

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD MONDAY,
MAY 19, 2003 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

I. Call to Order and Roll Call

At 7:30 P.M. President Starkey called the Meeting to order. The Clerk led the Pledge of Allegiance.

and called the roll:

Present: Trustees Parker, Peterson, McEnroe, President Starkey, Trustee Forman
(arrived at 7:35 p.m.)

Absent: Trustee Hjertstedt

Also Present: Kathy Nelander, Village Clerk

Roberta Svacha, Treasurer

Judy Janus, Administrative Assistant

Al Stefan, Baxter & Woodman

Warren Nass, 107 Mohawk Drive

J.W. Braithwaite, Arnstein & Lehr

Doris Larson/Larry Grunkenmeyer, 512 Miller Road

Sidney Bartlett, 499 Randolph Ct.

Sunil & Lata Kadakia, 212 N. Signal Hill Road

Mark Majerak, 3909 N. Spring Grove Road

Carl Kupfer, 300 Marquardt Drive

Christa Pontikes, 22910 N. Route 59

Terry Cahill, 2099 Stonington Avenue, Hoffman Estates

Virginia Black, 110 Seminole Drive

Eleanor McDonnell, 196 Beachview Lane

G. Ochitwa, 115 Seminole Drive

George Balis, Clarke Mosquito Control

Gregg Schmitt, 123 Stone Marsh Lane

Bo and Renee Jaremus, 581 Signal Hill Road

Larry Sandberg, 8642 Hwy. 20, Garden Prairie

Louis Werderitch, 1964 Abbotsford, Barrington

Roy Svacha, 581 Onondaga Drive

Todd Berge, 255 Essex

Peter Economos, 70 S. Wynstone Drive

Cathy Howes, 219 Biltmore Drive

Michael Kelly, 229 Route 59

Kim Block, 128 Cherry Hill Road

Evelyn Richer, 135 Mohawk Drive

Frank & Vince Mattioli, 424 Mockingbird Lane

II. Public Comment

Frank Mattioli, 424 Mockingbird Lane, addressed the Board. He expressed concern over the amount of salt used by the snow plow contractor and how the salt burned out the grass on the easement in front of his home. He requested that the Board view receipts from what Mr. Mattioli feels will restore the property to its original condition. President Starkey said that the Village's Environmental Commission was doing research on the use of salt and quantities used for the upcoming snow season.

Kim Block, 128 Cherry Hill Road, asked about yard waste burning. President Starkey said that the topic was being referred to the Environmental Commission for discussion and a recommendation would be made by the Board.

III: Consent Agenda

Under Item A in the Consent Agenda, the Minutes of a Village Board Public Hearing on 3/13/03, were removed from the agenda.

Motion: On motion of Trustee McEnroe, seconded by Trustee Peterson, the following agenda items were unanimously approved by a single omnibus vote:

- A. Approve Minutes of Board Meeting - 04/28/2003
- B. Approve the Treasurer's Report for the 12th month of F/Y 2003 for file and audit
- C. Approve the May 19th, 2003 Vouchers for payment of bills
- D. Extend the Idealease Temporary Occupancy Permit until June 27th, 2003

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Parker, Peterson, McEnroe, and President Starkey
Nays: None
Absent: Trustee Hjertstedt
Abstain: None

President Starkey declared the motion approved.

IV. Variations/Subdivisions/Misc.

A. Lee Variance Reconsideration (Variance Request denied 4-28-03), petitioner asking for Reconsideration

President Starkey reminded the Board that Mr. Lee's zoning variance request for a pool enclosure had been denied at the April 2003 Board meeting. President Starkey asked if Mr. Lee was in attendance. Larry Sandberg said that he was from CCSI International, Inc., the contractor for Mr. Lee's proposed pool enclosure. Mr. Sandberg said that since the April Board Meeting, it had come to his attention that there was a similar pool enclosure in North Barrington at 170 N. Signal Hill Road, and that he had submitted photographs of this enclosure in support

