

PLAN

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

COMMISSION

REPORT OF PROCEEDINGS had before the Village
of Northfield Plan and Zoning Commission taken at the
Northfield Village Hall, Board Room, Northfield, Illinois
on the 3rd day of January, 2017 at the hour of 7:00 p.m.

MEMBERS PRESENT:

BILL VASELOPULOS, Chairman
THOMAS BOLLING
DAN deLOYS
TRACEY MENDREK
KATHY ESTABROOKE
E. LEONARD RUBIN

MEMBERS ABSENT:

TODD BERLINGHOF
CHRIS BROCCOLO
STEVEN HIRSCH

ALSO PRESENT:

EVERETTE M. HILL, JR., Village Attorney
STEVE GUTIERREZ, Community Development Director

1 CHAIRMAN VASELOPULOS: Good evening, everyone, and
2 Happy New Year to everyone. I'd like to call to order the
3 meeting of the Plan and Zoning Commission. My name is Bill
4 Vaselopulos, I'm the Chairman of the Commission. At this
5 time, I'd like the Commissioners to introduce themselves
6 starting with Len.

7 COMMISSIONER RUBIN: Len Rubin.

8 COMMISSIONER ESTABROOKE: Kathy Estabrooke.

9 COMMISSIONER MENDREK: Tracey Mendrek.

10 COMMISSIONER deLOYS: Dan deLoys.

11 COMMISSIONER BOLLING: Tom Bolling.

12 CHAIRMAN VASELOPULOS: Also joining us is Buzz Hill,
13 the Village Attorney, who will help us with one of the issues
14 tonight.

15 The purpose of tonight's meeting is to conduct a public
16 hearing to consider and discuss these requests for approval
17 of special use permits located at 225 Old Farm Road,
18 petitioner's name is W.A. Patterson, Jr. and Marcia Motley
19 Patterson; and at 569 Edens Lane, petitioner's name is Peter
20 Soukoulis. The public hearing format will provide an
21 overview of these proposals and a forum for public comment
22 and input.

23 This Commission is a recommending body only and we will

1 forward our recommendations to the Village President and the
2 Board of Trustees for final determination on whether or not
3 to grant these items before us today. The Board will
4 consider these items that are being discussed this evening at
5 the next Board meeting which is scheduled for Tuesday,
6 January 17th, 2017 at 7:00 p.m. right here in this boardroom.

7
8 Tonight's meeting requires that all persons wishing to
9 be heard and to enter testimony on the cases before us today
10 to be sworn in. This includes all petitioners and
11 individuals in addition to petitioners and any interested
12 parties or other property owners. Following the petitioner's
13 presentation and after the Commission has had an opportunity
14 to ask questions and discuss amongst ourselves, then all
15 interested parties will be given an opportunity to speak.

16 Prior to speaking, we request that all parties step
17 forward to the microphone and be sworn in and provide their
18 name, address and interest in this matter for the record.
19 These proceedings are being recorded and that is why we are
20 requesting you to speak only at the podium where the
21 microphone is located.

22 The first order of business today is to pass the
23 minutes from our last meeting of November 7th, 2016. Is

1 there a motion?

2 COMMISSIONER deLOYS: Motion to approve.

3 CHAIRMAN VASELOPULOS: Second?

4 COMMISSIONER BOLLING: Second.

5 CHAIRMAN VASELOPULOS: All those in favor?

6 (Chorus of ayes.)

7 CHAIRMAN VASELOPULOS: All those opposed?

8 (No response.)

9 CHAIRMAN VASELOPULOS: The motion carries. Before the
10 first petitioner steps to the microphone, Steve, would you
11 like to make any brief introductory comments?

12 MR. GUTIERREZ: Thank you, Mr. Chairman. This is, as
13 you had indicated, a continuation of the November hearing
14 before the Plan and Zoning Commission regarding a proposed
15 two-lot subdivision at 225 Old Farm Road. At the November
16 Commission meeting, there was a discussion regarding whether
17 or not the northern lot of the proposed two-lot subdivision
18 abuts a roadway. Our subdivision code requires that any duly
19 subdivided lot abut a road.

20 After hearing testimony regarding this question, the
21 Commission asked the Village Attorney, Mr. Hill, to provide
22 them an opinion on the issue of whether or not this new
23 subdivided lot abuts a roadway and then continue its

1 deliberation until this evening on this issue. A memo from
2 the Village Attorney was distributed to you folks the week
3 before last for your consideration. The Village Attorney,
4 Mr. Hill, is here this evening in the event that you have any
5 questions. That's all we have.

6 CHAIRMAN VASELOPULOS: Thank you very much. Buzz, did
7 you want to make any comments at all or do you just want to
8 field any questions that we may have?

9 MR. HILL: I'll field any questions that you have.

10 CHAIRMAN VASELOPULOS: Okay. So, if the Petitioner
11 wants to step forward and be sworn in? Please step to the
12 microphone.

13 MR. BARTLETT: This is Mr. and Mrs. Patterson, the
14 Petitioners.

15 MR. GUTIERREZ: Please raise your right hand.

16 (Witnesses sworn.)

17 CHAIRMAN VASELOPULOS: At this point, we the Commission
18 had asked the Village Attorney, as Steve had said, to review
19 some of the legal issues. I've had a chance to read them.
20 Do the Commissioners, I assume you've all had a chance to
21 read it. Do you have any questions of the attorney at this
22 moment?

23 COMMISSIONER MENDREK: I just wonder, given his

1 findings, if we need to spend a lot of time in discussion,
2 because there was only really one issue that needed to be
3 clarified for us. I don't want to speak for everyone but I
4 feel like the memo kind of clarified that. So, do we need to
5 go through any more process than that? Like I'm not sure I
6 need to hear from the Petitioners again.

7 CHAIRMAN VASELOPULOS: Right.

8 COMMISSIONER MENDREK: Because nothing has changed
9 about the proposal.

10 CHAIRMAN VASELOPULOS: Right. We'll ask Petitioners
11 that to make sure of that. But I just wanted to have, I
12 agree with you, I just wanted to ask everybody here if they
13 had any questions before we went to the Petitioner to see if
14 they had any changes, and see if the audience had any
15 additional comments. Anyone have any questions at this
16 point?

