

PLAN AND ZONING

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

COMMISSION

REPORT OF PROCEEDINGS had before the Village of
Northfield Plan and Zoning Commission taken at the Northfield
Village Hall, Board Room, Northfield, Illinois on the 17th
day of January, 2018, at the hour of 7:02 p.m.

MEMBERS PRESENT:

BILL VASELOPULOS, Chairman
KATHY ESTABROOKE
CONNIE BERMAN
TODD BERLINGHOF
DAN deLOYS
THOMAS BOLLING

MEMBERS ABSENT:

E. LEONARD RUBIN
STEVEN HIRSCH
TRACEY MENDREK

ALSO PRESENT:

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

1 CHAIRMAN VASELOPULOS: I'd like to call to
2 order the meeting of the Plan & Zoning Commission. My
3 name is Bill Vaselopulos, I'm the Chairman of the
4 Commission. At this time, I'd like the Commissioners to
5 introduce themselves, and also joining us up here is the
6 Village Attorney and he will introduce himself also,
7 starting with Connie please.

8 COMMISSIONER BERMAN: Connie Berman.
9 COMMISSIONER ESTABROOKE: Kathy Estabrooke.
10 MR. HILL: Buzz Hill, I'm the Village Attorney
11 of which Mr. Vaselopulos speaks.

12 COMMISSIONER BERLINGHOF: Todd Berlinghof.

13 COMMISSIONER DELOYS: Dan deLoys.

14 COMMISSIONER BOLLING: Tom Bolling.

15 CHAIRMAN VASELOPULOS: Thank you very much.
16 The purpose of tonight's meeting is to conduct a public
17 hearing and discuss these requests for, first, a Zoning
18 Text Amendment, Petitioner's name is Edward R. James
19 Partners; and a request for a Special Use permit located
20 at 1725 Winnetka Road, Petitioner's name is Edward R.
21 James Partners.

22 This public hearing format will provide
23 an overview of these proposals and a forum for public
24 comment and input. This Commission is a recommending
25 body only, and we will forward our recommendations to
26 the Village President and the Board of Trustees for
27 final determination on whether or not to grant these
28 items before us today. The Board will then consider
29 these items that are being discussed this evening at the
30 next Board meeting which is scheduled for Tuesday,
31 February 20th, 2018 at 7:00 p.m. right here in this
32 boardroom.

33 The Commission meeting requires that all
34 persons wishing to be heard and to enter testimony must
35 be sworn in. This includes all Petitioners, individuals
36 with the Petitioners, and any interested parties or
37 other property owners. Following the Petitioner's
38 presentation, and after the Commission has had an
39 opportunity to ask questions and discuss amongst
40 ourselves, then all other interested parties will be
41 given the opportunity to speak. Prior to speaking, we
42 request that all parties step forward to the microphone
43 and be sworn in and provide their name and address and
44 their interest in this matter for the record. These
45 proceedings are being recorded, and that is why we
46 request you speak only at the podium where the
47 microphone is located.

48 Our first order of business tonight is to
49 pass the minutes from our last meeting of January 2nd,
50 2018. Is there a motion?

51 COMMISSIONER DELOYS: Motion to approve.

52 COMMISSIONER BOLLING: Second.

1 CHAIRMAN VASELOPULOS: All those in favor?
2 (Chorus of ayes.)
3 CHAIRMAN VASELOPULOS: All opposed?
4 (No response.)
5 CHAIRMAN VASELOPULOS: Motion carries, thank
6 you. Before I throw it over to Steve, I believe someone
7 from the audience wants to make an initial comment or
8 request?
9 MR. UNGER: Thank you, Mr. Chairman. Should I
10 be sworn in?
11 CHAIRMAN VASELOPULOS: Yes, please.
12 (Witness sworn.)
13 MR. UNGER: My name is Don Unger. I live at
14 5020 Arbor Lane, Northfield.
15 AUDIENCE PARTICIPANT: Can you use the
16 microphone closer or something? Because we can barely
17 hear you.
18 MR. UNGER: Okay. I only can hold so many,
19 I've only got so many hands. All right. Don Unger,
20 5020 Arbor Lane.
21 I raised a point of order because I think
22 that the -- is this one better? Is this one better?
23 Yes.
24 All right. I raised a point of order
25 because of a letter that I submitted on January 11th of
26 this year regarding both the holding of this hearing for
27 the text amendment as well as the site plan and the
28 development that Mr. James has proposed. I'd like to
29 first address in this point of order the reasons why I
30 wrote the letter at that time. The reasons have to do
31 with notice to the community. It's my view that, and
32 many others' view, that the notice has been defective in
33 this case, and I'll go into more detail about this.
34 That actually has come up since I wrote the letter.
35 The other point that I made in the letter
36 as to this point related to the information available to
37 objectors to this new text amendment. There is no
38 information available. There is even no information
39 available to any of you to understand what this text
40 amendment will do. There is no information available
41 that tells you why this should be done. There is no
42 information available to you as to what the history of
43 the current law is.
44 I know that Mr. Hill, in a memo, stated
45 he had reviewed the archives. I have also heard from
46 another source who I'm going to ask to speak to this,
47 that there is extensive archival records regarding the
48 zoning code amendments in 2003. It's my understanding,
49 I haven't looked at the records, that the whole code was
50 revised starting in the year 2000. It was not completed
51 until 2003. This was a very serious undertaking of
52 Northfield.

1 So, to accept without having any further
2 opportunity to examine that record is to act too quickly
3 on this application for a text amendment. There is no
4 reason to act so quickly on this text amendment. That
5 was the point that I made in the letter.

6 Since then, we've gone back and looked at
7 some actual notices that have appeared or not appeared.
8 I was told at 10:30 last night that there has been no
9 newspaper notice of this hearing. This morning I asked
10 for that to be confirmed. That was confirmed for the
11 period between December 14th and January 11th in the
12 Current or the Winnetka Talk.

13 So, Mr. Hill's memo I believe was in good
14 faith that all the basic requirements of due process
15 have been met through the notice I believe is factually
16 incorrect. Unless the Staff can present it tonight,
17 then I suggest it's a defect in this proceeding and
18 would ask that this cancellation be granted.

19 I also want to go further and say that
20 based on the letter that I received from Mr. James, and
21 I have copies I can hand out, and I have the original
22 letter here, the letter from Mr. James is dated December
23 27th. The postage on the envelope says December 21st,
24 first anomaly. Keep in mind also that this notice in
25 the letter talks about a text amendment would be
26 discussed at this hearing. That text amendment had not
27 even been applied for yet. We submit that there is no
28 basis in due process law to provide a notice before
29 something has happened. We were not given that
30 opportunity.

31 So, when we look at what actually
32 happened, okay, we can see very clearly that there is a
33 defect in this proceeding, both in terms of actual
34 notice and in terms of statutory notice. On that basis,
35 this cancellation should be allowed.

36 Judge Murray, do you want to speak to
37 this?

38 JUDGE MURRAY: Steve, do you want to swear me
39 in or can I make an argument?

40 MR. GUTIERREZ: Sure.

41 (Witness sworn.)

42 JUDGE MURRAY: Members of this Commission --

43 MR. GUTIERREZ: State your name.

44 JUDGE MURRAY: My name is Judge James C.
45 Murray, Jr. I am a resident of 4 Landmark within 250
46 feet of the proposed project.

47 CHAIRMAN VASELOPULOS: The specific address,
48 if you would, for the record?

49 JUDGE MURRAY: 4 Landmark, that's it.

50 CHAIRMAN VASELOPULOS: 4, that's it, okay,
51 sorry.

52 JUDGE MURRAY: No problem. My problem with

1 going forward on the text amendment is that there has
2 been no affidavits filed which they should have been,
3 which they were way back when we were talking about 34
4 dwelling units, back in September of last year. But in
5 order for this Commission to consider the application by
6 Mr. James of a text amendment, it has to be demonstrated
7 that proper notice has been given.

8 I sent an e-mail today to Mr. Gutierrez
9 and asked him did the Village publish, when did it
10 publish, can I have a copy of the notice? I got no
11 response. I have to assume none was given because Mr.
12 Gutierrez responds pretty promptly to citizens'
13 inquiries. As far as the notice that Mr. James gives,
14 it seems to me that how you can send out a notice before
15 you've even made an application to have a change in
16 zoning, the way I look at it is the rationale was he
17 wanted to have a hearing on that amendment today,
18 because you can have, no more than 30 days, no less than
19 15 days must the hearing be scheduled. Of course, since
20 we have no Village notice by publication, that basically
21 prevents it.

22 If you go forward, you know, I don't care
23 if you consider it, but let's do it properly. You know,
24 Mr. James has every right to apply to this body to make
25 a recommendation to our Trustees to change this
26 particular provision of the PUD, I don't dispute that.
27 But let's do it correctly. Let's provide the notice
28 that is required to be given.

29 Since Buzz is there, I want to give, and
30 I'm not asking you guys to look at it, but if he would
31 look at Thompson v. Cook County Zoning Board 96 Illinois
32 App. 3d 561, and essentially, that specific case dealt
33 with the notice issue. Now, there they held that notice
34 was proper, but they dealt with whether or not the
35 objection by the plaintiffs was that improper notice had
36 been given from a calculation standpoint and they cited.
37 All I'm asking is that unless, we have no affidavit that
38 notice was sent out, we have no affidavit from the
39 Village that they published correctly, let's do it
40 right. That's all we're asking for. If it's done
41 right, then we'll have a hearing. We'll do battle over
42 whether or not this Board should recommend a change in
43 the PUD.

44 As far as the legislative history, if we
45 get to that, this is what you're going to look at which
46 is part of the legislative history that I extracted
47 after reviewing over a thousand pages dealing with this
48 project of our current zoning law which is over a two-
49 year period, but I am finished. I hope you will
50 understand, I don't think the developer will have a
51 problem if it's considered appropriately as far as the
52 zoning amendment. Thank you very much.

1 MR. UNGER: I just want to add one last point,
2 and that is even if we assume that all the minimum due
3 process was done, and we're not admitting that, think
4 about whether it's right to hold this hearing tonight.
5 Is it right to give such little notice to the residents
6 of Northfield? That's what we're talking about. Give
7 us the opportunity to do this research.

8 I got the letter from Mr. James, it was
9 stated to be non-deliverable on January 11th, okay.
10 That's like four or five business days ago, okay. So,
11 think about it, because this some day will be used
12 standing here, you are us and we are you. So, we're
13 asking for some basic fairness and there is no reason to
14 rush this. That was the decision, I submit, made by Mr.
15 James, and he should not be allowed to rush this through
16 so quickly.

17 I understand this is a recommending body,
18 but I believe the Board takes really careful notice of
19 your decisions. So, thank you for your consideration.

20 CHAIRMAN VASELOPULOS: I have a question or
21 two just so that we're clear about everything because
22 you gave us a lot of information, I want to make sure
23 we're clear about things. The notice that you have not
24 received is a notice regarding the text amendment, am I
25 understanding that correctly?

26 MR. UNGER: Well, actually if you're talking
27 about the notice that Mr. James sent, it does include,
28 purport to include both, the hearing on the development
29 and the text amendment. Again, that was done before the
30 text amendment was filed.

31 CHAIRMAN VASELOPULOS: That notice, and then
32 you referenced receiving a notice on January 11th. Is
33 it that notice that you received on January 11th?

34 MR. UNGER: Correct.

35 CHAIRMAN VASELOPULOS: Okay, I just wanted to
36 understand.

37 MR. UNGER: I believe that's probably common
38 of everybody who received this.

39 CHAIRMAN VASELOPULOS: That was a certified
40 notice?

41 MR. UNGER: Yes, it is. I circulated a copy
42 of it for you to look at.

43 CHAIRMAN VASELOPULOS: I am going to throw it
44 over to the Village Attorney Buzz Hill to address some
45 of your questions and concerns.

46 MR. HILL: Thank you, Mr. Chairman, and to Mr.
47 Unger and Judge Murray. The first thing that's really
48 important to note is that this is a continued hearing.
49 Under the Illinois Open Meetings Act, if a public
50 meeting is, if the continuance is announced at the
51 initial meeting or subsequent meeting, there is not the
52 requirement that it be re-noticed. So, that's the

1 reason it wasn't published in the newspaper. There is
2 not a --

3 MR. GUTIERREZ: It was published in the
4 newspaper 15 days prior.

5 MR. HILL: Then that is belts and suspenders.
6 It would not have been necessary even though I fully
7 recognize that there is a, the text amendment was added,
8 but it is not an uncommon thing in the course of zoning
9 hearings. After listening to neighborhood comments,
10 after listening to comments from the body that conducts
11 the public hearing, it is not uncommon to have
12 significant, substantial changes made in the plans, and
13 these sometimes involve text amendments or they could
14 even involve zoning amendments to the plan, that the new
15 plan might require.

16 So, it is not against the law. It is not
17 illegal to proceed with this hearing. As far as
18 fundamental due process is concerned, it's my opinion
19 and it's a confident opinion, that there is no violation
20 of fundamental due process in proceeding this evening.
21 Even the notice, the mailed notice that was sent by the
22 Petitioner was, I think it could be characterized as a
23 courtesy notice. It was not necessary in view fact of
24 the announcement that this would be the date to which
25 the hearing was continued.

26 So, I do not believe that there is a
27 problem constitutionally as far as fundamental due
28 process is concerned, and I do not see a problem in
29 proceeding tonight as far as our rules and regulations
30 are concerned and as far as state law is concerned.

31 CHAIRMAN VASELOPULOS: Okay, thank you.
32 Steve, did you have any other comments? I think Mr.
33 Unger wants to make note of a comment that --

34 MR. GUTIERREZ: Just again, clearly it's belts
35 and suspenders. However, a notice was published in the
36 Chicago Tribune at least 15 days prior to this hearing
37 regarding what you have on your agenda. An affidavit
38 from the Petitioner stating that they had mailed a
39 certified notice was received and we do have that.

40 Now, for the audience's benefit, for
41 those that we consider administrative procedures, we
42 confirm that at the Staff level. But we don't
43 typically, and I don't think we've ever actually sent a
44 commission those notices, those publication
45 verifications or the affidavits. But we do check those
46 off and those were done for this meeting.

47 CHAIRMAN VASELOPULOS: Okay, thank you. Mr.
48 Unger, did you have anything else to add?

49 MR. UNGER: I just have a couple of comments
50 that I suspect is going on in the minds of many people
51 here tonight is why do we have these rules if it doesn't
52 matter? You know, why do we care about this at all?

1 Why have a zoning code?
2 I cannot tell you how many times I've
3 heard that from people. They expect better than this.
4 CHAIRMAN VASELOPULOS: Is that to your motion
5 regarding --
6 MR. UNGER: Yes, it is.
7 CHAIRMAN VASELOPULOS: You made a comment
8 about the zoning code, we're not talking about that per
9 se.
10 MR. UNGER: Right, but the notice is what I'm
11 talking about, and that happens to be a law. Before we
12 get too far down the road that setbacks are not very
13 important, the Illinois Municipal Code spells it out and
14 it instructs notice. Like I said, even without a strict
15 interpretation, do what's fair.
16 CHAIRMAN VASELOPULOS: Okay, thank you.
17 MR. FRANCKE: Mr. Chairman, if I could make a
18 few comments?
19 (Witness sworn.)
20 MR. FRANCKE: Thank you.
21 AUDIENCE PARTICIPANT: Who is he?
22 CHAIRMAN VASELOPULOS: He will. Folks, he's
23 just saying hello right now. Go ahead.
24 MR. FRANCKE: Thank you, Mr. Chairman and
25 members of the Commission. Ladies and gentlemen, my
26 name is Hal Francke. I'm an attorney with the law firm
27 of Meltzer, Purtill & Stelle, and I'm representing
28 Edward R. James Homes, LLC this evening. I just want to
29 take a few minutes to respond to what I've heard, and I
30 believe you have all received a copy of a letter that I
31 submitted to the record in response to Mr. Unger's
32 letter.
33 I appreciate the comments of Mr. Unger
34 and Judge Murray and the Village Attorney. I just
35 wanted to note a few things for the record. I'm not
36 convinced or persuaded myself, first of all, that the
37 key interest of Mr. Unger and Judge Murray are in due
38 process. It seems to me that every time we've come
39 before you for a hearing, their initial goal is to
40 continue the hearing, notwithstanding the fact that all
41 of you are here, we have our whole team, and scores of
42 residents come to learn about the project and to advance
43 the ball on the project.
44 I find it a little bit troubling that we
45 keep having pronouncements made that in my opinion fly
46 in the face of the law. I agree with what the Village
47 Attorney said, that every time something changes,
48 whether it's a request for the relief or the plan, you
49 have to re-notice the hearing. It is one hearing which
50 is continued and everybody who is at the hearing has
51 notice of that. So, the statement that was made at one
52 of the first meetings, that because it's a new plan it

1 has to be re-noticed, just flagrantly ignores the law in
2 my opinion.

3 When Mr. Unger says in his recent letter
4 that the Plan Commission can't even consider the text
5 amendment that's now before you, I think it flagrantly
6 ignores the law which you've been advised of both by me
7 and the Village Attorney since the Village is homeroom
8 municipality. When the Honorable Judge Murray stands
9 before you with Mr. Unger and says the matter should be
10 continued, even though we've been at every prior hearing
11 and even though we've had time to review a thousand
12 pages of Village records and I saw the Judge come this
13 evening with three boxes worth of materials, I find it
14 hard to believe, number one, that there hasn't been
15 adequate time to prepare for this evening's public
16 hearing; and number two, it seems to me there is another
17 failure to acknowledge the law of Illinois which says
18 those who actively participate in the hearing process
19 cannot raise defects in notice.

20 So, I find it troubling that we keep
21 hearing that we're not complying with the law, there's a
22 failure of due process. You heard, adequate notices
23 have been given. I believe as I said in my letter,
24 everything you're doing is consistent with the practice
25 of every other community. Working on the North Shore, I
26 don't know if Northfield has done this in the past, I
27 would assume they have, but I would respectfully
28 encourage you to proceed this evening. Thank you.

29 CHAIRMAN VASELOPULOS: Thank you.
30 Commissioners, do you have any other comments or
31 questions?

32 Okay, to the point of order, I am going
33 to take the advice of the Village Attorney and deny that
34 point of order.

35 Steve, would you care to introduce our
36 first Petitioner please, or the first item before us I
37 should say?

38 MR. GUTIERREZ: Thank you, Mr. Chairman.

39 JUDGE MURRAY: Mr. Chairman? I had filed a --

40 CHAIRMAN VASELOPULOS: Excuse me, excuse me,
41 one second. You need to step to the microphone, I'm
42 sorry.

43 JUDGE MURRAY: Hopefully, Mr. Francke will
44 find my petition worthwhile. Since we're going forward,
45 which is obviously fine, I filed yesterday a petition to
46 bifurcate the hearing. You know, as you see in the
47 agenda, they separated out the agenda, and I had a
48 discussion while I was reviewing the documents at the
49 Village relating to the enactment of the 2003 ordinance
50 with the Village Attorney. He instructed that there
51 should be two different matter agenda items.

52 In my petition to bifurcate the hearing,

1 it's just to say that I don't want to have the two, the
2 developer's application relating to the 28 units and his
3 request for a test amendment to be basically put
4 together. They should be separate, they should be
5 considered separately, and there should be a separate
6 hearing on each so that the record that's developed
7 before this Commission is clear as to what matters this
8 Commission is considering. That's what my petition to
9 bifurcate relates to.

10 I served it. I told the people to give
11 it to the Village Attorney for his review and comment.
12 I trust his review and comment. That's all I have to
13 say on the subject matter.

14 CHAIRMAN VASELOPULOS: Okay, thank you.
15 Before I ask Buzz to comment on that, my own personal
16 opinion is by having two separate items on the agenda,
17 we will treat each of them separately and vote on each
18 of them independently. So, thus, I think the
19 bifurcation request is met by separating these two
20 items. But Buzz, do you have any other comments?

21 MR. HILL: No, I think we have, and we have
22 always intended to have them as two items, I would state
23 though as I said in my memo, it is appropriate for the
24 Commission to consider the text amendment both in the
25 context of this plan and its effect on the Village
26 generally.

27 CHAIRMAN VASELOPULOS: Yes, because it's
28 applied not just to this item, the second item before
29 us, but it's applied to the zoning ordinances as a whole
30 and will apply to any property.

31 MR. HILL: Correct.

32 CHAIRMAN VASELOPULOS: So, I will deny that
33 point of, what I believe you said was a point of order,
34 Judge?

35 JUDGE MURRAY: No, it was a petition.

36 CHAIRMAN VASELOPULOS: It was a petition,
37 thank you. I'll deny that petition based on the fact --

38 JUDGE MURRAY: I'm not arguing about it in
39 here tonight. I just wanted to hear them separated.
40 You can do whatever you want. I got the impression,
41 Buzz wasn't saying different from it tonight, that you'd
42 basically keep them separated.

43 CHAIRMAN VASELOPULOS: Okay, thank you very
44 much, but that will be denied. Steve, would you like to
45 introduce the first item on the agenda please?

46 MR. GUTIERREZ: Thank you. The Petitioner is
47 seeking an amendment to Appendix A or Zoning Ordinance
48 Article 17 which outlines the planned unit development
49 regulations and procedures, and particularly Section 17-
50 7 which discusses the area regulation variations and
51 what needs to be done in order to grant those.

52 On December 1st of 2017, the Petitioner

1 submitted a revised site plan as part of their ongoing
2 PUD application. In this new site plan, the Petitioner
3 is seeking a number of variations to the R-6 zoning
4 standards which would be applied there because that's
5 the zoning they're applying for as well. Those
6 variations included a 15-foot side yard request versus
7 the required 30-foot front yard off of Winnetka. Now,
8 that section of the PUD regulations specifically
9 indicates that all setbacks and yards shall be provided
10 as required by the regulations of the underlying
11 districts in order to approve variations to the area
12 regulations, again a number of which they are asking for
13 relief from.

14 The Petitioner, they can provide you an
15 overview of their proposed language. The Village
16 Attorney and I discussed their proposed language and
17 felt that if the Plan & Zoning Commission were inclined
18 to amend that section of the PUD regulations, that you
19 might consider more general language or more general
20 amendments that apply more universally. We have
21 provided you the Staff's and the Village Attorney's
22 recommended language, again if that's the route you want
23 to go. We're not necessarily endorsing this particular
24 request, only if you want to go down that road that we
25 would suggest that we alter the language.

26 So, with that, I know the Petitioner came
27 here to present their amendment request.

28 CHAIRMAN VASELOPULOS: Thank you, Steve. If
29 the Petitioner would step to the microphone, be sworn
30 in, and state their name and address?

31 (Witness sworn.)

32 MR. JAMES: For the record, my name is Jerry
33 James, 2550 Waukegan Road in Glenview, Illinois.

34 AUDIENCE PARTICIPANT: Speak into the
35 microphone please.

36 MR. JAMES: My name is Jerry James, 2250
37 Waukegan Road, Glenview, Illinois 60025.

38 All right. First of all, I would like to
39 thank the Plan Commission and members of the public for
40 coming out for this hearing. I know it's a special
41 hearing on account of some schedule conflicts and the
42 fact that that first meeting occurred on the second of
43 January. So, thank you very much for doing that.
44 Notwithstanding claims that we had defective notice, I
45 know I was very cognizant of when that notice needed to
46 go out, and to the extent that people felt they didn't
47 get it, I can only say that Paul Revere must be alive
48 because you're all here tonight and somehow you got it.

49 AUDIENCE PARTICIPANT: We're not all here.

50 MR. JAMES: Sorry, Gerald. Okay, if you're
51 not here, that's fine, but some of you are. So, one way
52 or another, let's move on, okay. I did not mean to make

1 light of it and I won't, okay. I won't at all.
2 Tonight, I'm going to walk you through
3 our proposal. In so doing, I'm going to by necessity
4 recap where we came from, how we got here.
5 AUDIENCE PARTICIPANT: Text amendment.
6 AUDIENCE PARTICIPANT: Yes, stick to the
7 issue.
8 CHAIRMAN VASELOPULOS: Yes, the issue before
9 us is the text amendment.
10 MR. JAMES: Okay.
11 CHAIRMAN VASELOPULOS: Are you suggesting
12 we're going through the whole development now?
13 MR. JAMES: No, we can go to the text
14 amendment if you would like.
15 CHAIRMAN VASELOPULOS: We have to go to the
16 text amendment, that's what is before us right now. We
17 don't want to entertain anything else other than the
18 text amendment.
19 MR. JAMES: All right. I'm sorry, folks, but
20 this was not my understanding, that we would vote
21 separately, but that we would have a chance to give it
22 context. But that's okay. Almost there, sorry. Okay,
23 setbacks, all right.
24 When we first proposed this plan, not at
25 the Community Hall but back in September when we
26 proposed 24 units, that plan had a 25-foot front yard.
27 Subsequent to that, in November, we presented a 32-unit
28 plan; that, too, had 25 unit, 25, excuse me, setback.
29 What I will tell you is that we went back to the drawing
30 board and asked ourselves, you know, how do we respond
31 to this?
32 Mind you, at that time, we had not been
33 told by you or anybody else that we had to drop units,
34 other than the fact that it was very clear to us that
35 our neighbors were concerned about the density. I think
36 they'll testify to the fact that we had met on several
37 occasions and I have said in public and to them that I
38 am trying to be responsive to the concerns and above all
39 though to do the right thing by this property and by
40 this community, while at the same time delivering a plan
41 that will not fail but will be a viable plan
42 economically as it must be in order for me to build it.
43 So, that being said, we looked at a
44 number of different iterations and went back to the one
45 that actually we had looked at sometime ago and
46 resurrected it. Believe it or not, this plan existed,
47 oh, maybe a year or so ago. We looked at it and we made
48 a few adjustments and we came up with this plan. That's
49 28 units and there are, in this plan, which I will
50 explain when we get to the next portion of the meeting
51 that I believe reflect not only good planning but
52 perhaps the superior alternative to this site. I say

1 superior, superior perhaps in the minds of those in the
2 audience today, not superior from the economic
3 standpoint, because clearly at 32 and 34 units, it's a
4 better option and it's a safer option, there's less
5 risk, okay.

6 But like everything, usually things get
7 done when people compromise. It was with that spirit
8 that we decided, okay, let's present this plan.
9 Somebody asked me at the beginning about is 32 the
10 lowest you can go or 34? I said, you know, if there's
11 constructive reasons to adjust, yes, we would look at
12 those. But to simply lop a few units off here or there
13 isn't going to do much for traffic of anything, or have
14 any constructive impact or impact overall to the
15 building. But I did say that.

16 Now, we've come now quite a ways from 34.
17 It may not seem like it but this is, as you've
18 recognized, is substantively a different plan from the
19 one before. I'll again describe that when we get to the
20 subject portion. But this plan has a few aspects to it
21 that include an 18 percent reduction in density, but
22 with that, there are configurations, and one of those
23 configurations is a setback off the front at 15 feet.
24 The code says 30 feet where it says a PD shall have
25 flexibility but for the setbacks.

26 Now, I've done many, many different
27 developments throughout the North Shore, Chicago, and in
28 almost every case they're planned developments. I can't
29 tell you of one that I've done where we've been allowed
30 to exercise the principles behind planned development
31 which is to develop a better plan than might be
32 otherwise permitted by strict application of codes, but
33 then have this last -- as long as you cannot do the
34 setbacks.

35 So, that's a new situation for us. I
36 think my attorney, Hal Francke, did some investigation.
37 I think for the record you should know that he knows of
38 no ordinance throughout the North Shore, and he operates
39 in all the municipalities up and down, that has that
40 clause. Now, there's an absence of perhaps literature
41 that was recited tonight as to why in 2003 there was
42 that provision, and I can't answer it.

43 But what I can do and what I did do is to
44 go back into the history. What I can do is tell you
45 I've spent 35 years in this business planning and I am a
46 member of the Urban Land Institute and many others, I'm
47 a member of Metropolitan Planning Council. So, I've
48 lived my life in the world of planning.

49 So, there are a couple of things that
50 need to be understood about setbacks and why they were
51 there. If you go back to history of zoning, you'll
52 understand that setbacks were there because you had

1 disparate uses next to each other. Kind of way back
2 when, when we were not alive, the industrial revolution,
3 you had all sorts of things that were not necessarily
4 conducive to a good residential hub. So, there was this
5 impetus to have setbacks, all right.

6 Now, the real first setback I think was
7 passed in 1917 by my records, okay, and you can do your
8 own research. But in that case, there was several
9 reasons. One was air and light. Air and light, okay,
10 and you'll hear that all the time. In fact, there's
11 been some evolution of setbacks so that they have claims
12 that they can cut to see how that actually works for
13 adjoining developments. It has to be an even bigger
14 deal in places like the downtown, okay, high rises that
15 leap into the sky, they're too close, you can imagine.

16 The other reason for setbacks has to do
17 with impervious surface and water, the stormwater
18 runoff, okay. You want an area to allow a slight
19 breathe, some type of area, okay. Those are essentially
20 the reasons behind setbacks. That's from a planning
21 standpoint, all right.

22 So, I've said that there is no example of
23 your ordinance that we know of in other ordinances that
24 have been employed around the North Shore. I told you
25 we've done many, many different developments and never
26 encountered this. I've also told you the history about
27 why setbacks. So, what we're really talking about in my
28 view is the substantive issues of setbacks as they
29 relate to this neighborhood and perhaps future
30 neighborhoods, because I think there is a concern and I
31 understand and appreciate and respect that, if this text
32 amendment were to be passed.

33 So, when we looked this site, I examined
34 it under the criteria that I've mentioned. I asked
35 myself, we asked ourselves, excuse me, is the overall
36 betterment of the plan promoted by virtue of a text
37 amendment allowing the 15-foot setback? In other words,
38 can we perfect a plan that's better than the
39 alternatives but for that? The answer we came up with
40 was yes.

41 Now, if this becomes the do or die issue,
42 we will come back and continue this hearing and I will
43 be back to you with a 32-unit plan with a 30-foot front
44 setback and I will comply with every setback in your
45 ordinance, okay. But, but, but, that is not a threat,
46 that is a fact, ma'am. That is a fact.

47 Now, listen, I listened to you, you need
48 to listen to what I'm going to say and you can disagree.
49 But we've been at this now for more than two years, and
50 I have tried my best to address the concerns. But I
51 feel like I hop out of one kettle, and the next thing
52 you know I'm hopping to another kettle. When we first

1 started out, it was traffic, and then it was cut-through
2 traffic. Now, suddenly traffic is not an issue but it's
3 the setback.