of the reconsideration request. President Starkey said that research was conducted about the enclosure at 170 N. Signal Hill Road. She explained that the enclosure was constructed in 1972, before the Village had its current regulations for accessory structures. Subsequently, the Village Zoning Ordinance was amended to regulate the size and exterior materials of accessory structures and that the Lee's proposed pool enclosure did not conform to the present size limitation and exterior material requirements for accessory structures. President Starkey asked if there was a motion to reconsider the variance request as voted upon at the April Board meeting. There was no motion to reconsider, and President Starkey declared that the Board's previous decision to deny the variance request would stand.

B. Ordinance Amending Zoning Text ZR-8-2(B) related to setback provision
Due to time required for discussion and the absence of Building and Zoning Officer Kelly Rafferty, the Board decided to postpone the topic until the next, regularly scheduled Board meeting.

C. Ordinance #1003 Zoning Variation Ordinance (ZR-2-1) related to accessory structure at 211 North Signal Hill Road (Kadokia)

Warren Nass, Chairman of the Zoning Board of Appeals, addressed the Board to give an overview of the variance request. He explained the variance to the code requested by Dr. & Mrs. Kadokia.

ZR-2-1: Accessory structures shall not exceed 250 square feet in area and shall be clad in wood, stucco, brick only, except for greenhouses. Any metal or plastic exterior materials are prohibited.

The proposed accessory structure is approximately 2,400 square feet in area with an aluminum framed, glass sunroof/conservatory roof structure.

Chairman Nass said that the addition would be constructed with same materials as the home, except for the roof, and that the Zoning Board of Appeals had unanimously recommended approval of the requested variance.

President Starkey invited Dr. Kadokia to address the Board and explain the proposed structure. Dr. Kadokia said that spa/fountain room would contain an exercise area, hot tub, spa and eight fountains. He said that the addition, which would be on the back of the house, would match the existing home, 100% brick with windows, but with a glass roof. He said that the glass roof was to get maximum light, as the room is more of a sunroom/conservatory. There were some questions from the Board and further discussion about materials, including the hand rail on a set of stairs to the mechanical room. After some discussion, it was decided that that the handrail should be of the same materials as other railings on the outside of the home, an imitation stone material.

Motion: Trustee Forman moved to approve Ordinance No. 1003, the requested variance for Dr. & Mrs. Sunil Kadokia to construct a 2400 square foot indoor spa/fountain room with a glass sunroof/conservatory roof using the plans prepared by Eugene Paul Architects, Inc. as submitted to the Zoning Board of Appeals, with the following language which was added to the Ordinance: and subject to the railing for the steps to the mechanical room being of the same

imitation stone material as the other rails on the existing home; seconded by Trustee Parker.
Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Parker, Peterson, McEnroe, and President Starkey

Nays: None

Absent: Trustee Hjertstedt

Abstain: None

President Starkey declared the motion approved.

D. Ordinance #1002 Zoning Variation Ordinance (ZR-9-2(A), ZR-9A-2(B), ZR-9A-2(I) related to fence at 229 N. Hwy. 59 (Kelly)

Warren Nass, Chairman of the Zoning Board of Appeals, addressed the Board to give an overview of the variance request. He explained the variances to the code requested by Mr. Michael Kelly.

ZR-9-2(A): No fence shall be permitted in front yards except ornamental fences. The proposed privacy fencing, entry gates and split-rail fencing are all located within the front yard of the property.

ZR-9A-2(B): Except as otherwise permitted by this Chapter or otherwise by the Village Code, no fence shall be more than three (3) feet in height. The proposed privacy fencing and driveway entry gates/pillars are eight (8) feet in height.

ZR-9A-2(I): Every fence shall be constructed with at least fifty percent (50%) open space between the elements of which the fence is constructed in order that one may see through the fence when viewed in a direction perpendicular to the fence.