17 Okay, if the Petitioner could step forward to the
18 microphone?

19 MR. BARTLETT: Gary Bartlett, attorney for the
20 Petitioners.

21 CHAIRMAN VASELOPULOS: Hi.

22 MR. BARTLETT: Hi. I have nothing to add. I think
23 that we were coming here tonight on the assumption that we

1 covered all of the issues to be addressed including the
2 engineering and water management and any other requirements,
3 and that the continuation was for the main purpose if not the
4 sole purpose of Mr. Hill delivering an opinion on the
5 legality of, or the legal sufficiency of the abutment to
6 access right of way, ingress/egress, whatever you want to
7 call it, delivering an opinion on that particular question.
8 We have nothing more to add.

9 I have seen the opinion. Not surprisingly, I agree
10 with it. I did have several conversations on the phone with
11 Mr. Hill. We exchanged e-mails, we met in person. I feel
12 it's a well-considered opinion. But as I said, I have an
13 interest in it and it's not surprising that I agree with it.

14 But we have nothing else to add at this time.

15 CHAIRMAN VASELOPULOS: Okay, thank you. To recap for
16 the audience, the opinion states that in the eyes of the
17 Village Attorney, that there is an abutment that does exist
18 for this property off of the Maple Row easement, that the
19 egress exists. The Respondent, the neighbors to the north,
20 have submitted, and I'll let them speak for themselves if
21 they are here and they so choose to speak, but they submitted
22 a position that, how do I phrase it, that the easement had
23 been, what was the term that was used? Vacated?

1 COMMISSIONER deLOYS: Abandoned.

2 CHAIRMAN VASELOPULOS: Abandoned, excuse me, abandoned,
3 thank you. Mr. Hill, in his opinion, states that that is a
4 matter of, if that is a matter of contention between the two
5 property owners, that this is not the venue to vet that, that
6 we are here only to determine whether an abutment exists or
7 not based on what is filed. Per his review of the three
8 documents that were filed, he has agreed, he has determined
9 that an abutment does exist.

10 At this point, does anyone from the audience have any
11 other questions or comments that they want to make?

12 MRS. PORTER: Did you want to hear from the neighbors?

13 CHAIRMAN VASELOPULOS: That's what I'm asking, yes.
14 We've heard from the Petitioner. At this point, I'm asking
15 if anyone in the audience, which would include neighbors,
16 want to make any comments.

17 MR. HIMES: I'll speak.

18 CHAIRMAN VASELOPULOS: If you'd step to the microphone?

19

20 MR. HIMES: Yes, sir.

21 CHAIRMAN VASELOPULOS: State your name and please be
22 sworn in.

23 MR. HIMES: Hi, I'm Mac Himes. I'm the president of

1 the Maple Row Association. Sorry.

2 CHAIRMAN VASELOPULOS: Mac, yes, Steve is going to
3 swear you in. He's taking some notes.

4 (Witness sworn.)

5 MR. HIMES: So, you know, as an association, when we
6 were here last, I think also we looked, we saw a couple of
7 things that came from this Plan Commission. One was that,
8 you know, I think Todd said specifically we hope the
9 Pattersons will talk to the association. As far as I'm
10 concerned, that has not happened in any way. We've had no
11 dialogue whatsoever.

12 Second, while we understand what your reasoning, Mr.
13 Hill, the comment last time was that the road needed to be
14 adjacent, and instead now it's abutting. All of that struck
15 us, you know, when we looked out there and we physically
16 looked at the road, it did not seem to abut. That was just
17 our, that was my, you know, very obvious conclusion of it.

18 There are a lot of hardships that this is going to
19 create for the association that I just want you to be aware
20 of. I mean, one is we do need the lot to join the
21 association and we need to understand how that works. That
22 is creating a, we need to understand if they're going to pay
23 for it or not. Those are things that reasonably need to be

1 done and we would propose that that had been done prior to
2 you guys voting on this.

3 We're passing our own bylaws for some other reasons,
4 and one of the things that's really creating a hardship for
5 our association is realizing that all 11 property owners, and
6 now you're considering adding a 12th, need to agree to have
7 our properties be able to lean on each other for any dues
8 that are past due or anything like that. If you don't do
9 that, the mortgage community as of last February is now
10 making it impossible to get mortgage refinancing. So,
11 getting people, making sure that our association agrees on
12 all that stuff is very important. You're adding a new member
13 to the association and there are some real consequences to
14 that.

15 I would just propose to you that the right way to do
16 this is to make sure that they're a part of the association,
17 and then all of this will be understood, and then have the
18 subdivision annexed with the road, you know, in the way that
19 makes sense. Otherwise, you're creating some real hardships
20 that will impact a lot of people.

21 CHAIRMAN VASELOPULOS: Well, okay, my initial thought
22 on that, and I will defer to Buzz, is that according to
23 Buzz's interpretation, that this property has always abutted

1 up against so that, and to what extent, I don't think we are
2 adding something to Maple Row, that this abutment has always
3 existed. I understand what you're saying that once
4 construction occurs and then once they're done constructing,
5 you have now a, I'm sorry, 12th?

6 MR. HIMES: Yes. So, we have currently 11 properties.

7 CHAIRMAN VASELOPULOS: Yes, you've got 11.

8 MR. HIMES: Now we're going to be adding a 12th.

9 CHAIRMAN VASELOPULOS: That is I think a separate issue
10 that needs to be dealt with privately as opposed to what's
11 before the Village Plan and Zoning Commission and then
12 ultimately the Village Board. Buzz, correct me if I'm wrong
13 here.

14 MR. HILL: I agree with that certainly.

15 CHAIRMAN VASELOPULOS: Because the association is a
16 private association.

17 MR. HIMES: Right.

18 CHAIRMAN VASELOPULOS: We don't have any jurisdiction
19 or involvement with the association. In fact, some of these
20 types of arrangements aren't associations at all and they are
21 arranged differently in different communities. I mean it's a
22 private enterprise, and what we're doing here has nothing to
23 do with that association and how the road is paid for by the

1 different folks that claim ownership to it. According to Mr.
2 Hill's opinion, to reiterate, he feels that abutment has
3 always been there.