4 So, I'm not sure where we're going on all
5 this except to say I'm doing my level best with my team,
6 my time, our money, to come up with not just the best
7 plan for us because this, ladies and gentlemen, is not
8 the best economic opportunity to us. It's the one with
9 more units. But I believe in my heart, as a resident
10 who lives in this neighborhood with friends both in
11 Meadowlake and Landmark and throughout the community,
12 that this is the best plan for Northfield.

13 Now, let's talk about the setback from a
14 substantive standpoint. As you recall, in the prior
15 plan, we got six units along the front, and we can make
16 those at 30 feet, we can make them at 25 feet, you tell
17 me which one. But let's just say it's 30 feet, all
18 right, and we have side yards. The side yard for this
19 plan is six feet, that's to the east. I have neighbors
20 here, that's the requirement right here. That happens
21 to be our townhomes. That happens to be a vacated right
22 of way, it used to be a rail line as we all know, high
23 tension lines, there is no residential here. You have a
24 66-foot right of way.

25 What this plan does is basically take six
26 units and reduce them to two albeit turned on the side.
27 Now, what does that mean? It means that we've
28 effectively taken what was otherwise 132 feet of
29 buildings along here and reduced them to 72 feet. That
30 72 feet represents just 28 percent of the 259 feet of
31 frontage. Why is that relevant? Let's go back to
32 criteria, why setbacks? Air and light, okay.

33 So, when you think about it, this plan
34 notwithstanding the 15 feet introduces more air and
35 light than a compliant plan with 30 feet. Now, what is
36 relevant about that? What's relevant about that is that
37 a blanket text requirement of no less than 30 feet in a
38 PD ends up being a requirement that drives you to
39 perhaps an ordinance plan or a plan which is inferior.
40 Planned developments should allow you the complete
41 flexibility as long as you meet the criteria of not
42 damaging the health and welfare and benefit of the
43 community, okay. That is my opinion. But as a
44 practitioner for 35 years, I believe that is a good
45 thing for Northfield, not a bad thing. Mind you, it
46 does not give you the right to go for 15 feet anymore
47 than it does to give you 20 feet or 25 feet. You still
48 have to come back and prove your case.

49 So, what about this case? I've already
50 told you we've reduced the frontage to 72 feet, 28
51 percent of the frontage. Here's the other thing. I had
52 suggested in our text, proposed text amendment, that

1 rather than just a carte blanche change in the ordinance
2 that would give you infinite flexibility with no
3 guidance to the Plan Commission or the Board, and Steve,
4 forgive me, I suggested that there ought to be a little
5 meat to the bone. The meat to the bone drives right to
6 the history of why setbacks. That is if you're going to
7 encroach the front yard, what are you going to do to
8 mitigate the air and light to your neighbor? In other
9 words, whatever you do here to diminish, you need to
10 increase it here, okay. Now, that's six feet off the
11 property line. That's Mr. Gambacorta's townhomes.

12 Now, in the prior plan, I had a road
13 coming in here, and then I had units. This plan takes
14 these buildings, and I'm sorry you can't see it quite as
15 clearly as I know it, but I can tell you that's 52 feet,
16 okay. That's more than seven times the minimum required
17 side yard. Now, I feel that is an appropriate
18 adjustment, okay, so that we can ask for this type of
19 relief without imposing detriment to our neighbors. In
20 fact, I would propose to you that there is actually a
21 lot of benefit here to the extent we now have open space
22 that we can landscape and we can give him, our
23 neighbors, more breathing room. The same thing exists
24 here.

25 But to pull this whole off, what we did
26 is we did a little calculation, and I am very sorry that
27 you can't see the math here. But what we did is we said
28 how would the Village, how would people want to look at
29 this and they would say, okay, let's look at the average
30 setback along the frontage.

31 CHAIRMAN VASELOPULOS: Jerry, let me interrupt
32 you for a second.

33 MR. JAMES: Yes?

34 CHAIRMAN VASELOPULOS: Because I want to steer
35 this in the right direction.

36 MR. JAMES: Right.

37 CHAIRMAN VASELOPULOS: I don't want you to go
38 off key a little bit. What's before us today is --

39 MR. JAMES: I'm almost done, Bill. Just let
40 me, let me just finish the last one, may I?

41 CHAIRMAN VASELOPULOS: Go ahead.

42 MR. JAMES: The average setback, taking into
43 account the 15 and 15 here, and this building here and
44 this building amounts to 50 feet along the 259 feet of
45 frontage. That, ladies and gentlemen, is my opinion,
46 that this plan, given the full consideration of this
47 plan and the way it employs setbacks, is a superior plan
48 to one perhaps we could get approved with a 30-foot
49 setback. This is actually going to better air and
50 light, less frontage along Winnetka Avenue, and a more
51 breathable plan if you will than the alternatives which
52 we could come in and say, guess what, we complied to 30

1 feet but we have six units here, we have less side yard
2 here and so forth.

3 So, that's the gist of how we got here.
4 I appreciate you bearing with me on some of the history,
5 but we take this earnestly and we don't dismiss the
6 concerns. That's what's happening.

7 CHAIRMAN VASELOPULOS: The reason for my
8 interruption is what I want to focus on is the text
9 amendment as it's going to pertain to the Village as a
10 whole and not, I mean you're giving us an example of how
11 it will pertain to your development.

12 MR. JAMES: That's correct.

13 CHAIRMAN VASELOPULOS: Which is good for
14 context in terms of understanding, but I want you to
15 focus on the text amendment itself which doesn't
16 reference your development at all. If you could just
17 crystallize your thoughts regarding just the text
18 amendment, and if anyone else from your team wants to
19 assist, that's fine. It's nice that you gave us an
20 example which is I think helpful, but what's before us
21 is a general text amendment, not specific to your
22 project.

23 MR. JAMES: Very good. Let me give it you.
24 One, there is no precedent that we know of in other
25 villages for this type of limitation on a PUD. Two, we
26 believe that that does not hurt the Village by deleting
27 and taking that away under a planned development, mind
28 you, setbacks are part of a zoning code and a zoning
29 district. They're relevant. That means that they have
30 to be there so that when you come in, if it's an of
31 right plan, you must have these setbacks or you ask for
32 a variance.

33 Planned developments, all bets are off.
34 Planned developments say I get, you get, excuse me, the
35 village gets to scrutinize every single aspect of that
36 plan including the setbacks to examine whether or not it
37 meets the criteria, including some of the concerns that
38 I've mentioned. So, for that reason, I see this
39 amendment proposed generally as taking away no, not
40 reducing any of the protections that you think you have
41 already but in fact limiting perhaps better development
42 that can occur absent that limitation. Thank you.

43 CHAIRMAN VASELOPULOS: Thank you.
44 Commissioners, any questions? Well, before that, wait a
45 minute. Does someone else from the Petitioner's side
46 want to make additional remarks?

47 MR. FRANCKE: Yes, I just want to clarify. I
48 appreciate that --

49 CHAIRMAN VASELOPULOS: State your name again.

50 MR. FRANCKE: It's Hal Francke again. I
51 appreciate the issues that you're addressing right now
52 is the appropriateness of the text amendment, and what

1 form of text amendment if you're supportive of any text
2 amendment. I just want to clarify where we are and how
3 we've come to this, both from our standpoint and from
4 the Village's standpoint.

5 As Jerry said, the need for setback
6 relief has actually been there from day one on this
7 plan. The provision that has created the discussion,
8 the need for this text amendment right now has been in
9 the ordinance for a long time now. What Jerry has done,
10 what Edward R. James Homes has done is very typical, is
11 propose a very specific text amendment. In simple
12 terms, it says if you want setback relief on the front
13 yard here, you've got to meet the amount of relief
14 you're seeking on the side yard or grant even more.
15 That's tailored to this specific plan so that you know
16 how that text amendment would read in the context of
17 this plan.

18 Frequently, this issue comes up all the
19 time, and it has come up all the time in other
20 municipalities. Many municipalities like to do it that
21 way because the fear is, the flip side is if we just do
22 it like a text amendment that's going to affect
23 similarly zoned properties around the village and
24 they're not in front of us right now, how is it going to
25 affect us? But many times they do decide to do that.
26 So, the difference is we've tried to, in our petition,
27 tailor the language, make it somewhat narrow so that you
28 know exactly how the ordinance is changing in this type
29 of a circumstance.

30 The Village Staff and the Village
31 Attorney has proposed a more broad text amendment that
32 basically eliminates that sentence from the ordinance.
33 As Jerry said, I don't think that's bad. In fact, as
34 Jerry said, I looked at Glenview's ordinance, Highland
35 Park's ordinance, Northbrook's ordinance, Winnetka's
36 ordinance, Wilmette's ordinance, not one of their zoning
37 ordinances has that provision.

38 So, you may all conclude that you agree
39 with the Village Attorney and Mr. Gutierrez that we
40 shouldn't have it either. I think that's the decision
41 you need to make: Do we want it to apply across the
42 board? If you're not comfortable with that, then you
43 may want to consider, if you're willing to consider an
44 amendment at all, limiting it to the narrow type of
45 situation that is being proposed right now. I think
46 that's the issue on the text amendment. Thank you.

47 CHAIRMAN VASELOPULOS: Thank you.
48 Commissioners, any comments or questions?

49 COMMISSIONER BERLINGHOF: I've got some
50 comments. I think it's lost on everybody here, and
51 that's why I'm glad we got back to the text amendment,
52 is that a PUD has always been in the zoning ordinance of

1 every community that I've ever dealt with and probably
2 every community in the United States. The purpose of
3 course is you can't exactly zone for everything.

4 We've got an R-6 zoning here that limits
5 the amount of dwellings that go on a certain space. It
6 limits the square footage of those dwellings. It limits
7 the parking needs for those dwellings, the front yard
8 setback, the side yard setback, the impervious land.
9 All of the things, the height, all the things because
10 you have to start somewhere. You can't have just an
11 open sort of zoning code that says bring what you want.
12 I guess you can, it's called Houston.

13 So, we have zoning codes and we have
14 things to follow. It's R-1 or R-2 or R-4 or R-6, or CB-
15 1 or B-2, and the PUD allows us and allows the Village
16 Board to have flexibility to look at a development and
17 look at a site and make changes to that site within the
18 framework of what we talked about today, about what we
19 think is in the best interest of the community, what we
20 think how it's going to harm it or not harm it, how it's
21 going to aid it or not aid it. I think what's being
22 asked today is a perfect example of that.

23 I absolutely agree with Steven and Buzz
24 that we should have a more general text amendment
25 because it should be part of the parcel of things that
26 we can look at and change. Just because they're looking
27 for 15 feet, someone may look for 10, in some location
28 10 may be okay. Someone may look for 25, and some may
29 be at 30 but looking for 15 or 12 on the side or 10 on
30 the side. If somebody did come to us and said they only
31 want a 10-foot setback on a forest preserve, we might
32 say, well, that's okay, because nothing is ever going to
33 be built in the forest preserve next to you, so you're
34 okay with that setback.

35 So, I think what's important here when we
36 look at this as a general change is that what we're
37 doing is we're just giving the Board, in the end, the
38 flexibility to make a decision and make changes to a
39 plan they think makes a better plan. So, I think this
40 text amendment it's a good idea, and I think it's a good
41 idea in a general form, not specific to this particular
42 deal. Because we're not even, that's why I wanted to
43 stop discussing this deal, we need to talk about just
44 the fact that what this is doing is giving us more
45 freedom to look at the plan and make decisions based
46 upon the plan, any plan that may come in front of us in
47 the future. So, I'm certainly for that process.

48 CHAIRMAN VASELOPULOS: Thank you, Todd.
49 Anyone else have any thoughts, questions?

50 Anyone from the audience have any
51 questions? Step on up to the microphone please.

52 COMMISSIONER DELOYS: Should we have everybody

1 stand up and swear them in?
2 CHAIRMAN VASELOPULOS: Yes, we'll do that.
3 COMMISSIONER DELOYS: Anybody who wants to
4 speak --
5 CHAIRMAN VASELOPULOS: Yes. Anyone who wants
6 to speak, we're going to swear you in all at the same
7 time.
8 MR. GUTIERREZ: This will be for the entire
9 evening.
10 CHAIRMAN VASELOPULOS: And we'll do that for
11 the entire evening, thank you, Steve. That's okay,
12 Buzz, right?
13 MR. HILL: Yes.
14 CHAIRMAN VASELOPULOS: So, not only for this
15 item that's before us but the next item that's before
16 us, I would encourage if you have any inkling that you
17 are going to want to make a comment, you might as well
18 just stand up and raise your right hand and be sworn in
19 by Steve.
20 (Witnesses sworn.)
21 CHAIRMAN VASELOPULOS: When each of you come
22 up, you won't have to be sworn in obviously, but you
23 will need to state your name and address for the record.
24 Ma'am?
25 MS. SMITH: I'm Beverly Smith. I live at 772
26 Happ Road in Northfield. I'm here as a resident even
27 though I am no stranger to zoning. I've had about 38
28 years of experience in zoning both as a member of a
29 Board of Trustees, Zoning Board, and then representing
30 clients. I'm also in real estate, I'm an attorney but
31 I'm also in real estate, and sometimes obviously my
32 clients want advice on zoning.
33 When I hear that the only thing we think
34 about with a front yard setback is light and air, it
35 just sort of boggles my mind because on a front yard
36 setback which my experience has always been Boards are
37 very strict with those, what if the street has to be
38 widened? What about uniformity and harmoniousness in
39 the neighborhood? Even apart from density, I just
40 always found throughout the North Shore or villages in
41 general have been very strict on the front yard setback,
42 even trying to get a foot.
43 So, I can't say I've had a lot of
44 experience with PUDs, but I would think there was wisdom
45 that went in to the drafting. I think, I certainly
46 agree with Judge Murray that you'd want to spend a lot
47 more time on it than we're spending right now. That's
48 what shocks me. So, I'll let some other people speak,
49 but I really think you need to spend more time on it and
50 think some more about things other than just light and
51 air. Thank you.
52 CHAIRMAN VASELOPULOS: Okay, thank you. Who

1 else wants to come before, why don't, Judge, why don't
2 we have this gentleman here? He was one of the first --
3 okay, fine.

4 JUDGE MURRAY: Members of the Commission, on
5 January 4th --

6 CHAIRMAN VASELOPULOS: I'm sorry, we all know
7 who you are but if you'd just state your name again?

8 JUDGE MURRAY: Judge James C. Murray, Jr., I
9 live at 4 Landmark, Northfield.

10 CHAIRMAN VASELOPULOS: Thank you.

11 JUDGE MURRAY: I've been a resident of
12 Northfield now I think for about 15-16 years.

13 On January 4th, 2018, the developer
14 requested an amendment to Section 17-7 to reduce the 30-
15 foot front yard setback requirement to 15 feet. Every
16 residential dwelling unit meets the 30-foot setback
17 requirement. The three developments that he makes
18 reference to in his application which is the Landmark,
19 Meadowlake, and the place that basically borders on the
20 site there which is next to the Landmark, each one of
21 those meets the 30-foot setback requirement.

22 I happened to drive around the Village of
23 Northfield. Along Happ Road, I defy you to find a
24 residential dwelling unit that doesn't meet the 30-foot
25 setback requirement. I went down Wagner Road, every
26 residential dwelling unit there has the 30-foot setback
27 requirement. The fact is that this PUD, this particular
28 provision has the word shall. Under the zoning
29 ordinance, shall as defined is mandatory.

30 That's the reason why the developer has
31 asked for a text amendment, because if he can't comply
32 with the setback requirement, you are confronted with
33 the fact that you are going to have to deny this PUD.
34 The fact is he has never complied with that setback
35 because even with the 34 units and the one he had in
36 November, basically the setback there was 25 feet and
37 that was not 30 feet. The fact is if you take a look at
38 the defined terms in the ordinance as far as yard front,
39 the fact is that they use the word permissible minimum
40 requirements. Permissible is defined as allowed. The
41 fact is under the definitions, if some word is not
42 defined within the definitions, you use Webster's
43 Dictionary. That's the definition contained in
44 Webster's Unabridged Dictionary.

45 A zoning ordinance is a legislative
46 judgment. So, what you ladies and gentlemen are doing
47 is going to recommend to the Trustees of this Village a
48 legislative judgment. It is well settled, and now I'm
49 going into the law, I hate doing that but it's
50 important. It is well settled that a party challenging
51 the validity of a zoning ordinance must show by clear
52 and convincing evidence that the application of the

1 ordinance is arbitrary, unreasonable, and bears no
2 substantial relation to the public health, safety or
3 welfare. I think Buzz can probably tell you whether or
4 not I've accurately described that, and I'll leave it to
5 him.

6 There is a total absence of facts other
7 than the fact that, as Mr. James so eloquently put it,
8 listen, I structured this down to 28 dwelling units and
9 the way I've placed my structures on the site, I want my
10 frontage to be down to 15 feet.

11 COMMISSIONER BERLINGHOF: Judge, I'm curious.
12 Are we discussing now the text amendment or we
13 discussing the plan?

14 JUDGE MURRAY: No, we are talking about the
15 text amendment.

16 COMMISSIONER BERLINGHOF: Okay, well, I don't
17 think, we're not even discussing whether or not 15 feet
18 in the front is even an issue yet. What we're talking
19 about --

20 JUDGE MURRAY: Yes, but it is.

21 COMMISSIONER BERLINGHOF: I understand what
22 you're saying. But what we're talking about right now
23 is --

24 JUDGE MURRAY: To actually want to --

25 COMMISSIONER BERLINGHOF: Judge, let me
26 finish. What we're talking about right now is whether
27 or not we can change the ordinance to allow the Village
28 Board to look at its front yard setbacks and side yard
29 setbacks as part of the PUD. That's all we're doing
30 right now. We're not arguing the merits of whether or
31 not his front yard is too close or too far away. All
32 we're doing right now is looking at whether or not the
33 Village Board can look at future PUDs and not have to be
34 restricted by the ordinance that says it has to be 30
35 and 15. That's what we're doing. If you want to argue
36 whether or not we have the right to do that, I
37 understand.

38 JUDGE MURRAY: No, no, I didn't mean to --

39 COMMISSIONER BERLINGHOF: But don't argue
40 whether or not his --

41 JUDGE MURRAY: No, no, I am not arguing that.
42 That's the rationale he presented.

43 COMMISSIONER BERLINGHOF: I understand where
44 it's coming from. You'll have plenty of opportunity to
45 talk about that in the next --

46 JUDGE MURRAY: No, no, I'm not talking about
47 that other than he made it in his presentation for
48 purposes of the text amendment.

49 COMMISSIONER BERLINGHOF: Well, it's separated
50 now, so we're just talking about the text amendment.

51 JUDGE MURRAY: That's all I'm talking about.

52 COMMISSIONER BERLINGHOF: So, now you're

1 bringing his 15 feet again and why he's doing it. We
2 should be talking about whether or not this works --

3 JUDGE MURRAY: I don't know why he's doing it.
4 I don't know why he is doing it and I frankly don't
5 care, because he's got to meet a certain legal standard
6 to demonstrate by clear and convincing evidence that
7 this particular provision of the ordinance is arbitrary,
8 capricious, and unreasonable.

9 COMMISSIONER BERLINGHOF: Yes, so then we can
10 do that in the next hearing. But now what we're doing
11 is we're worrying about whether the text amendment can
12 be changed to allow the Staff, the Village Board, that's
13 all we're talking about right now.

14 JUDGE MURRAY: No, no, you're here as a
15 recommending body.

16 COMMISSIONER BERLINGHOF: Correct.

17 JUDGE MURRAY: As a recommending body, you
18 have to apply the legal standards that are applicable to
19 you. You're not just basically a pass-through. All I'm
20 saying is you've got to meet those legal standards, in
21 my opinion.

22 Now, you might disagree with respect to
23 this particular matter. If you take a look at the
24 ordinance, this ordinance which was developed over a
25 two-year period right after the Village developed its
26 Comprehensive Building Plan, I have, I don't know
27 whether I have enough copies and I apologize for that.

28 What I'm handing out right now is
29 basically what I extracted out of the over a thousand
30 pages that I have reviewed of the 2003 zoning code which
31 you are currently looking at and which the particular
32 provision of the PUD you are examining. They looked
33 over a two-year period. The fact is under the old
34 ordinance, there was no PUD to speak of. There were no
35 standards, there was nothing in that that basically a
36 Zoning & Plan Commission like yourself could make any
37 kind of judgments on.

38 So, one of the driving forces with
39 respect to this project which covered over, it started
40 in July of 2002 and didn't end until the Village
41 Trustees enacted this ordinance back, I think it was
42 March 18th, 2003, over that process, you will see that
43 they took a look and one of their primary concerns was
44 to look at the PUD and develop a PUD with standards that
45 are appropriate. They point out that the old ordinance
46 didn't have that.

47 If you take a look at that, and there's a
48 couple of issues that, one point that I'd like to have
49 you, I'm not going to ask you to go through but I would
50 like you to at least review it, one aspect talks about
51 an open house that Northfield sponsored back in July of
52 2001 in which our Village Manager who at that time was

1 the Director of Planning stated in a newspaper article,
2 in 1999, the Village adopted a Comprehensive Plan to
3 lead the community for the next 20 years, said Stacy
4 Sigman, Director of Community Development. The
5 statement said a lot has changed in the 58 years since
6 the original Village ordinance was drafted and Village
7 officials decided it was time to discuss new issues and
8 new ideas.

9 If you take a look at Tab 5, you'll see
10 there is an agenda item for the Zoning Review Committee
11 of the Village dated December 11th. I attached on to
12 that a draft of the section of the PUD. Now, there they
13 had, 16.8 was the PUD in the draft of the zoning which
14 eventually turned into Section 17. Look at the area
15 variations which is, and then it goes on at sub-
16 paragraph two, that along the periphery of such planned
17 unit developments, yardage shall be provided as required
18 by the regulations of the district in which said
19 development is located. I attached then what was
20 eventually enacted where the language was changed which
21 is what you're dealing with now which says all setbacks
22 and yards shall be provided as required by the
23 regulations of the underlying districts in which the
24 development is located along the boundaries of the
25 planned unit development.

26 This particular development is not like
27 this issue. It was something that got pulled out of the
28 sky, that wasn't studied by the various committees. If
29 you take a look at the front section, it lists all of
30 the committee meetings that were held regarding this new
31 zoning law. So, what was looked at covers over two
32 years. Now, you want to change a key element of what
33 they basically thought was important for them to put in
34 to the PUD?

35 The interesting part about it, and it's
36 on Tab 6, I ask you to review that, which deals with the
37 summary notes of the meeting of the Plan & Zoning
38 Commission dated February 3rd, 2003. Essentially, what
39 this was is Ms. Sigman presenting the new proposed
40 zoning code which was eventually adopted in March by the
41 Village Trustees. Ms. Sigman was asked to present an
42 allover recap of the amendments. She indicated in 1999
43 the Village adopted a Comprehensive Plan, their goal was
44 to make sure the Village supported the Comprehensive
45 Plan. There had been 12 public meetings since the
46 beginning of 2000 to define important issues with
47 members of the commissions and residents. Surveys were
48 also sent out to all commission members. There was a
49 community open house and Board and Commissions forum.

50 What resulted became a long list of items
51 which that commission needed to accomplish with the
52 updates. You will notice that there is referenced the

1 PUD, and I put out sections on a yearly basis in that
2 submission. Again, I ask you to review that document
3 carefully for your consideration. Again, in that
4 section of the Plan & Zoning, Ms. Sigman makes the
5 following statement. Ms. Sigman informed the commission
6 that this is an entirely new zoning code relative to the
7 basic bulk and density. Most regulations had stayed the
8 same. Setbacks, minimums, side lots are the same.

9 The changes included floor area ratio.
10 Floor area ratio was a big issue as well as PUDs during
11 this process of over two years. Although she points out
12 to say, Mr. Commissioner pointed out the Commission is
13 advisory only, but she said, she goes on, any PUD or
14 special use would still go to the Village Board after
15 public hearing and recommendations to the Village Board.
16 Ms. Sigman would not open a Pandora's box and there were
17 very few nonconforming uses.

18 Then, my final quote from this section is
19 Ms. Sigman continued the discussion by adding there had
20 been some restrictions which had been lightened up.
21 Currently, in order to have a PUD, you must have a
22 minimum of five acres. The new code has adjusted that
23 restriction by zoning to give more flexibility,
24 basically an acre and a half for the PUD now. In
25 addition, in the lot and area regulations there
26 currently, it has language that is very hard to apply,
27 so the new code gives a set flat front yard, rear yard,
28 and side yard setback requirement, referring to the PUD.

29 Mr. Francke makes a point of saying that,
30 and I didn't copy it because I thought it was just too
31 much, but makes a point of saying that there is nothing
32 in the North Shore that deals with PUDs that basically
33 put this type of setback requirement. Well, what I
34 found in the zoning was a pamphlet which went through
35 all of the setbacks of Barrington, Glenview, Glencoe,
36 Highland Park, Kenilworth, of course Kenilworth doesn't
37 have a PUD, Winnetka, and Wilmette. Interestingly,
38 let's look at Winnetka front setback. It says there
39 shall be a minimum front yard setback of not less than
40 30 feet, exactly what's contained in our Village code.

41 CHAIRMAN VASELOPULOS: Judge, is this the
42 zoning code?

43 JUDGE MURRAY: Yes, this is their zoning code.
44 This is what they looked at when they were --

45 CHAIRMAN VASELOPULOS: Right, we're not
46 changing the zoning code and the front yard setback.

47 JUDGE MURRAY: You are.

48 CHAIRMAN VASELOPULOS: No, in the PUD, what
49 we're doing is allowing the Village Board to provide a
50 variance. We're not changing the R-6 zoning code.
51 There is nothing in the text amendment that says the R-6
52 zoning code goes down at 30 feet to 15 feet.

1 JUDGE MURRAY: Sir, with all due respect --
2 CHAIRMAN VASELOPULOS: Am I wrong, Buzz?
3 MR. HILL: That's correct.
4 JUDGE MURRAY: Sir, with all due respect and
5 all due respect to the Village Attorney, you are
6 changing it because --
7 CHAIRMAN VASELOPULOS: No.
8 JUDGE MURRAY: Wait please, let me answer your
9 question. The fact is that particular thing has the
10 word shall, shall apply the front setback of the
11 district you're looking at, in this case R-6. So, it
12 has to comply with the setbacks set out in R-6 because
13 of the word shall.
14 COMMISSIONER BERLINGHOF: Right.
15 JUDGE MURRAY: The definition of shall is
16 mandatory under our code.
17 COMMISSIONER BERLINGHOF: My point is if
18 someone came in --
19 JUDGE MURRAY: So, what you're doing is
20 liberalizing and changing the language of that code.
21 COMMISSIONER BERLINGHOF: Of the PUD. If
22 someone came in and wanted to build an R-6 development
23 to code without any variances, they'd have to do a 30-
24 foot setback at the front.
25 JUDGE MURRAY: That's required.
26 COMMISSIONER BERLINGHOF: Yes, that's
27 required.
28 CHAIRMAN VASELOPULOS: That would be required.
29 COMMISSIONER BERLINGHOF: That would be
30 required under the R-6 zoning code.
31 JUDGE MURRAY: That's correct.
32 COMMISSIONER BERLINGHOF: That's correct,
33 we're not changing that. What we're saying is under the
34 PUD, if they come and apply under a PUD, not under the
35 R-6 strict zoning, there are variances that are allowed.
36 What we're doing is we're adding this as an additional
37 variance that is acceptable to the Village Board to look
38 at. That's it.
39 The Village Board doesn't have to agree
40 with it. The Village Board doesn't have to allow it.
41 It's just giving in the flexibility to do it.
42 JUDGE MURRAY: And all I'm saying is that
43 given the legal standard and everything else, what
44 you're doing is basically recommending a change when the
45 fact is there is no foundation for making the change.
46 You're basically doing away with, in my judgment, well
47 over two-and-a-half years of what was worked on back in
48 2000 to 2003. If you take a look at the diagrams of
49 what a front yard setback along the street should look
50 like which is reflected in 3.2.1, it's fairly
51 substantially longer than most things.
52 So, therefore, I don't think, and if you

1 take a look at the definition for front yard setbacks,
2 they use the word permissible. That means it's minimal
3 and that language would have to be changed, you know.
4 But it sounds like at least, sir, with all due respect
5 and you're entitled, you're the Commissioner, you've
6 made up your mind, I don't think that we should set
7 aside over two-and-a-half years of work that the people
8 back in 2000-2003 put into the zoning code, and I think
9 they were very careful. They looked at the bulk and
10 setback requirements of a variety of districts, and they
11 all had the same basic setback, either 25 feet or 30
12 feet.

13 In fact, today, and I am not as
14 experienced as Mr. --

15 CHAIRMAN VASELOPULOS: Judge, I'm going to
16 jump in a little bit. I don't mean to cut you off, but
17 I'm going to ask you if you can --

18 JUDGE MURRAY: I'll wrap up. I'll wrap up.

19 CHAIRMAN VASELOPULOS: Wrap up quickly because
20 we have other people that want to speak also.

21 JUDGE MURRAY: No, no, I agree with you.

22 CHAIRMAN VASELOPULOS: Thank you.

23 JUDGE MURRAY: I'm sorry, Mr. Chairman.

24 CHAIRMAN VASELOPULOS: That's okay.

25 JUDGE MURRAY: I came across the DuPage County
26 Zoning Ordinance, the PUD there, and essentially what
27 they said there is almost word for word what's contained
28 in our zoning laws. So, I would like permission, I have
29 a couple of, a memo, my remarks which are a little bit
30 more detailed than I have typed, also a legal memo on
31 setbacks which I'd like to file as part of the record in
32 this case. Thank you very much.

33 CHAIRMAN VASELOPULOS: Sure. Yes, if you
34 could submit that to Steve?

35 JUDGE MURRAY: I will. Thank you very much.

36 CHAIRMAN VASELOPULOS: We'll give you an
37 opportunity. Thank you very much. Anyone else care to
38 make a comment? Please step to the microphone.

39 Just so everyone knows, it's 8:25. This
40 is going to be a very long evening as we all suspect. I
41 appreciate the Judge's detailed comments and all his
42 documents, so I gave him a little latitude because he
43 had it well thought out and done a lot of work. But we
44 want to keep this moving along. So, if you can keep
45 your comments concise and to the point, I would very
46 much appreciate it, and I think everyone in the audience
47 would appreciate it.

