and holding
9 the public hostage and threatening well we have to
10 stop this foolishness of suing each other for this
11 benefit, but when you get right down to it on a plan
12 commission basis, the site plan is just as weak as
13 it was --

14 CHAIRMAN DEYNE: What I perceive obviously some of
15 the residents have some objections and I think we've
16 taken the time to address some of these objections.
17 What bothers me the most is the fact that they're
18 sitting with a situation out there that's a problem
19 right now.

20 And my perception is quite possibly could
21 it be that if we were to recommend the Petitioner's
22 request, positive request to their petition, maybe

1 this may help some of those residents out there. Maybe
2 this would make that situation a little better. You're
3 still going to have people driving from all over the
4 countryside to use this.

5 Now, we have some isolated -- now we have
6 some designated parking. We're looking at improvements
7 to that area. We're talking about some enforcement
8 by the Village in this area. I don't hear people
9 telling us that it's occurring right now. So anything
10 this could be an improvement to what's currently
11 existing out there. Could be. I could be wrong too.

12 MR. ADAMS: I just also want to point out to the
13 Plan Commission that there are three locations on this
14 park, around the perimeter of this park where the park
15 itself touches the public roadway and there is access
16 for emergency vehicles off of Stearns, off of Kingston,
17 and off of Braintree. So we do believe that there is
18 adequate access for emergency vehicles to get into
19 the park in the event of a heart attack or something
20 like that.

21 The other thing I would point out is that
22 this is somewhat a characteristic of public parks and

1 forest preserve properties around the country is that
2 we're talking about large protected areas where there
3 is lots of vegetation. You know, there is an emphasis
4 on pedestrian or biking traffic, not an emphasis on
5 vehicular traffic. And you always have the risk of
6 graffiti or crime being committed outside the plain
7 view of what we recognize our streets and people
8 driving in cars and the public generally, so that
9 concern is not unique to this site.

10 I would say that the size of this park is not
11 so large and the distance not so great for Braintree
12 to the picnic shelter that it's impossible for a police
13 officer to respond to some suspicious activity that
14 gets phoned in there. It's doable and I think that
15 it's part and parcel of having a larger park. So
16 hopefully that helps understand that issue.

17 MS. DONES: Once again, Sandi Dones, 729 Braintree.

18 CHAIRMAN DEYNE: Make it short. You don't want
19 to upset me.

20 MS. DONES: I just want to point out that while
21 you have a very positive attitude, but by drawing more
22 people to the pond, you've going to have more over

1 fishing, more people cutting through. How are you
2 going to stop people from cutting through our yards?
3 So the more people you attract to this pond --

4 CHAIRMAN DEYNE: We addressed that.

5 MS. BOUMAN: Well, you're saying that perhaps this
6 might be a better issue. I don't see it being a better
7 issue, just going to multiple the problem. Thank you.

8 CHAIRMAN DEYNE: Thank you.

9 All right. Commission members, we have a
10 number of different items to take a look at this
11 evening. The first one would be the special use permit
12 and we're going to do the fishing pier -- we're going
13 to do these individually.

14 The first would be a special use permit for
15 the fishing pier. Do we have a such a motion?

16 MR. KALLAS: So moved.

17 MR. MRAZ: Are you going to vote on your findings
18 of fact separately?

19 CHAIRMAN DEYNE: That would be part of it. If
20 it's denied, it would be because of the findings of
21 fact, is that sufficient?

22 MR. MRAZ: Yeah, so when you're making that motion,

1 it's to adopt the findings of fact along with the
2 special use permit?

3 CHAIRMAN DEYNE: Correct, along with the
4 recommendations of staff and findings of fact. Okay?

5 MR. MRAZ: Uh-huh.

6 CHAIRMAN DEYNE: So we have a motion on the floor
7 along with the fishing pier special use permit along
8 with the recommendations of staff and the findings
9 of fact. Do we have --

10 MR. RIDENOUR: Second.

11 CHAIRMAN DEYNE: We have second. Is there any
12 discussion?

13 May we have the roll, please.

14 MS. STRASSER: Jerry Kallas.

15 MR. KALLAS: No.

16 MS. STRASSER: Tim Ridenour.

17 MR. RIDENOUR: Yes.

18 MS. STRASSER: Steve Kane.

19 MR. KANE: Yes.

20 MS. STRASSER: Shane Cook.

21 MR. COOK: Yes.

22 MS. STRASSER: Mark Hopkins.

1 MR. HOPKINS: Yes.

2 MS. STRASSER: Jim Lemberg.

3 MR. LEMBERG: Yes.

4 MS. STRASSER: Diane Negele.

5 MS. NEGELE: Yes.

6 MS. STRASSER: Tom Kunce.

7 MR. KUNCE: Yes.

8 CHAIRMAN DEYNE: Can you repeat that, please?

9 MS. STRASSER: Seven to one.

10 CHAIRMAN DEYNE: Recommendation for approval
11 and that was on the fishing pier, correct?

12 MS. STRASSER: Correct.

13 CHAIRMAN DEYNE: Now, next motion will be special
14 use permit along with -- for the horseshoe pit along
15 with recommendations of staff and findings of fact.
16 Do we have such a motion?