4 MR. HIMES: Again, the problem is that interpretation,
5 it is an interpretation.

6 CHAIRMAN VASELOPULOS: Yes.

7 MR. HIMES: The other reasonable interpretation, and
8 it's certainly a reasonable interpretation, but the other
9 reasonable interpretation is that there has been 11
10 properties and this 12th property has always been well served
11 by Old Farm and everybody could reasonably assume that that
12 property has been served by Old Farm including past actions
13 like the fact that the Pattersons haven't paid anything for
14 any maintenance on the road.

15 So, there was past experience of over five years, I'm
16 sorry, I've lived there for, I'm dating myself, 15 years now,
17 where we have understood the ground rules which was we had to
18 have 11 homeowners agree on everything. These days, and I'm
19 finding this out over the last two months, not because of
20 this but because I was trying to get my personal home
21 refinanced, is that the banks now are saying that's not
22 enough. You have to have something that's formal and you
23 have to have that past. So, now we're doing all that and the

1 uncertainty of this 12th lot being thrown into the mix
2 creates an enormous hardship.

3 I need to make sure that all 11 of us agree on this, on
4 getting our bylaws passed and all that. We also need to make
5 sure that the road is paid for, and are the Pattersons
6 proposing \$5,000 which was what we paid last for or are they
7 paying nothing. These things have to be sorted out because
8 you're taking one reasonable interpretation and we're going
9 with a different route.

10 CHAIRMAN VASELOPULOS: You said you haven't had any
11 communication with them.

12 MR. HIMES: Right.

13 CHAIRMAN VASELOPULOS: Have you initiated anything with
14 them?

15 MR. HIMES: I initiated conversation with the broker,
16 Marila Beatty, back in July with no reply. Then again --

17 CHAIRMAN VASELOPULOS: But not with the property owner?

18 MR. HIMES: No, because it was going through the
19 listing agent. The Pattersons certainly know me. I've known
20 them. I would also stress that, you know, we're very
21 neighborly people and I genuinely like the Pattersons,
22 they're great people. I look at it as an asset to the
23 neighborhood that they're our neighbors. But there are some

1 practical things that just needed to be figured out. If they
2 presented to you, look, we joined the association, or what I
3 would recommend is that you stipulate that they need to join
4 the association, because it will create some real hardships.

5 That's a reasonable request and it allows us to know that,
6 you know, that they're going to pay their dues and all the
7 reasonable things that an association does.

8 CHAIRMAN VASELOPULOS: I understand that. My personal
9 opinion, and I'll open it up to other opinions here on the
10 Commission because I am just one of many, that that's a
11 separate issue. That's something we can't get involved in
12 and put that as a condition to approve in this. Len, do you
13 want to say something?

14 COMMISSIONER RUBIN: I have a hypothetical question for
15 you.

16 MR. HIMES: Sure.

17 COMMISSIONER RUBIN: Let's suppose that we condition
18 the approval on the acceptance by the Maple Row organization
19 of this 12th person or property owner or whatever, and you
20 deny them, you deny them the right to join the Maple Row
21 Association. We are sitting with someone who has a legal
22 right to do something, but because of a private organization
23 they can't do it. They can come back to us legally and say,

1 what a minute, why are you denying us something that
2 according to the Village laws, according to all of the laws
3 we have a right to do? Doesn't that expose us?

4 MR. HIMES: It certainly, I was thinking about that
5 over the weekend honestly, you know, so how should this work.
6 I think that there's good odds that they can get approved.
7 I mean, but on the other hand, you can't have 12 homeowners
8 suddenly not being able to get mortgages because the 13th,
9 I'm sorry, the 12th, you can't have 11 people not be able to
10 get mortgages because suddenly the 12th doesn't want to play
11 by the right rules and join the association. You're giving
12 them a power to, oh, you know, you're now part of the
13 association but you don't have to pay anything, you don't
14 have to sign anything, you don't have to do anything. That
15 puts all the 11 in the same problem.

16 COMMISSIONER RUBIN: Well, that's the argument, that
17 doesn't answer my question. It really doesn't answer my
18 question.

19 MR. HIMES: Okay, I'm sorry.

20 COMMISSIONER RUBIN: My question is if we deny somebody
21 something that they have a legal right to do, then why can't
22 they sue us to force us to give them something that they have
23 a legal right to do? Let's take it out of this context and

1 put it in a different context. Let's say that you have a
2 legal right to, I don't know, let's say put a flag in your
3 lawn, any kind of flag. Let's say you have a legal right to
4 put a flag in your lawn and we say, no, you can't do it. You
5 want to do it, you have a legal right to do it. Can't you
6 say why are you denying me something I have a legal right to
7 do?

8 MR. HIMES: Again, the challenge I also have is that if
9 they had a right that was crystal clear that the road existed
10 and clearly accessed their property, I understand the
11 subdivision argument, I mean I really do, that they paid
12 their fees over the years and they clearly have established
13 their right to the property and they've maintained their
14 right. They have been a good neighbor to everybody else who
15 shares that common road who has to pay that road. I think
16 just last September, we each had to write a check for \$5,000
17 to get a new road and it was very public and everybody knew
18 it. The streets were there and the Pattersons chose not to
19 do it. That's fine.

20 But it isn't, now we need to understand. So, are they
21 getting the road for free? I mean is that what you guys are
22 passing?

23 COMMISSIONER MENDREK: Can I just ask a question

1 though? If XYZ person moves in there, they're technically
2 getting the road for free because they're not paying for what
3 was done retroactively. I mean I'm not quite sure what the
4 argument to this is.

5 MR. HIMES: The Pattersons are --

6 COMMISSIONER MENDREK: Well, if someone new moves in
7 there.

8 COMMISSIONER deLOYS: To one of the 11?

9 COMMISSIONER MENDREK: Yes.

10 MR. HIMES: To an existing lane?

11 COMMISSIONER deLOYS: To a previous owner.

12 MR. HIMES: Yes, the previous owner clearly sees that
13 the house is nice. No, if I write a check for \$5,000 to
14 improve the road that is a private road, I can assure you
15 versus what the road used to be, I feel personally that I've
16 improved the value of my house by many times the \$5,000 check
17 I wrote.