48 MR. MANDELSTEIN: My name is Rudy Mandelstein.
49 I'm a practicing physician. I live on Enid Lane.

50 CHAIRMAN VASELOPULOS: Thank you.

51 MR. MANDELSTEIN: I will not speak on
52 technicalities. I'm lucky to have our distinguished

1 members of the legal community.
2 AUDIENCE PARTICIPANT: We can't hear you.
3 MR. MANDELSTEIN: Can you hear me now?
4 AUDIENCE PARTICIPANT: Use the other mic.
5 CHAIRMAN VASELOPULOS: No, that was the good
6 mic he was using. Try the other mic.
7 MR. MANDELSTEIN: Do you hear me? No?
8 CHAIRMAN VASELOPULOS: You may have turned it
9 off by accident.
10 MR. MANDELSTEIN: Can you hear me?
11 AUDIENCE PARTICIPANT: Yes.
12 MR. MANDELSTEIN: I will not speak on
13 technicalities. Just I will make a brief emotional
14 appeal. About 13 years ago when we came to North Shore,
15 we chose Northfield because of the nature of the small,
16 very beautiful village. We were attracted to a lot of
17 land, homes here, low density, less traffic, no crime.
18 I just thought for a moment how Northfield looked like
19 if every two acres of the available land here will be
20 developed according to this similar plan.
21 CHAIRMAN VASELOPULOS: Let me interrupt you
22 that we're speaking of a text amendment about front
23 setbacks, okay. We're not speaking to the entire
24 development yet.
25 MR. MANDELSTEIN: I will finish in 20 seconds.
26 Please allow it. I think it's an attempt to change the
27 nature of the Village we love. I think that we will
28 always regret it, and we will open the Pandora box by
29 allowing this development to do it. The next
30 development will come again and again. Five, 10 years
31 later, we're going to be living in another village, not
32 in Northfield.
33 I don't know why we need to bend the
34 rules through all of this. I really don't. I'm fully
35 respectful of a distinguished builder, fully respectful
36 of his intentions. But my concern is as a citizen of
37 Northfield by my remarks. Thank you.
38 CHAIRMAN VASELOPULOS: Thank you. Sir, in the
39 back, step up.
40 MR. BROWN: Is this the one that works?
41 CHAIRMAN VASELOPULOS: I think so.
42 MR. BROWN: My name is Dick Brown, I live at
43 No. 2 Landmark. I'm confused, not unusual. The text
44 amendment that we're talking about that's referred to in
45 the agenda, it just referred to the text amendment. I
46 did go to Northfield and Illinois.org and reviewed a
47 number of the amendments. I read Jerry James' proposal
48 and I know I didn't like that one because, unless I
49 misunderstood, it would say as long as I give up in the
50 other setbacks what I take on the front, you don't have
51 a choice, that would be approved, which would be on a
52 different piece of property. He could go to one foot,

1 and I can picture a piece of property that would be this
2 way, that he would care about giving up 29 in the back.
3 So, I'm sure he won't do that because that would give
4 too much.

5 CHAIRMAN VASELOPULOS: Well, I don't think
6 there is a, there is still a choice that can be made
7 whether to permit that or not. But you're right that
8 that's the general premise, that there is a give and
9 take to what would be proposed.

10 MR. BROWN: That was my second point when I
11 said I'm confused. Rather than just talk about the text
12 amendment, at some point can we hear what that's going
13 to be, what is proposed so we all know what we're
14 talking about?

15 CHAIRMAN VASELOPULOS: Okay, yes, but --

16 MR. BROWN: What you may approve or not
17 approve, I just want to know what it is.

18 CHAIRMAN VASELOPULOS: Okay, fair enough. To
19 that, it is in our materials and is available. But
20 Steve, do you mind, if you could read that, what the
21 Village is proposing?

22 MR. GUTIERREZ: The Village or the --

23 CHAIRMAN VASELOPULOS: Our Village.

24 MR. GUTIERREZ: The Village?

25 CHAIRMAN VASELOPULOS: Yes. I think people
26 understand the gist of what the Petitioner has proposed.

27 MR. GUTIERREZ: The problem is the copy I have
28 is not shown --

29 AUDIENCE PARTICIPANT: Speak up. Microphone.

30 CHAIRMAN VASELOPULOS: He said the copy that
31 he has does not have that. Just one second, folks.

32 MR. HILL: I can certainly explain what it is.

33 CHAIRMAN VASELOPULOS: Okay, go ahead, Buzz.

34 AUDIENCE PARTICIPANT: No, no. Read it, read
35 it.

36 MR. HILL: Currently, as has been stated, the
37 PUD code says -- can you hear me? Currently, the PUD
38 code says that you cannot get any exceptions or
39 variations to the, in a PUD, to the underlying
40 regulations within the district if you violate any of
41 the setback requirements, if you propose to encroach
42 into the setbacks.

43 The new language takes that limitation
44 away and it simply will leave it that if you meet the
45 other standards of the PUD, you can get encroachments
46 into the setback along with other variations which are
47 appropriate.

48 CHAIRMAN VASELOPULOS: Okay, so, Steve, do you
49 have it now?

50 MR. GUTIERREZ: Yes. Thank you, Mr. Hill.
51 What the Village and I have crafted here as an
52 alternative was to --

1 AUDIENCE PARTICIPANT: Could you speak in the
2 mic please?

3 MR. GUTIERREZ: Yes. What we've crafted as an
4 alternative is to delete the existing language in
5 Section 17-7 and replace it with the following:

6 Section 17-7. Exceptions. The Plan &
7 Zoning Commission may recommend and the Village Board
8 may authorize any exceptions to the applicable bulk
9 regulations of the section provided the recommendation
10 or grant is supported by the following findings which
11 shall be based on evidence in the procedural record:
12 1. That the exception meets the standards for
13 consideration contained in Section 17-4 of this article;
14 2. That the exception is solely for the purpose of
15 promoting a unified site plan and meeting the objectives
16 contained in 17-3 of this article and the Comprehensive
17 Plan.

18 Those sections that are referred to
19 outline standards for consideration that could be
20 applied to a planned unit development.

21 COMMISSIONER BERLINGHOF: So, the only bulk
22 standard that we are changing really is the front and
23 side yard setback. All of the other bulk standards were
24 already, exceptions could be made already by the Plan
25 Commission and the Village Board, correct?

26 MR. GUTIERREZ: Correct.

27 COMMISSIONER BERLINGHOF: So, we're just
28 removing the one exception that couldn't be changed
29 which was the front yard and the side yard setback, and
30 we're adding it effectively to and saying all bulk
31 regulations can be adjusted in a PUD if the Village
32 Board approves it.

33 CHAIRMAN VASELOPULOS: In a PUD only.

34 COMMISSIONER BERLINGHOF: PUD only.

35 CHAIRMAN VASELOPULOS: I just want to
36 emphasize that.

37 MR. McINTYRE: Hello, my name is Mike
38 McIntyre. I live at 370 Thackeray Lane. I've lived
39 there for 30 years.

40 I don't live in the general vicinity of
41 this development. But I've got a question for the
42 Board. How many PUDs have we developed in Northfield
43 over the period of the last 10 years?

44 CHAIRMAN VASELOPULOS: Steve, do you know?
45 Two or three maybe?

46 MR. GUTIERREZ: We've had one in the last six
47 years that I'm aware of, and Fox Meadow, I don't know
48 how long is that.

49 AUDIENCE PARTICIPANT: Microphone. We can't
50 hear you.

51 MR. HILL: In how many years, Mike?

52 MR. McINTYRE: 30 years I've been here. Over

1 the last 10 years, how many PUDs?
2 MR. HILL: I think two.
3 MR. GUTIERREZ: I believe two.
4 MR. McINTYRE: In the last two years, we're
5 considering two right now as I know of. There may be
6 more, right? Are there any other PUDs under development
7 or being petitioned to the Village?
8 CHAIRMAN VASELOPULOS: Which was the other
9 one? You said there are two?
10 MR. GUTIERREZ: Well, there was, it's --
11 CHAIRMAN VASELOPULOS: Which one are you
12 talking about? Willow Road?
13 MR. McINTYRE: Well, I'm talking about the one
14 at Willow Road.
15 MR. GUTIERREZ: That was rejected by the
16 Village Board.
17 MR. McINTYRE: Well, it's rejected but you've
18 got seven properties that are owned by one person.
19 MR. GUTIERREZ: Five.
20 MR. MCINTYRE: Five. Two that are going to be
21 owned by one person.
22 CHAIRMAN VASELOPULOS: Anyways, go ahead.
23 MR. MCINTYRE: Okay, my point is this. The
24 PUD issue is percolating, and there are members of the
25 Board who made the comment on the other PUD
26 consideration that if you lived in a one-acre lot, you
27 know, you could have farther distance from that
28 development. But if you lived in a different part of
29 that area and you're in a, you know, a different zone, a
30 smaller lot, then you could have that development closer
31 to your house.
32 Now, I don't want to confuse the issue
33 here, but we're on the issue of text amendment to PUDs.
34 My concern is, and I think it's a bigger concern for the
35 Village in light of a guy like Ken Griffin who pays \$58
36 million for a condo, can turn around and offer money up
37 to people down Jeffrey Lane and say I'll buy you out and
38 I want to build a big mansion or whatever. So, PUDs can
39 come into play here, guys, and I think that we need to
40 protect the Village on what is the essence of the
41 Village, which is open space and all that stuff.
42 So, I get very concerned about the
43 language we use and what the flexibility that you need,
44 and I completely agree that you need flexibility when
45 you look at these developments. But it affects people,
46 and it affects people who live close to this
47 development, but it also affects people who live in a
48 development that two years ago, three years ago we
49 weren't even thinking about as a PUD and we are
50 seriously now. You're going to have the same issue on
51 the north side of Willow Road. Then, you know,
52 arbitrarily someone says we can, you know, tap into

1 Willow Road and make this, so I don't want to confuse
2 the issue here, but when you talk about PUDs, we're
3 going down a slippery slope.
4 That's all I want to say because I'm
5 speaking as a member of the Village and not someone who
6 is living in the backyard of this particular issue.
7 CHAIRMAN VASELOPULOS: Okay, thank you.
8 MR. UNGER: I'll try to be quick. I just want
9 to say a couple of things.
10 CHAIRMAN VASELOPULOS: Your name again, Don,
11 please.
12 MR. UNGER: Don Unger.
13 CHAIRMAN VASELOPULOS: Thank you.
14 MR. UNGER: You know, up until I heard Mr.
15 James and Mr. Francke, I think it's been fairly a
16 situation where people can get along and not be too
17 personal and not accuse people of bad motives. I feel
18 that was done tonight to me, I think that was done also
19 to the Judge, and I think that doesn't speak well for
20 this developer. We have every right as a citizen of
21 Northfield to come forward with issues. That's why we
22 have hearings, you know, people complain, I'm sure you
23 do. You spend all of your time coming to these
24 meetings, nobody shows up. Well, people are showing up.
25 So, don't start blaming us for doing that. We live
26 here.
27 Following up on what Mike says more
28 specifically with the text amendment, okay, you're
29 asking for a battle of text amendments. If you let this
30 happen, you're going to open up floodgates. I can tell
31 you I've got 10 right now in my head. So, you are in a
32 situation then where this developer has waited, he
33 admits he's known since the beginning he doesn't meet
34 the standards. He waited until January 4th, and somehow
35 we're fought for complaining about that. As a
36 Northfield citizen, I take offense to that.
37 So, what I'm suggesting is that just
38 because you have the power to do this doesn't mean you
39 should. I think what the heart of what the Judge said
40 is that there's a long history to this. How long have
41 you had this text amendment? Since the eighth? Ninth?
42 You want to blow away two years of study by the Board
43 in that short period of time because you like it? I
44 think that's a wrong test to apply with all due respect.
45 The other thing that I'd like to briefly
46 mention, I hope Buzz will confirm this for me, is that
47 setback lines is not a routine thing. In the Illinois
48 Municipal Code, it has a special provision for setback
49 lines that's called out in the zoning section. It's
50 Division 14, Setback Lines, 11-14-1. Can I read it
51 please quickly?
52 In addition to existing powers and to the

1 end that adequate light, pure air, or safety may be
2 secured, and that congestion of public streets may be
3 lessened or avoided, the corporate authorities in each
4 municipality have the power by ordinance to establish,
5 regulate, and mimic the building or setback lines on or
6 along any street, traffic way, drive, or parkway, I'm
7 going to skip a little bit, as may be deemed best suited
8 to carry out these purposes. That's the judgment of the
9 Illinois legislature as to the importance of setback
10 lines.

11 I want to finish by just saying this.
12 Quoting from 11-14-3, because this goes back to the
13 notice, and I know we're past that but just for the
14 record: "The regulations imposed on the authority of
15 this Division 14 may be amended from time to time by
16 ordinance after the ordinance establishing the
17 regulations has gone into effect, but no amendment shall
18 be made without a hearing before a commission or a
19 committee designated by corporate authorities of the
20 municipality. A notice of time and place of such a
21 hearing shall be given at least once, not more than 30
22 nor less than 15 days before the hearing by publishing a
23 notice thereof in one or more newspapers published in
24 the municipality." So, this notice requirement we
25 talked about goes beyond our ordinance.

26 Finally, an amendment shall not be passed
27 except by a favorable vote of two-thirds of the members
28 of the city council then holding office in cities, or
29 members of the Board of Trustees then holding office in
30 villages or incorporated towns. Two-thirds. Am I right
31 about that, Buzz?

32 MR. HILL: No. Not in Northfield.

33 MR. UNGER: I'm sorry?

34 MR. HILL: Not in Northfield. Homeroom
35 municipality is --

36 MR. UNGER: I think this is a homeroom rule.
37 Okay, well, let me, then I really will finish although
38 it provides good guidance I think. I was passed a note
39 that Glenview PUD residential density has to comply with
40 the underlying H-1 30-foot long entire perimeter or two
41 50 feet if over 30 feet in height. So, I don't know how
42 that affects what Mr. Francke said. But it sounds like
43 you're ready to vote so I won't belabor.

44 CHAIRMAN VASELOPULOS: Thank you.

45 MR. MEARN: Good evening.

46 CHAIRMAN VASELOPULOS: Good evening.

47 MR. MURRIN: I'm Mike MURRIN, I live at 1724
48 Harding which is one of the three single-family
49 residences that backs up to this property. I'm well
50 aware of the setbacks. I do have a question for Buzz or
51 Steve.

52 What would be the setback if that were to

1 be, say the AT&T building were to be torn down and
2 somebody were to put up a retail type or a light
3 commercial building? Would the setback still be 30 feet
4 or would it be 10? Because that's a possibility there
5 that, you know, again I'll reiterate what I've said at
6 the last meeting, was some of the things that have gone
7 on there with that property over many years, I've lived
8 there for 25 years now, and with the setback concern, I
9 understand that. I've worked for many municipalities
10 over the years and I see what's gone on with, you know,
11 Village Boards and residents' concerns, and I respect
12 every one of them.

13 When it comes to a property such as this
14 one which is a rare opportunity to create a residential
15 setting because it's directly adjoined to high tension
16 wires, the old railroad right of way, Winnetka Avenue --
17 do you have the setback?

18 MR. GUTIERREZ: The setback for the M-1 Zoning
19 is actually 50 feet, the front yard setback.

20 MR. MURRIN: 50 feet, okay. So, one thing
21 that we have a concern about, too, and I know it kind of
22 goes off the track a little bit here, but what was the
23 possibility of that becoming or remaining commercial?
24 You know, could they build almost every square foot to
25 that given setback, side, rear and front?

26 MR. GUTIERREZ: The lot coverage allowed under
27 M-1 is 90 percent.

28 MR. MURRIN: Right. So, what does that do
29 with the existing setbacks --

30 CHAIRMAN VASELOPULOS: Again, let me
31 interrupt. We're not talking about the specific aspects
32 of the development. We're talking about a text
33 amendment.

34 MR. MURRIN: Right.

35 CHAIRMAN VASELOPULOS: I understand your
36 point, but you're starting to go into, you know, whether
37 this is going to be residential or stay as
38 manufacturing, commercial, and what the pluses and
39 minuses of that is.

40 MR. MURRIN: Yes.

41 CHAIRMAN VASELOPULOS: Which is for the next
42 item before us.

43 MR. MURRIN: Okay.

44 COMMISSIONER BERLINGHOF: Steve, just for our
45 own edification, what are the full legal setbacks on the
46 M-1?

47 MR. GUTIERREZ: Front yard is 50 feet, the
48 side yard is 10, the rear yard is 30, a transitional
49 yard is 25. That's required if you have an adjoining
50 residential which would be --

51 COMMISSIONER BERLINGHOF: All right. Okay,
52 thanks.

1 MR. MURRIN: Okay, thanks.
2 CHAIRMAN VASELOPULOS: Thank you. Does anyone
3 else from the audience have any other questions? First,
4 step to the microphone. I saw you walked in a little
5 bit later. Did you get sworn in, sir?
6 MR. GAMBACORTA: Yes.
7 CHAIRMAN VASELOPULOS: You were, great, thank
8 you. Oh, I'm sorry, ma'am.
9 MS. BLAKE: Is this the right microphone?
10 CHAIRMAN VASELOPULOS: Yes. She beat you to
11 it, sir.
12 MS. BLAKE: Yes.
13 CHAIRMAN VASELOPULOS: Sorry about that.
14 MS. BLAKE: Hi, I'm Nancy Blake. I'm a
15 realtor like Bev.
16 CHAIRMAN VASELOPULOS: Can you give your
17 address?
18 MS. BLAKE: I live in Northfield, 317 Wagner.
19 CHAIRMAN VASELOPULOS: Thank you.
20 MS. BLAKE: I can say as a realtor that works
21 on the North Shore that setbacks are the essence of a
22 community. The streetscape is what makes our
23 communities unique and beautiful, our tree canopies.
24 So, putting homes or projects near the road diminishes
25 the quality, in my opinion, of the community.
26 I love Northfield because it is so
27 country-like. But we don't have the lake even though
28 we're New Trier, but people like to buy here because
29 it's so country-ish. So, don't think setbacks aren't
30 important.
31 CHAIRMAN VASELOPULOS: Thank you.
32 MR. GAMBACORTA: I have some prepared comments
33 if I could pass those out to you real fast?
34 CHAIRMAN VASELOPULOS: Sure. State your name
35 and address first.
36 MR. GAMBACORTA: Sam Gambacorta, 464 High
37 Crest in Wilmette.
38 CHAIRMAN VASELOPULOS: Thank you. Sam, why
39 don't you also state what your interest is and the
40 proximity to the property?
41 MR. GAMBACORTA: Yes.
42 CHAIRMAN VASELOPULOS: Even though we are
43 talking about text amendment, sorry. It gets confusing,
44 sorry about that, folks.
45 MR. GAMBACORTA: So, my comments are divided
46 in two parts. The first part is to address item one on
47 the agenda which is the text amendment specifically.
48 CHAIRMAN VASELOPULOS: That's all we want to
49 address right now.
50 MR. GAMBACORTA: Right.
51 CHAIRMAN VASELOPULOS: When item two comes,
52 you can come back.

1 MR. GAMBACORTA: Right. So, as I go through
2 this, if you feel that I'm starting to veer off
3 course --

4 CHAIRMAN VASELOPULOS: It's difficult, I don't
5 fault you for it, but I'll remind you.

6 MR. GAMBACORTA: Okay. So, to start, good
7 evening. My name is Sam Gambacorta of 464 High Crest,
8 Wilmette. For almost 30 years, our family has -- you'll
9 have to pardon me, I have to get glasses on.

10 CHAIRMAN VASELOPULOS: Sam, are you going to
11 read this verbatim?

12 MR. GAMBACORTA: Yes, but it goes fast.

13 CHAIRMAN VASELOPULOS: If you want, you can
14 just highlight the important stuff.

15 MR. GAMBACORTA: I'd kind of like to read it
16 if you don't mind?

17 CHAIRMAN VASELOPULOS: Okay, go ahead.

18 MR. GAMBACORTA: For almost 30 years, our
19 family has owned and managed the seven-rental townhouses
20 at 1695 through 1707 Winnetka Avenue located directly
21 east of the subject property at 1725 Winnetka.

22 So, agenda item number one, text
23 amendment. I'm here tonight to speak in opposition to
24 the application as it is currently designed and the
25 request for a text amendment. However, I would like to
26 mention that we do appreciate some of the changes made
27 in the amended 28-unit plan; namely, the addition of
28 increased east setback for units one and two which you
29 can see up on the screen adjacent to our seven
30 townhouses. Yet we feel this improvement is diminished
31 as buildings one and two are now 15 feet from the front
32 property line.

33 I would first like to discuss item one on
34 the agenda, the text amendment, Section 17-7 for the 15-
35 foot front yard setback versus the 30-foot front setback
36 per code. If you can turn to Exhibit A in the handout?
37 So, please see Exhibit A in the handout. This diagram
38 compares to the new gigantic townhouse building proposed
39 at 41.5 feet tall to our modest two-story townhouse at
40 26 feet. Clearly, our small townhouse building is
41 dwarfed by the larger proposed building and does not
42 provide harmonious architecture and site design at a
43 scale, character and density that is appropriate to the
44 site and surrounding areas.

45 Our main concern about this process is
46 that these large 3.5 story buildings will limit and
47 block available sunlight shining early to light
48 afternoon onto our property and will have the appearance
49 of crowdedness as we will now be surrounded at three
50 sides by large, bulky and tall buildings which includes
51 Landmark to our north and east.

52 Next, please see Exhibit B which is the

1 next page of the illustrations, which is a survey of our
2 townhouses at 1695-1707 Winnetka Avenue. As you can
3 see, our front yard setback is 29.71 feet, or 30 feet
4 for purposes of this discussion. The question you must
5 ask is why does the developer need a 15-foot front yard
6 setback.

7 CHAIRMAN VASELOPULOS: Okay, Sam, really
8 you're focusing in on what the second item on our agenda
9 is about, not the first one.

10 MR. GAMBACORTA: Okay, if I can just finish?
11 This really does relate to the setback. The answer is
12 simply to obtain the maximum number of units. However,
13 pushing the 41.5 foot tall building an additional 15
14 feet closer to Winnetka Avenue and 15 feet past our
15 front facade will definitely have a negative impact upon
16 our property in regards to blocked sunlight and
17 overcrowding.

18 Section 17-7 specifically states that all
19 setbacks and yards shall be provided as required by the
20 regulations of the underlying district. The 30-foot
21 setback must be maintained. Winnetka Avenue is a very
22 busy road. When I stand in front of our townhouses, I
23 am satisfied that the 30-foot setback is adequate. So
24 that we are on the same level of playing field as the
25 1725 Winnetka development, they should also follow the
26 same setback. It is reasonable for us to argue in favor
27 of the 30-foot setback, after all it is part of the code
28 which is in place to protect established properties
29 within the Village of Northfield, and we all must abide
30 by the same rules and regulations.

31 Their request to reduce the front setback
32 to 15 feet is frivolous and is based on the desire to
33 get more units. This request should be absolutely
34 denied. I do not want to see our townhouse buildings
35 hidden behind the new 1725 Winnetka buildings that are
36 41.5 feet tall just 15 feet from Winnetka Avenue.
37 Please put yourself in our shoes. If you were the
38 owners of our townhouses, would you like the new
39 development to have a 15 or a 30-foot front setback?
40 The answer I think is pretty clear.

41 Please deny the request for item one on
42 the agenda and ask the developer to come up with a
43 revised plan as outlined below which will demonstrate
44 that a nice plan can be designed with a 30-foot front
45 setback. So, it goes on from there but I don't think
46 you want me to go into this other stuff, is that
47 correct?

48 CHAIRMAN VASELOPULOS: Yes. I see you're
49 referencing what he should do about his development and
50 your thoughts about how to restructure it.

51 MR. GAMBACORTA: Correct.

52 CHAIRMAN VASELOPULOS: Which you can raise the

1 next time.

2 MR. GAMBACORTA: So, basically what I did is I
3 took that plan you see on the screen and I asked myself,
4 could we modify this plan with a 30-foot setback but
5 generally keep it the same? How would I do that? So,
6 that's what the next section is about.

7 CHAIRMAN VASELOPULOS: I see it and we look
8 forward to your comments at that time.

9 MR. GAMBACORTA: Okay. All right, thank you.

10 CHAIRMAN VASELOPULOS: Thank you. Okay, does
11 anyone else have any other questions or comments? From
12 the audience? Commissioners, any other questions,
13 thoughts, comments?

14 COMMISSIONER BERLINGHOF: I guess, I stand by
15 what I said before which effectively is I think we ought
16 to give the Board the flexibility to look at a PUD and
17 make decisions based upon the merit of the plan at the
18 time. We're not changing the setbacks are required in
19 the R-6 zoning or the R-1 zoning or any of the zonings,
20 we're just giving the flexibility to the Board. So, I
21 think it's important that we do it.

22 I like the language that the Village has
23 put together. It's more general in nature, and in fact
24 as was pointed out by one of the members of the
25 audience, we don't want to be in a situation where we
26 create another problem, where we pass an ordinance that
27 ties something to something else, a quid pro quo let's
28 say. This now takes everything and puts it all together
29 when you look at all of the side yard, the front yard,
30 all the bulk restrictions, and it gives the Board the
31 ability to do that. The Board will have hearings just
32 like this and listen to people talk about front yard and
33 side yard setbacks when Willow Road comes back again,
34 when that development comes back again, the same
35 discussion will occur.

36 So, I'm ready to make a motion if we're
37 ready.

38 CHAIRMAN VASELOPULOS: Does anyone else have
39 any other comments or questions?

40 COMMISSIONER BERMAN: I just would like to say
41 I agree with Todd. I agree with Todd.

42 CHAIRMAN VASELOPULOS: Okay, thanks. If
43 there's no other comments, is there a motion that
44 someone would like to make?

45 COMMISSIONER BERLINGHOF: **I'd like to make a**
46 **motion to recommend to the Village Board certain text**
47 **amendments to Section 17.7 entitled Area Regulations**
48 **Variations, Article 17 entitled Accessory Structures,**
49 **Appendix A entitled Zoning Ordinance of Village Code.**
50 Would you like me to read the language into the record?
51 With the following language:

52 **Section 17-7, Exceptions. The Plan &**

1 Zoning Commission may recommend and the Village Board
2 may authorize any exceptions to the applicable bulk
3 regulations of this section, provided the recommendation
4 or grant is supported by the following findings which
5 shall be based on evidence in the procedural record:
6 1. That the exception meets the standards for
7 consideration contained in Section 17-4 of this article;
8 and
9 2. That the exception is solely for the purpose of
10 promoting a unified site plan and of meeting the
11 objectives contained in Section 17-3 of this article and
12 the Comprehensive Plan.

13 CHAIRMAN VASELOPULOS: Is there a second?

14 COMMISSIONER BERMAN: I'll second.

15 CHAIRMAN VASELOPULOS: All those in favor?

16 (Chorus of ayes.)

17 CHAIRMAN VASELOPULOS: All opposed?

18 (No response.)

19 CHAIRMAN VASELOPULOS: The motion carries.

20 Steve, if you would like to introduce the
21 second item before us today?

22 MR. GUTIERREZ: Thank you, Mr. Chairman. The
23 second item before us is the third iteration of the
24 Petitioner's site plan which they submitted on December
25 31st. The Petitioner is here, they are prepared to
26 review that new proposal and I will hand it over to them
27 to do so.

28 CHAIRMAN VASELOPULOS: Okay, thank you.

29 MR. JAMES: All right. Bear with me, I want
30 to get back to where we were.

31 CHAIRMAN VASELOPULOS: While Petitioner is
32 rewinding his presentation, I just want to point out and
33 remind everyone what we are doing here tonight is
34 recommending and only recommending to the Village Board.
35 It is the Village Board that's going to either accept
36 this or deny the application.

37 MR. JAMES: Okay. Again, Jerry James still.
38 I will try and move through this as quickly as possible
39 in respect to the people here and of your time. I think
40 we're all familiar with the surrounding uses. The point
41 that the slide is trying to make is that this property
42 is in a transitional area to say the very least. You
43 have the high tension wires to the left or the west.
44 You have a variety of uses, M-1 to the north, you have
45 the residential Landmark to the east, and of course you
46 have Meadowlake to the south. You have a firehouse to
47 the southwest, and we have single-family residential I
48 believe to the northeast corner.

49 So, when we came on this property, we
50 realized, you know, there are a lot of things going on
51 here, not to mention three curb cuts as you can see.
52 The question is how could we approach this property in a

1 positive way, you know, dealing with some of the
2 realities. This is just a sampling of the current
3 amenities as you see in the slide, but I think it
4 underscores that the Village's corridor study meant and
5 intended to address this site in addition to some others
6 with the understanding that over time this neighborhood
7 has evolved to include residential. The owners here can
8 certainly attest to that. This is their neighborhood,
9 but yet very close by you have these uses to the north
10 of us, and of course our site is zoned for this use.

11 So, whether it was us or somebody else,
12 when this property went on the market, we obviously
13 expressed our interest and here we are. But with that,
14 we want to summarize the zoning class before we get
15 going. I think you all know what it is, I'm not going
16 to dwell on this. We want a map amendment, we would
17 like a map amendment to change the zoning district from
18 M-1 Light Manufacturing to R-6 Residential.

19 R-6 is the only category that your code
20 provides for these types of communities. I've said it
21 before but I think it deserves being repeated, that the
22 likes of Meadowlake, Landmark, and others in town would
23 never be permitted in an of right R-6 district. They
24 had to go through a PUD process, all right. When it was
25 formalized as a PUD at the time, they had to get
26 exceptions to this district in order be developed.

27 I do believe that one of them now, I
28 think Meadowlake is still zoned O-R Office-Research.
29 So, I can't explain that but there is a purpose for R-6.
30 There's a purpose for R-4 and R-3, but I would tell you
31 that villages generally don't like to get too far flung
32 with their codes in terms of permitted densities because
33 it forces builder/developers to come back to ask for a
34 planned development or a set of variances, and that
35 gives the village the control that they want, okay. I
36 think that, that is I think the position that the
37 Village has taken. So, they're not going to amend and
38 create new zoning classifications, but it does put firms
39 like ours into the situation of having to come before
40 you and explain these changes and these variations,
41 okay. So, that's kind of where we're at tonight.

42 Then of course, for a planned
43 development, that requires a special use permit which is
44 allowed in the R-6 district. The variations that we're
45 asking for: the minimum area per unit, maximum building
46 height, front yard setback, lot coverage, and FAR, okay.
47 Again, the context is that all we're working with is in
48 R-6 and that's all we can, and so it doesn't work well
49 for higher density developments including the things and
50 other projects that we're familiar with.