The proposed privacy fencing is constructed with zero percent (0%) open space between the elements of which the fence is constructed.

Chairman Nass explained that the Village has allowed solid fencing in the front yard for homes located on Route 59 and Route 22. Chairman Nass explained that the eight foot fence would be installed between the existing shrubs and evergreens along the front portion of the lot, that an existing 50 feet of six foot high stockade fencing would be removed and in addition, approximately 254 lineal feet of 3 foot high 2-rail, split-rail fencing would be installed along the north side of the property. Chairman Nass said that the Zoning Board of Appeals had unanimously recommended approval of the requested variances.

President Starkey invited Mr. Michael Kelly to address the Board and explain why he was requesting the variances from the Village Code. Mr. Kelly explained that he wanted to install an eight foot fence for security purposes and to provide some noise control from Route 59. There were questions from the Board with regard to the exact location of the fence. Trustee Parker said that the actual location of the proposed fence was not indicated on the plan, but asked that the fence be installed between the trees and shrubs so that most of the fence could not be seen

from the road.

Motion: Trustee Parker moved to approve Ordinance No. 1002. the requested variances for Michael Kelly to install approximately 210 lineal feet of 8 foot high cedar privacy fencing along the front of the property between the existing bushes and pine trees at 229 N. Hwy. 59, with driveway entry gates/pillars, to remove the existing 50 feet of 6 foot stockade fencing at the south portion of the lot, and to install approximately 254 lineal feet of 3 foot high 2-rail, split-rail fencing along the north side of the property; seconded by Trustee Forman.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Parker, Peterson, McEnroe, and President Starkey

Nays: None

Absent: Trustee Hjertstedt

Abstain: None

President Starkey declared the motion approved.

E. Ordinance #1004 Zoning Variation Ordinance (ZR-8-2(D), ZR-1-2(B), ZR-1-7(A,2) related to rear line setback & non-conforming building at 255 Essex Lane (Mazurek) Warren Nass, Chairman of the Zoning Board of Appeals, addressed the Board to give an overview of the variance request. He explained the variances to the code requested by Mr. & Mrs. Robert Mazurek.

ZR-8-2(D): From the rear line, the setback shall not be less than forty (40) feet or twenty percent (20%) of the depth of the lot, whichever amount is larger. Based on a lot depth of 145.79 ft., the required rear setback shall be forty (40) feet. The existing house is located approximately thirty five (35) feet from the rear line and the proposed addition will be located approximately thirty three (33) feet from the rear line.

ZR-1-2(B) and

ZR-1-7(A,2) A non-conforming building or use shall not be expanded.

The existing house is considered as being non-conforming because it does not comply with the required rear setback.

Chairman Nass explained that Mr. & Mrs. Mazurek were proposing to construct a breakfast nook and kitchen addition to the rear of the home. He explained that the kitchen was being remodeled and expanded into the area where the existing deck is and that the deck would be removed. Chairman Nass said that the Zoning Board of Appeals had unanimously recommended approval of the requested variances.

President Starkey invited Todd Beige, the Mazurek's representative to address the Board. Trustee Parker asked about the stamped concrete patio indicated on the plans. There was some confusion as to why the patio was not included in the variance request, as it might be in violation to the setbacks, and that the size of this patio was to be verified with the owner. Mr.

Beige said that he was in attendance because Mr. Mazurek was out of town and he didn't know the answer with regard to the patio. It was decided to approve the requested variance for the building addition, but that the stamped concrete patio may require an additional permit.

Motion: Trustee Parker moved to approve Ordinance No. 1004, the requested variances for Mr. & Mrs. Mazurek to construct a Breakfast Nook and Kitchen addition to the rear of the home at 255 Essex Lane, using the plans prepared by American Landmark Architecture Associates, Inc. dated 4/8/03, with the exception of the stamped concrete patio, if such patio is prohibited by Village Codes; seconded by Trustee Peterson.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Parker, Peterson, McEnroe, and President Starkey

Nays: None

Absent: Trustee Hjertstedt

Abstain: None

President Starkey declared the motion approved.