18 COMMISSIONER MENDREK: I guess I'm a little
19 disappointed, excuse me, did you want to, that whether this
20 property is with a broker or not and everyone appears to be
21 so neighborly, that some sort of discussion couldn't have
22 happened between someone on Maple Row and the Pattersons over
23 the last few months while this has been tabled to like see if

1 there is an opportunity for some common ground. I mean
2 that's not our responsibility. What's our responsibility is
3 to decide what's before us and nothing else. That's --

4 MRS. PORTER: Can I say something?

5 COMMISSIONER MENDREK: Unfortunately, that's what we're
6 bound by here.

7 MR. HIMES: I couldn't agree with you more. I really -
8 -

9 CHAIRMAN VASELOPULOS: Hang on one second. You have to
10 state your name and please --

11 MRS. PORTER: Okay, I want to answer her.

12 MR. HIMES: I honestly thought, my read of it is,
13 excuse me, is that the Pattersons, again I don't really know
14 but, you know, I'm in an association, I represent 11
15 homeowners, I can't tell you --

16 CHAIRMAN VASELOPULOS: Maybe the association has to get
17 amongst themselves and if they want to assess the new 12th
18 person if that's what we decide and if that's what the
19 Village Board decides, if they then want to assess the new
20 12th person back fees in a prorated way, that maybe something
21 that the association has to grapple with and having a
22 conversation with the new member of the row. But you know, a
23 new member, you know, your grounds would be maybe they always

1 have been members because if that's what the Village attorney
2 has said, that they have always abutted and you may have
3 those grounds, but that's for an attorney and for the
4 association to deal with on a private matter. I don't see
5 how we can tie that issue to, which I understand is an issue,
6 but tie that to what we're deciding.

7 MR. HIMES: I will, I'm going to, I just want to make
8 sure that, my neighbor luckily is a banker and he can really
9 speak to the ability of this property owner being able to
10 hold out on us and create some real damage for us. I just
11 want to make sure what that can lead to. So, thank you.

12 CHAIRMAN VASELOPULOS: That's duly noted.

13 MR. HIMES: Sorry?

14 CHAIRMAN VASELOPULOS: Duly noted, unfortunately this
15 Board doesn't have the jurisdiction to deal with that
16 particular issue.

17 COMMISSIONER deLOYS: So, let's cut to the chase. Mr.
18 Patterson, do you intend on joining the association? If they
19 were offering you to join the association, will you?

20 MR. PATTERSON: We have not been offered it. We have
21 not --

22 COMMISSIONER deLOYS: So, if they offer it, will you do
23 it?

1 MR. PATTERSON: Maybe not.

2 COMMISSIONER deLOYS: You guys have got to work
3 together. All you guys.

4 CHAIRMAN VASELOPULOS: Ma'am, did you have an
5 additional comment you wanted to make?

6 MRS. PORTER: Yes.

7 (Witness sworn.)

8 MRS. PORTER: Mr. Chairman --

9 CHAIRMAN VASELOPULOS: Your name?

10 MRS. PORTER: My name is Sherryann Porter. I am the
11 wife of Morgan Porter, I am the co-owner of 225 Maple Row.

12 CHAIRMAN VASELOPULOS: Okay, thank you.

13 MRS. PORTER: I am the co-owner of the property to the
14 north of the Pattersons. The discussion about discussing
15 with the Pattersons about the issue going on, prior to the
16 first meeting when the property first came on the market, we
17 made a generous above-market offer from our broker to their
18 broker for the back portion of that property. We were
19 rebuffed immediately with no discussion at all, no counter
20 back. We again turned and called their broker for a second
21 offer countering if we take a greater footage, and again
22 turned down.

23 CHAIRMAN VASELOPULOS: You were offering to buy a part

1 of that --

2 MRS. PORTER: The back portion.

3 CHAIRMAN VASELOPULOS: The entire back portion or part
4 of it?

5 MRS. PORTER: We initially offered to buy a portion of
6 it. We called back to extend that and buy a larger portion.
7 Then my husband walked over, yellow pad in hand, and met Mr.
8 Patterson at his door to talk about buying the back half.
9 Mr. Patterson told him that he was not interested in selling
10 half of the property, dividing the property at all, that the
11 property was to be sold whole in entirety.

12 CHAIRMAN VASELOPULOS: Okay.

13 MRS. PORTER: So, we have had discussions with them.

14 CHAIRMAN VASELOPULOS: Well, you've had discussions
15 about something that's not --

16 MRS. PORTER: No, no, no, no, no. No, no, no, we have
17 been --

18 CHAIRMAN VASELOPULOS: Let me finish, about joining the
19 association and all that. You're talking about a private
20 deal with them to purchase land.

21 MRS. PORTER: I am talking about that. Let me
22 continue.

23 CHAIRMAN VASELOPULOS: Excuse me, go ahead.

1 MRS. PORTER: So, after the last meeting, through our
2 agents we requested a meeting with Mr. Patterson's attorney,
3 with the new builder for the proposed buyer. We were told,
4 the excuse of the holidays was leveraged and told that they
5 would not be available until after Thanksgiving. We then
6 requested through the Village Attorney a meeting with no
7 answer back. We have tried to communicate with them and
8 resolve this problem because, from our vantage point, that
9 there is no abutment because there is no easement.

10 Now, you see on your plats and everything that you see
11 an easement that says that there is a roadway there. That's
12 not how the Porters interpret that. We say that by the,
13 excuse me, I need my glasses. Tom, correct me if I've got
14 this wrong. By the Illinois Marketable Title Act of 1959,
15 this is a use it or lose it law concerning easements. So, it
16 seems that if there is an easement that was put in place and
17 not used for 40 years, and this easement was in place and not
18 used as Maple Row for 40 years, it seems that it may never be
19 called into existence.

20 Thus, the neighbors to the north say there is no
21 abutment. There is no possibility of abutment because the
22 easement is gone. The only way that, according to this law,
23 the road cannot be built without a new easement agreement

1 which we would not agree to because we are trying to preserve
2 the marketability of our own property.

3 Now, last time you heard John Steck talk about how
4 spongy and how wet the property is. Well, the problem is
5 that I met with our insurance broker yesterday to do our
6 annual insurance meeting. He said that our house is right on
7 the cusp of being declared in a flood zone, and I have this
8 in writing from him if you need it. We have perma-sealed our
9 basements. We have two sump pumps that now, from the date of
10 the sodding and asphalt of the neighbor up the road, now
11 almost run continuously. Mr. Gutierrez has been over to the
12 property and seen the volume of water that comes through
13 those pumps because we are so spongy at this point.