51 Finally, the text amendment, I won't
52 dwell on that. These are pictures, just a tease of what

1 we want to explain here. Up in the northeast corner
2 here is the proposed plan. I'll give you a bigger view
3 of that to see how it fits in context. We thought it
4 would be helpful to see that. Then of course this is
5 what you see there at the bottom.

6 Our rationale and the planning objectives
7 when we set out on this, one, to be responsive to
8 economic obsolescence of the current use. I think you
9 know the history of that building, it's an AT&T site.
10 It was a service facility at one time that had an
11 abundant supply of trucks coming and going. I would say
12 parenthetically over the last years we've had a number
13 of people come to us and say, you know, could we store
14 things, could we put equipment there and so forth. So,
15 I think there is a demand for this type of space, but is
16 it the best place for that? I would argue no, and I
17 think whether I argue or not the second item, the
18 Village Corridor Plan said no, we need to change it and
19 we think that some type of residential is appropriate.
20 So, we need to be responsive to that corridor plan which
21 is a guide for future development of this site.

22 Three, we need to be responsive to the
23 transitional location and the adjacent of the uses.
24 These are realities, and as a builder/developer, for me
25 to propose something that would fail would be a
26 detriment to the Village and to us. I think in looking
27 at that, the reality is that what we have to the north
28 and to the west are such that we have plan accordingly.
29 We thought initially that a multistory building as
30 outlined in corridor plan was a possibility, and I think
31 it still is a possibility.

32 That being said, we fell back to the
33 townhomes because we felt that that dealt better with
34 some of the transitional aspects. The higher you go in
35 here, the more you see, and quite frankly looking to the
36 north, it wasn't a great view. But townhomes can
37 mitigate that to some extent. Then the third thing, the
38 other aspect is that our neighbors to the east, we said
39 if we can make this thing work economically, even though
40 we set out on a 60 to 80-unit four-story building, if we
41 can make it work with townhomes, wouldn't that be better
42 for our neighbors immediately to the east? The answer
43 was unequivocally so.

44 We wanted to enhance the community and
45 not impose detrimental impacts to the health, welfare
46 and safety of the community. Now, that's our standard
47 but it's also the standard of the Village. That's the
48 essence of a PUD, I think you've heard that tonight.

49 Then finally, perhaps not relevant to
50 those in the room and I respect that, but it must be
51 economically viable. If it's not, as I said, ultimately
52 it redounds to the detriment of the Village, okay.

1 We've all seen that, and the downturn of failed projects
2 don't make good for anybody. So, I'm limited to a
3 certain extent as to what I can and cannot do. There is
4 a limit to the number of units that I can go below
5 before the sheer costs of development of the site begin
6 to implode the project and its viability. I mean I like
7 everybody else needs to go to the market and financing
8 and so forth. Again, not your concerns, but ultimately
9 we're all in this because if it fails, nobody wants
10 that.

11 The corridor plan, we've already seen it.
12 I think somebody mentioned tonight two years of planning
13 for a PD. Well, this one saw some timeline and people
14 did invest time and effort to examine the areas. It was
15 ultimately adopted in March of 2016, and they talk about
16 this site as well.

17 As an add-on or I should say as a follow-
18 up to that plan, we came into the Village in November
19 2015 under their Committee of the Whole if you will,
20 preliminary plan review I think we can call it, and we
21 proposed the upper left-hand plan which was this L-
22 shaped building, four stories, underground parking, 60-
23 80 units, and we received a positive go ahead to go to
24 the Plan Commission. Now, we came out of there, we were
25 costing our project and evaluating the pros and cons.
26 You know, I think we began to realize that the
27 underground parking that some part of elements now
28 enjoy, the cost to do that today not to mention some of
29 the constraints in the site including the water and so
30 forth, all those things conspired to suggest that
31 underground parking was going to be an issue.

32 So, we began to look at alternatives, and
33 that gave us this plan here. It took us maybe a year to
34 get to this, and I could show you detailed plans and
35 units, the whole thing, you know. We met with the fire
36 districts to talk about the codes, and this is just the
37 surface of what we saw. But we stepped back, in fact I
38 stepped back on my own volition without presenting it to
39 anybody. I simply said we've got to look at other
40 alternatives because I live in this community or close
41 to it, I have friends here, and I said I would like to
42 see if there's a better way than to try and propose
43 this, all right. That washes the end of the townhomes.

44 So, we came in with this 34-unit plan
45 back in September and we evolved to this plan in
46 November. This is 32 units and we eliminated the
47 entrance here, okay, and it's 25 feet or 25 feet. Now,
48 we ultimately came out of the last meeting in November
49 and said, you know, let's see if there isn't some way to
50 reexamine some of this. We weren't told we had to, and
51 frankly this is still a viable plan. In fact, these
52 past two weeks I've asked our team and our engineers to

1 go back and redesign it with 30 feet, all sides being
2 compliant in terms of setbacks, and they can do it, we
3 can do it.

4 So, you know, if this becomes a thorn,
5 then, you know, we come back to this plan. It is a
6 viable plan. Our plan convinced me, and I think I
7 convinced myself that this plan, the one before you
8 tonight, is the one that would, we can pass the test
9 with this rationale including the viability, and we
10 think that ultimately, as I said earlier, it's probably
11 the best alternative for everybody involved
12 notwithstanding some of the concerns mentioned tonight.

13 So, we started with 34, went to 32. We
14 dropped one access, and we got to this plan, 28 units.
15 Our density went from 15.7 to just under 13, call it 13,
16 28 units, okay, per acre. This is a larger view of the
17 plan, okay. A couple things that I wanted to point out
18 to you on this, in fact close up, and I'll skip slides,
19 but you see these little green dots here? Those are
20 trees, all right, and they're masking these little
21 islands here. What's different about this plan and the
22 prior plans is that we now have parking aprons in front
23 of every home, okay. What that allowed us to do is to
24 put some grass and some greenery in here and you've got
25 it here, too, all right. We think, as a consequence,
26 this plan is going to look and it's going to feel better
27 particularly in this courtyard.

28 That's a fundamental change in terms of
29 parking. Not only that but just that parking aprons
30 allow more parking. You don't have the worries about
31 some of the other parking that we talked about earlier.
32 Our ratios are far in excess of 3.8 per unit of what's
33 required which is two. In order to make this plan work,
34 we had to do a few things that frankly may be not the
35 best economic decision, but as I said before, nobody
36 gets everything and, you know, we're looking for a
37 solution that works in compromise.

38 So, eight of our units are one-car,
39 they're a little narrower, but they still have an apron
40 in front, okay. So, they have a one-car garage plus an
41 apron in front, plus we've got the guest spaces out
42 here. So, eight out of the 28, we felt there's a market
43 for those. Not everybody needs the larger units. So,
44 that's what we came up with.

45 As I said earlier, too, one of the things
46 that we've done is to change this frontage here so we've
47 got one access. Now this is substantially, not
48 perfectly but substantially aligned and we think we can
49 get it perfectly but we'll look at that, aligned to the
50 Arbor Lane which I think works better from a traffic
51 standpoint. It only has two units. Now, these units
52 are going to be designed with front doors facing the

1 street. You'll see some, there's some architecture
2 here, artscape, where we have a fence and wall, a knee
3 wall and some fences, so forth. We have landscaping,
4 and I'll show you some pictures in a moment.

5 But if you look at this with kind of a
6 far away eye, you will realize that you've seen
7 something like this before. In fact, it's down the
8 street at Landmark, okay. You have two units there that
9 are flanking the entrance, I'm going to say the two
10 units are flanking the entrance because you have units
11 like this that are two on the sides, these actually have
12 the front doors here facing. Those units, by the way,
13 it is a corner lot so I acknowledge that, but they're 13
14 feet off of the right of way, okay. So, they're
15 actually less than what we're proposing at 15. The wall
16 itself is about 11, all right.

17 So, then that's kind of the high-level
18 view. This plan, we were asked to then examine, you
19 just saw 18-foot parking aprons, and we didn't have
20 anything for a designated delivery vehicle or moving
21 vehicle. So, we asked our engineers to go back and look
22 at that, and they did. They came up with a space in the
23 front here, excuse me, in the north, it's about 30
24 somewhat feet. We can slide a truck in there. We also
25 elongated the aprons to 20 feet so that we don't have
26 some of the issues of cars hanging out and maybe
27 blocking that 20-foot aisle that goes around.

28 The vision for this plan is that as you
29 drive along, we want to do what James communities are
30 known for, and that is to landscape the frontage, not to
31 be embarrassed by the architecture but to make it flow
32 and integrate into the streetscape to bring some
33 beautification to what frankly is pretty ugly right now.
34 What we really liked about this concept is that, yes,
35 we've got a courtyard, and you'll notice something in
36 the unit designs. Every unit has a balcony. But every
37 unit now also has patios, so there's outdoor space for
38 these folks.

39 Their balconies look out over this
40 courtyard, and prior you saw a central area that is
41 green and so forth. I'm not going to tell you it's a,
42 you know, clubhouse, it's not. But by comparison to the
43 previous plans, this plan breathes, and there is a
44 courtyard space and there is air and light in here and I
45 think people will feel it will look nice. By the way,
46 you'll see some images, but as you come and you look
47 through here, you'll see this is going to be adorned
48 with some pretty landscaping. So, you'll kind of see
49 that and it captures the eye.

50 But the view into this area of, let's
51 face it, there's garages here and front doors and so
52 forth, is choked down. So, you have a 24-foot entrance

1 and that's it. So, you're going to drive by this and
2 you'll see the architecture but you'll really probably
3 see more than that, the landscaping and you'll see two
4 units. These are set back 50 to 70-80 feet, I think.
5 This one here and this one, I don't think I can read it
6 off the plan, I can't do it. Mike, you might know to
7 check on that. But my whole point and in regards to Mr.
8 Gambacorta's property, this opportunity here clearly
9 opens up the distance between what could otherwise be a
10 new unit right here, okay, so you can imagine that.

11 We could, you know, let's just imagine
12 that's the 30-foot line. I can spy that unit right back
13 in there, and that is guaranteed to be a worse situation
14 for this building than what we're proposing. I didn't
15 bring the corridor, I didn't bring a shade study
16 tonight, but we have done some just imagery to show you
17 how, from a setback standpoint, air and light does
18 matter. We think by increasing the minimum six-yard
19 setback, in truth there's a 12-foot easement, okay, so
20 we could never get the six, we'd have to get to 12. But
21 we're going from 12 to 52, that's a significant
22 increase. I think you're going to be a lot better off
23 with this situation than the alternative, because if we
24 got shot into that alternative, we'd have a building
25 back here, and there's just no way it's going to be as
26 good a situation, even with 30 feet, as what we're
27 proposing here.

28 This is the front door, so you can see if
29 you drew a line like that, that's kind of what we'd be
30 getting. As far as sunlight and air and so forth, most
31 of the time, because we're in the north hemisphere, your
32 sunlight is coming from above in the summertime real
33 high and then it starts to get to the south and so
34 forth. So, you know, if you're sitting here on the
35 south side of the building, the south side here you have
36 the same situation. If I took this plan to the other
37 side, it would be a different situation. But because
38 this is on the north, the air and light situation, that
39 whole shadowing thing goes away, or it doesn't go away
40 but it's substantially mitigated, okay.

41 So, we felt that was honoring our
42 neighbor and demonstrating something above, you know,
43 what the code requires notwithstanding the fact that
44 they've got this 15-foot setback. Let's talk about
45 that. I did mention in my prior comments that if you
46 look at Landmark, it has a 13-foot setback to that
47 building and 11 feet to the wall. So, why is that
48 relevant? Well, it is a corner lot, now corner lots are
49 permitted to do that because their frontage is
50 technically Happ Road.

51 But what I'm getting at here is how
52 people are going to experience this, okay. In terms of

1 how they experience it, they're already experiencing it
2 at the corner, that's what I'm getting at. I have some
3 pictures to show you as to how that looks, all right.
4 The other part about, there was a comment
5 about, and I absolutely agree that that is also one of
6 the criteria, probably not the public health, welfare
7 and safety, but it's 66-foot right of way. Because we
8 have the Landmark already 11 feet, I don't see how
9 they're going to jam another lane into this area like
10 that, okay. So, you know, that would be a comment in
11 regards to road width expansion and whether or not you
12 can do it with 66 feet of width in that, there is room
13 as we all know outside of my property line. So, I can't
14 conjecture but I would say, collectively we can probably
15 all say, hey, you know, an extra lane isn't the best
16 thing in the world beyond what we already have right now
17 which is a designated left-turn lane. So, maybe this
18 actually works to everybody benefit, that's just a
19 parenthetical. If it was approved to be built, because
20 once it's built they can't take it away.

21 So, basically, when we came back, you
22 know, back in September until now, we've reduced our
23 density by about 18 percent. We've enhanced the area in
24 the middle with more open space, the hardscape aisle,
25 and landscape aisle, excuse me, all units have ample
26 parking, single entrance versus two, they're all aligned
27 with Arbor Lane. We have illuminated, we've got more
28 green space frankly than we had in the past. Somebody,
29 I remember somebody gave a very eloquent discussion
30 about the drive running along Landmark, and maybe that's
31 an issue. Well, that takes it off the table, all right,
32 and actually now we have more opportunity than we did in
33 the past to build that green area between us and
34 Landmark, another advantage of this plan.

35 I've already mentioned to you that along
36 the frontage, because of the way this is now aligned, we
37 only have, we go from 132 feet building to 72. So, from
38 the air and light standpoint, we feel like,
39 notwithstanding the 15 feet, we actually improve and
40 enhance the air and light here and make for a better and
41 breathable plan both outside of the perimeter and
42 inside, internally.

43 Now, the other things that happened since
44 we first presented it was we collaborated. We went back
45 to the North Shore Senior Center and we have a written
46 agreement with them for guest parking. That was back
47 when we had less than the parking we have now, I'm not
48 so sure if we even need that, but it is there if we do
49 need it. That gives us I think an extra 16 spaces.

50 CHAIRMAN VASELOPULOS: Excuse me, Jerry.
51 Ladies and gentlemen, if we could keep the conversations
52 down please? Especially the guys in the back, if you

1 don't mind? Okay, thank you.

2 MR. JAMES: The second thing is a letter of
3 agreement with Landmark, and that was simply to deal
4 with the sewer easement and the tree protection measures
5 which had already, by the way, been undertaken. We have
6 an agreement that says that whatever we do in there,
7 we're going to make sure that we do the root pruning and
8 so forth to protect the landscaping that exists along
9 that area. So, I only mention these because I think
10 they are demonstrations of our efforts to work with the
11 neighbors.

12 This is just a highlight of the internal
13 courtyard. Again, these green areas are trees and
14 vegetation. You can see a focal point, you know, at the
15 head of this island, and this is meant for people to
16 come and walk a dog and do what they want, sit there,
17 and so forth. But as you stare at this, what you can
18 see is some type of a wall that says it's Northfield
19 Mews, some landscaping and some uplighting and elegant.
20 The other aspect of this plan different from the others
21 is that in the prior plan, you might recall we had front
22 doors facing north, and it's not that we couldn't make
23 that work but what this plan does now is take away the
24 need to light that area in the same way as we would have
25 had to do it in the past. I think that also was a
26 concern mentioned.

27 So, light spillage to our neighbors, that
28 goes away in this plan. So, another benefit that I
29 didn't --

30 CHAIRMAN VASELOPULOS: Jerry, would there be
31 lights to the patios that are going --

32 MR. JAMES: Yes, yes.

33 CHAIRMAN VASELOPULOS: There's going to be a
34 door to the patio --

35 MR. JAMES: Absolutely. Like every community
36 and every house, there should be some light in the back
37 for safety. The Fire and the Police had mentioned that.

38 CHAIRMAN VASELOPULOS: But does it really go
39 away?

40 MR. JAMES: Does it go away?

41 CHAIRMAN VASELOPULOS: If you don't have front
42 doors back there but you now have rear doors that are
43 going out to the patios?

44 MR. JAMES: First of all, the lighting that we
45 will incorporate will be on the buildings. In that
46 prior plan, we had to put bollard lighting per standards
47 to put the sidewalks that serve those front doors. So,
48 not only did you have the front door lights but then you
49 had to add the lights on the paths so people could see
50 where they're going. So, we've cut that in half
51 effectively. Not only that, but we're very accustomed
52 to putting cutoff type of features into these lights so

1 that they don't bleed beyond a certain distance.

2 CHAIRMAN VASELOPULOS: Okay, thank you.

3 MR. JAMES: The last thing is that the setback
4 on the rear complies to 25 feet, okay.

5 These stars just designate, this talks
6 about parking and those are the one-cars in the back.
7 The overall ratio is 3.82. We have 13 guest spaces, one
8 accessible space, and 48 garage spaces. So, you know,
9 in terms of parking, I think this plan goes a long, long
10 way towards mitigating some of the prior concerns about
11 do we have enough parking for this and that.

12 I think this is a good view, there's one
13 or two. What this does is it's intended to try and give
14 everybody a sense of how this folds into the area.
15 You'll see that it emulates in some respects the layout
16 of Meadowlake with buildings that ring the pond, okay,
17 it's a much larger property, six times as large. But
18 nonetheless, the configuration with something built in
19 the middle is similar to that and not too dissimilar
20 from Landmark. But I think all together it fits, and of
21 course I would say that. But I think it is a vast
22 improvement from what we had earlier, and sometimes
23 that's the outcome of competing or collision of ideas
24 and interests.

25 This is a better view, a larger view,
26 okay, because it gives you a better feel as to how you
27 can see that aligned entry, you can see the courtyard,
28 and hopefully that helps, okay. I think there is a
29 fairly significant distance that you can see, Mr.
30 Gambacorta can see that he's essentially got his own
31 backyard here, okay, off to the side. For anybody who
32 is worrying about views, that's probably going to go
33 anyways, but landscaping, the point is this is, you
34 know, you really have to bend your eye to see, gosh,
35 what kind of air and light am I suffering from here? Am
36 I really going to be crowded in at 52 feet versus say
37 taking just this one unit at 30 and sliding it back?
38 So, you know, we are trying. We are trying and have
39 tried.

40 This is just a recap of the data. I
41 don't want to waste too much time on this, but it is
42 there in your presentation. I'd be happy to read it.
43 But it gives you just kind of the chronology of the
44 plans along with the PD standard in the second to the
45 last column and the variances in red.

46 The engineering, we're not going to dwell
47 a lot on, although I do have my engineer here tonight in
48 the event you have some questions. The key things that
49 I wanted to point out to you is that this plan will
50 improve the storm drainage for this entire area, and it
51 does that in a couple of ways, in two ways specifically
52 Three ways, well, four ways, sorry.

1 One, it reduces the impervious surface.
2 Two, we create a compensatory storage basin here and
3 under the MWRD rules, we have to compensate at a greater
4 ratio of one to one for the flood plain that we're
5 dealing with. So, this actually enhances the storage
6 area here. Then you can't really see it but there is
7 also a swale that comes around here to pick up any
8 runoff, okay.

9 Then the final thing is an underground
10 vault. Again, not your concern but it is ours because
11 it's a very expensive proposition to bury this and
12 couple with it the vegetation. I guess the vegetation
13 is for sanitary? Yes, that's sanitary, okay. So, in
14 any event, it's an underground vault designed to retain
15 water there and then release it at a controlled flow.
16 All together, it will improve the area drainage. As you
17 know right now, it's just a paved parking lot and a
18 building and there's pretty much no green area, but for
19 a little over here and a little here which you can see
20 the pictures before a flood.

21 So, we think this is clearly one of the
22 benefits. We are taking advantage of the credit by
23 virtue of the fact that we're reducing the impervious,
24 but we're not asking for any exception to the code as it
25 is written today in terms of the stormwater management.

26 Architecture. This is not the audience,
27 or I should say the venue to get into the detail, but
28 these are computer-generated images to give you a flavor
29 of this. This is just taking the landscape away. This
30 puts it back so you can see what we're doing. But
31 essentially, it's a stucco brick, James Hardy trim,
32 aluminum shed dormers, architectural shingled roofs, and
33 we've looked at so many different iterations of
34 architecture and we've acknowledged that, you know, this
35 may not be the final chapter that we can look at this.

36 But one thing that's important for us to
37 do the right thing by the architecture and the
38 landscape, we need to have a threshold number of units.
39 I think that's the thing people sometimes misses. They
40 start banging away at the density and before you know
41 it, you've got a chassis with no, you know, you've got
42 the wheels, the chassis but no safety belt. It's just a
43 car that gets stripped down, and it redounds to the
44 detriment of the Village. Obviously there's a balance,
45 but I would tell you that to put the right architecture
46 in and the landscape that you are known for, you've got
47 to have a certain number of units. Just a fact, and
48 that may not be something that you appreciate.

49 The cost to develop the site just for the
50 record, and I can say it in public without the land cost
51 is \$2.1 million, okay. That's just to put the
52 infrastructure in to take care of that vault, to take

1 care of the re-grading, and all the things that have to
2 be done. While that's not relevant to some, it is very
3 relevant to the extent of how we make this either work
4 or not work, and that's pretty much irrespective of the
5 density. That's the issue.

6 These are the floor plans, and I'm not
7 going to go over that for the sake of time but except to
8 tell you that we have four unit plans. They range in
9 size from about 1,800 feet and go to 2,400 feet. But
10 the majority or the weighted average is about 2,100
11 square feet. They all have decks as I've said, plus
12 patios. They have large apron spaces, stone counters,
13 stainless appliances, nine-foot ceilings and so forth.
14 We're designing these as though they were for sale
15 townhomes because we think that's the audience that's
16 looking for, a rent by choice, not necessity.

17 Meadowlake started out as a rental, it
18 became a condo. You know, time passes and you don't
19 know what the time holds, but you know, you have to
20 build in the quality up front not only because the
21 community wants it, but because perhaps your customers
22 ultimately will want to buy or what have you. You don't
23 know what the future holds, but we want these to be
24 quality units designed to a for sale standard.

25 So, the concerns. Traffic, and I think
26 we beat that to death but we can go back to it. We were
27 asked to update our traffic study from the last time
28 because of the light installation. We had done so, that
29 has been filed with you. I think you can all read the
30 conclusions, but essentially we went from 34 to 32 to
31 28, so if anything else, the traffic as is theoretically
32 should get better. But in truth, the difference between
33 34 and 28 is immaterial, there was no traffic issue to
34 begin with and there will be none if this is approved.

35 Density, we can talk about that.
36 Setback, we've talked about that, we can come back to
37 it. The last thing is precedent, and believe me, I
38 understand and appreciate the fourth concern because of
39 just the sheer nature of uncertainty.

40 This is the traffic findings. I don't
41 want to dwell on it except to say that 19 and 21 trips
42 in morning and peak hours, it will not have a
43 significant impact. This has been corroborated by the
44 Village's traffic consultant. It just has a very
45 immaterial effect on the overall functioning of the area
46 here.

47 Okay, this is density. Now, I told you
48 that we dropped the plan down from 34. This really
49 gives you a snapshot, a bird's eye view. The average
50 density in the neighborhood is based upon Landmark, Mr.
51 Gambacorta's community, and Meadowlake. These are 12.5
52 to 17.5, 14.78, okay. When we started out, what have we

1 got there? I can't read that but, oh, that was the
2 apartment building. Remember, that was endorsed as a
3 viable, potentially viable use for this property, and
4 that had 28 units to 37 units depending on the ultimate
5 count.

6 Then we came with the townhomes and we
7 were at 15.7, and in September 14.8, we're getting very
8 close to the average that exists in the neighborhood,
9 and today we're below that at 12.96. So, in terms of
10 pattern of development from a strict planning paradigm,
11 this fits the pattern of development that exists in this
12 neighborhood today based upon the sheer unit count.

13 We talked about setbacks. I simply want
14 to underscore that we believe that with the side yards,
15 the way they've been set up, the two units, the
16 reduction in the number of units on the front, that this
17 actually provides better air and light and one entrance
18 and will add more open space along the frontage than any
19 other plan that we have looked at or that could viably
20 have done. We feel that as a result of that, the 15
21 feet is more than compensated for by these other
22 benefits.

23 I've already mentioned the history, why
24 setbacks from there. I believe that from a health,
25 welfare and safety standpoint, this plan will be better
26 than a compliant 30-foot setback because we've worked
27 with those plans and I can tell you unequivocally, not
28 just from me but our entire planning team, we all feel
29 this is, not necessarily better economically for us, but
30 better for the community and the area. It will look
31 better. Because, by the way, I have these corners here
32 to work with, you've seen what we did at Everette,
33 you've seen what we did at Fox Meadow. This is our
34 palette. We can work with this.

35 That's what I get excited about. I don't
36 get excited about these hearings. It's not fun. But
37 once we get going, that's where the artist comes out,
38 and our team gets excited. Oftentimes we'll come back
39 in and, you know, we'll do things that we weren't asked
40 to do because we live here and, you know, we don't count
41 our nickels, we don't count our pennies, we count our
42 reputation and friends and the quality of the community.
43 That's why I think this plan gives us more chance to do
44 good by the Village.

45 This is just an example as a follow on to
46 a concept before, that's about 11 to 13 feet, all right.
47 A beautiful development by a wonderful developer,
48 Berlitz, unbelievable. He set the benchmark for a lot
49 of developers in my opinion.

50 Precedent. I'm going to add another
51 precedent because I think it's really important, and I
52 understand and respect everybody's concerns here. The

1 precedent, these comments, I showed you before, do they
2 look familiar? I've heard them tonight, I'd heard them
3 before on this project, only they're for Meadowlakes
4 project back in '92. Those are elements, you can go
5 look them up yourself, but they talk about the same
6 thing. They talk about the Village should not accept
7 the project as proposed just to get the revenue. If
8 there is a need for additional monies, the Village can
9 raise it. Well, it was an RFP at the time. I went back
10 and tried to look at the history because it was
11 fascinating.

12 But anyways, it would harm the family-
13 oriented community that residents have worked so hard to
14 preserve, that has not happened as you know. That has
15 not happened, but yet at the time it felt bad, it felt
16 uncertain. I understand. So, what I did is I went back
17 and said do your homework, and I looked at this. What
18 did I say about Northfield, what did I learn?

19 Well, if you haven't seen the historical
20 site, go look at it, it's fascinating. There's a map
21 from I think the 1800's and you can see Mr. Happ's house
22 and the barn and so forth. It's pretty clever, but it's
23 a handwritten map. Then if you look to the right,
24 that's 2013.

25 We talk about the change in uses by
26 virtue of this plan or something, ladies and gentlemen,
27 50 percent of your residences are, of your housing stock
28 is in single-family. You have multifamily residential
29 at 1.4 percent, and this is just a land use, excuse me,
30 not the units, and then the commercial. You can go back
31 and study this but what I'm trying to tell you is that
32 from my perspective as a builder and developer,
33 Northfield enjoys many things and it's not just the
34 bucolic streets.

35 You have some things, you have a
36 collection of uses that work like an engine, and they
37 push and they pull. That's in stark contrast with some
38 of your neighbors to the east who do not have some of
39 the things that Northfield has. They all have lovely
40 homes, okay, but they don't have some of the industry,
41 they don't have Kraft. They don't have the auto dealer
42 that you have. Frankly, I think your downtown in terms
43 of some of the restaurants, the Happ Inn and now
44 Stormy's, these are places that are institutions that
45 you can't find counterparts in these other towns. They
46 wish they had them but you have them.

47 I think you should, I don't think you
48 should do anything but I would hope you would take stock
49 of that. Your owner occupied houses, this is just to
50 point out that rental is not new here, it exists. I did
51 find that the vacant housing stock at nine percent was
52 higher than I thought. But nonetheless, that's the

1 profile of your housing stock.

2 These are pictures and I won't dwell, I'm
3 going to flip through them quick. But what I said a
4 moment ago is true. Look at this. This is in your town
5 and I defy you to find that in some other towns up and
6 down the North Shore. What that does for you, ladies
7 and gentlemen, and does for all of us, it creates a tax
8 base that's not solely dependent upon residential, and
9 that is a great thing. That is a great thing.

10 Some of these things didn't exist about
11 20 years ago, right, 25 years ago, and they've evolved.
12 That's why I said what I said, it's a vibrant, evolving
13 mix of uses. I'm going to finish and I'm -- better.
14 Look at this. These are, I took pictures of these and
15 these are your lanes. There's a whole collection of
16 them, I mean from the tree line canopy over to the
17 right, you know, this is right off of Willow, and then
18 this is one of your lanes off of Sunset, this is Willow
19 Road, and this is off of Sunset again.

20 You are one of the only communities that
21 doesn't have curb and gutter, quite a wonderful thing.
22 It's countryesque as somebody said, and that's not going
23 to change. That will not change, okay. I say that --
24 long time. But what I'm trying to say is that those
25 areas in your community are, in our opinion, "safe."
26 They are part of your community, I don't see those
27 changing. Yet there's other parts of your town that
28 will and have evolved.

29 Frankly, in your housing stock, look at
30 this. You have, frankly I would say out of all the
31 North Shore communities, you have one of the broadest
32 spectrums of housing from large single-family to quaint
33 50-wide lots to again something more countryesque.
34 You've got old, you've got new, you've got townhomes,
35 you've got rental, it's a whole collection of things.
36 So, you know, in some respects, that's the beauty of
37 your community, there's a place for everybody.

38 You also have great park space and
39 amenities, and these are just examples. We all know the
40 community center. We know the North Shore Senior
41 Center. That didn't exist, ladies and gentlemen, 15
42 years ago, not to my knowledge, 20 years ago. Again, it
43 evolved, it was a use and they took it and God bless Mr.
44 Gordon and his compatriots for investing and having a
45 vision for that, but it's a vital part of this
46 community.