F. Request for annexation/rezoning for property at 22920 N. Hwy. 59 (Werd subdivision) President Starkey gave some background information to the Board. She explained that Mr. Werderitch had appeared before the Health & Sanitation Commission to request a variance to the code with regard to Excessive Percolation Rate. President Starkey explained that Mr. Werderitch had also appeared before a joint Planning Commission/Zoning Board of Appeals Public Hearing, and then again to the Zoning Board of Appeals for variances to allow development and construction of three single family residences in an R-2 District (two acre) area, as well as variances to the minimum average lot width for two of the three lots. Mr. Werderitch then appeared before the Plan Commission for decisions on whether or not to annex the property, and if so, how would the property be accessed. She noted the minutes from all the meetings in the packet. President Starkey invited Peter Economos, attorney for Mr. Louis Werderitch, to address the Board.

Mr. Peter Economos explained that Mr. Werderitch is the owner of Werd Construction. He said that Mr. Werderitch is a real estate developer, a builder of custom homes, and the owner of the property at 22920 N. Hwy. 59, Lot 4, in the Oak Ridge Subdivision. Mr. Economos explained that the five acre parcel of land was vacant, currently in un-incorporated Lake County and contiguous to the Village of North Barrington. He said that Mr. Werderitch was petitioning the Village for annexation subject to the approval certain zoning variations. Those variations were to develop the property as three single family residences and to vary the required lot width for two of the three lots. Mr. Economos said that his client wanted ingress and egress to the properties through Unit No. 3 of the Biltmore subdivision, and that it was in the public safety interest not to have access via Route 59. Mr. Economos said that Route 59 was considered a Strategic Regional Artery (SRA) by the Illinois Department of Transportation (IDOT) and that IDOT has

the right to deny access for these homes, and thus the access issue was causing a "hardship" to his client. Mr. Economos explained that the petitioner is proposing three homes with an alternative access to offset the cost of infrastructure expenses regarding the improvement of roads.

Mr. Werderitch gave a brief history of the project and answered questions from the Board.

There was lengthy discussion about access to the property, other unincorporated properties contiguous to Mr. Werderitch's property, future development in the area, and existing property in Unit No. 3 of the Biltmore subdivision. There were many questions for Village Engineer Al Stefan about IDOT's road rating, possible road improvements to North Signal Hill Road and well as about Iroquois, the current dedicated, unimproved roadway. Also discussed was the size of the existing roads and possible sizes of future roads.

Village Attorney J.W. Braithwaite explained that the issues before the Board included annexation, how the property would be zoned if annexed, and how the property would be accessed. Mr. Braithwaite said that once these issues were agreed upon, Mr. Werderitch would have to come back to the Village with all other issues including roads, impact on trees, etc.

Views on the proposed subdivision were expressed by:

Virginia Black, 110 Seminole Drive, was against the proposed subdivision.

Bo Jaremus, 581 Signal Hill Road, expressed concerns about road issues.

Evelyn Richer, 135 Mohawk Drive, urged Board to zone property two acre.

Eleanor McDonnell, 196 Beachview Lane, reported on Plan Commission meetings regarding the proposal.

Roberta Svacha, 581 Onondaga Drive, expressed concerns about cut through traffic.

After lengthy discussion, the Board decided to table the issue in order for the Board to research the topic further and get information from IDOT on whether or not access would be allowed to the site via Route 59.

Motion: Trustee Forman moved to table the Werd Subdivision Request; seconded by Trustee Peterson.

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Parker, Peterson, McEnroe, and President Starkey

Nays: None

Absent: Trustee Hjertstedt

Abstain: None

President Starkey declared the motion approved and the matter tabled.