14 Although the majority of our yard floods nearly every
15 spring, winter usually is dry. For the first time this
16 winter, we have three ponds frozen over within feet of our
17 house, one in our yard and two on the adjacent Armstrong
18 property. So, our cost to flood insurance is \$499. That's
19 the minimum amount for a Northfield resident. But the
20 proposed run over water plan of the builder's engineer or the
21 Patterson's engineer might just overrun us and put us under.

22 According to my insurance broker, our insurance would
23 then require the purchase and installation of a third sump

1 pump and a backup electricity generator. The cost of our
2 FEMA flood insurance would increase tenfold.

3 A few days ago, a resident of Sherwood Lane informed me
4 that all things can be cured by modern engineering and told
5 me not to waste your time talking to you about this. I'd
6 like to counter --

7 CHAIRMAN VASELOPULOS: Well, let me say one thing.

8 MRS. PORTER: That their hired modern engineering that
9 will be required is far too costly for a builder building a
10 spec house. I'd also like to counter saying that you are
11 going to cause, by passing tonight's subdivision, you are
12 going to cause quite a lot of legal fees for the Pattersons,
13 for the Porters and for the builders as we fight this out.

14 CHAIRMAN VASELOPULOS: The only thing that's before us
15 is the subdivision.

16 MRS. PORTER: The subdivision is not valid. They do
17 not abut.

18 CHAIRMAN VASELOPULOS: Construction issues which you're
19 raising is not before us today.

20 MRS. PORTER: I understand that.

21 CHAIRMAN VASELOPULOS: Those are legitimate issues that
22 you should raise to the Village if and when, if this does
23 pass construction commences on that property. But that's not

1 before us today.

2 MRS. PORTER: But they do not abut because the easement
3 does not exist, thank you.

4 CHAIRMAN VASELOPULOS: Okay, thank you.

5 COMMISSIONER deLOYS: Buzz, is there any validity to
6 the law she's bringing up?

7 MR. HILL: I don't believe it applies in this case. We
8 have a recorded easement that has been on the books since
9 1935. The law that is being cited here is if I have a claim
10 against the title to somebody's, to the property that
11 somebody else has had and I don't make that claim for 40
12 years, I am probably going to be shut out from making the
13 claim. That's not what we're looking at here.

14 They are not claiming any, they are not making any
15 claim against the title of anybody else's property. They are
16 claiming that there is a reported easement across their
17 property that benefits them. I think it's a real stretch to
18 apply that particular statute of limitation. This is a
19 different situation.

20 CHAIRMAN VASELOPULOS: Does anyone else in the audience
21 have any other comments? Commissioners, any questions or
22 comments?

23 COMMISSIONER deLOYS: I just wish the parties would get

1 together and solve this.

2 MR. BARTLETT: Could I speak for just one second?

3 CHAIRMAN VASELOPULOS: Yes, please. At the microphone
4 please.

5 MR. BARTLETT: If there is no other input? I think
6 it's a little bit unfair to characterize the Pattersons as
7 truculent in this matter. There may be some breakdown here.
8 I have never had anybody say to me would you get together.
9 As a matter of fact, we had offered to get together with the
10 Stecks early on. All right, to the best of my knowledge at
11 this point in time, it was never offered to me that we get
12 together with anyone.

13 The Pattersons are neighborly people. I think they are
14 reasonable, fair and equitable. I think what happened here
15 is the proper order, it's not that we were being
16 obstructionist, it's that the proper order here would have
17 been to find out whether there was a legal basis for a
18 subdivision, and then we would be happy to work with the
19 association to achieve a fair and equitable result for
20 everybody.

21 But this is more a matter of order, and maybe I'm just
22 confirming what you said, Bill, but I think the order is that
23 you address it if it comes to that, if we sell the property,

1 if another person comes in here to develop it. We don't even
2 have a contract now because of the problems that occurred at
3 the previous meeting quite honestly.

4 So, right now, this is all speculative about what
5 happens in the future. I think in the proper order, you make
6 a decision about our application and the Pattersons will be
7 happy to meet with anybody including the association to come
8 to some fair result. It's a little hard to say what that
9 means at this particular time and that's why it's hard to say
10 what they will do. But they are fair and equitable, everybody
11 I think agrees on that. Until that time, we would leave it
12 to the Board to make a decision.

13 All the other issues seem to be the issues that relate
14 to private matters between the two, between the other
15 property owners. I think Mr. Hill is correct in saying that
16 that should be addressed in the Circuit Court of Cook County.
17 Unfortunately, it may go there, I hope not. But certainly
18 this is not the proper venue for that.

19 The other thing is just as an aside, non-use is not
20 abandonment. I mean they made an investment in property.
21 They are entitled to bring that to fruition at some time in
22 the future, the Seventh Circuit has already said that, so
23 that it's not use it or lose it. It's own it and have the

1 freedom to develop it when the time is right for you and
2 right for your enterprise, whatever that might be.

3 At any rate, if there are hardships with respect to
4 Maple Row, those can be attended to, you know, like in the
5 future. Thanks.

6 CHAIRMAN VASELOPULOS: Thank you.

7 MR. HIMES: Chairman, may I reply?

8 CHAIRMAN VASELOPULOS: Yes.

9 MR. HIMES: Sorry, didn't want to --

10 CHAIRMAN VASELOPULOS: Please.

11 MR. HIMES: So, I would certainly, again as the
12 president of the association, please keep in mind I represent
13 11 people only in the association. We certainly would be
14 glad to meet with the Pattersons this week, tomorrow,
15 Wednesday, Thursday, the following Saturday, Sunday. We are
16 preparing an association packet for, you know, 11 people, and
17 all of them have to agree or all of us lose. To add a 12th
18 person makes sense. It's hard to not, you know, what gets me
19 revved up is knowing that we may have a 12th person that can
20 screw up the mortgages for 11 others. That really does screw
21 us up and we need to be very careful about that.

22 My honest interpretation of this when I came here last
23 two months ago was this is an unusual circumstance. We're

1 not creating a subdivision that's adjoining a public road.
2 We're not adjoining a public street, we're a private lane.
3 We're adjoining something that isn't even built yet, that
4 might have been contemplated 25 years ago or 100 years ago or
5 whatever. But now we're in the process of doing.