47 Then down below are examples of the
48 parks, one of which we have Philip, Fox Meadow in the
49 middle, you know, Clarkson Park. Skating, my kids, I
50 took them there when they were little to skate. Now you
51 look at the lower right-hand corner and what do you see?
52 Those are now turfed ballfields. We all know the

1 construction that went on there.
2 What's the message, ladies and gentlemen?
3 Your town is evolving. It's responding to the demands
4 of its residents and to the changes in time. Change is,
5 therefore, inevitable.
6 This is your retail base, and a couple of
7 my favorites, maybe yours, too. The Northfield Diner, I
8 would say if they measured the quantity of business that
9 got done there on a per square foot, they would get the
10 award. But it's a great spot.
11 AUDIENCE PARTICIPANT: Can we interrupt here?
12 I'm sorry, excuse me.
13 AUDIENCE PARTICIPANT: I think it's a
14 filibuster.
15 AUDIENCE PARTICIPANT: I don't understand.
16 We're all -- no, I just want to say one thing. Can you
17 please finish this up so we can all talk? You are just
18 rambling on and on. It's incredible.
19 MR. JAMES: I'm sorry. I'm going to get
20 there, all right?
21 AUDIENCE PARTICIPANT: Get there fast.
22 MR. JAMES: I'm almost done. Okay, thank you.
23 AUDIENCE PARTICIPANT: We don't need to know
24 about all this, we all know --
25 CHAIRMAN VASELOPULOS: Thank you, okay, okay,
26 ma'am? Okay.
27 MR. JAMES: Okay, fine. This is the area
28 we're talking about. So, what's this all about? Why is
29 this slide there? I'll tell you why, because that's
30 Meadowlake. That was Kraft, that was an adhesive
31 formaldehyde plant that was replaced. The quote down
32 below is from the superintendent. Hear me out, he said
33 the history of New Trier resonates with constant change,
34 underscore the word change. No community today, ladies
35 and gentlemen, remains the same forever. There are
36 changes that need to occur, and that is exactly why this
37 town overtook the corridor plan and exactly why we had
38 responded to it the way that we have.
39 From that corridor plan, we hope to
40 generate a good community. But I will tell you that the
41 process that we're going through emulates the same
42 process that took the formaldehyde plant, or excuse me,
43 the adhesive plant and converted it to that lovely, and
44 I mean lovely community. That was the barn I think Mr.
45 Happ had and is now, that was a tavern I think, wasn't
46 it? That's now Landmark. Great places, but they're all
47 over 14 units to the acre, and they represent a response
48 to demand, changes that occur each and every day in
49 every one of these towns.
50 So, I am not even going to read the
51 summary but I am going to close with a statement that I
52 wanted to read you because I think it reflects -- I

1 apologize.

2 Closing comments. Developing your
3 hometown is tough work, not because of the zoning, that
4 is difficult wherever you go. It's tough because of the
5 pressure, the desire, the necessity to get it right for
6 the community, your neighbors, your friends, your family
7 and your reputation. You live here. So, it's been two
8 years since we marked on this project, more than two
9 years. Since that time, we've spent hundreds of
10 thousands of dollars on the preliminary planning to get
11 to this point today, and we're not done.

12 I do, we do, sincerely appreciate the
13 concerns of our neighbors, not because I believe they
14 are valid, but because of their natural reaction to
15 change and the anxiety that it brings about. Yet as the
16 pictures were intended to remind us, change is
17 inevitable. No community can stand still without
18 risking a decline. We all know it and everyday brings
19 us new challenges as to how we're going to respond, how
20 we will shape that change for the better.

21 That is why Northfield approved
22 Meadowlake in 1992 amid some of the same concerns we've
23 heard about the current proposal tonight and why it
24 undertook the corridor study in 2015 and why it enjoys
25 today the vibrant collection of uses which distinguishes
26 it in many respects from its neighbors. Will this
27 development change the nature of Northfield? In my
28 opinion, of course not. Will it establish a dangerous
29 precedent? No more than Meadowlake and Landmark when
30 they replaced a tavern and an industrial plant.

31 The curbless, if you call it curbless
32 plans of Northfield and the predominant single-family
33 character will remain. This development represents
34 about one percent of your housing stock. Will the
35 proposed development remove an eyesore, improve
36 stormwater, eliminate potential light industrial uses
37 from emerging and offer additional housing choices?
38 Yes.

39 I sincerely believe that through design
40 process, the current plan has emerged and represents the
41 best viable alternative given the constraints and the
42 realities of the location, the market, and the long-term
43 interest in the community. So, I respectfully thank you
44 for your time and I ask for your positive
45 recommendation. Thank you.

46 CHAIRMAN VASELOPULOS: Okay, thank you.
47 Commissioners, I open it up to you. Are there any
48 questions or comments?

49 COMMISSIONER BOLLING: I've got a quick
50 question. With the Landmark, Steve, how did they get to
51 decide setbacks and what appears to be 12 to 15 feet?

52 MR. GUTIERREZ: Yes, the question was how

1 Landmark got to their setback --
2 COMMISSIONER BOLLING: Given the issue that we
3 have with the setback that we're trying to consider, how
4 was it that Landmark was given the side setback of, what
5 was the required setback, 15 feet? So, they got a
6 variance to --
7 MR. GUTIERREZ: I'm not familiar with
8 Landmark's approval, that was well before my time. I'm
9 not sure what that setback requirement was. It was, it
10 is actually technically a front yard.
11 COMMISSIONER BOLLING: Is that, oh, the side,
12 yes.
13 MR. HILL: If your question is related to the
14 rule that exists now on setbacks, that was not in the
15 code when Landmark was developed. That came along in
16 the '03 code and it was not in existence at the time of
17 the Landmark development.
18 COMMISSIONER BOLLING: Okay, thank you.
19 JUDGE MURRAY: May I approach?
20 CHAIRMAN VASELOPULOS: Not yet. I have a
21 couple --
22 JUDGE MURRAY: On the Landmark, he asked a
23 question on the Landmark.
24 COMMISSIONER BOLLING: He's answered it.
25 JUDGE MURRAY: It's fine.
26 COMMISSIONER BOLLING: Yes, thank you.
27 CHAIRMAN VASELOPULOS: Thank you. I have a
28 couple of questions for the Petitioner. Regarding the
29 rental agreements that you're going to engage in with
30 the people that will be occupying these properties, this
31 is kind of an awkward question but I'll ask it anyways.
32 Long term, if someone wants, I know you've been around
33 a very long time, but if you suddenly cease to exist, if
34 you guys are not in business anymore, what happens, what
35 provisions exist in the leases and what will happen to
36 those people?
37 MR. JAMES: The ownership is going to be
38 structured most likely as an LLC. So, it's a corporate
39 company which should have a perpetual life to it. My
40 plan hopefully is to pass this on to our family just
41 like Mr. Gambacorta has done with his. There will be
42 provisions in my estate so that the successors will have
43 professional management to take care of it.
44 CHAIRMAN VASELOPULOS: But if people approach
45 you to buy the units, is that something you would
46 entertain?
47 MR. JAMES: No. No, in other words, we're
48 making a decision that we're going to shut down any
49 change to the complexion of the development and convert
50 it into a for sale community.
51 CHAIRMAN VASELOPULOS: You do that with all
52 the units?

1 MR. JAMES: I don't think we could do
2 otherwise, no. I mean yes, our intent is to operate
3 this as a bona fide rental community and to not mix and
4 match.

5 CHAIRMAN VASELOPULOS: Okay. Go ahead.

6 COMMISSIONER BERMAN: Actually, the last time
7 you had a presentation, I asked you that question. I
8 said if for some reason the rentals don't take, and your
9 answer to me was you would have the option to buy them.

10 MR. JAMES: Well, that --

11 COMMISSIONER BERMAN: So, if the rentals, for
12 some reason you don't rent them out, what is the plan?

13 MR. JAMES: The plan, you know, to be honest
14 with you, I guess we would have to sell. If we're not
15 renting, we would have to say.

16 COMMISSIONER BERMAN: Right.

17 MR. JAMES: So, I never wanted to say nor
18 would I want to represent that we will never sell this
19 or convert it. That would be a mistake and that's not
20 something any prudent owner would do. But to say that
21 we're going to rent some and own some and sell some, you
22 know, we don't in business, that's not the way we
23 operate this type of community. That creates all sorts
24 of issues. We'd want to have it as a professionally
25 managed rental community for renters by choice who feel
26 this is the right option for them at their stage in
27 life. I believe it's a trend that we'll see more of as
28 people own other places and, yes, they'll want a place
29 to come home but don't want to have the permanent
30 ownership with some of the obligations that go with
31 that.

32 CHAIRMAN VASELOPULOS: Okay, thank you.
33 Sorry, my question has just escaped me. Yes, okay. I
34 anticipate this may be asked of you from the audience,
35 I'm just going to possibly preempt this question. But
36 to avoid the setback issue and to address density, what
37 would you say to remove two units, the front two units
38 backing up your setback and you'd be down to 26?

39 MR. JAMES: I think it is an extremely fair
40 question, and a very direct answer. If we can't do this
41 plan, we'll have to come back with the other plan which
42 gives you the 30-foot setback. We can do that, I
43 mentioned that tonight. You know, I think that, we
44 would never propose a plan that we couldn't stand by.
45 But between the two, from a meritorious standpoint and
46 all of the things I've talked about already, we felt
47 this is the best we want to propose, not economically
48 for us but certainly one that's very viable. Probably
49 more kin to rental than this one quite frankly because
50 it's got the apron space, you know, this one has aprons,
51 the other one does not.

52 But I've already mentioned to you and I'm

1 on the record as to the cost of the site. We started
2 out initially at 68 units on the four-story building.
3 Then we leapt down to 34, and now we're down 18 percent
4 below that. So, at some point you reach a threshold
5 below it you can't go. If we don't have to go there, we
6 won't go there, we'll come back with a good, strong 32-
7 unit plan. But I think this one is "stronger" from an
8 aesthetic standpoint and that's my answer.

9 CHAIRMAN VASELOPULOS: Thank you. Any other
10 questions from the Commissioners?

11 COMMISSIONER DELOYS: I don't have anymore
12 questions, I've got my comments but I guess I want to
13 wait and hear the audience before I do that.

14 CHAIRMAN VASELOPULOS: Yes, okay. At this
15 stage, we're going to ask that the audience step
16 forward. Now, my understanding that there is a slide
17 deck that someone from the audience wants to go over
18 which we will allow. We're going to have to load for
19 that, and that is going to take a couple of minutes.

20 So, why don't we recess this meeting?
21 Maybe some people need to grab some water, use the
22 facilities. We will come back in five minutes once
23 that's loaded.

24 (Off the record.)

25 CHAIRMAN VASELOPULOS: We'll try to expedite
26 this the best we can. There is a list of people that
27 want to speak, so we're going to hear from them first.
28 There are a couple of presentations that are going to
29 flow from that, but every one will get an opportunity to
30 speak. I would just encourage people to keep their
31 comments as pointed and as concise as possible.

32 So, with that, Mr. Unger, who is the
33 first? The president of --

34 MR. UNGER: Yes, Mr. Jim McKevet, he's the
35 president of the Meadowlake Condominium Association.

36 CHAIRMAN VASELOPULOS: Can you step forward
37 please? If you could just identify yourself and your
38 address, sir?

39 MR. McKEVET: My name is James McKevet. I
40 live at 4010 Arbor Lane 103.

41 CHAIRMAN VASELOPULOS: Thank you.

42 MR. McKEVET: All right, sorry for that. As
43 was indicated before, I'm currently the president of the
44 association. I'm president of the Meadowlake
45 Association.

46 Let me begin by saying this. As
47 President Fraser in the Walnut Lane issue stated, we
48 don't want glen type developments in Northfield. If you
49 approve of the James proposal, you will set the standard
50 for glen type developments in Northfield. Northfield
51 Road, the Fire Department, Senior Center, the
52 Meadowlakes, four townhouses, the Landmark, the Mews,

1 and the near neighbor New Trier High School, that's six
2 driveways from Northfield Road to Happ Road, six
3 driveways accessing Winnetka Road, plus all the other
4 traffic from New Trier High School.

5 Additional traffic comes from all
6 directions, many crossing in front of our six driveways,
7 meaning the neighborhood's six driveways. This all
8 compounds the ingress and egress dangers of access to
9 Winnetka Road. Drive down Winnetka Road and count side
10 road entrances to Winnetka Road, many of them have
11 little or no lateral view on the coming traffic from
12 either the right or the left. The same is true for our
13 short two-block distance for access to Winnetka Road.

14 Now, they talk about light and air.
15 Nobody said health, welfare and safety. Life safety is
16 a major issue, and a minimum 30-foot front setback is
17 absolutely critical for the life safety of all residents
18 and others driving in and through Northfield. When you
19 drive out on any of the streets and you've got a 15-foot
20 setback plus the vegetation plus the walls plus whatever
21 else goes in front of the front yard of the Mews, what's
22 left?

23 Drive any street when you go down
24 Winnetka Avenue and you drive up, the front of your car
25 is touching the pavement on Winnetka Road, and we've got
26 six entrances onto Winnetka Road. No one talks about
27 that being a problem. But what I see when I pull up and
28 there's somebody that's coming off of Northfield Road or
29 down Winnetka, when I come out of Arbor Lane and I look
30 to the left and they see me there, more times than not
31 those people being very generous will accelerate a
32 little bit just to stop me from doing it.

33 There is going to be an accident
34 somewhere on Winnetka Road because of life safety and
35 access to Winnetka Road. This little two-block area is
36 the worst two-block area in the Village of Northfield.
37 No one is addressing that issue and it's a major issue.
38 You'd better be looking at it because I can see as the
39 traffic builds on Winnetka Road, and we've all witnessed
40 it over the years, I've been here seven years, it's very
41 dangerous.

42 You have to address the issue and the
43 setback is critical. Thank you.

44 CHAIRMAN VASELOPULOS: Thank you.

45 MS. MELLON: Good evening, folks. My name is
46 Mary Lou Mellon. I live at 7050 Arbor Lane, Apartment
47 303. I've lived there for six years but I was the
48 president at 150 Coach Road from 1983 to 1999 and I have
49 a pretty good handle on this Village and I like it a
50 lot.

51 This is the beginning of my presentation.
52 Somehow in the translation from my computer to the

1 Village's setup here, I lost the title. But the title
2 is This is Meadowlake. It's a friendly corner of
3 Northfield. Meadowlake is a mix community of a few
4 young families, mostly older downsizers. There are 175
5 condominiums and townhouses ranging in size from one-
6 bedroom to three-bedrooms on its 12 acres.

7 This is a satellite view taken, Google
8 didn't have the street light. At the top is Winnetka
9 Road, and the right-hand corner is where the street
10 light exists now. Of course running down on the right
11 is Happ Road. Meadowlake has eight three-story
12 residential buildings with elevators and a clubhouse
13 that encircle this beautiful pond. The buildings are
14 identified as 1000, starting from the upper right, 1000,
15 2000, 3000, 4000, 5000 and so on.

16 The lower right-hand corner are the New
17 Trier High School tennis courts, and to the south but
18 not visible in this graphic is this high school parking
19 lot. Meadowlake central pond has four sparkling and
20 cascading fountains. Every year, new swans raise their
21 young on our lake. Wildlife of all sorts enjoy the
22 pond. Meadowlake's great blue herons, the snow goose,
23 bufflehead and golden-eye ducks have been seen and
24 enjoyed.

25 A popular feature of Meadowlake is the
26 Meadowlake Clubhouse which has an indoor pool and a hot
27 tub. There's a meeting room/party room with fireplace,
28 large screen TV, and full kitchen, this is obviously our
29 St. Patrick's Day party, and a workout room with TV,
30 updated equipment, and a patio behind the clubhouse
31 which is a popular place to socialize and relax. In the
32 summer, we have a social hour every Monday night out
33 there, and the rest of the year we're inside in the
34 party room with our social hour.

35 A view of the north end of the pond from
36 the clubhouse patio, it's a beautiful place. The
37 aforementioned features of Meadowlake are amenities
38 which are requirements to qualify for a planned urban
39 development or PUD. Meadowlake was built in 1993 and
40 '94 under a PUD just like the one the developer is
41 asking for at 1725 Winnetka Road. The Village of
42 Northfield has requirements for PUDs, and we'll get to
43 those later.

44 But at the moment, since we've had so
45 much fun talking about setbacks, I want to show you this
46 is Meadowlake's 8000 building standing in front of
47 effectively 1725 Winnetka Road property. Notice the
48 building's deep setback and the lavish landscaping.
49 This is the meandering sidewalk between the 8000
50 building and Winnetka Road. The sidewalk goes all
51 around Meadowlake's 12 acres and it's a very popular
52 walk. This is the 1000 building of Meadowlake which

1 basically lead into your playing fields. Also here, we
2 have a deep setback and attractive landscaping.
3 So, there's two entrances into
4 Meadowlake. One is on Happ Road as you see on the
5 right-hand side of the graphic, and the other is at the
6 top. The Meadowlake's Winnetka Road entrance is going
7 to be directly across from the one on plan three. So, we
8 have indoor heated underground parking for all of the
9 owners' vehicles. There is also plentiful outdoor guest
10 parking identified by the five yellow circles. Take
11 note of the two circles in the upper left-hand corner.
12 That represents, the smallest circle represents the
13 parking lot, the guest lot for the 8000 building, and
14 then right next to it is the 7000 building parking.

15 MS. MELLON: These will be featured in the
16 future comments, so just keep those in mind. Here's a
17 drawing of the third proposed development you've see.
18 Note the 28 townhouses are indicated for the 2.1 acre
19 property which really, because of easements, is only 1.8
20 acres. That's a density of more than 14 units per acre,
21 despite the statistics you've heard.

22 Note the extremely compact site, very
23 small setback, very little guest parking, an extremely
24 small area of open space, and almost no place to put
25 snow. This is the developers drawing, those are my red
26 squares. This is where he indicates the snow is going
27 to be stored. I just, the mind boggles, with this much
28 pavement and that many areas to put it, that it's not
29 going to take much to fill up those storage spaces.
30 Where's the excess snow going to go? How are you even
31 going to get it out? How will emergency vehicles
32 navigate if the snow isn't removed? Safety is a huge
33 issue here.

34 Parking, the parking in this third plan
35 is definitely better than it was originally and the
36 developer has made his agreement with the North Shore
37 Senior Center. You see that the lot, the long narrow
38 grey building on the left is a house of welcome. I'm
39 assuming that he's arranged for the lot to the south end
40 of the house of welcome. But will 1725 Winnetka Road
41 guests or residents, really go the North Shore Senior
42 Center to park to walk back to 1725, particularly in the
43 winter and in the dark? Human nature tells me that they
44 will go right across Winnetka Road and park in
45 Meadowlake 7000 and 8000 building guest parking lots.
46 That's a damage to us and in order for us to prevent
47 that, We're going to have to put in electronic gates.

48 That's going to be a huge expense, a
49 great inconvenience, and when cars get backed up getting
50 in because of the electronic gates it could be a serious
51 safety issue. Consider this satellite view, now the
52 1725 Winnetka Road is the trapezoid at the bottom. The

1 light manufacturing buildings that presently exist
2 immediately north are circled in red. Anybody could buy
3 these up, probably not very expensively, and the
4 variances respected, requested for the property at 1725
5 Winnetka road set a huge precedent for all future.

6 There are so many other properties in the
7 area that could be developed. Please consider how
8 congested this area would become if such density were
9 allowed over and over. The decisions that you make and
10 that the Village Board ultimately makes for 1725.

11 Winnetka Road, will set a significant
12 precedent. A planned unit development is a special use,
13 which is a privilege to be earned and not a right that
14 can be claimed. That is a quote from the Village PUD
15 purpose. According to the Northfield Village Code, from
16 Article 17 you've already heard a lot about tonight, one
17 standard of a planned unit development is that the
18 planned unit development should provide amenities and
19 establish facilities in open space greater than the
20 minimum otherwise required.

21 The only amenity in the developers plan
22 is the very small center grass courtyard. With a high
23 number of units there is no room for anything else.
24 Developers plan three doesn't meet the requirement for
25 amenities or facilities. One requirement, another
26 requirement of the PUD mentions that there shall be
27 separation of vehicular and pedestrian traffic, That's
28 Section 174.6.

29 There are no sidewalks in this plan. If
30 a resident in Unit 14 top center wished to walk to the
31 post office, he'd have to walk in the driving lanes or
32 he wouldn't be able to get out of the development. This
33 is clearly a safety issues and clearly goes against PUD
34 requirements. Remember that nice sidewalk that
35 Meadowlake has that goes all the way around the
36 development, and it's such a nice walk? In 1994 the
37 developer followed the guidelines.

38 Talking about rentals. Well, we know he
39 intends to rent them, and we also, I'm not sure if
40 everybody knows, but I think most of know that
41 Northfield doesn't have any rules regarding rentals.
42 How many families can live in one three or four bedroom
43 townhouse, because we all know that the flex room on the
44 first level could be a fourth bedroom. How many people?
45 It's scary to think how out of control that could
46 become. In terms of rentals, real estate reports have
47 written that these days older, wealthier Americans are
48 wanting to rent and not buy and the developer had quoted
49 to us, with pleasure, that older Americans are going to
50 probably want to rent here.

51 Well, I've got to tell you, older
52 Americans are not going to rent a three-story townhouse

1 with no elevator. Stairs are strongly disliked by most
2 seniors. The developer has made the point that Optima,
3 the builder of Meadowlake back in 1991, envisioned a
4 Meadowlake development with 91 owned condos and 84
5 rental units. We can't speak to why that was. Perhaps
6 it was a soft real estate market. But on February 12th
7 of 1998 Meadowlake changed its condo dec, which is not
8 an easy thing to do, to prohibit renting or leasing of
9 units, except in the case of extreme hardship.
10 Meadowlake remains strongly opposed to rentals this day.
11 There are no renters at Meadowlake right now.

12 Another PUD standard is that it will not
13 be injurious to the use and enjoyment of other property
14 in the immediate vicinity, nor diminish or impair
15 property values within the neighborhood. The people in
16 this room, and the other numbers that have objected to
17 this in the past, feel very strongly that 28 rental
18 units with their resident's guest automobiles, service
19 vehicles, moving vans and the result of increased
20 traffic will diminish property values within Meadowlake
21 and will significantly negatively impact our every day
22 lives. We're not being hysterical about this, we really
23 do think this.

24 Renters will not be invested in keeping
25 the property up, nor will they care about the Village of
26 Northfield. All of the area schools are highly
27 desirable. Will renters move in with many children and
28 stretch the capacity of our taxpayer funded schools?
29 The schools certainly think so. The local school
30 district was at the last meeting. Renters don't pay
31 taxes to support the schools and the developer refuses
32 to help the schools fund the expected additional
33 students, because the lot is only 2.1 acres and he's not
34 required to.

35 These are just two architectural drawings
36 of the townhouses of plan three as they will look facing
37 into the interior courtyard. There will be six
38 buildings that are simply variations on these two
39 drawings, all facing into the interior. At ground level
40 the courtyard is going to look like nothing but a sea of
41 grey. We think this is pretty dreary looking, to say
42 the least.

43 This is a view of the property known as
44 1725 Winnetka Road from Meadowlake's Winnetka Road
45 entrance as it appeared last fall. Meadowlake residents
46 do want this site to be developed. That it is indeed an
47 eyesore, but we want it developed so that it fits the
48 small town feel of Northfield. The character of
49 Northfield is why many of us moved here. The developer
50 is asking for seven variances, forgive me, I've got you
51 for two that you didn't ask for. I'll amend that to
52 five, from the established PUD regulations, and is

1 proposing a text amendment to, which is a change of law
2 to allow them to ignore the 30 foot setback.

3 Remember when we quoted the Village, PUD
4 regulations earlier, a planned unit development is a
5 special use, which is a privilege to be earned. The
6 developer is not asking to be granted the privilege of
7 PUD, he's asking for carte blanche to do whatever he
8 wants to do.

9 Why do we have zoning laws if they are
10 not to be followed? Please, do not let the developer
11 re-write Northfield's zoning laws. There is a great
12 deal of community opposition to this project for far
13 more Northfield residents than just the immediate
14 neighbors at the Landmark and Meadowlake. Please,
15 please listen to what the community is saying to you.
16 Thank you very much.

17 CHAIRMAN VASELOPOULOS: Thank you.

18 MR. GREEN: Hi, I'm John Green. Thank you for
19 the opportunity to speak with you tonight and have my
20 voice be heard. My name is John Green and I live at
21 1060 Arbor Lane here in Northfield. I'm presenting
22 tonight on behalf of my friend and neighbor, John
23 Chabbonet, a 43 year resident of Northfield. He would
24 have been here if this meeting was on its originally
25 scheduled date. So, at any rate these are his
26 sentiments but I share them very much.

27 First, John wanted to talk about
28 population density. Density drives the main objections
29 that we share with this project, along with its effect
30 on traffic, schools, amenities, safety and the
31 introduction of additional rental property. But we
32 don't want to be seen as completely negative or anti-
33 progress. I must tell you that We're not opposed to
34 developing here, we just object to over development.
35 And so, I also want to add, we have no issue with the
36 developer.

37 John checked out five Edward R. James
38 companies local developments, two in Northfield as well
39 as those in Glenview, Northbrook and Park Ridge. The
40 one in Park Ridge is most like the proposal here and we
41 don't think it's right for Northfield. So, taking a
42 look at these pictures of the Park Ridge development,
43 you can see very clearly what having a somewhat 40 foot
44 plus building will look like with less than a 30 foot
45 setback. So, you can see that you a large walled
46 building coming right up against the sidewalk.

47 In terms of the interior space, taking in
48 another view, you can see what the interior will look
49 like in terms of the effect of sunlight, how close the
50 balconies might be to each other, and again this is the
51 property in Park Ridge and I'm not necessarily saying
52 this is exactly what the views will look like, but I

1 think it's a close approximation. Now, getting into, oh
2 and this is just another example showing a single
3 vehicle if it's between the garages entirely blocks the
4 right of way at this particular property.

5 So, getting into some numbers. We looked
6 at the 2010 U.S. Census, which indicates that the
7 average family size, which is the number of family
8 members in the household, is 3.14 persons. At a recent
9 Village meeting, Ann Peterson referred to Northfield as
10 3.25 square miles. So, John calculated the Northfield
11 density by dividing the number of residents, 5,452 per the
12 website, by 3.25 square miles, or 2,080 acres. So, that
13 comes to 2.6 people per acre.

14 So, if you compare those numbers to the
15 14 units per acre proposed, That's 40.7 residents per
16 acre. We feel this will prove to be a low number. At
17 \$4,000 a month rent, it will require a healthy income to
18 live there, about \$48,000 a year on rent alone. Using
19 widely accepted guidelines, that means a minimum
20 household income of \$160,000, over triple the U.S.
21 median household income. So, I wouldn't expect to find
22 that many single people or empty nesters renting there.

23 More likely, there will be families
24 taking advantage of the access this complex provides to
25 the world class educational opportunities in the
26 district. So, looking at comparative density, you'll
27 note the density to be twice that of Meadowlake in terms
28 of residents and almost twice that of the adjacent
29 Landmark property.

30 But it's important to remember it's not
31 just the density of an address number or units. It's
32 the number of bedrooms and people. Meadowlake, as has
33 already been pointed out, has multiple floor plans, for
34 example, with the most common plan being two bedrooms,
35 while 82 percent of the James proposal is three bedroom
36 plus den. So, looking at that again, just kind of
37 putting it, it just kind of shows how it really stands
38 out.

39 We feel this is important for several
40 reasons. This project is planned as a rental facility,
41 the first 100 percent rental in Northfield. Northfield
42 does not have a rental ordinance, as has already been
43 pointed out, except to exclude Air BNB and short term
44 rentals. We feel it's not unheard of for multiple
45 families to live together to get their children into our
46 great school, middle school and high school districts.
47 We have examples of that in our community today. With
48 one of the premier high school systems in the country
49 only a block away, this would not only be quite
50 possible, but may even be likely.

51 We're fortunate that our children have
52 access to the education and branding of New Trier

1 diploma affords. Now, the developer says he will police
2 this; however, with little or no experience, and
3 certainly recent experience in the rental market, nor a
4 mechanism to manage this, we and the district cannot
5 count on it. Even though in this example we've used the
6 census average per unit, how many residents will be
7 allowed per unit, six, eight? It wouldn't be illegal to
8 have even more and without a resident manager it will be
9 uncontrolled.

10 And then finally, we wanted to talk a
11 little bit about the impact of this development on our
12 infrastructure. If you could just kind of imagine, if
13 you're living on, let's say Factory Lane, and you have
14 your spouse and your child, the standard family unit,
15 and the developer comes in and quickly buys up three
16 adjoining properties across the street or next to you,
17 and then he applies to the Board to ask to build a James
18 style project where he asks to build 14 units on this
19 acreage he just assembled. Where you originally had
20 eight or nine people in three houses, you'll now have 44
21 people or more. Where you had five or six cars on the
22 street, maybe now you have 30, and then when it comes
23 times to HVAC inspections or cleanings, instead of three
24 visits you have 14 trucks rolling in and out of these
25 residences.

26 So, if you look at what We're talking
27 about adding here, We're talking about at least 48 cars,
28 88 people, 56 annual furnace inspection of air
29 conditioning. You're going to have the post office
30 coming over 300 times a year. You've got 13 guest
31 spaces, so just by the rough numbers I've used That's a
32 guest space for one of every 6.8 residents. And while
33 there may be senior center additional parking available
34 after 8:00 p.m., what about during the day? What about
35 all the other trucks? So, it's really important to
36 think about the impact that this will, in fact, have to
37 the immediate area.

38 But by far the most important point we
39 wish to leave you with tonight is the precedent this
40 project will leave for Northview. If you allow the
41 proposed density in this project, the door will be swung
42 wide open. Developers will line up at Village Hall to
43 cover the eastern areas of our community with these
44 rentals at this density. But the newly approved density
45 will be the minimum starting point, with each proposal
46 asking for far more, hoping to settle at this precedent.
47 So, I know That's a little bit of an eye chart, but
48 That's just from the front page of what was posted on
49 the Village site talking about the variances and the
50 differences from our R-6. You know, We're not really
51 talking about just one text amendment. We're talking
52 about a long list of significant erosion of neighborhood

1 protections standards.

2 The entire community will change. No
3 longer will we have a country Northfield, not just
4 because of this one development, because of the
5 precedent it sets. We have zoning laws for a reason,
6 and they cover this parcel, and they call for 14 or 15
7 units here. Even allowing 20 would be a major
8 concession to get the property on the tax rolls again.
9 We ask that the Board remember that what the applicant
10 paid for the property, for what his later due diligence
11 indicated is needed to invest in its buildability, do
12 not require the Village to make him financially whole or
13 profitable at any specific level.

14 The entire community will change with
15 your decision on this density. At this density we will
16 no longer have a country Northfield feel, not just with
17 this project, but also those sure to follow the
18 precedent that you establish. Other communities have
19 said no to this density and you can, too. Both John and
20 I thank you for your time.

21 CHAIRMAN VASELOPOULOS: Thank you.

22 MR. CROW: Hi, I'm Robert Crow. I live at
23 1050 Arbor Lane in Meadowlake. Thanks for the
24 opportunity to be here and to voice my reasons for
25 objecting to this proposal. Not that we are against, as
26 we pointed out, having this area improved with housing,
27 of course We're in favor of that. But We're, I want to
28 point out a couple of fundamental points in the, in your
29 zoning code concerning the planned unit development that
30 I think are really fundamental in your making a decision
31 tonight, and you are making a decision that I think has
32 real impact. It's not just in our neighborhood, but it
33 is impactful for all of Northfield and I'll focus on
34 just one requirement that I think is so clearly not met
35 by this project.