G. Wynstone North Commercial proposal and request for drainage easement change by Talon Development

President Starkey explained that in March of 2001, the Village Board of Trustees reviewed and approved a concept plan for the future development of Lot 2 in Wynstone North Commercial, and that the proposed development of Lot 2 by Talon Development required Village Board review and approval because of the modifications made to the previously approved concept plan.

Gregg Schmitt of Talon Development introduced himself to the Board. He explained that he was the developer/agent for the last portion of Wynstone North Commercial, and that he was looking for site plan approval. He explained that his client, Medical Murray was currently leasing space in the Buffalo Grove/Vernon Hills area and would like to own a site in North Barrington. He noted that Phil Leopold, the owner of the company, was also a North Barrington resident. Mr. Schmitt said that the proposed site would be a multiple building office park, and that the one story buildings would be similar to Wynstone South. Mr. Schmitt said that his client would occupy one of the buildings, keeping one in reserve for expansion, and the other 3 would be for sale as condominiums. He explained that the low profile, residential look office buildings would have brick skirting, brick columns, and basements. There was further discussion about the project and many questions from the Board.

Carl Kupfer, of the engineering firm for the site, answered many questions about the detention basin. Village Engineer Al Stefan also answered questions about the detention basin.

There was lengthy discussion. There were questions about the excess fill at the site that by prior agreement was to be removed. Carl Kupfer said that 5000 cubic yards of excess fill was removed from the site. Trustee Parker said that he would like to see proof that this fill was removed and that the site was returned to its original topography. There was further discussion about placing the proposed buildings as low profile as possible. There were also questions about Wynstone's Architectural Review Committee, and if the questions asked by the letter from Mimi Troy dated May 14, 2003 were answered. The Board decided to have Village Engineers shoot the grades for the site to verify the topography/contours, to secure copy of dump tickets issued to Idealease to verify amount of fill removed, as well as having written confirmation from the Wynstone Architectural Review Committee that their concerns had been met.

Motion: Trustee Peterson moved to table the Wynstone North Commercial proposal in order to secure more information; seconded by Trustee Parker.

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Forman, Parker, Peterson, McEnroe, and President Starkey

Nays: None

Absent: Trustee Hjertstedt

Abstain: None

President Starkey declared the motion approved and the matter tabled.

V. Commission and Staff Reports

A. Building Department Report (Kelly Rafferty - Rafferty Architects)

The Building and Zoning Department Activity Report was made available to the Board.

B. Engineering Project Status Report (Al Stefan - Baxter & Woodman)

The Engineering Project Status Report was made available to the Board.

C. Health & Sanitation Report (Natalie Karney - Land Technology)

The Health & Sanitation Monthly Report was made available to the Board.

D. Plan Commission Meeting Minutes from 4/29/03, 5/12/03 (Hearing, Continued, Regular Meeting)

The Minutes of the Meetings were made available to the Board.

E. Zoning Board of Appeals Meeting Minutes from 5/13/03

The Minutes of the Meeting were made available to the Board.

F. Parks Commission Meeting Minutes from 5/5/03

The Minutes of the Meeting were made available to the Board.

G. Environmental Commission Meeting Minutes from 4/24/03

The Minutes of the Meeting were made available to the Board.

H. Staff Meeting Minutes from 5/13/03

The Minutes of the Meeting were made available to the Board.

VI. ADMINISTRATION

A. President's report

The Report was made available to the Board.

B. Fiscal Year 2004 Trustee Assignments

President Starkey explained that she had contacted all the Trustees the regarding Fiscal Year 2004 Assignments, and asked if there were any questions or concerns.

Motion: Trustee Peterson moved to accept the Fiscal Year 2004 Trustee Assignments; seconded by Trustee McEnroe.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

C. Code of Conduct

President Starkey said that she was going to present to the various Commissions/Boards the proposed Code of Conduct, Commission Functional Responsibilities, and Plan of Work for Fiscal Year 2004, and was looking for Board approval of these documents. She explained that there were no specific guidelines for Commission/Board members, and this way there would be no misunderstandings. She said that these documents were in draft form, and that possible additions would be made after the presentations to the various Commissions/Boards.