17 MR. KALLAS: So moved.

18 CHAIRMAN DEYNE: That was Jerry. Do we have a
19 second.

20 MS. NEGELE: Second.

21 CHAIRMAN DEYNE: Okay. May we have the roll,
22 please.

1 MS. STRASSER: Jerry Kallas.

2 MR. KALLAS: No.

3 MS. STRASSER: Diane Negele.

4 MS. NEGELE: Yes.

5 MS. STRASSER: Jim Lemberg.

6 MR. LEMBERG: Yes.

7 MS. STRASSER: Tim Ridenour.

8 MR. RIDENOUR: No.

9 MS. STRASSER: Steve Kane.

10 MR. KANE: Yes.

11 MS. STRASSER: Tom Kunce.

12 MR. KUNCE: No.

13 MS. STRASSER: Mark Hopkins.

14 MR. HOPKINS: No.

15 MS. STRASSER: Shane Cook.

16 MR. COOK: Yes.

17 CHAIRMAN DEYNE: Where does that stand?

18 MS. STRASSER: Four, four.

19 CHAIRMAN DEYNE: Yes.

20 Then we're looking for a motion for special
21 use permit. Again, this is for the grading in the
22 special floodplain area along with the recommendations

1 of staff and the findings of fact. Do we have such a
2 motion?

3 MR. KALLAS: So moved.

4 CHAIRMAN DEYNE: Do we have a second.

5 MS. NEGELE: Second.

6 CHAIRMAN DEYNE: Diane. All right. May have
7 we have the roll, please.

8 MR. RIDENOUR: Does that stop at the site plan
9 review?

10 CHAIRMAN DEYNE: Yes. We haven't voted on the
11 site plan. Is there any other discussion? Okay if
12 not, may we have the roll, please.

13 MS. STRASSER: Jerry Kallas.

14 MR. KALLAS: Yes.

15 MS. STRASSER: Diane Negele.

16 MS. NEGELE: Yes.

17 MS. STRASSER: Shane Cook.

18 MR. COOK: Yes.

19 MS. STRASSER: Mark Hopkins.

20 MR. HOPKINS: Yes.

21 MS. STRASSER: Tom Kunce.

22 MR. KUNCE: Yes.

1 MS. STRASSER: Jim Lemberg.

2 MR. LEMBERG: Yes.

3 MS. STRASSER: Tim Ridenour.

4 MR. RIDENOUR: Yes.

5 MS. STRASSER: Steve Kane.

6 MR. KANE: Yes.

7 MS. STRASSER: Eight, zero.

8 CHAIRMAN DEYNE: I think I can figure that one
9 out. Then lastly would be the site plan review. I
10 would like to add one condition that's the addition of
11 porta potties -- should this be with -- the Village,
12 does it need to be involved. The location of porta
13 potties based on your review. Okay.

14 MR. KANE: Well, it's my understanding they have
15 porta potties there every year for the fishing derby.

16 CHAIRMAN DEYNE: Right, I don't think they're
17 permanent, that was my understanding; is that correct?

18 MS. FLETCHER: One day.

19 CHAIRMAN DEYNE: One day, right?

20 MR. CARLSON: Correct.

21 CHAIRMAN DEYNE: Well, last thing I want to do
22 is have a resident go to the back window and see

1 somebody --

2 MR. MRAZ: Relieving himself.

3 CHAIRMAN DEYNE: So I'm saying porta potties. Is
4 that acceptable as far as the commission and so looking
5 for a motion for the site plan review along with the
6 additional condition --

7 MR. COOK: So moved.

8 MR. RIDENOUR: Second.

9 CHAIRMAN DEYNE: That would also be with the
10 recommendations of staff and the findings of fact.
11 Do we have any additional discussion?

12 MS. NEGELE: Further review of the crossing path
13 that was for safety of residents.

14 MR. KANE: I think what Diane means is the
15 continental crosswalk, striping of pavement. I would
16 put it three-foot striping.