36 But in a planned unit development, if
37 it's to be placed in an established neighborhood, it's
38 to be harmonious with that neighborhood in terms of
39 density, setback, style, characteristics. That's in
40 your zoning code and I think it speaks to the essence
41 and the real spirit of what We're trying to convey
42 tonight in talking to you. And it's, not only does, the
43 proposed project not become harmonious, it is really
44 truly a disruption to the beauty of Meadowlake right
45 across the street and I don't think it's appropriate and
46 consonant with Landmark to the east, which has far fewer
47 units on a similar size lot.

48 But I think the essence of what I'm
49 saying and we've pointed out the various objections that
50 we have that are more detailed, including setback,
51 density, height, the unavailability of space to properly
52 landscape and maintain the same kind of general

1 characteristics and beauty of that immediate
2 neighborhood. Not only does it not have that
3 opportunity too, but it is truly, I think, a major
4 decision that should be making that would be adverse,
5 clearly as far as we are concerned who live right next
6 to it. But I think it would be, I think you're making a
7 decision that has real impact for all of Northfield.
8 Because this does set a precedent, as we've just
9 emphasized many times.

10 And I would urge you, that as the project
11 is proposed, it's present number of units and density,
12 that it not be approved. Thank you.

13 CHAIRMAN VASELOPOULOS: Thank you.

14 MR. ANDERSON: Good evening, my name is Tom
15 Anderson. I live at 8010 Arbor Lane in Northfield.
16 Lynn and I moved to Northfield in 1962 and everything
17 that Jerry has shown on the screen, that was Northfield.

18 It was a community at that time you could pluck out of
19 rural Illinois. It had railroad trains that went
20 through the Village twice a day. It had the North Shore
21 line, which was a commuter line for the City of Chicago.
22 If you went to the parking lot at Mariano's, that was
23 Feester's Mobile Homes, next to it was a car wash.

24 If you went to the Happ Inn that was a
25 national tea store and going farther down you went to a
26 different groups of people, Hugo's, then you went to
27 Mystic Tape and then to New Trier. Now, Lynn and I were
28 part of this community. Lynn was a homeroom mother for
29 eight years, she was on the caucus. I was a little
30 league umpire for five years, I was on the Architectural
31 Committee for seven years. I then went to the Cowboy
32 Club; I ended up being the president of that.

33 When they closed the school we were left
34 with \$68,000 in debt for the light surrounding the
35 football field that was retired. And then I stayed on
36 one more year as a co-president for the transitional
37 period between the two schools. My daughter Jennifer
38 Trimble, was on the caucus and she's a past president of
39 the Northfield Park District.

40 Now, with all of that in mind, what I'd
41 like to take you through, by the way, I'm a design build
42 general contractor dealing in heavy industrial projects.

43 What that means, basically, I take a conceptual thought
44 with an owner, I walk them through everything and then I
45 hand them they keys at the end of the project. So, now
46 with that in mind, we have to start with this project
47 looking at the site and visually we've already so many
48 slides of the site. You can see the condition, the
49 power lines, the slew, a sea of asphalt and the
50 buildings.

51 But now, when you do other things to this
52 site, when you go to the Village Hall and you can do all

1 of this in one afternoon, the first thing you do, you go
2 to the flood plan. Half the site is flood plain. Then
3 the next thing you do is you go to the site survey, the
4 plot of survey. What you find now is you can see the
5 physical size of the building, 18,400 square feet. The
6 sea of asphalt, the catch basins and the underground
7 plumbing That's associated with that.

8 But the critical things are on the far
9 right. What you see is an easement, a 12 foot easement
10 That's dedicated to the Landmark. Over to the left
11 side, this would be the west side of the project,
12 there's another easement That's dedicated to the Village
13 of Northfield. This was done in 1984. This is for a
14 storm sewer that runs from the north and it connects to
15 the storm sewer system and it eventually goes into the
16 creek. The width of that is 15 feet. The third
17 easement on the project is dedicated to AT&T. This is
18 for an underground vault and then all the infrastructure
19 connected with that.

20 Then you head over, after you look at
21 that then you can look at the civil drawings, and this
22 tells you where all the different things are located.
23 On the north side of the road you'd have the storm
24 sewer, the water main line, the electric line. On the
25 south side of the road you have the sanitary sewer and
26 then the NiCor Gas. This proposes a problem, because
27 now you have to get to those two connections on the
28 south side. You've got to auger underneath the road.
29 That is expensive.

30 And this, again, goes back to what the
31 developer is talking about, putting an ejector, a
32 cystory ejector, to get that that sewage, the sanitary
33 sewage over across to the sanitary line. Now, when you
34 take all of this, now I'll just take you through the
35 genesis of how this whole thing comes into play. In --

36 CHAIRMAN VASELOPOULOS: You can use --

37 MR. ANDERSON: In 1990, this here is a very
38 preliminary drawing that took place --

39 CHAIRMAN VASELOPOULOS: Let me interrupt you.

40 Why don't you set it up there and you can walk over
41 there. You've got the microphone in your hand and you --

42 MR. ANDERSON: It's upside down.

43 CHAIRMAN VASELOPOULOS: It's upside down.

44 MR. ANDERSON: This is a preliminary drawing
45 that was given to the Village by the developer and it's
46 extremely preliminary, it's for 20 units. But what's
47 the interesting part of this is the setback, it again.
48 intrudes on the 30 foot setback on the project. Now, we
49 move in --

50 CHAIRMAN VASELOPOULOS: I'm sorry, who's plan
51 is this?

52 MR. ANDERSON: This is the developer's plan,

1 James'.

2 CHAIRMAN VASELOPOULOS: The current
3 developer's plan?

4 MR. ANDERSON: Yes, James. Then you move into
5 the next part of the program or the development, and
6 then we come into this. This one here is the, this one
7 is dated June 16th of 2016. This is now for 27 units,
8 of which these are all for sale. Down here you can see
9 where it shows, depicting two elevations as to what the
10 units would look like. The next thing, moving along,
11 the developer then is concerned about water retention on
12 the site. He then, with the Village, asked based on the
13 site of development to come up with calcs for water
14 detention. They create those calcs and then the present
15 them to the Village Board.

16 The Village Board then is asked to take
17 the calculations for a residential unit and apply it to
18 an M-1 unit. The Village Board does this. So, now what
19 you have is the developer now has greatly reduced the
20 amount of water detention on his site and this in turn
21 reduces his cost and the water that he does not have to
22 detain, that flows off somewhere else, to someone else's
23 problem.

24 The next thing. You mixed them up. I'm
25 sorry, I have go to the dates. The next one That's
26 presented is, they mixed them up on me. This goes to
27 January 25th of 2017. The developer then presents a
28 plan for 28 townhouses. This plan, again, it's an
29 interesting point, these are townhouses for sale, and
30 again, the point here, we go back to the 30 foot
31 setback. This intrudes on that setback. The next thing
32 we get to is 27 townhouses. This again is luxury
33 townhouses for sale. Again, this particular program,
34 again with a setback, again, intrudes on the 30 foot
35 setback.

36 Now, at this point we go into March of
37 2017, and here is the major jump shift. What you now
38 have, he comes in with 26 units, but now he goes to
39 luxury rental units. Again, the point here again, we go
40 back to the intrusion on the 25 or the 30 foot yard
41 setbacks. From this point you go to the middle of July.
42 He comes in with a 34 unit townhouse concept, again,
43 with the 30 foot intrusion. He drops that verbally down
44 to 32, again with a 30 foot setback intrusion, and then
45 we get back to where we are today with 28 units, again,
46 with the same setback intrusion.

47 Now, how do you get why and why do you
48 get all these intrusions? The reason is the
49 configuration of the site and then the amount of
50 easements that are generated. It was already stated
51 that, or it's stated in his petition that he's
52 presented,

1 that he has a 15 percent penalty That's he's generating
2 because of these setbacks. If you take the total square
3 footage and multiply it by 2.16 acres, you come out with
4 94,000 square feet, 15 percent of that is 14,000 unit
5 out as 80,000, That's 1.810 acres of true value that he
6 can work on the property.

7 Now, with all of this, with all of this
8 we get to the next point, and the next point is this,
9 and this is off his petition that he sent around. The
10 requested relief includes variations with respect to
11 minimum area per unit, maximum density in an R-6 zoning
12 district, building height, front yard setback, interior
13 side yard separation, lot coverage, floor area ratio,
14 and off street parking regulations. So, now we have is,
15 We're in an area where we have an umbrella where you
16 have a large number of building code intrusions. Now,
17 once you take that in concise you can't look at one
18 particular thing, again, the setback is one major issue.
19 It's the whole entity that you have to look at, but it
20 really doesn't end there.

21 If you look at, we talked about
22 amenities. The developer in previous presentations said
23 there's only one amenity and That's standing on your
24 balcony. Then he refers to the running track, the New
25 Trier tennis court, the walk and bike paths, and then
26 the parking lot over at the senior center. These are
27 not amenities, they have to be indigenous to the site
28 itself. Now, the next element he goes to, if you look
29 at the site, and this is the easement that Northfield
30 controls for its storm sewer, which is 15 feet.

31 Now, if you look at its catch basins,
32 they make an intrusion on that easement way up to seven
33 feet. I went over and measured this afternoon. Now,
34 where it says the developer ever asks for the use to
35 develop on the Northfield site for his water detention.
36 Now, the pond that he's creating is very shallow in
37 depth. What you have, you have in the wintertime it's
38 going to freeze off and freeze through. Now, is there
39 any guaranteed that that storm sewer will have any
40 structural integrity or an impairment to it. That's a
41 question.

42 Then you move on, I called the fire
43 department, the fire prevention bureau in Winnetka. Mr.
44 Watson referred me to Tom Grove here in Northfield.
45 Now, in speaking with him I asked what would the, were
46 there any recommendations made by the fire prevention
47 bureau. He said basically three. Number one, they
48 asked for two more fire hydrants. Number two, he said
49 they wanted to go to the 40/40 rule, and I said what is
50 the 40/40 rule, I'm sorry, the 20/20 rule. The 20/20
51 rule is in front from the garage door to the street you
52 have to have 20 feet. Then you have to have a 20 foot

1 drive. Now, I said then, I said well, what does that,
2 he said, well, they don't qualify for that. I asked did
3 they run, use templates to run the calculations on the
4 site to see if the fire trucks could work. He said no,
5 they didn't because of the 20/20 setback or the 20/20
6 rule.

7 So now, then I asked him what about snow
8 plowing and he said because of the site constrictions
9 you can not plow out, you have to dig it out. That
10 means a front end loader with a dump truck. And then I
11 said, what were the recommendations and he said they
12 went back to the previous recommendations that they made
13 on the 34 unit site. That said that the fire trucks
14 could not make the turn in the winter months, based on
15 the turns and the circulation.

16 Now, that falls back right in your area.
17 What you have now is an intrusions on, that become
18 hazardous for individuals and possibly dangerous because
19 of human life. With all of these intrusions now that
20 you're up to, it's like 14 or 15, and these are all part
21 of this particular development. You haven't heard from
22 Avoca on how can their busses get around this particular
23 site.

24 All I can ask you to do is look at this,
25 listen to all of the objections, and then sit down,
26 analyze it, and then vote your heart, and vote your
27 heart for Northfield. Okay, thank you much for your
28 time.

29 CHAIRMAN VASELOPOULOS: Thank you.

30 MR. UNGER: Some people were not able to be
31 here or had to leave, I'm sorry, Don Unger, and they've
32 asked me to read their remarks. So, I hope That's okay.

33 CHAIRMAN VASELOPOULOS: Yes.

34 MR. UNGER: The first one is from Cricket
35 Trutter Hauff, who I think you've heard from before, and
36 it's actually addressed to the trustees, but if you
37 don't mind, it's very short; I'll read it.

38 As some of you may know I am a current
39 member of the Northfield caucus. The existing trustees
40 were selected and endorsed by the caucus and elected by
41 the residents of Northfield to uphold the character of
42 the Village by enforcing existing zoning and
43 architectural regulations. The James project under
44 consideration at 1725 Winnetka Road wants the Zoning and
45 Planning Committee to change several of the present
46 zoning regulations. Which in turn will change the
47 character of the Village.

48 By accommodating these zoning changes,
49 the trustees are not doing what they were elected to do
50 by the residents of Northfield. This will set a
51 terrible precedent for future and present residents of
52 Northfield. I urge your to reject any deviances from

1 current zoning regulations. Cricket Trutter Hauff, 1050
2 Arbor Lane. The other two I can read now or later.
3 It's your choice.

4 CHAIRMAN VASELOPOULOS: Since you're up here,
5 go ahead.

6 MR. UNGER: Okay, the first one is from one of
7 our Board members who had to leave. She was here, she
8 was here earlier, her name is Maureen Schwab, and which
9 unit is she in, 6020 Arbor Lane, and I'll just read
10 this.

11 The owners of the vacant AT&T lot at 1725
12 Winnetka Road are seeking approval of a planned unit
13 development for 28 townhomes on a lot that measures 2.16
14 acres. While I'm not opposed to the lot being developed
15 or to a change in zoning from M-1 to R-6; I am opposed
16 to the many use exceptions of the PUD regulations that
17 would have to be granted in order for this particular
18 development to be built.

19 In particular, I'm opposed to the density
20 and to a development that is 100 percent rental and not
21 owner occupied. The use exceptions necessary to bring
22 this project to completion are density, setback, lot
23 coverage, building height and floor area ratio. The PUD
24 regulations state that a residential PUD shall preserve
25 the natural environment areas that achieve a sense of
26 spaciousness and counteract the effects of urban
27 monotony, congestion and paving, and when located in an
28 established neighborhood provide harmonious architecture
29 and site design at a scale, character and density that
30 are appropriate to the site and surrounding area.

31 The current plan to build 28 units
32 clustered in six building exceeds the code requirement
33 of eight buildings per acres, by proposing 13 instead.
34 Her math might be a little off there, but lot coverage
35 asked for under the use exception would be 59 percent
36 instead of 50 percent. The newest plan continues to
37 ignore the need for a sense of spaciousness within the
38 complex by deliberately creating urban monotony and
39 congestion instead. Open space is an important standard
40 for consideration, as stated in the PUD regulation.

41 Such space shall have a direct functional
42 or visual relationship to the main buildings and not be
43 isolated either specially or in character. An internal
44 courtyard measuring 45 feet, situated between two
45 buildings, was planned to suffice as an area of the
46 complex where all residents would be able to enjoy green
47 space. Now, the only open space for the entire complex
48 is surrounded by guest parking spaces, more paving, and
49 less grass. This is going to be a little bit longer
50 than I thought, so I will try to make it shorter.

51 If there is demand for rental units in
52 Northfield, would a luxury rental rate be appropriate

1 for a town with a median income of \$91,000 for a single
2 person, to \$114,000 for a family. If you spend the
3 average 40 percent of your income on rent, that would
4 come to approximately \$2,300 to \$2,800 a month. We have
5 yet to hear what the rental rents will be, although I
6 believe Mr. James has given some insight.

7 You can't compare Meadowlake to what is
8 being proposed at the AT&T lot. The buildings at
9 Meadowlake were designed and spaced in a way that gives
10 the occupant of each unit an unobstructed view of the
11 surroundings. The wide streets are easy for cars and
12 trucks to navigate and they never have a problem with
13 parking for guests and visitors. Currently We're at
14 almost 100 percent occupied with no rentals.
15 A small owner occupied development would be much more in
16 keeping with the guidelines put forth in the Northfield
17 Road corridor study and a welcome addition to our
18 community. I'm hoping Mr. James will soon submit a plan
19 showing us what luxury units per acre, eight luxury
20 units per acre could look like.

21 My last one is from one of our residents
22 who would have been here if it had been held on January
23 2nd, but it's not. Barbara Moeller is her name. She
24 lives at 8030 Arbor Lane and says, I speak to voice my
25 concern about the proposed townhouse development on
26 Winnetka Road.

27 I am not opposed to this development of
28 this site, in fact, I welcome it. It's a prime site and
29 what's there is an eyesore, but I'm vigorously opposed
30 to the development plan as proposed. Simply put, it's
31 just not good enough for Northfield. Northfield is
32 facing an opportunity for change and now is the time to
33 establish a direction for that change.

34 We're a relatively small village with a
35 fair amount of land desirable for future development,
36 and so at this time we ask you, our Village officials,
37 what direction do you want the growth of the community
38 to take? What kind of community do you want Northfield
39 to be? I submit the decisions you make about this
40 proposed plan will establish that direction, which will
41 effect Northfield and its residents now and in the
42 future.

43 On behalf of those residents, I urge you
44 to establish very high standards now and then adhere to
45 them strictly and always. Specifically, I request in
46 the strongest possible language, that if you allow this
47 development to go forward you do so with R-6 zoning and
48 allow no variances.

49 When my husband and I, That's Barb
50 Moeller speaking, moved from Wilmette and considered
51 Northfield, we saw it as mostly a community of
52 homeowners with a strong commitment to education, a

1 permanent set of values and a serious investment in the
2 community. Is this the character that you, our elected
3 officials, again she's speaking to the trustees, in
4 essence want to retain? If so, you have an opportunity
5 with this, Northfield's first rental townhouse
6 development, to send a message loud and clear that our
7 village has very high standards and we intend to keep
8 them high.

9 The proposed townhouse development seeks
10 several variances, including three hugely important
11 components, height, setback and density. These are not
12 trivial issues, they define space, and the space they
13 define is not what the developer described as luxury
14 townhomes ■elegant. • There is nothing luxurious or
15 elegant about this plan. There are no luxury features,
16 a pool, a fitness center, a common space. There is not
17 even much space to walk the dog or the baby.

18 The requested variances, if allowed,
19 would result in a space that is crowded, narrow, cramped
20 and dense, very dense. Is that what we want on a prime
21 piece of Northfield real estate? No, absolutely not.
22 We all know that these, what these developments look
23 like. We've seen them, and some of our neighboring
24 communities are filled with them.

25 Not to disparage these communities, but
26 we don't want Northfield to look like that. We have all
27 decided not to live in communities that look like that.

28 We have chosen to live in Northfield and this is not
29 good enough for Northfield. We elected you, the
30 trustees, to preserve this village and protect its
31 residents. We ask you now to set a very high bar for
32 anyone who wants to join our community.

33 Send the word out to all developers, if
34 you want to come to Northfield and we hope you will, you
35 need to bring your best work and you need to meet our
36 standards. Please, please, as you consider this
37 decision listen to the neighbors. Do the right things.

38 We are taxpayers and we are voters, and we care about
39 our Village. We're relying on you to do the right
40 thing. Insist on a plan that is good enough for
41 Northfield. Thank you.

42 CHAIRMAN VASELOPOULOS: Thank you.

43 MS. CROWE: You are all very long suffering
44 and is everybody, so my comments are very short. I'm
45 Elizabeth Crowe. I live at 1050 Arbor Lane and am on
46 the Board there. Bob and I have lived in Winnetka for
47 50 years, and for six of those years I was on the Design
48 Review Board. So, I know the area well, and one of the
49 things that attracted us to Northfield was how lovely it
50 was. There's a simplicity, a beauty, a low keyness, and
51 I think that that has been true of many of the people.

52 We've lived at Meadowlake now for four

1 years. A lot of the people there are older couples like
2 my husband and I, and they've had their eye on
3 Northfield. They've come from Wilmette, they've come
4 from Winnetka, they've come from Glencoe, because it is
5 such a lovely, lovely community, and I know you have
6 worked to publicize it as that, to amplify that and
7 build that.

8 I know that when you go to build a
9 community you're always looking to improve it. And I
10 have to say that 25 years ago Meadowlake was the Mystic
11 Tape plant, so I think the change to, in development of
12 that was a really good one. And I understand that there
13 was a tavern where the Landmark is that was a little bit
14 notorious, but I don't know that. So, both of these
15 projects have really enhanced Northfield.

16 And I do think what's been so said at the
17 project, I know the James's have built very wonderful
18 projects. I'm particularly fond of the one That's at
19 the corner of Winnetka Road and Hibbard Road. It is a
20 lovely, lovely development, but it is seven houses with
21 lots of landscaping around them.

22 But this project that has been proposed
23 is too dense, it's too tall. The setbacks are
24 absolutely unacceptable. I can't agree more than the
25 real estate people who talk about beautiful lanes and
26 the houses that you read that give space and design to
27 the town. One of the things I think that was
28 interesting to me in the pictures that were presented is
29 because the project here is going to be 40 feet tall.
30 You all were sitting over there and maybe couldn't see
31 the pictures, but the shadows that fall on 40 foot
32 buildings across the narrow courtyard are really severe.
33 They're going to be there every day and that doesn't
34 lend to the beauty of the spot.

35 So, I feel that, as others have expressed
36 and I'm going to be very brief, that the approval of
37 this project and the precedence that will be set by
38 making it, will effect the whole future of Northfield.
39 I think that Northfield is on the cusp of really
40 changing and as it's been suggested, I hope that you
41 will consider that as you move forward. I think the
42 approval of this project and the precedent it sets,
43 there will be no turning back for Northfield.

44 I sat through a long session before, I
45 know I've got my eye on the Raynor garage door project.
46 That whole enclave of land and another man was here
47 suggesting that he, too, owns another parcel. There was
48 a very significant question tonight of how many PUD's
49 have come through and I think the answer was just two.
50 But there are going to be many, many more, and I hope
51 that you will take that really under consideration that
52 you hold the future of Northfield in your hands. And I

1 hope you will reject this project. Thank you.

2 CHAIRMAN VASELOPOULOS: Thank you.

3 MR. BROWN: Dick Brown, at 2 Landmark, my wife
4 and I. I also know it's late and I have some other
5 things to say, but I'm going to boil it down to just
6 three things, please. One, to make sure to get it in
7 the record.

8 All the things, and I don't know any of
9 the ladies and gentlemen at Meadowlake that presented,
10 but all of their issues were part and parcel of a
11 petition that just so happened that the Landmark decided
12 that we needed to see what our fellow residents felt
13 about the property project. So, we decided, let's do
14 our own petition and see what happens and in early
15 December we put together a petition and distributed it
16 to all 25 unit owners and collected those. And on
17 December 22nd, I believe it was, I met with Stacey
18 Sigmund and presented signed petitions from 22 out of
19 the 25 residents opposing the project.

20 I know those were included in the
21 website, so I don't need to read it. It's a short one,
22 but it's late, so I won't go through it. Because all
23 the points were primarily the variances that are being
24 requested. But in, I guess in summary the things that,
25 really in summary, the things that really concerned us
26 were call it density or call it mass. And by that I
27 mean a combination of the number of units, the size of
28 the units, the height of the units, the square footage
29 of floor space versus the acreage makes for a large
30 mass.

31 Questions have been raised about the
32 traffic, somewhat of an open issue I would probably say,
33 but it's certainly been something the school has been
34 concerned about as well. But finally, the precedent is
35 of major concern to us. I mean, this is our,
36 Northfield's our home, this is our neighborhood. We
37 know what very well can happen at the Raynor properties,
38 the Hardy properties. This does set precedent, you do a
39 little bit more here, you do a little bit more there,
40 and there will be good arguments for doing those, if
41 those are approved.

42 So, the fact that we had nearly 90
43 percent of the residents of Landmark signing the
44 petition, I think is a fairly strong statement. It's
45 not just a couple of us, a couple of people decided
46 something we should stand up here and talk about. We
47 wanted to see what everybody felt about it and as I say
48 22 out of the 25 have signed it.

49 I just have two other questions, quick
50 ones. One of the issues is the height overall, but
51 certainly on the east side of Mr. James's project with
52 the fairly large row of houses, which would directly

1 face our west side. It says to be at 41.5, and this is
2 not a self-serving question, this is a question I don't
3 know the answer to. Is that 41.5 measured from the, I
4 don't know what the elevation level where the project is
5 going to be developed and how that compares with the
6 elevation level at the Landmark. I mean, maybe it's
7 lower, maybe it's higher. I have a suspicion it might
8 be somewhat higher, but I'm not sure of that.

9 So, I really want to know and I would
10 think maybe, hopefully you would all want to know, too.
11 Is it going to be three or four feet higher, very close,
12 or is it going to be higher than that? Is that
13 something we know now or something --

14 MR. GUITIERREZ: We don't have relative
15 numbers --

16 MR. BROWN: Okay, well, the other thing I did,
17 and by the way I started out the last discussion by
18 saying that in our petition, the petition does say that
19 we hope somebody, a strong developer like Mr. James is,
20 we've all acknowledged that, does do a project there.

21 So, I want to make sure That's also on
22 the record. And Jerry said tonight that there's still
23 an architectural opening for the height of those and he
24 did mention that is still something that may be
25 considered. Maybe the project can be re-done, I'm not
26 sure, but certainly the height is something That's of
27 concern to us.

28 Finally, I'm reading here from the memo
29 from Steve Gutierrez on September 5th to the chairman of
30 Planning Commission, and it's in regard to the project
31 when it was a 34 unit proposal, and these are the
32 comments that were made by the Village Staff. And it
33 says, as studied, and we talked about the corridor plan
34 tonight. As studied in the Northfield Road corridor
35 plan it appears something more than 16 units would be
36 needed to make residential development on this site
37 financially viable. It is incumbent on the Petitioner
38 to prove that their requested 34 units are necessary.
39 So, my question is, has the Petitioner proven that the
40 requested 28 units are necessary?

41 MR. GUITIERREZ: We have what the Petitioner
42 has provided us is in their application, so --

43 MR. BROWN: Okay, I didn't see any proof that
44 28, economic proof, the 28 was required, but I might
45 have missed that. That's it for me.

46 CHAIRMAN VASELOPOULOS: Thank you.

47 MR. McALLISTER: My name is Robert McAllister.
48 I live at 13 Landmark and I've lived there for 30 years.
49 And I'm here to address only one issue because everybody
50 has very thoroughly explored the pros and cons, mostly
51 cons, of this project.

52 The issue I wish to address is because I

1 live in number 13, which is one of five homes that will
2 face, we face the west or east side, back side of the
3 development proposed and I object to the height.
4 Because we are going to be effected by 41.5 feet and
5 it's not going to be pleasant and we'll have to make up
6 our minds with whether we can live with looking, if you
7 approve of the project as it is at that height, We're
8 going to like looking at that roof, those roofs. I
9 thank you for your time and I hope you make the right
10 decision.

11 CHAIRMAN VASELOPOULOS: Thank you.

12 MRS. UNGER: Good evening, my name is Diane Unger and I
13 live in Meadowlake at 5020 Arbor Lane, Apartment 202. I
14 oppose the first iteration of the 1725 Winnetka Road
15 development and have continued to oppose the subsequent
16 plans.

17 While plan three is an improvement, there
18 are still density, setback and safety issues that do not
19 meet the standards set forth by the Village, and that
20 have a negative impact on the surrounding neighborhood.
21 For these reasons I ask you not to recommend its
22 approval.

23 MRS. UNGER: In addition, I ask you to stop
24 and think about what is being done here. Because what
25 happens at 1725 Winnetka Road will drive future
26 development in Northfield. In my letter to you last
27 August, I said that our neighborhood is like many others
28 in Northfield. It's true that our homes are not single-
29 family houses, but we are a neighborhood just the same.
30 We walk, bicycle and drive to Mariano's, Walgreen's,
31 local restaurants, the library and post office every
32 day. We pay property taxes and maintain and enhance our
33 property. We get together for cook-outs and parties,
34 the way you do with your neighbors. And we are part of
35 the greater neighborhood that surrounds us; a
36 neighborhood that may see more development in the
37 future.

38 Please consider the impact, good and bad,
39 that development of the Winnetka Road property will
40 have, not only on all of us, but also on all future
41 development in Northfield. Finally, please consider one
42 question. If this development or others like it were
43 proposed for your neighborhood, would you recommend its
44 approval? Thank you.

45 CHAIRMAN VASELOPOULOS: Thank you.

46 MS. JONES: Can you hear me?

47 COMMISSIONER DELOYS: No, the one on the left.

48 MS. JONES: This one? Oh, goodness, I've
49 broken it.

50 COMMISSIONER DELOYS: That's okay.

51 MS. JONES: This one?

52 COMMISSIONER DELOYS: There you go.

1 MS. JONES: Can you hear me?

2 COMMISSIONER DELOYS: Yes.

3 MS. JONES: Okay. Unlike my Meadowlake
4 colleagues --

5 CHAIRMAN VASELOPOULOS: Your name?

6 MS. JONES: Oh, I'm sorry. I'm Suzanne Jones
7 and I live at 6020 Arbor Lane in Northfield. I've been
8 here five-and-a-half years, and I've really grown to
9 love Northfield very much. Unlike my Meadowlake pals, I
10 am totally in favor of the James Project. I have to
11 explain myself. I love congestion. I love excessive
12 traffic and excessive numbers of people. Traffic jam is
13 the most exciting thing I can possibly imagine.
14 Consider within the property itself, fire trucks,
15 garbage trucks, UPS trucks, snow removal people, moving
16 vans, are going to be unable to move within the
17 property.

18 The traffic jam on Winnetka Avenue and
19 Happ Road is another issue. Most drivers have a
20 reaction time of two seconds. If a driver slightly
21 slows down for some reason, the person behind him will
22 have to slow down faster to compensate for slowing down
23 two seconds later. The person behind them will need to
24 slow down even quicker. Guess what's going to happen?
25 A mess. I can't think of anything more fun.

26 Anyway, the density I really enjoy. I
27 love crowds. I love the 28 units, but I love 50 units
28 more. I am not in favor of extreme crowding. I mean,
29 extreme crowding consists of a situation where a doctor
30 visits his patient in the hospital and says there's a
31 alleviate unexpected opening in the mortuary, so we're
32 cutting all life support. That's not the kind of
33 density I'm in favor of. But, I am definitely in favor
34 of the urban-city feel. Not a country feel. It's been
35 great to have a country feel, but it's time for an
36 urban-city feel, like, like The Glen, for instance.

37 Other villages insist on developers
38 sticking to zoning laws in their requirements.
39 Northfield is kind of loose and flexible, open to needs
40 of developers. It's in this project is more like The
41 Glen. I love tall buildings, too. I love the 40 feet
42 height, I think it's great. And if there's a
43 possibility of some flatter roof parties or gatherings
44 could take place up there. The rentals could turn into
45 dormitories for New Trier. No rental ordinance or
46 agreements can be kind of exciting and multiple families
47 could live there, which could be kind of interesting and
48 fun.