6 So, you can't have a subdivision without access. We
7 hold the key to access but, you know, we're granting access
8 to 11 other people. I will tell you in the spirit of
9 affability, I mean we've got 11 of all people from all walks
10 of life to write a check for \$5,000 to improve the road. We
11 get along with other people. To get along with a 12th,
12 that's the business the association is in.

13 So, thank you very much. We would like the chance to
14 work with them. So, if you pick a time, we can meet.

15 CHAIRMAN VASELOPULOS: So, it's not up to us. I would
16 encourage you guys to meet. You're here today, I would
17 encourage you to meet as soon as possible. Yes, sir?

18 MR. ARMSTRONG: Should I get sworn in?

19 CHAIRMAN VASELOPULOS: Yes, please. Why don't you get
20 to the microphone?

21 MR. ARMSTRONG: My name is Paul Armstrong.

22 CHAIRMAN VASELOPULOS: Thank you.

23 (Witness sworn.)

1 MR. ARMSTRONG: I'll be real brief. I just wanted to -
2 -

3 CHAIRMAN VASELOPULOS: Your address, Paul?

4 MR. ARMSTRONG: The address is 2005 South Ridge
5 Terrace. I'm speaking on behalf of my mother who owns
6 property and my father who lives there. I just wanted to be
7 on public record here because we have --

8 CHAIRMAN VASELOPULOS: This is the property to the
9 east?

10 MR. ARMSTRONG: I'm sorry, yes. This is the property
11 just directly to the east that connects on to the, you know,
12 the north branch of Chicago River. We just want to be on
13 record saying that if there is anything we can help with on
14 that property to be able to help that situation both for the
15 people on Maple Row as well as Old Farm Road. We have tried
16 to reach out and will reach out to be able to make that
17 happen, whether it's water management, whether it's being
18 able to use essentially property we can't get to from the
19 other side of the creek to help out. We're happy to talk.

20 CHAIRMAN VASELOPULOS: That's wonderful, thank you.

21 MR. ARMSTRONG: Thank you.

22 CHAIRMAN VASELOPULOS: If no one else has any other
23 comments or questions in the Commission?

1 COMMISSIONER MENDREK: I just have one comment.

2 CHAIRMAN VASELOPULOS: Yes.

3 COMMISSIONER MENDREK: Depending on how the vote goes
4 here tonight, obviously at some point this is going to go
5 before the Village Board, and my guess would be you're going
6 to be asked the same questions that we have asked. So, my
7 suggestion would be, again depending on how this vote goes,
8 the Village Board meeting is January --

9 COMMISSIONER deLOYS: 17.

10 COMMISSIONER MENDREK: That you all figure out a way to
11 get together and have some sort of a conversation. Because
12 any of you stepping to the mic in two weeks and saying we
13 haven't been able to get together seems a little bit odd to
14 me. So, I know it's a tough discussion, I know that there
15 are 11 people that maybe or maybe not want the 12th party.
16 But the damage is being done to everybody. You've heard the
17 Petitioner say that they no longer have a contract on the
18 property. So, the damage is being done to everybody.

19 So, it seems that it would be in everyone's best
20 interest to come together and try to resolve this. That's my
21 last comment.

22 CHAIRMAN VASELOPULOS: Thank you. Yes, please.

23 MR. HILL: If I may? Commissioner deLoys, you asked

1 the question about the validity of the statute tonight. Let
2 me add one thing further to that. I believe that in order
3 to raise the statute of limitations under that particular
4 legislation, the parties raising it, which would be the
5 Objectors in this case, they have to show that they have been
6 in the chain of title for that 40-year time period in order
7 to be able to raise that. Clearly, that is not something
8 that this Commission nor the Village Board should be having
9 to resolve.

10 CHAIRMAN VASELOPULOS: Is anyone prepared to make a
11 motion?

12 COMMISSIONER RUBIN: I'll make a motion.

13 **Motion to recommend to the Village Board approval of a**
14 **preliminary and final plat of subdivision, (Patterson**
15 **Subdivision) in accordance with Petitioner's Application and**
16 **Supporting Materials, dated stamped August 29th, 2016, and**
17 **supplemental materials dated stamped November 2nd, 2016**
18 **subject to conditions:**

19 1. **The representations made in the application and**
20 **supporting documents are binding upon the Petitioners.**

21 **There shall be no additional uses permitted beyond**
22 **those specifically enumerated herein or permitted by**
23 **the Village of Northfield's Zoning Ordinance.**

- 1 2. The Village of Northfield Health, Fire, and Building
2 Officials shall be granted access to the subject
3 property at any reasonable time for purposes of
4 conducting inspections for compliance with Village
5 Codes and Ordinances.
- 6 3. An approval pursuant to any requested review by a
7 Village consultant, Village staff member, Village
8 Commission or Village Board Committee shall be an
9 approval of only those items specified in any motion,
10 resolution, ordinance, or written report. Such
11 approval shall not be deemed to be an approval of any
12 matter which is within the jurisdiction of any other
13 Village consultant, Village staff member, Village Board
14 Committee or Village Commission that has not issued a
15 report or given its approval. Neither shall such
16 approval be deemed the approval of any County, State or
17 Federal Agency. Under no circumstances shall the
18 approval be deemed to be an approval of any matter not
19 included in this ordinance by virtue of the fact that
20 such a matter appeared on a supporting document which
21 is not attached as an exhibit to this ordinance or
22 incorporated as an exhibit as part of this ordinance.
- 23 4. The Petitioner shall comply in all other respects with

- 1 the ordinances of the Village of Northfield and nothing
2 in this approval shall be construed as a waiver of any
3 of those requirements.
- 4 5. Violation of any condition of this approval shall be
5 cause to revoke said approval by the Corporate
6 Authorities upon 10 days proper notice to the
7 Petitioner. Alternatively, the Village Manager shall
8 have the right to assess fines, not to exceed \$750 per
9 violation, for such violation. Such assessment of
10 fines may be appealed to the Corporate Authorities by
11 filing written notice of appeal within three days of
12 the assessment.
- 13 6. Changes in the project may only be made as follows:
- 14 A. Minor Field Changes. Minor changes in locations
15 or sizes shown on exhibits may be approved, in
16 writing, by the Director of Community Development.
17 Typically a minor field change will not involve a
18 percentage change greater than three percent.
19 However, not all changes of less than three
20 percent shall necessarily be deemed to be minor.
21 The determination of the Director of Community
22 Development as to whether a change is a minor
23 field change shall be final.