17 CHAIRMAN DEYNE: That's acceptable.

18 MS. FLETCHER: (Nodding head.)

19 CHAIRMAN DEYNE: So we'll add that to the motion.
20 We'll amend the motion to include that. We still have
21 a motion. Do we have a second?

22 MR. RIDENOUR: Yes.

1 MR. KANE: I was wondering if you could add a
2 split rail fence to direct pedestrians.

3 CHAIRMAN DEYNE: Don't start.

4 MR. KANE: Winding Tree Commons has a split rail
5 fence to direct pedestrian traffic and they also have a
6 sign. I don't know if a split rail fence could be
7 installed.

8 CHAIRMAN DEYNE: What are you talking about, at
9 all the --

10 MR. KANE: No, just where the paths are off of
11 Braintree and Kingston Lane if you could put a split
12 rail fence, but I don't know if that's allowed per the
13 covenant. I thought if it was Park District property,
14 it would be acceptable.

15 MR. MRAZ: I think they could look into that. I
16 would suggest we not make that a condition because the
17 covenants apply to the whole subdivision. I don't know.
18 I haven't reviewed those covenants and I hate to have a
19 condition approval on that. If it's possible, that's
20 something they can look at, but I prefer we not make
21 that a condition in case it's not enforceable.

22 MR. PLONCZYNSKI: There is already a fence there.

1 CHAIRMAN DEYNE: So we have a motion on the
2 floor, we have a second; is that correct?

3 MR. RIDENOUR: Correct.

4 CHAIRMAN DEYNE: Is there any additional discus-
5 sion on the motion? May we have the roll, please.

6 MS. STRASSER: Mark Hopkins.

7 MR. HOPKINS: No.

8 MS. STRASSER: Tim Ridenour.

9 MR. RIDENOUR: No.

10 MS. STRASSER: Steve Kane.

11 MR. KANE: Yes.

12 MS. STRASSER: Jim Lemberg.

13 MR. LEMBERG: No.

14 MS. STRASSER: Jerry Kallas.

15 MR. KALLAS: No.

16 MS. STRASSER: Tom Kunce.

17 MR. KUNCE: No.

18 MS. STRASSER: Shane Cook.

19 MR. COOK: Yes.

20 MS. STRASSER: Diane Negele.

21 MS. NEGELE: Yes.

22 CHAIRMAN DEYNE: Okay. What was the vote there,

1 five, four.

2 MS. STRASSER: Three, five.

3 CHAIRMAN DEYNE: Three, five against recommendation
4 for approval of the site plan, correct?

5 MS. STRASSER: Motion failed.

6 CHAIRMAN DEYNE: Well, I don't know what else you
7 have to do, so with that we will close this public
8 hearing.

9 MR. ADAMS: I just want to say thank you for your
10 time and consideration tonight. Thank you.

11 CHAIRMAN DEYNE: I'll close the public hearing.
12 Thank you very much for coming again this evening the
13 court reporter.

14 I don't think we have anything left on the
15 agenda.

16 MR. PLONCZYNSKI: You still have to adjourn.
17 There is still old business, new business.

18 CHAIRMAN DEYNE: I closed the public hearing.

19 MR. PLONCZYNSKI: Yeah, I know, but for the whole
20 meeting.

21 CHAIRMAN DEYNE: I'm trying to find out if there
22 is anything left on the agenda.

1 MR. PLONCZYNSKI: No, not yet.

2 CHAIRMAN DEYNE: Motion to adjourn, all in favor.

3 (Whereupon, the ayes were
4 heard.)

5 CHAIRMAN DEYNE: Opposed. I didn't think so.

6 Thank you very much, everyone.

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19 (Which were all the proceedings

20 had at the hearing of the

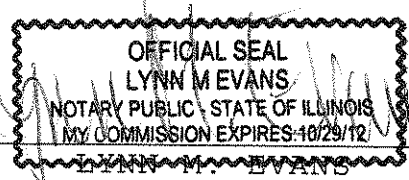
21 above-entitled cause.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

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I, LYNN M. EVANS, CSR, No. 084-003473,
a Notary Public in and for the County of DuPage,
State of Illinois, do hereby certify that LYNN M.
EVANS, C.S.R., reported in shorthand the proceedings
had and the testimony taken at the public hearing of
the above-entitled cause, and that foregoing
transcript is a true, correct, and complete report
of the entire testimony so taken at the time and
place hereinabove set forth.



My Commission Expires:
October 29, 2012