49 Which brings me to landscaping. I've
50 never been big on landscaping. While recognizing that
51 gardening is the art that uses flowers and plants as
52 paint and soil and sky as canvas, gardening is the

1 slowest of the performing arts. I have never met a
2 flower that didn't die right before my eyes. A weed is
3 a plant that has mastered every survival skill except
4 for learning how to grow in a rose. I really want, I
5 don't care about any landscaping. It would be great to
6 have more cement.

7 As far as the future, the precedent, I
8 think this project sets an exciting precedent for
9 Northfield. This project is only the beginning of the
10 city-urban orientation, sort of like The Glen, they'd be
11 Glen Plus. More projects like this in Northfield would
12 be great. They'd satisfy the need for revenue for the
13 Village, especially with the flexible zoning
14 requirements. So, if more projects come your way, bring
15 them on. Thank you very much.

16 MS. FAIR: Hi, my name is Gail Fair. I live
17 at 276 Wagner Road. My grandparents moved to Northfield
18 on Dickens back when you could see all the way to the
19 railroad tracks, because there were no other buildings.
20 My sister lives west of Wagner. My former brother-in-
21 law lives here and was a former president of the
22 Village. I don't have a whole lot to add to the
23 arguments that have already been made so thoroughly
24 here. I just have two comments. It's not just the
25 residents of Meadowlake and Landmark, who are concerned
26 about this. This won't have a positive effect on our
27 Village. And my second comment is, Mr. James' priority
28 is profit. That's his business. He wants to make
29 money, but it's not going to be good for our Village.

30 CHAIRMAN VASELOPOULOS: Thank you.

31 MR. STOKES: My name is Gerald Stokes. My
32 wife Olga and I live at 8030 Arbor Lane, Unit 301.
33 Coming this last in the agenda gets its advantages and
34 disadvantages. First of all, thank you all very much
35 for so eloquently stating my points. Now, the
36 disadvantages, of course, they've stated all night, much
37 more eloquently than I could have. But we've lived in
38 Glencoe, we've lived in Northbrook and for the last 45
39 years, we've lived in Wilmette. So, we felt that when
40 we started down-sizing and looking for a place to live,
41 we were familiar with Northfield and we presumed that
42 they had strong regulations, strong governers, strong
43 codes and so forth, like these other places that we've
44 lived.

45 And I'm beginning to be a little
46 suspicious that we might have misread what we thought or
47 implications because, as many people have said that
48 there seems to be a lack of force between a lack of
49 emphasis on the strong codes, very good codes as they're
50 written, I might say, but not enforced as well as the
51 community would like. And again, I'm disappointed in
52 that because from what I've heard, the community is

1 virtually 90 percent or more against this type of
2 presentation or this type of project. And I will say to
3 Mr. James, I think you've done beautiful work, they're
4 beautiful buildings. I think that even the first
5 presentation, I don't know what the structures are that
6 you put in the 28 houses, but may I ask you what is the
7 construction? Pardon?

8 MR. JAMES: We haven't changed the structure
9 since it evolved.

10 MR. STOKES: Okay, thank you. At any rate,
11 being new residents of Meadowlake, perhaps I should take
12 a different tack than from what you've heard from people
13 who are long residents there. I'm going to state what I
14 think prospective buyers are going to consider in the
15 future. And that is that this plan you've alluded to
16 that was commissioned and I'm speaking just from
17 hearsay, all right, but it sounds to me like all of the
18 development in that plan was targeted south of Willow
19 Road, sort of setting up a wrong side of the tracks.

20 And I didn't get any, I'm saying perhaps
21 I'm wrong, but it just seems to me that this whole
22 corridor along Winnekta Road is being primed for
23 development of high-density living and propagation of
24 rental properties. And the last thing this Village
25 needs is something like, and again, I don't mean to
26 denigrate other residents in the high-density like along
27 West Dempster and West Golf, or Golf Road. We've got to
28 avoid that.

29 Frankly, I agree with some comments made
30 by the doctor earlier and a couple of other people that
31 we moved in here because Northfield is small, charming,
32 a small, charming Village. It's got a diversity of
33 houses and condominiums and townhouses, open space.
34 It's got wonderful shops, great schools, great parks, a
35 lot of activities, both summer and winter. And it's an
36 ideal small community with a lot of sophistication and
37 once you open up to high-density living like this,
38 that's being proposed, the future buyers are going to
39 look at that and they are going to say number one, why
40 weren't the codes enforced more forcefully and number
41 two, that's not what I want. I want to get away from
42 high-density living and this would have been a beautiful
43 community, in which to live.

44 And so, in closing, I'm just asking that
45 you give serious consideration before you start allowing
46 these high-density projects because that is going to
47 directly reflect the future buyers' decisions. Thank
48 you.

49 CHAIRMAN VASELOPOULOS: Thank you.

50 MR. MURRIN: Hi, guys, I'm back. Mike MURRIN,
51 1724 Harding. I'm probably the only one in the room
52 that's completely for this project. I hope it goes

1 through. I like the changes that the changes have done.
2 I understand everybody's concern about the density.
3 I've lived in that house for 25 years. I'm not going
4 anywhere. I don't have a problem with this being
5 rental. I've done some consulting work for a lot of
6 communities around the area. When you start looking at
7 what they've done with some of condominiums, some of the
8 other townhouses, Deerfield, Northbrook, for example,
9 you're looking at \$1,400 to \$1,800 a month one bedroom
10 apartments. You're looking at \$2,300 to \$3,300 a month
11 two bedroom apartments. So, with this project being
12 maybe \$3,200 to \$3,400 a month, I don't see that far
13 off. I mean, I agree if somebody's looking for --
14 what's that?

15 AUDIENCE PARTICIPANT: \$4,000.

16 MR. MURRIN: \$4,000? Okay. So we say \$4,000.
17 I mean, short of having an elevator, I still think
18 that's high-end. I don't think you're going to find
19 people moving in five, six, seven, eight, 10 family
20 members. I've never seen that, I mean, Northfield,
21 Northfield Square is condominiums. Somebody had
22 mentioned that there's no sidewalks on this given
23 property. Northfield Square has no given property, no
24 given sidewalks. The Landmark has no given sidewalks.

25 Somebody had mentioned that the, the
26 feasibility for a fire truck to get around here. Our
27 fire apparatus in town has been out of service for six
28 months, that ladder truck. The Landmark as a whole and
29 no disrespect to anybody in the Landmark, the north end
30 of the property on Happ Road, there is a drive-thru berm
31 because the ladder truck could not get back there
32 through there. I was on the Northfield Fire Department
33 from 1988 through 2006, so I know all the ins and outs
34 about where the fire apparatus can and cannot go.

35 The, somebody had brought up the issue
36 of, of Avoca school buses. A Avoca school bus, talking
37 to -- he was here for the November meeting, could not
38 get around the Landmark as it is anyway. There's a
39 period of time where I had, had to put a petition out,
40 because of living on Harding Road, it's a dead end. The
41 school buses choose not to go down there for the younger
42 students. We had kids, children, I think 17 children
43 under the age of 16 at one time. They were all going by
44 Avoca Marie Murphy. We had to get a petition together
45 to get the Avoca buses to come down there because they
46 didn't like backing the school buses up and I can
47 completely understand that. As of today, the school
48 buses go through Northfield Square, they do not go down
49 Colonial Lane, because they cannot get around Colonial
50 Lane. I know that they back into Crestwood Village or
51 have trouble getting into Crestwood Village off of
52 Frontage Road.

1 So, there's a bunch of things that are
2 being brought up that are really a non-issue. With
3 living there for so long, I've lived through and some
4 people might remember this from the meeting in November,
5 I've lived through AT&T, SBC, Illinois Bell and
6 Ameritech. At one time, there was 100 vehicles coming
7 in and out of that property daily, 24 hours a day, seven
8 days a week. There's multiple semis, there's multiple
9 two-ton, five-ton trucks coming in and out of there.
10 They used to have four full-time dumpsters in there.
11 They used to have a Waste Management truck coming in
12 there daily.

13 So, I mean, yeah, I mean, it's a little
14 bit dense, but it's a way better opportunity for us as
15 opposed to having another commercial property there. As
16 of right now, it's still commercial property until it's
17 re-zoned or which ever. I said sooner or later, yes,
18 somebody mentioned Raynor Door, that whole property
19 someday down the road is probably going to be developed.
20 East of me, the rest of the properties on Harding are
21 all commercial right now. Somebody had mentioned that
22 somebody might buy those up.

23 Well, I can tell you for a fact that my
24 neighbor to the, directly to the west of me has invested
25 over \$800,000 in his three buildings alone the last few
26 years. The building to the far west of me, which is the
27 old Kiefer Pool building, Adolf Kiefer sold that
28 building ten years ago for over \$900,000. Those
29 buildings are not going cheap when they go. Multicopy,
30 which is back in the corner there, has just sold the
31 property, sold the business. Sooner or later, that's
32 going to be developed. I don't know what's going to
33 happen with it. Nobody really knows right now.

34 So, yeah, change is coming to Northfield
35 one way or the other. I know that they want to re-
36 develop the whole corridor, whether the commercial
37 property on Northfield Road or not. Who knows what's
38 going to happen down the road. Will it be five years,
39 10 years, 20 years down the road? None of us are sure.
40 So, you know, in that respect, we've got an opportunity
41 here with a, a good group of people. I've looked at a
42 lot of their developments over the years, whether it's
43 Winnetka, Northfield, the Hidden Grove projects, the
44 Glenview projects. I mean, is it, is it, you know,
45 somebody's not going to go and build six homes there,
46 like Kieber Road was done. I, with having the railroad
47 tracks, the railroad easement and/or the ComEd lines
48 directly to the west, housing's not going to happen. I
49 mean, is it, is it much better than the 64 units or 58
50 condos, yes. Some of the people keep mentioning the
51 heights. I'm not sure of the exact height, but the
52 Landmark's got to be 40 some odd feet tall.

1 AUDIENCE PARTICPANT: No, it's not. It's not.
2 38.2 feet. 35 feet.
3 MR. MURRIN: 38 feet. So, okay, I apologize.
4 So, and then you take a look at Meadowlake.
5 Meadowlake's all built up. At one time, when that was
6 Mystic Tape, that was zero level. I remember when
7 Mystic Tape was there. So, if you take that elevation
8 from the curb, not including the parking structure,
9 again, you're pushing almost 40 feet. You know, yeah,
10 from the sidewalk to three stories, you might get to 30
11 some odd foot mark. But if you don't take into account
12 all the build up to hide the parking structure and/or
13 create the ponds, that was all level at one time. The,
14 the train came in off of --
15 AUDIENCE PARTICIPANT: Are you also aware
16 that there was --
17 CHAIRMAN VASELOPOULOS: Folks, folks, so we
18 can't engage in a conversation. We can't engage in a
19 conversation.
20 MR. MURRIN: I'm sorry, I apologize.
21 CHAIRMAN VASELOPOULOS: Thank you, folks.
22 MR. MURRIN: So, I mean I just want to give
23 that, I'm all for this, whichever way you guys decide to
24 go, you know, that's up to you guys. I understand
25 everybody's concerns. We're all residents; got to make
26 it work one way or the other. Thanks for your time.
27 CHAIRMAN VASELOPOULOS: Thank you.
28 MR. GAMBACORTA: Do I have to re-introduce
29 myself or --
30 CHAIRMAN VASELOPOULOS: Yes, please.
31 MR. GAMBACORTA: Sam Gambacorta, 464
32 Highcrest, Wilmette. We're the owner of the townhouses
33 directly to the east.
34 CHAIRMAN VASELOPOULOS: Thank you.
35 MR. GAMBACORTA: I had a couple, I'm not going
36 to go ahead and read my letter, it's too long, but I do
37 have some points I want to touch on. A very practical
38 matter, the storm sewer that's in the east easement of
39 the property, which serves the Landmark, I believe,
40 we're also connected to the same storm sewer that also
41 feeds out to Winnetka, so that being the case, you know,
42 that's important to us. Without that, our property's
43 going to flood. Can we also get a storm sewer agreement
44 that the Landmark has, so we can be part of that?
45 That's something that I didn't see in the packet.
46 CHAIRMAN VASELOPOULOS: We can't, we're not
47 able to have a conversation here, so, keep talking.
48 MR. GAMBACORTA: Okay. I want to ask Mr.
49 James, could you bring up your pictures of your
50 elevations real fast? I don't know how you do it.
51 Yeah, you know, I just want to talk real fast about the,
52 about the height and the roof, you know, but I, I'd like

1 to have a picture to look at, if you're able to pull it
2 up.

3 MR. JAMES: I don't know --

4 MR. GAMBACORTA: Yeah, that's probably a good
5 shot, right there. Can I borrow your little pointer
6 there?

7 So height, you know, everyone seems to
8 comment about height. Height is an issue and of course
9 that's our concern, too. You know, these are three-and-
10 a-half story buildings, you know, first floor, second
11 floor, third floor. The one thing that's, that's unique
12 about these buildings is the roofs are, have a fairly
13 steep pitch. I'm guessing the pitch here is probably
14 about a 12 pitch, that's my, just by looking at it. I'm
15 not too sure and I, this is a question for, for Mr.
16 James. Is there anything up in the attic up there or is
17 that just dead space?

18 MR. JAMES: It' wood --

19 MR. GAMBACORTA: Okay, so that's, you know,
20 you first started --

21 MR. JAMES: With insulation.

22 MR. GAMBACORTA: Okay, yeah, so it's, it's
23 essentially an open space.

24 MR. JAMES: And wiring.

25 MR. GAMBACORTA: My question is, is, is it
26 possible, and that would just help bring down the
27 height, is it possible either to clip the ridge off the
28 roof or either to reduce the pitch. So, you still keep
29 your three floors --

30 MR. JAMES: I said we're --

31 CHAIRMAN VASELOPOULOS: Jerry, if you would.
32 Yes.

33 MR. JAMES: In most people's opinions, steep
34 roofs add elegance to buildings and evoke an Old World
35 feel, harkening back to the days when buildings could be
36 built with those pitches. With the cost today, the
37 cheap way, the less elegant way, is to splatten the
38 roofs, so of course, we could get down to 38.2 feet.
39 I'm not sure you'd like the look of it. But that's
40 discussion we can have as we go through these plans and
41 absolutely, there are options, mansard roofs, I mean,
42 you know, I'm not a big fan, but, listen, the key is to
43 find a form that everybody can get comfortable with. We
44 have, as I said, we have many different ways of
45 elevating these things and I'm open to considering
46 those. I mean, if that becomes the be-all end-all,
47 honestly, to be quite frank, these roofs cost more money
48 to build as we designed them, then they would if I
49 lowered the pitch.

50 MR. GAMBACORTA: Could you also switch back to
51 the site plan, just, if you don't mind? Yes, so that's
52 what I wanted to clarify. So, that's something that's,

1 yeah, that's. You know, could you actually go back to
2 the other one, that's with the, the nice one.

3 MR. JAMES: Is that okay or do you want me to
4 go to the other one?

5 MR. GAMBACORTA: The one with the landscaping
6 on it. I'm sorry.

7 MR. JONES: Okay.

8 MR. GAMBACORTA: That's perfect, okay. So
9 here, of course, we're the building next door. This is
10 our townhouse, is here, and as I mentioned before, this,
11 you know, we are very thankful that Mr. James has given
12 us this setback area here. You know, that's something
13 that I really don't want to lose that. I, I don't want
14 to jeopardize that. We are greatly appreciative of this
15 space.

16 Where I was going before with this other
17 26 unit plan and I'm not going to go into any great
18 detail. But all I did on that plan as I asked myself,
19 how could Mr. James get his development done if he had
20 the, only had the 30 foot setback. Obviously, that's
21 not going to happen. But all I did on that was that I
22 removed this building three and building 26 and I pushed
23 these two buildings and these two buildings back and I
24 shifted them over, so the driveway was centered on the
25 island. That's all I did. So, that's something that's
26 out there if everyone, if you ever had a need to go to
27 lesser units.

28 The only last comment I want to make.
29 So, if this is the plan that we're going to have, again,
30 we are thankful for this. I appreciate it. Right here,
31 there's a generator and a lift station. I'm assuming a
32 lift station of some sort of a pump that's above ground.
33 Of course, a generator is, is a pretty big unit. Can
34 these two devices be located anywhere else on the lot?
35 Possibly back in the corner where their kind of way out
36 of the way and not bothering anybody? Just something
37 for you to consider.

38 The last thing here is looking at the
39 center island here. This is a circulation path for cars
40 and vehicles. The distance around the back part of this
41 thing, everything is symmetrical on both sides. The
42 distance right here between the curb and the corner of
43 this building is surely tight. This distance is much
44 greater. You can see that. So, here you have a short
45 distance, here you have a greater distance.

46 I just want to ask if Mr. James would
47 consider, again, keeping this plan, but shifting over
48 these three buildings a little bit to the left, shifting
49 these two buildings a little bit over to the left, which
50 would increase this distance here and make it more equal
51 to this distance, which I think will be an improvement
52 to his plan, such that traffic and large trucks will be

1 able to make this turn without a problem.
2 Also, what that does, is, if you look at
3 the green space on the left here, it's very large. It's
4 larger than this green space. So, that equalizes the
5 green spaces on the right and the left. So, I believe
6 that's a, and of course, that benefits us. So, that
7 small change, still keeping the 28 units, but shifting
8 over the buildings, shifting over the driveway, will
9 open this turning radius up, which I think is an
10 improvement for everybody. So, I just wanted to mention
11 that. I just wanted to throw it out there. And that's
12 about all I have. So, thank you.

13 CHAIRMAN VADELOPOULOS: Thank you.

14 MR. UNGER: Don Unger, again. I had asked
15 Steve to pass around the exhibits that are in front of
16 you now and I don't want to let you wonder what they
17 are. Although, I think they're pretty clear. The
18 amenities and features exhibit is a comparison between
19 Meadowlake and the proposed development. You've heard
20 from Mary Lou Mellon tonight. There's similar things,
21 but I think this answers the question why did Meadowlake
22 get approved? We did all these things. We qualified
23 for PUD. So, that's the answer to that question. The
24 -- I'm sorry?

25 MR. JONES: You don't have all the history
26 there that I gave to you?

27 CHAIRMAN VASELOPOULOS: Jerry, you'll have an
28 opportunity.

29 MR. UNGER: I, I think that the whole law was
30 different then, so, there were point systems and other
31 things going on at the same time. So, you are smarter
32 than me, that's definitely true. Meadowlake owners
33 unable to attend the hearing, because the turnout has
34 not been as large as previous ones, I wanted to, these
35 are people that have asked to be put on this list. I
36 had promised them that they would, their names would be
37 read, but I don't think so right now. Let me just say
38 76 people would have attended if they could have.

39 CHAIRMAN VASELOPOULOS: And their names are
40 entered in the record, so --

41 MR. UNGER: Thank you. I'm sorry?

42 MRS. UNGER: That was me, I said and they
43 oppose.

44 MR. UNGER: Oh, and they oppose. I'm sorry.
45 It does say it on the exhibit. The other exhibit is
46 entitled petitions in opposition. These are paper
47 petitions that have been circulated throughout the
48 Village. These are an update from the petitions that
49 were filed way back when, when we thought we were going
50 to have a hearing, maybe in September. So, this is an
51 update.

52 The final thing I'd like to mention is,

1 several people talked about all of Northfield. And I
2 presented a version of this map at the last opportunity
3 that I had. And this map depicts the areas of houses or
4 other types of homes that have signed a petition, put up
5 yard signs, et cetera, that oppose this. So, you can
6 see that, while Meadowlake and Landmark are highly
7 represented here, that's to be expected. That's our
8 neighborhood. Thank you.

9 CHAIRMAN VASELOPOULOS: Thank you.

10 MR. GUTHRIE: Hello, my name is Matt Guthrie.
11 I live at 614 Melrose Avenue in Kenilworth, though I'm
12 representing the New Trier News, which is headquartered
13 at 385 Winnetka Avenue in Winnetka. Last, or a few
14 months ago now, on November 10th, 2017, we ran an
15 editorial, which we had decided on as an Editorial Board
16 unanimously to endorse this development at 1725 Winnetka
17 Avenue. We feel that this, this type of housing
18 represents the type that young families looking to move
19 into Northfield are desiring and we feel that the
20 traffic congestion as a result of this proposed
21 development would be nowhere near the levels described
22 by some of its opponents.

23 Additionally, we feel that the burden
24 would not be too much for the local school districts, in
25 particular, New Trier, which we as students attend and
26 are very familiar with. We are fully in favor of this
27 development and hope that the Board will provide its, or
28 that the Commission will provide its recommendation.
29 Thank you.

30 CHAIRMAN VASELOPOULOS: Thank you.

31 JUDGE MURRAY: My comments will be short. I'd
32 like to incorporate --

33 CHAIRMAN VASELOPOULOS: Judge, your name,
34 please?

35 JUDGE MURRAY: I'm sorry. James C. Murray,
36 Jr.

37 CHAIRMAN VASELOPOULOS: Thank you.

38 JUDGE MURRAY: I'm sorry.

39 CHAIRMAN VASELOPOULOS: That's okay.

40 JUDGE MURRAY: I'd wish to incorporate my
41 remarks on the density issue that I gave the last time.
42 If you will recall, I spoke to the densities on a
43 variety of James' projects, which were substantially
44 lower than what the density on this particular project
45 is on a per acre basis. The only thing that has been
46 brought up is about Park Ridge. Please, remember Park
47 Ridge, the James' Group basically followed exactly the
48 ordinance, which permitted that type, type on, of number
49 of units. They did never ask for a variance or any
50 special use to construct those units. So, please be
51 aware of that.

52 I have a couple of hand-outs. I'm not

1 going to speak to them. First is, which I've marked as
2 Exhibit 2, which has already been spoken about. Is a,
3 deals with the lot size. It deals with stuff that
4 you've seen before by other people that have made
5 presentations. And I'm asking you all if you want to
6 take a look at it. The only comment I have, please
7 make, I reference that I have an e-mail from Mr.
8 Gutierrez, correct? I must admit, I love this, this
9 sentence.

10 There appears to be too many units for
11 this site. Even current, with all fairness to him, he
12 wrote this on May 25th, the sites I inspected were the
13 34, but now it's down, down. So, I'd like to have that
14 made part of the record. The other part of the record
15 deals with the storm water management and I've got the,
16 Mr. Franklin, here you go.

17 And I'm not going to speak to this
18 because this goes to Buzz and if you want to take a look
19 at it, that's, and also copies of Exhibit 1-B is the
20 Board's minutes of the Board approved this ordinance and
21 1-A deals with the Committee as a Whole meeting, which
22 discusses this ordinance. The order, legal memorandum
23 that really, I'd be more than happy to give you copies
24 of all of what I think it goes across; I'm just
25 referring to. Here you go.

26 Is there a two, this particular ordinance
27 can't be used by the developer for two reasons. One,
28 the ordinance cannot apply retroactively and the other
29 one is, it violates Article 4, Section 13, as Special
30 Legislation. I've written a legal memorandum. I
31 tendered a copy of my exhibits and the legal memorandum
32 to Mr. James', Mr. James' fine lawyer and also to Buzz
33 and you guys, you can take a look at it, at it, and draw
34 your own conclusions.

35 The only comment I have left, which I
36 brought and dealt with one of the Commissioners'
37 comments. And I just want to re-emphasize it, because
38 the Staff report included by reference all of Mr. James'
39 submissions, starting off with the 34 units and
40 everything else, he adopted everything, not to
41 concentrate on what, what this 27 units. Because of
42 that, that I wanted to just point out that he references
43 the North Road in the Comprehensive Plan, the North
44 Road --

45 CHAIRMAN VASELOPOULOS: The Northfield Road?
46 JUDGE MURRAY: Yeah, the Northfield Road,
47 which basically doesn't relate to this particular site.
48 And, in fact, if you take a look at what does relate to
49 this, this site, is on chapter, is a Groom study, which
50 is everything, everybody looks to, which frankly, which
51 if you look at chapter four, pages 23 to 28, very
52 specific. And it basically in effect describes and

1 limits, well, I take that back, it should be 17 through
2 22, but then, if you go to chapter four, they come out
3 with this unrelated prototype assess, apartment building
4 development on R-6 and we're not confronted with that
5 for 30 units per acre.

6 Thank you very, very much for the
7 courtesies that you've all extended to me, listening to
8 me tonight. I apologize being so long-winded, long-
9 winded, but thank you again. I appreciate it. Thank
10 you very, very much. Thanks for the audience.

11 CHAIRMAN VASELOPOULOS: Thank you. Does
12 anyone else from the audience before the Petitioner has
13 an opportunity to address your questions and concerns.
14 Does anyone else from the audience have any other
15 comments or questions at this time?

16 MR. UNGER: Can I ask one question before
17 that?

18 CHAIRMAN VASELOPOULOS: Yes.

19 MR. UNGER: You all voted unanimously tonight
20 with regard to the allowing a variance for a 30 foot
21 setback and my question is --

22 COMMISSIONER DELOYS: The text amendment.

23 MR. UNGER: The text amendment.

24 CHAIRMAN VASELOPOULOS: It doesn't reference
25 30 feet setback. It's just a text amendment.

26 MR. UNGER: Text amendment, I beg your pardon,
27 which would allow a variance for all bulk carrier
28 requirements, right?

29 COMMISSIONER DELOYS: Bulk regulations, right.

30 MR. UNGER: My question is, since it's not
31 become law yet, and Buzz should be here for that. For
32 this discussion, is and I put this in my letter of
33 January 11th, is what standard will you apply this
34 evening?

35 CHAIRMAN VASELOPOULOS: Well, what we have
36 done in the past is we would make it contingent upon the
37 passage of that, the next thing if we do pass the one
38 that's before us now; it would be contingent on the
39 first one being passed by the Village Board.

40 MR. UNGER: And so, if the Village Board does
41 not approve it, it comes back again. Is that my
42 understanding?

43 CHAIRMAN VASELOPOULOS: Comes back where?

44 MR. UNGER: Here.

45 CHAIRMAN VASELOPOULOS: No, it's up to the
46 Petitioner what they want to do.

47 MR. UNGER: Well, I mean, okay, but the
48 Village Board can also come up with a different
49 standard, am I correct on that, Buzz? When I say
50 standard, I mean the variance --

51 MR. HILL: The language of the text amendment?

52 MR. UNGER: Yes.

1 MR. HILL: Yes.
2 MR. UNGER: Okay.
3 MR. HILL: We sent a recommendation. That's
4 all it is.
5 MR. UNGER: No, I understand.
6 MR. HILL: That's it.
7 MR. UNGER: Thank you.
8 MR. McINTYRE: Is that going to be published
9 in terms of the actual language?
10 CHAIRMAN VASELOPOULOS: Sorry.
11 MR. McINTYRE: I think the Village --
12 CHAIRMAN VASELOPOULOS: Name, please?
13 MR. McINTYRE: Mike McIntyre, 370 Thackeray
14 Lane.
15 CHAIRMAN VASELOPOULOS: Thank you.
16 MR. McINTYRE: This is news in terms of the
17 outside community, our fellow citizens of Northfield.
18 That there's a new regulation for PUDs, am I reading
19 that right?
20 COMMISSIONER DELOYS: Recommendation.
21 MR. McINTYRE: Regulation?
22 COMMISSIONER BERLINGHOF: Recommendation.
23 MR. McINTYRE: Recommendation?
24 COMMISSIONER BERLINGHOF: Yes, it would still
25 be news if they pass it in two weeks.
26 MR. McINTYRE: Okay, it goes the Village Board
27 to pass?
28 CHAIRMAN VASELOPOULOS: Yes.
29 MR. McINTYRE: Is there any input from the
30 citizens?
31 CHAIRMAN VASELOPOULOS: Yes.
32 COMMISSIONER BERLINGHOF: Absolutely.
33 CHAIRMAN VASELOPOULOS: You guys can do this
34 all over again --
35 MR. McINTYRE: So what's, well, I know that,
36 but --
37 CHAIRMAN VASELOPOULOS: -- in February.
38 MR. McINTYRE: -- what's the process in terms
39 of a timeline?
40 COMMISSIONER BERLINGHOF: It will be heard in
41 February, February 20th, which is when the next Village
42 Board meeting will occur. And they will rule, the
43 Village Board will rule on it at that time after
44 deliberations and public input.
45 MR. McINTYRE: Okay, so the last time they
46 visited this was in 2003? And it was a three-year
47 process?
48 COMMISSIONER BERLINGHOF: This particular,
49 this particular provision.
50 MR. McINTYRE: It was a two-year process for
51 them to --
52 COMMISSIONER BERLINGHOF: Well, two-year

1 process, not from the, not for the one paragraph that
2 we're discussing; it was a two-year process for the
3 entire code. That's my understanding.

4 MR. McINTYRE: Okay, so that's going to be
5 done pretty quickly then. All right, thanks, just
6 wanted to know.

7 COMMISSIONER BERLINGHOF: You're welcome.

8 CHAIRMAN VASELOPOULOS: If the Petitioners
9 like to step forward and address any of the questions
10 that were presented.

11 MR. JAMES: Thank you.

12 CHAIRMAN VASELOPOULOS: And I've taken plenty
13 of notes and I have a couple of questions myself, but
14 I'll let you go first.

15 MR. JAMES: Sure. Thank you very much. I
16 appreciate that. Can you all hear? Okay. It's late
17 and I'm going, I guess, I don't know where to begin. I
18 have some questions myself in terms of some of the
19 things that have been said, but let me just say that I
20 respect the effort that these people have made to make
21 their case with respect to concerns in opposition to our
22 program. And, at the same time, I sit in the position
23 of having a lot of information at my disposal and
24 perhaps they don't have the same, and so I will excuse
25 some of it. But, quite frankly, ladies and gentlemen,
26 some of the statements tonight are just simply false and
27 without, without substantiation. And I just say that
28 somehow this is the first rental program. Mr.
29 Gambacorta, are you unit zoned?

30 MR. GAMBACORTA: No.

31 MR. JAMES: Okay, thank you. So, that's not,
32 so ours is not the first rental program and I think the
33 statistics in the census that I showed you earlier and I
34 showed approximately 10 percent is renter-owned. So,
35 this certainly isn't going to be the first. But I would
36 also say that a theme running across this, I mean I
37 guess, I do have a question, Mr. Anderson, who I share
38 an affinity with in terms of his devotion to New Trier,
39 being an alum, but I don't know where you got this
40 plans. I do not know. I'm fascinated and I'm
41 fascinated by some of the statements, because I've got
42 my engineer here tonight to talk about the easement
43 concern that you have and so forth. All that's been
44 figured out. There, there's no intrusion on that
45 easement. To say that half our site is in flood plain,
46 it's an abject falsehood. I'll use that word, it's not.