- 1 B. Village Board Approval Changes. The Village Board
2 may approve, without referral to the Plan and
3 Zoning Commission, such other changes as it
4 believes are in the best interest of the Village
5 and which do not involve changes in numbers found
6 in the text of the Ordinance and which do not have
7 a substantial, direct impact on adjacent change
8 should be referred to the Plan and Zoning
9 Commission shall be final.
- 10 C. Changes Requiring a Public Hearing. Any change
11 involving a size, quantity or other numerical
12 value found in the text of the Ordinance or any
13 change having substantial, direct impact on
14 adjacent properties shall not be made except after
15 a public hearing before the Plan and Zoning
16 Commission. Additionally, the Village Board or
17 the Director of Community Development may refer
18 any requested change to the Plan and Zoning
19 Commission for public hearing when either believes
20 it would be in the best interest of the Village to
21 do so.
- 22 CHAIRMAN VASELOPULOS: Is there a second?
- 23 COMMISSIONER BOLLING: Second.

1 CHAIRMAN VASELOPULOS: All those in favor?

2 (Chorus of ayes.)

3 CHAIRMAN VASELOPULOS: All those opposed?

4 (No response.)

5 CHAIRMAN VASELOPULOS: Motion carries. Thank you very
6 much. Good luck, and I encourage you, all parties to get
7 together.

8 The second item before us is 569 Edens Lane.
9 Petitioner's name is Peter Soukoulis. Steve, did you have
10 any opening introductory comments for this?

11 MR. GUTIERREZ: Thank you, Mr. Chairman. The
12 Petitioner, Peter Soukoulis, is the owner of the property at
13 569 Edens Lane. They are requesting approval of the
14 preliminary plat of subdivision, just the preliminary plat,
15 in order to split the property at 569 Edens Lane into two
16 individual lots. The 0.77 acre site is --

17 COMMISSIONER MENDREK: I'm sorry, Steve. Can we just -
18 -

19 CHAIRMAN VASELOPULOS: If everyone could take their
20 conversations outside please? We'd appreciate it. Okay,
21 Steve. Thank you.

22 MR. GUTIERREZ: The 0.77 acre site is zoned R-4 Single-
23 Family Residential, and is currently approved with one

1 single-family residence. The proposed plat of subdivision
2 does require a variation to the subdivision code's
3 prohibition of acute angles in the lot configuration. Lot 2
4 as proposed would have an acute angle at the far deep end of
5 the lot. I would note that that has not been graded by the
6 Applicant; however, it does exist with the proposed lot 2.

7 The existing infrastructure, as reported in the memo
8 that was submitted to the Commission, the existing
9 infrastructure is adequate to serve the proposed two-lot
10 subdivision. The subdivision appears to be consistent with
11 the Comprehensive Plan. I'm sorry, also to note that the
12 Village Board had voted to reject the Petitioner's previous
13 application for a three-lot subdivision on the same property.

14 The excerpt of those meeting minutes with a little support
15 was also distributed to you in your meeting packets.

16 The Petitioner is here if you wish a presentation or if
17 you have any questions for them. I'll turn it over to them.

18 CHAIRMAN VASELOPULOS: Thank you. Would the Petitioner
19 step up please? Would you state your name, address and be
20 sworn in?

21 MR. SOUKOULIS: Peter Soukoulis, 2150 New Willow Road.

22 (Witness sworn.)

23 MR. SOUKOULIS: Thank you. Happy New Year. I

1 apologize for a little bit of a hoarse voice, I'm under the
2 weather but we'll muscle through this.

3 As Steve mentioned, we were in front of the Board in
4 October, same property, for a three-lot subdivision that was
5 approved by this Board and failed at the Village Board level.

6 We went back to the drawing board in order to give it, there
7 was three variations at that time, we went back to the
8 drawing board in order to get rid of those three variations
9 and stick with the original three-lot subdivision. But after
10 the meeting with the neighbors, it was clear that they all
11 felt that two lots was a little bit better suited for the
12 area.

13 We're rooted in this neighborhood. I plan on living on
14 this street. So, it was more important to me, instead of
15 fighting longer, to actually get something done on this site
16 and get things moving.

17 So, what we did was split the site into two lots, got
18 rid of two of the three variations. The third variation that
19 Steve mentioned is in the far northern corner of the site.
20 It exists, it's existed forever I guess. It's currently
21 covered by a tree line and brush. It will remain that way
22 even if a home is built there as that part of the site
23 because the front rear setback is not buildable either way.

1 The lots are in the R-4 District which requires 7,500
2 square feet of land area. As you can see, our lots more than
3 double that, and they even exceed the R-3 Single-Family
4 Zoning District which is across the street.

5 That's about it on my end. If there's any questions
6 from the Board?

7 CHAIRMAN VASELOPULOS: Does anybody have any questions?

8 COMMISSIONER RUBIN: Just without looking at the plat,
9 just visually, it appears that lot 1 is 18,000 square feet,
10 and lot 2 is 17,000 plus square feet. Visually, the
11 discrepancy seems to be a lot more than that. Am I missing
12 something?

13 MR. SOUKOULIS: I'm sorry, the visual?

14 COMMISSIONER RUBIN: If you look at the plat and look
15 at the dotted lines.

16 MR. SOUKOULIS: Well, the dotted lines are the building
17 setback lines on that plat that we have.

18 COMMISSIONER RUBIN: Right.

19 CHAIRMAN VASELOPULOS: But the square footage cited on
20 here is the entire lot, not the dotted lines, right?

21 MR. SOUKOULIS: Correct. Correct.

22 COMMISSIONER RUBIN: Ah, okay.

23 MR. SOUKOULIS: The entire site unsubdivided is 33,000

1 square feet.

2 COMMISSIONER RUBIN: So, you're cutting it close to in
3 half.

4 MR. SOUKOULIS: Correct, correct.

5 COMMISSIONER RUBIN: Thank you.

6 CHAIRMAN VASELOPULOS: Does anyone else have any other
7 questions or comments? We've reviewed this before. I
8 appreciate your resubmittal.