Motion: Trustee Parker moved to adopt the draft Code of Conduct; seconded by Trustee Peterson.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

D. Commission Functional Responsibilities

President Starkey referred to the Commission Functional Responsibilities draft and said it allowed for additional items to be added. Due to the possible combining of the Health & Sanitation Commission with the Environmental Commission, it was noted that when the draft version became a final version, it would require amending the Village Code.

Motion: Trustee Parker moved to adopt the draft Commission Functional Responsibilities; seconded by Trustee Peterson.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

President Starkey also said that she would like the Environmental Commission/Health & Sanitation Commission to discuss the issue of burning yard waste.

Motion: Trustee Parker moved to assign the topic of yard waste burning to the Environmental/Health & Sanitation Commission for review and recommendations; seconded by Trustee McEnroe.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

E. Plan of Work for Fiscal Year 2004

President Starkey explained that the Plan of Work for Fiscal Year 2004 included goals for the year, and that she was interested in getting input from the various commissions.

Motion: Trustee Peterson moved to adopt the draft Plan of Work for Fiscal Year 2004; seconded by Trustee Parker.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

F. Barrington/North Barrington Intergovernmental Boundary Agreement (tabled)

The topic remained tabled.

G. Impact Fee Policy Matters

Due to time required for discussion, the Board decided to postpone the topic until the next, regularly scheduled Board meeting.

H. Authorization to enforce provisions of Antenna Ordinance as related to Herreweyers

President Starkey explained that Village Attorney Braithwaite was to meet with Mr. Herreweyers attorney.

I. Biltmore Country Club septic update

President Starkey said there was no update available.

J. Resolution #2264 appointing Kathy Howes to the Parks Commission

President Starkey noted the resume submitted by Kathy Howes and said that she was a welcome addition to the Parks Commission.

Motion: Trustee McEnroe moved to approve Resolution #2264; seconded by Trustee Peterson.

Discussion: There was some discussion.

Vote on Motion:

The voice vote was unanimous in favor.

President Starkey declared the motion approved.

K. Resident Contact Report

The Report was made available to the Board.

VII. Reports by Board of Trustees

A. Trustee Craig Parker

Trustee Parker explained Clarke Mosquito Control provided the Village with mosquito control services and that he had invited George Balis, a representative from Clarke Mosquito Control, to address the Board about the season's program. George Balis reminded the Board that the current contract with Clarke was in effect through 2004. Mr. Balis explained that the program for the Village was in conjunction with Cuba Township, and that the comprehensive, integrated pest management approach used inspections and treatments of standing water areas, and spraying for adult mosquitoes. He said that the Lake County Forest Preserve was also treating standing water areas within the township boundaries, as well as trapping and testing mosquitoes. Mr. Balis answered many questions from the Board. President Starkey asked Mr. Balis to send the Village information regarding precautions and the West Nile Virus to include in the Village's upcoming newsletter. Mr. Balis said that a link could be added to the Village's website to access Clarke's site on how to report dead birds, as well as of disposal of dead birds.

B. Trustee Fred Hjertstedt

Trustee Hjertstedt was absent.

C. Trustee Kimberly Forman

There was no report available.

D. Trustee Dave Peterson

There was no report available.

E. Trustee Jack McEnroe

There was no report available.

X. OLD BUSINESS

There was no old business to discuss.

XI. NEW BUSINESS

There was no new business to discuss.

XII. ADJOURNMENT

There being no further business to come before the Board, Trustee Peterson moved to adjourn the meeting; seconded by Trustee McEnroe.

The voice vote was unanimous in favor.

At 11:05 p.m. President Starkey declared the meeting adjourned.

These Minutes were approved by the Board at a meeting held June 23, 2003.

Attest: _____

Kathy Nelander, Village Clerk