47 Okay, so there's a lot of statements that
48 are being thrown around and made statements and it's too
49 late for me to go chapter and verse, I would prefer to
50 answer questions. But suffice to say, the theme that
51 I've heard here is this is too dense. This is too much.
52 Quite frankly, it's, it's best said by that young man,

1 who stood up a moment ago. In his article, if you
2 haven't read it, please read it. Because I believe he
3 captures the essence of what these people are
4 demonstrating. And I, which is not in my backyard, not
5 in my backyard.

6 And I don't begrudge anybody, excuse me,
7 please, I listened. But I, I think that everybody's
8 entitled to defend what they want, but to, to put me in
9 the situation of suggesting that I'm just here for
10 profit, when you've got evidence in your own community
11 within a mile of this site, please, two examples. And
12 if that's just profit, then you go back and examine the
13 record. Nobody made me put in the landscaping or those
14 pillars or anything at Hibbard Gardens, which has been
15 complemented tonight. I did it because I wanted to do
16 it, not because it was for profit. Okay?

17 So, so statements like that, listen, I'm
18 a big boy and I can deal with it, but as far as
19 Meadowlake and its amenities. I've heard a lot of
20 discussion about amenities. And, you know, it is a
21 wonderful community, no question, but Don, there's a
22 history to that site, which I think you skirted over.
23 And if you go back and look at the history, that was
24 donated to the Village. You understand that? So, the
25 Village owned that property and they, and they -

26 MR. UNGER: Don't talk down to me.

27 MR. JAMES: Well, you talked down to me Don,
28 so you know what I'll do, is I'll do a little of your
29 own, but let's move on.

30 CHAIRMAN VASELOPOULOS: Well, let's just keep
31 it civil.

32 MR. JAMES: My point, my point.

33 CHAIRMAN VASELOPOULOS: Okay. Address me,
34 don't address --

35 MR. JAMES: Thank you.

36 CHAIRMAN VASELOPOULOS: Hang on, let me
37 finish. Address me and, and the Commission.

38 MR. JAMES: I apologize. I will do so.

39 CHAIRMAN VASELOPOULOS: We don't want to
40 engage in conversations. They're going to have an
41 opportunity to respond to what you're commenting on --

42 MR. JAMES: Yes, sir. You got it.

43 CHAIRMAN VASELOPOULOS: -- and we want to keep
44 it in that proper form.

45 MR. JAMES: The theme of my comment is that
46 both Landmark and Meadowlake, when they were proposed,
47 certainly Meadowlake, I gave you the minutes, I quoted
48 them, same sort of complaints, you're going to ruin the
49 character. Ladies and gentlemen, a PD is not a carte
50 blanche, a PD is a carte blanche for the Village to
51 enforce whatever and however it wants to, if you're
52 following me, in whatever it grants approval. And so,

1 it doesn't shackle the Village, it doesn't open up the
2 flood gates, there is no Pandora's Box lid that is
3 flying off here.

4 That is not to say there isn't going to
5 be developments in this town, but I think you have to go
6 back to your town did in 2015. They took a years time
7 to study this area, make recommendations, get studies,
8 all of which have been part of the record. And that has
9 guided our response to this property and to the market's
10 response. And yes, in '92, your community was approved.
11 It was an RFP. There were advantages that are accruing
12 to you because of the way that all went down. I know
13 that, read the minutes, read the record, you'll know it.
14 But suffice to say, it's a lovely community and it's a
15 community that serves a need. I think this will fill a
16 need. I think Landmark fills a need.

17 I do not feel that this development, if
18 approved, is going to set the stage for a wholesale
19 change in Northfield as some people have said. That's
20 just hysteria; it's not going to happen. For the same
21 reason that you have put in place, good planning, good
22 guides, and you have the results to show for it. This
23 is a responsible community. So, with that, I'm ready to
24 answer any questions and I apologize if I've gotten
25 tough. I don't mean to be condescending, but I think
26 there's been a lot directed our way, some of which I
27 just completely don't feel is founded. And I'm ready to
28 answer any questions. Thank you.

29 COMMISSIONER VASELOPOULOS: Thank you. The
30 Commission, I assume, has a number of questions. Todd,
31 do you want to go first?

32 COMMISSIONER BERLINGHOF: Yeah, I've got a
33 few. The, you know, the height has come up quite a bit.
34 And I must admit I'm, I am, the 41 feet just by itself,
35 is, is high. But the fact that you've got, you know,
36 sloped roofs and trying to create more of an
37 architectural feature --

38 MR. JAMES: Right.

39 COMMISSIONER BERLINGHOF: -- when we did the
40 downtown study, there was a study that was done long
41 before the Northfield Road study. We talked about, we
42 talked about re-zoning, actually, quite a bit of
43 property. And with an effort to try to get more
44 developers looking at our community to develop it, if
45 you recall. In the end, they never did it because they
46 felt that if they re-zoned the property, all they'd,
47 they would do was create a greater value for the current
48 owner. Make it more expensive for a developer to come
49 in and tear down some of the stuff that maybe needs to
50 be torn down and to build on top of it.

51 So, I look at this as the, we keep
52 talking about a precedent. I wish it were precedent. I

1 wish we had more developers knocking at our door,
2 looking to re-develop part of this, part of this
3 Village. We have more people and have more density.
4 And part of that, I'm getting off, that's for later, I'm
5 getting off course. Part of what we talked about there
6 is architectural features. And, and exceeding certain
7 heights that were there for architectural purposes. And
8 I think that's what you've done here. I mean, there's
9 no doubt if you take the David Holby effect, which is
10 obviously minimalistic and you do a flat roof, you can
11 beat this in a second.

12 MR. JAMES: Absolutely.

13 COMMISSIONER BERLINGHOF: But if, I mean,
14 from, from the perspective of, and I thought that
15 gentleman's comments about, about the height of
16 Meadowlake was good because of the fact that it is, he's
17 right, it is built up. So, you know, the whole
18 structure is not as tall, but from the road, it's
19 definitely a lot taller. But other than that, other
20 than that, I, I like the plan. I just wanted, a couple
21 of questions that were put out there, I'd like to talk
22 about. The water detention. Tell me, yes or no,
23 you're increasing water detention, right? You're
24 making, making the problem better?

25 MR. JAMES: Yes.

26 MR. BERLINGHOF: Okay. The fire trucks?
27 You've run the gamut and it works?

28 MR. JAMES: Yes, yes.

29 MR. BERLINGHOF: The snow removal? By the
30 way, I've lived in the Landmark. Everybody probably
31 knows that for six months and I've lived through the
32 February 14th snow and, you know, any guest parking in
33 the Landmark at that point was full of snow. I mean,
34 they had to come in and bring a truck and fill it up and
35 take it off. So, I, I presume as an apartment owner,
36 the extent that the snow plowing becomes a problem and
37 you have no issue relative to the Village. Then you
38 will remove that snow?

39 MR. JAMES: Yes.

40 COMMISSIONER BERLINGHOF: I mean, if the fire
41 truck can't get around your area, that's a problem. I
42 think you recognize that and I think --

43 MR. JAMES: Yes, of course we do. And as an
44 owner, we have access to a landscape crew that does all
45 the beautiful stuff at Hibbard you've seen. They also
46 provide our plowing and they take care of my house and
47 I'm lucky to have it and I would expect them to do the
48 same thing here.

49 CHAIRMAN VASELOPOULOS: And they'll remove the
50 snow for you?

51 MR. JAMES: They remove the snow to the extent
52 it's necessary, but otherwise, you see that central area

1 there, that area is not going to have dogs walking it.
2 You know, I mean that, that area is, is right for snow
3 placement as just one place, okay? And there's places,
4 as you can see, up in the northwest corner there. And
5 you can see it off to the east there, so there are
6 places to go. But, you know, listen, if we get a
7 massive snow like a lot of places, you bring in the
8 trucks and you cart it up and take it out.

9 COMMISSIONER BERLINGHOF: Let's, let's talk
10 about the one 800 pound gorilla in the room, that seems
11 to be popping up, not density. Number of people living
12 in the unit.

13 MR. JAMES: Okay.

14 COMMISSIONER BERLINGHOF: What is it that you
15 can do or will do or are there rules and regs that you
16 have relative to that? Are there, are you legitimately
17 allowed to do that? Is there a, is there a problem with
18 discrimination to the extent that you can say only 2.1
19 family can live in an apartment as opposed to three
20 families, which is what I'm hearing, but I'm not
21 hearing. Right, I mean, it seems to me, that seems to
22 be the issues that's popped up. And tell me what you
23 would do as an apartment owner to control, I guess, the
24 abuse that some people seem to be worried about?

25 MR. JAMES: I think we start with the, the
26 rent levels and I do not see this as being that type of
27 option for somebody that's going to try and stuff two
28 families into that type of dwelling.

29 COMMISSIONER BERLINGHOF: Well, if two
30 families of course share the rental, now that's,
31 that's --

32 MR. JAMES: And that's exactly the, the logic
33 that you would say, okay, well fine. But, you know,
34 listen, as an owner of this property, we have a vested
35 interest in making sure that as it is used, it's not
36 abused. And when you put that many people in the house,
37 you end up with wear and tear so, you know, whether
38 we're forced to do it through a new rental regulation,
39 which, you know, that's for the Village to pass, not me.
40 Or we do it on our own volition, we have no intent of
41 having multiple families in here, or any of that type of
42 situation because the wear and tear it takes on the
43 community itself is just not, you know, where we want to
44 go.

45 The other part, too, is that I have an
46 economic interest in assuring that the residents in here
47 operate and live in accordance with certain guidelines.
48 This will be very, very similar to some of our other
49 communities. This is going to be guidelines as to what
50 you can and cannot do. Because if we get issues, how do
51 you think that affects my ability to rent the next
52 units? It, it has a very damaging effect. So there's a

1 self-interest here in assuring that this is regulated.
2 And the same way that Meadowlake is regulated with
3 their, their homes. It's really no different. And, and
4 the fact that I'm local and I'm right here is all the
5 more reason why I think you should be comfortable with
6 that.

7 CHAIRMAN VASELOPOULOS: To that point, have
8 you given specific thought to what you're going to do or
9 this, you're still formulating that, is that what you're
10 saying?

11 MR. JAMES: I'm just trying to get this
12 approved, sir. Right now, we haven't gotten to that
13 level yet, but I have never, ever contemplated having a
14 multi-"family" in one unit. And I would expect that we
15 would have regulations of some sort to prevent that.

16 CHAIRMAN VASELOPOULOS: For each of the, I'm
17 sorry, I'm going to follow-up on this one point.

18 COMMISSIONER BERLINGHOF: Yes, fine.

19 CHAIRMAN VASELOPOULOS: For each of the units
20 that are sized differently, what is your thought? What
21 is your idea of what you would have, what you would
22 allow for each unit?

23 MR. JAMES: In terms of people?

24 MR. JAMES: In terms of people?

25 CHAIRMAN VASELOPULOS: Yes.

26 MR. JAMES: I don't, you know, I don't think
27 I've ever contemplated prescribing a number of people on
28 that because I think you start, as Mr. Berlinghof said,
29 you start running into a slippery slope here in terms of
30 discrimination. And you know, this is a fair housing
31 community and to start putting limits on people --

32 AUDIENCE PARTICIPANT: It's a fair housing
33 country.

34 MR. JAMES: Thank you, Country, thank you.
35 You're darn right and I think That's a very slippery
36 slope, but the market itself, I think, starts to dictate
37 that and I can't say that I'd put a limit on the number
38 of occupants. Let's just say one family has five kids.
39 Well, the practical reality is how do you get five kids
40 in there, I don't know, but for me to say you can only
41 have three kids, I don't know how that works.

42 MR. FRANCKE: I don't know if this is helpful,
43 Commissioner Berlinghof, but your ordinance has a
44 limitation on, first of all it has a definition of
45 single-family and multiple-family units, dwelling units.
46 And the definition of dwelling unit in your zoning
47 ordinance says that it's one or more room designed,
48 occupied or intended to be occupied for the exclusive
49 use of one family.

50 Then your ordinance goes on to define
51 family, that says either of the following. One, two or
52 more persons related by blood, marriage, adopting, et

1 cetera, living as a unit. This goes to what Jerry was
2 just saying. If you're a family, you're family. The
3 law doesn't say you can only have two kids, three kids,
4 four kids. You're, if you're a family related by blood
5 or marriage, adoption, you're family. Or number two,
6 four or fewer persons living together with common
7 facilities as a unit.

8 So, it can't be unlimited. Your
9 ordinance controls the number of people by definition of
10 saying it's a family and these are multi-family units.
11 Interestingly enough, if I can just slightly digress,
12 this is consistent with the PowerPoint presentation, I
13 don't know if he's still here, that Mr. Green made where
14 he tried to talk about how many people are being
15 generated here. And I don't know if you caught this,
16 but he made reference in his initial calculation to how
17 many people could end up here by using some Federal
18 census figure of 3.14 people per unit, which he then
19 multiplied by the 28 units here That's being proposed by
20 Mr. James, and he said this will be 40 people basically
21 on the two acres. And he said, as compared to
22 Meadowlake, which only has 240 residents on 12 acres,
23 which works out to 20 people.

24 So, he's shifted from apples to oranges.
25 If he kept the factors the same, and multiplied the 175
26 units that Mary Lou, Mellon is it, the 175 units, and
27 you use the same factor, which I think would be fair, of
28 3.14 people per unit, which under your code would be
29 permissible at Meadowlake, you would get basically 46
30 people per acre on the property at Meadowlake. So, for
31 the calculation, you know --

32 AUDIENCE PARTICIPANT: Now you got to look
33 at --

34 CHAIRMAN VASELOPULOS: We cannot engage in a
35 conversation, okay? You'll have your opportunity to
36 rebut this.

37 MR. FRANCKE: So, again, your ordinance is
38 consistent with the number that Mr. Green used in his
39 initial calculation.

40 COMMISSIONER BERLINGHOF: Great, thank
41 you. Last question on, there was a comment about the
42 lift station. I presume it's there because That's where
43 the sanitary sewer line is, everything flowing that
44 direction?

45 MR. JAMES: Yes.

46 COMMISSIONER BERLINGHOF: The lift station, the
47 pump is down below, the generator is only there as a
48 backup, so That's only there in case the power goes out,
49 correct?

50 MR. JAMES: That is correct.

1 COMMISSIONER BERLINGHOF: And so to move it
2 another area would be ridiculously expensive and not
3 worth --

4 MR. JAMES: No, but, you know, let's be clear,
5 We're not going to just have that thing planted out
6 there.

7 COMMISSIONER BERLINGHOF: Right, it's going to
8 be surrounded by landscaping.

9 COMMISSIONER DELOYS: But it will be tested,
10 too, periodically?

11 MR. JAMES: Sure, absolutely, yeah.

12 COMMISSIONER DELOYS: So, if this was not
13 approved and you decide not to go forward with it;
14 however that worked out, and you decide, okay, I'm going
15 to put an office building up. How many units, what sort
16 of size, I mean, give the people an idea of how many
17 people in an audience building they would be talking
18 about with that kind of traffic and density, which
19 probably would be approved because of what it's zoned at
20 right now?

21 MR. JAMES: Well, we began to look at that and
22 then we shut it down because we felt that that would be
23 viewed as threatening. And so while we sketched out a
24 few things, you could surmise that, you know, parking is
25 an issue, so you're going to need a certain amount of
26 parking. But let's just say you take half that site and
27 go up three-fourths, you know, full limit, 35 feet.
28 Then you've got to figure in the lighting that goes into
29 an office building, the fact that people can be there
30 any time of day, hour and so forth, and how that might
31 effect some of the neighbors. You also have to have
32 deliveries, the service and all the things that come and
33 flow from that. So, That's one aspect.

34 The other part That's more interesting,
35 though, would be a kind of distribution, and I think
36 with the advent of Amazon and so forth, that last mile,
37 we all hear about it, how do you get the goods there,
38 having outposts and places to go so you can get the
39 stuff there. I just rented that place, I didn't even
40 rent it I donated it to the Boy Scouts. They needed to
41 store things there for their scout sales, wreathes,
42 trees and so forth. So, I let them do it for nothing,
43 and, Troop 20, my old troop.

44 But bottom line is, those are the types
45 of uses that, I have another, I have an RV there that
46 somebody said we needed. I had an auto dealer call us
47 to say we can do that. So, I think that there are
48 other, you know, I mean, AT&T used it for exactly the
49 purpose I just described, as an outpost, so they didn't
50 have to bring their vehicles from Downers Grove all the
51 way to here, okay? And we would look at, you know, uses
52 like that.

1 Then somebody else, not us, might look at
2 a McDonald's and come in here and say, great, we've got
3 New Trier, fast food, this is great, it's revenues to
4 the city, we've got kids galore coming here, what a
5 great idea. Not, okay? There's a pantheon of uses, but
6 the minute I start talking about that, I know what I'm
7 going to get from behind and it's not going to be pretty
8 because they're going to say you're threatening us.

9 But, the reality is that if this does not
10 get approved, whether I do it or somebody else does it,
11 there's a myriad of other things that can be done in M-
12 1, and frankly I think That's what impelled part of the
13 Northfield corridor study is. They did not want to see
14 this. One thing that has not been mentioned, too, and I
15 think it needs to mentioned, and I sense this. Because
16 this area of Northfield, and my pictures are supposed to
17 show it, is unique to the rest of Northfield, okay?

18 This is where your retail base is. This
19 is where they have been, this is where all those places
20 that you go to wine, dine and do your shopping and see
21 your friends and so forth, right? And some of these
22 places are within walking distance to this. This is the
23 best place to put in density if you're going to have it
24 to support the retailers, the shops and so forth, that
25 can be walkable, walkable, right? And that is a trend
26 That's effecting every single community up and down the
27 North Shore. Some are ahead of you, some are behind
28 you.

29 But everybody is looking at it because
30 they realize without that, their downtowns are going
31 bye-bye, they're going dark, and I think Northfield so
32 far is doing a good job, but I think there's a tension
33 here. There's a tension between what it says in the
34 corridor plan, the vision for this area relative to its
35 core, and not having anything to do with some of the
36 lanes we all know that are beautiful. We're not talking
37 about walkable there or higher density, but there is a
38 place and a time for this and I think this is one of
39 these locations.

40 COMMISSIONER BERLINGHOF: I've got more
41 questions, but no, I've got something to say later on,
42 but no questions right now.

43 CHAIRMAN VASELOPOLOUS: Dan, were you done?

44 COMMISSIONER DELOYS: Yes.

45 COMMISSIONER ESTABROOKE: I'm good.

46 CHAIRMAN VASELOPULOS: Connie? Do you have
47 any questions?

48 COMMISSIONER BERMAN: I really like the new
49 plan a lot. The only concern I have is the height,
50 That's it.

51 MR. JAMES: Well, I've said before, thank you.

52 COMMISSIONER BERMAN: It's the only thing

1 that --

2 MR. JAMES: We can work, and will work on
3 that, and I think there's some options for us. Whether
4 it's a clipped eave to bring it down or softening the
5 pitch, or some combination of that. I am happy to look
6 at that and will do so.

7 COMMISSIONER BERMAN: And I also think
8 everyone needs to look at the big picture. We also have
9 Medline, who has executives that need places to live.

10 MR. JAMES: Yes.

11 COMMISSIONER BERMAN: Who will, you know, move
12 there. Not just empty nesters.

13 MR. JAMES: That's correct. We know that,
14 from experience, that some of the better rentals, and
15 the more expensive rentals frankly, are occupied by
16 residents that are living in the community that are re-
17 doing their home or they're retro-fitting a home,
18 they're improving homes in your community to move back
19 into, but they've got, they can't just move into a two
20 bedroom condominium and elevator building, it doesn't
21 work for them.

22 And we think That's part of this, and we
23 think they're part of the community. I have another
24 potential customer who happens to be, they could buy
25 anything they want, and they're very interested because
26 they have a house somewhere else, but they've got
27 grandkids here and they said, you know, we've got enough
28 real estate owned, but we want to come back somewhere
29 and we want more than just, you know, a small little
30 spot. We want a place where we can have the grandkids
31 come over and so forth. So, That's part of it, and it's
32 not just one user group, it's not just empty nesters,
33 no.

34 CHAIRMAN VASELOPULOS: I have a couple
35 questions, and really this is on behalf of one of the,
36 your neighbor to the east, Mr. Gambacorta. He asked a
37 couple questions that you haven't had a chance to
38 address yet about relocating the generator and pump.

39 MR. JAMES: Sure, I think we touched on it,
40 but I don't see that as feasible.

41 CHAIRMAN VASELOPULOS: I'm sorry. I must have
42 been thinking of something else. You already addressed
43 that, I apologize, didn't you?

44 COMMISSIONER BERLINGHOF: He already did,
45 That's where the sanitary line is. To move it to the
46 other side would mean he'd have to re-change the entire
47 slope, everything there, put in the lift station and
48 then ship it all the way back.

49 CHAIRMAN VASELOPULOS: I apologize.

50 MR. JAMES: It's where it wants to belong, but
51 I think the idea of a pump, I think somebody mentioned

1 the pump is above grade. That's not true. It's below
2 grade; it's a flat, you don't see it. Now, there's a
3 little light that comes up, so if it goes on you know
4 something is going on. But you'll see, you probably
5 won't see these things, but we will work with Mr.
6 Gambacorta to assure that not only does it look good to
7 him, but it looks good as you're driving by and I'm not
8 worried about that element of it.

9 In terms of his other comment about the
10 driving and turning radius. We've had these radiuses
11 done, Mr. Gutierrez has illustrations of that, we do
12 pass that test. You know, I don't want to go back, but
13 some of the comments about the 20 feet. There is 20
14 feet going to be in this plan because we already have
15 it. I showed you that in an image there. We added 20
16 feet to the apron, so we got the 20/20 rule in there,
17 all right?

18 In terms of this set, a turning radius
19 that Mr. Gambacorta also questioned right here. That is
20 going to be limited to one car apron, okay, because we
21 realize having a car out there could be not the best.
22 So, That's going to get, he's still got two cars, but
23 he's got a one car restriction on that and he goes in
24 like that. So, I mean I, and as far as moving it over to
25 here, no, I don't, That's, there's a lot of things going
26 on on this site, and I think Mr. Anderson did a
27 beautiful job of enunciating exactly why this site has
28 been such a challenge for us to bring quality to it, but
29 at the same time address the spaghetti bowl of issues
30 that, frankly, are not uncommon to infield development
31 like this, you know, antiquated things that were built
32 then and now you've got now.

33 CHAIRMAN VASELOPULOS: Thank you.

34 COMMISSIONER BERMAN: My questions were
35 answered. I had the snow removal and the multi-
36 families.

37 CHAIRMAN VASELOPULOS: Yes, I had a number of
38 questions also that got answered, that got asked by
39 others, so I appreciate that.

40 COMMISSIONER BERMAN: Yes, so I'm good.

41 CHAIRMAN VASELOPULOS: Does anyone else from
42 the audience have any other questions or comments? Do
43 the Commissioners want to make any other final comments
44 before we seek a motion on this?

45 COMMISSIONER BERLINGHOF: Yes, I've spent a
46 lot of time looking at this plan and as you can see
47 we've got a lot of information here, and I guess I
48 wanted to say this for all of our sake and why I'm
49 supportive of this, of this development.

50 You know, the James' did buy this
51 property two years ago, and part of the reason why is
52 because Northfield did put a study out and part of that

1 study that this property was in that study is being
2 developed. And as a community we can't go and put out
3 there, to the development community, things that we want
4 to see happen, and then have someone come in and spend
5 the time and money and two years of effort. I mean, I
6 think That's an important point for everybody here.

7 Even if all these plans that Mr. Anderson
8 pulled up are, he can't find where they are, the point
9 is they've spent two years working with this Village,
10 with Steve and with everybody here, with the engineers,
11 trying to create a plan that not only works for them
12 financially, yes, and works for the Village in terms of
13 providing the type of product that they believe is
14 marketable. And I think this product is marketable. I
15 think we do need some for rents, and luxury for rent
16 townhomes in this marketplace.

17 So I, and I don't believe that this is
18 setting a precedent, this is going to happen everywhere.
19 The Northfield study didn't take the Raynor site and
20 say this is going to be a multi-family site. It didn't
21 take three homes down the street and say, hey, put those
22 together and let's create a multi-family site. That's
23 not in any of that. This is a specific site that was
24 specifically called out for this purpose and I think
25 they've done a great job of working with the community
26 and everybody else to make this happen.

27 There are no more dense then any of their
28 neighbors. I think about the Landmark and all the
29 comments. Landmark, the only amenity in the Landmark is
30 that waterfall, which is there really to drown out the
31 traffic noise. It's all concrete or it's actually
32 pavers. It's almost the same height. It's almost, it's
33 just as dense; it's 11 feet from the road. There's
34 nothing about the Landmark, which I think is a great
35 development, they've done a wonderful job and it's a
36 quality, like I said I've lived there for six months.
37 It's a quality development That's much different than
38 necessarily than this, if you really look at it.

39 I think the height, while it's a little
40 high, I like it because of the architecture features.
41 The road size. How long did it take Willow Road to get
42 expanded? Does anyone honestly think that Winnetka Road
43 will ever get expanded? I mean, seriously, it would
44 take 50 years for us to allow that to happen. It's not
45 going to go beyond two lanes and the fact that the
46 Landmark is only 11 feet away is going to make that
47 difficult.

48 I think the traffic study was very
49 emphatic about the fact this is not going to put a lot
50 more people on the street. Our own traffic engineers
51 concur with it. I think it's visually appealing. We're

1 taking out an eyesore. We're providing a product that
2 people want. We're improving the stormwater.

3 I like the new plan because of the
4 different buildings. It's creating some, you know, it's
5 not one big thing. Someone showed their development,
6 The Mews, somewhere, I can't remember if that was Park
7 Ridge somewhere --

8 COMMISSIONER ESTABROOKE: Park Ridge.

9 COMMISSIONER BERLINGHOF: -- and of course
10 they showed how the building were right close to each
11 other. Well, that was the old plan. This is the new
12 plan; it doesn't show that now. It's created that open
13 space.

14 The 15 foot setback. Is it ideal, no,
15 but I do think it has very little impact to the street,
16 especially with Landmark down at the other end, it
17 almost becomes bookends, both of them are kind of, you
18 know, in the middle, and you've got the development in
19 the middle That's a little bit further back. And the
20 fact that it's set back from the neighbor to the east
21 helps create quite a bit more air and, you know, light
22 for that.

23 I mean, the sun, it's all facing south, we all
24 know where the sun is, right? A majority of the time of
25 the year that sun is going to be south. So, those
26 building aren't really even going to put a shadow except
27 late, you know, late in the afternoon, very, very late
28 in the afternoon. So, I'm going to vote to recommend
29 this to the Village Board.

30 CHAIRMAN VASELOPULOS: Okay, thank you. Does
31 anyone else have any other comments? No, anyone else?

32 COMMISSIONER DELOYS: Yes, I personally am not
33 thrilled with the setback either. If the Landmark was
34 11 feet away from the road I probably would not be in
35 favor it and would want to stick to the 25 or 30, if we
36 wanted to stick by the letter of the law.

37 I also recognize what could go there and
38 I think this is a very good option. Would I like to see
39 24, 26 units, maybe, but I recognize there's feasibility
40 issues with that economically. But I would love to see
41 if it was a little less dense within the works of it,
42 not necessarily with buildings, but the greenness, the
43 openness of it, because I do think it's a little tight.
44 But beyond that I think it's the best option we have.

45 CHAIRMAN VASELOPULOS: Okay, thank you, Dan.
46 Anyone else have any other comments? Personally I
47 concur with my two Commissions to my right. When faced
48 with the alternatives, I think this is a much better
49 alternative than maintaining this as a M-1 and allowing
50 for industrial type uses or commercial type uses to
51 exist there.

52 Is it perfect? No, I don't think it's

1 perfect. I'd like to see maybe two less units myself,
2 but the alternatives I would not be in favor with at
3 all. So, and I think as everyone has mentioned, whether
4 you're for this or against this, this developer has
5 worked well with the Village. Has done well with other
6 projects, and frankly is someone that I think is good
7 for his word. And That's, I don't want to say rare, but
8 I, if this, you know, didn't work out with this
9 developer and it had to be sold to someone else I, I
10 would be troubled with others coming in and that we have
11 not had an experience with and that opens up another can
12 of worms. So, those are my thoughts. Does someone want
13 to make a motion?

14 COMMISSIONER BERLINGHOF: I'll make a motion.
15 **I make a motion to recommend to the Village Board**
16 **approval of a PUD, a MAP amendment to the R-6 multiple-**
17 **family residential and the associated zoning code**
18 **variations to allow the development of 28 residential**
19 **units on a 2.16 acre parcel in accordance with**
20 **petitioner's application. Most recent addendum in**
21 **supporting materials subject to conditions 1 through 16**
22 **on the report provided by the Staff.**

23 CHAIRMAN VASELOPULOS: Was there a second?

24 COMMISSIONER BERMAN: I second.

25 CHAIRMAN VASELOPULOS: All those in favor?

26 (Chorus of ayes.)

27 CHAIRMAN VASELOPULOS: All opposed?

28 (No response.)

29 CHAIRMAN VASELOPULOS: The motion carries.

30 Did you want to make a statement before we adjourn?

31 AUDIENCE PARTICIPANT: Before everybody
32 leaves, I appreciate everything that the Staff has done.
33 I know Steve and I don't always agree. I think,
34 honestly, you should thank the citizens who have
35 participated in this process.

36 CHAIRMAN VASELOPULOS: I wholeheartedly agree.
37 I think civic involvement is very important and we
38 appreciate you all coming out tonight. Is there a
39 motion to adjourn?

40 COMMISSIONER BERLINGHOFF: Motion to adjourn.

41 COMMISSIONER BOLLING: Second.

42 CHAIRMAN VASELOPULOS: All those in favor?

43 (Chorus of ayes.)

44 CHAIRMAN VASELOPULOS: All opposed?

45 (No response.)

46 CHAIRMAN VASELOPULOS: Motion carries. Good
47 night everyone and thank you.

48 (Whereupon, at 12:22 a.m., the above
49 meeting was concluded)

50 APPROVED 3/5/18

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF C O O K)
4

5 I, STUART KAROUBAS, 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 STUART KAROUBAS
15

16 SUBSCRIBED AND SWORN TO
17 BEFORE ME THIS _____ DAY OF
18 _____, A.D. 2018.

19
20
21 _____

22 NOTARY PUBLIC

23