9 MR. SOUKOULIS: Thank you.

10 CHAIRMAN VASELOPULOS: Does anyone from the audience
11 have any questions or comments? Would someone like to make a
12 motion?

13 COMMISSIONER BOLLING: I'll make a motion.

14 **A motion to recommend to the Village Board approval of a**
15 **preliminary plat of subdivision (Edens Lane Subdivision) and**
16 **variation to the Subdivision Code Section 3.2(8)(b), in**
17 **accordance with the Petitioner's Application and Supporting**
18 **Materials, date stamped November 28th, 2016, subject to the**
19 **following conditions:**

20 **1. The approval of the preliminary plat of subdivision and**
21 **associated variation shall be personal and limited to**
22 **the Petitioner Peter J. Soukoulis, pursuant to Article**
23 **XVI, Section 4(9) of the Zoning Ordinance of the**

- 1 Village of Northfield. Upon change in or transfer of
2 ownership of the property at 569 Edens Lane, the
3 approval of the proposed preliminary plat of
4 subdivision and associated variation shall lapse.
5 Furthermore, the Special Use shall only be applicable
6 to the subject property.
- 7 2. Prior to the submittal of the final plat of
8 subdivision, the Petitioner shall submit a grading/
9 drainage plan that provides storm water detention
10 adequate to meet Village requirements.
- 11 3. Prior to the submittal of a final plat of subdivision,
12 the Petitioner shall submit a complete tree inventory,
13 tree removal and protection plan.
- 14 4. The representations made in the application and
15 supporting documents are binding upon the Petitioners.
16 There shall be no additional uses permitted beyond
17 those specifically enumerated herein or permitted by
18 the Village of Northfield's Zoning Ordinance.
- 19 5. The Village of Northfield Health, Fire, and Building
20 Officials shall be granted access to the subject
21 property at any reasonable time for purposes of
22 conducting inspections for compliance with Village
23 Codes and Ordinances.

- 1 6. An approval pursuant to any requested review by a
2 Village consultant, Village staff member, Village
3 Commission or Village Board Committee shall be an
4 approval of only those items specified in any motion,
5 resolution, ordinance, or written report. Such
6 approval shall not be deemed to be an approval of any
7 matter which is within the jurisdiction of any other
8 Village consultant, Village staff member, Village Board
9 Committee or Village Commission that has not issued a
10 report or given its approval. Neither shall such
11 approval be deemed the approval of any County, State or
12 Federal Agency. Under no circumstances shall the
13 approval be deemed to be an approval of any matter not
14 included in this ordinance by virtue of the fact that
15 such a matter appeared on a supporting document which
16 is not attached as an exhibit to this ordinance or
17 incorporated as an exhibit as part of this ordinance.
- 18 7. The Petitioner shall comply in all other respects with
19 the ordinances of the Village of Northfield and nothing
20 in this approval shall be construed as a waiver of any
21 of those requirements.
- 22 8. Violation of any condition of this approval shall be
23 cause to revoke said approval by the Corporate

1 Authorities upon 10 days proper notice to the
2 Petitioner. Alternatively, the Village Manager shall
3 have the right to assess fines, not to exceed \$750 per
4 violation, for such violation. Such assessment of
5 fines may be appealed to the Corporate Authorities by
6 filing written notice of appeal within three days of
7 the assessment.

8 9. Changes in the project may only be made as follows:

9 A. Minor Field Changes. Minor changes in locations
10 or sizes shown on exhibits may be approved, in
11 writing, by the Director of Community Development.

12 Typically a minor field change will not involve a
13 percentage change greater than three percent.

14 However, not all changes of less than three
15 percent shall necessarily be deemed to be minor.

16 The determination of the Director of Community
17 Development as to whether a change is a minor
18 field change shall be final.

19 B. Village Board Approval Changes. The Village Board
20 may approve, without referral to the Plan and
21 Zoning Commission, such other changes as it
22 believes are in the best interest of the Village
23 and which do not involve changes in numbers found

1 in the text of the Ordinance and which do not have
2 a substantial, direct impact on adjacent change
3 should be referred to the Plan and Zoning
4 Commission shall be final.

5 C. Changes Requiring a Public Hearing. Any change
6 involving a size, quantity or other numerical
7 value found in the text of the Ordinance or any
8 change having substantial, direct impact on
9 adjacent properties shall not be made except after
10 a public hearing before the Plan and Zoning
11 Commission. Additionally, the Village Board or
12 the Director of Community Development may refer
13 any requested change to the Plan and Zoning
14 Commission for public hearing when either believes
15 it would be in the best interest of the Village to
16 do so.

17 COMMISSIONER deLOYS: Second.

18 CHAIRMAN VASELOPULOS: All those in favor?

19 (Chorus of ayes.)

20 CHAIRMAN VASELOPULOS: All opposed?

21 (No response.)

22 CHAIRMAN VASELOPULOS: Motion carries. Thank you and
23 good luck. Any other questions or comments?

1 COMMISSIONER MENDREK: These were the most impressive
2 minutes I've ever seen. I wasn't here for the meeting but I
3 know exactly what happened.

4 CHAIRMAN VASELOPULOS: Motion to adjourn?

5 COMMISSIONER BOLLING: Motion.

6 COMMISSIONER MENDREK: Second.

7 CHAIRMAN VASELOPULOS: All those in favor?

8 (Chorus of ayes.)

9 CHAIRMAN VASELOPULOS: All opposed?

10 (No response.)

11 CHAIRMAN VASELOPULOS: The motion carries. Good night,
12 everyone.

13 (Whereupon, at 7:51 p.m., the above meeting was
14 concluded)

15

16 **Approved 2/6/17**

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF COOK)

4
5 I, ROBERT LUTZOW, depose and
6 say that I am a digital court reporter doing
7 business in the State of Illinois; that I
8 reported verbatim the foregoing proceedings
9 and that the foregoing is a true and correct
10 transcript to the best of my knowledge and
11 ability.

12
13 _____
14 ROBERT LUTZOW

15
16 SUBSCRIBED AND SWORN TO
17 BEFORE ME THIS _____ DAY OF
18 _____, A.D. 2017.

19
20
21 _____
22 NOTARY PUBLIC

23