

MINUTES OF A MEETING OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF NORTH BARRINGTON WHICH WAS HELD WEDNESDAY,
JUNE 28, 2006 AT THE NORTH BARRINGTON VILLAGE HALL,
111 OLD BARRINGTON ROAD

I. Call to Order and Roll Call

At 7:39 p.m. President Sauer called the Meeting to order. The Village Clerk led the Pledge of Allegiance, and then called the roll:

Present: President Sauer, Trustees Farrell, Moran, Schnure and Tripicchio
Absent: Trustees Contorno and Pino
Also Present: Kathy Nelander Village Clerk
Judy Janus, Village Administrator
J. W. Braithwaite, Village Attorney
Roberta Svacha, Village Treasurer
(See attached list for audience members)

CLOSED SESSION: Motion: Trustee Tripicchio moved that a portion of the meeting be closed to the public, effective immediately as permitted by 5 ILCS 120/3(C)(11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal or which is probably or imminent; seconded by Trustee Farrell.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, and Tripicchio
Nays: Trustee Schnure
Absent: Trustees Contorno and Pino
Abstain: None

President Sauer declared the motion approved.

The Board went into Closed Session at 7:41 p.m.

RECONVENE OF OPEN SESSION

President Sauer reconvened open session at 7:53 p.m.

The roll was called and a quorum re-established.

II. Public Comment

President Sauer asked that members of the audience who wished to address the Board fill out and submit a Public Comment form to the Village Clerk. President Sauer also asked that comments be limited to two minutes and invited the audience to address the Board. Views were expressed by:

Carolyn Boyle, 425 Kimberly Road, said that at the May Board meeting she spoke in favor of the proposed Lot Coverage Ratio Ordinance, but she was retracting that statement and asked that the Board reconsider the Ordinance.

Rick Cavanaugh, 454 E. Oxford Road, said that he had been asked to participate in a citizens committee with some members of the Plan Commission and the citizens group had subsequently submitted a recommendation to the Village Board. Mr. Cavanaugh expressed concern that the Board was not addressing these recommendations.

Bonnie Layton, 520 Signal Hill Road, read a statement to the Board (attached) including 22 resident signatures, seeking further research on the Lot Coverage Ratio Ordinance.

Andrew Bernardi, 485 Pinewoods Drive, asked that the Board reconsider the Lot Coverage Ratio Ordinance.

Bob Oleksiuk, 426 Kimberly Road, asked that the Board reconsider the Lot Coverage Ratio Ordinance.

Margo Bradley, 235 Orchard Road, read a statement to the Board (attached) asked that the Board reconsider the Lot Coverage Ratio Ordinance.

Kim Block, 128 Cherry Hill Road, expressed concern about the northeast corner of Old Barrington Road and Route 22. Mr. Block feels that the wetland area is deep and that a car or truck, which ended up in the area due to a vehicular accident, could sink in the area and poses a threat to motorists. President Sauer asked Trustee Tripicchio to contact IDOT with the concerns.

Don Husted, 422 Kimberly Road, asked that the Board reconsider the Lot Coverage Ratio Ordinance.

Barry Altshuler, 211 Biltmore Drive, addressed the Board on the hazards and health effects associated with leaf and yard waste burning and urged the Board to ban leaf burning in the Village. He asked that the Village join the surrounding communities such as Lake Zurich, Barrington, Fox River Grove, Island Lake, and Wauconda who do not allow leaf burning, as well as the Wynstone subdivision, within the Village of North Barrington.

Tim Pattison, 182 Kimberly Road, feels the Lot Coverage Ratio Ordinance is flawed and asked that the Board reconsider the Ordinance.

Ginger Das Gupta, 462 E. Oxford Road, feels the Ordinance needs more research and asked that the Board reconsider the Lot Coverage Ratio Ordinance.

Jeff Harwick, 204 Beachview Lane, asked that the Board reconsider the Lot Coverage Ratio Ordinance.

Robert Hanson, 431 Brookmont Lane, would like more explanation about the Lot Coverage Ratio Ordinance and its application.

Trustee Schnure addressed the audience and explained the procedure to reconsider a decision previously made by the Board. He noted that only two trustees of the three who voted favorably for the Ordinance, Trustee Farrell and Trustee Moran, were in attendance and in order for the Ordinance to be reconsidered, a Trustee who voted in favor of the Ordinance would have to make a motion to reconsider the Ordinance. Trustee Schnure said that he has been opposed to the Lot Coverage Ratio Ordinance, had voted against the Ordinance, and thanked the residents for their involvement and comments.

Trustee Moran thanked the audience for their comments and said that he was always available to discuss any matters of concern to Village residents. Trustee Moran addressed some of the comments from the audience. He said that some people have said that the Lot Coverage Ratio Ordinance has a negative impact on real estate values, but he doesn't agree with this. Trustee Moran noted that residents have a way to seek relief from Ordinance by requesting a variance request, and he felt that this process does not present a hardship to residents. Although Trustee Moran has considered the possibility that the Ordinance is "over legislation" but also feels it is better to have something in place rather than nothing. Trustee Moran said that he would like to recommend to the Plan Commission six points, and would welcome resident input at July 10th Plan Commission meeting. These include:

- * Increase the percentages in the Lot Coverage Ratio
- * Look into a catastrophe clause
- * Exclude driveways
- * Hire an expert for further research
- * Consider including Wynstone in provisions of Ordinance
- * Exclude properties under 40,000 square feet.

Trustee Farrell addressed the Board and said there had been a lot of emotion and debate involved with adoption of the Lot Ratio Ordinance. Trustee Farrell said that she has spent many hours reading emails and other submitted materials, as well as discussing the Ordinance with many residents, in person and on the phone. She said she has done her own research on teardowns, the loss of open space, and how other communities are handling teardowns. This research has convinced her more than ever that North Barrington needs some plan in place to protect the uniqueness of the community and she urged the audience to think about the "bigger picture". She said that there is no perfect ordinance on teardowns anywhere in the nation. She feels that the Ordinance has the correct intent, but may need to evolve and be tested, and asked the residents of the community to give the concept more time and remain open minded.

She thanked the community for all their input and continued involvement.

Trustee Tripicchio addressed the Board and apologized for having to miss the May Board meeting but added that if he had been in attendance, he would have voted in favor of the Lot Coverage Ratio Ordinance. Trustee Tripicchio said that he too has spent time analyzing the Ordinance and the topic of teardowns, and while supporting the Ordinance, he would be in favor of eliminating the driveway from the calculations. Swimming pool, tennis courts, and patios are considered elective components of a home, but a driveway is not an elective. Trustee Tripicchio explained that he has been involved in municipal government for the past 33 years as the Director of Public Works for the Village of Lincolnshire and understands road, water, and drainage issues, and the importance of addressing drainage issues. Trustee Tripicchio said he was in favor of aggressively looking at the Ordinance, and with community involvement, the Village should be able to produce a product that would reasonably satisfy everyone.

President Sauer addressed the audience and explained that the volunteers on the Plan Commission, as well as all the volunteers on the various Commissions, work very hard and give freely of their time. In this instance, the Plan Commission has worked on the topic of teardowns on and off for the past five years, but unfortunately not a lot of these issues are not followed by Village residents. He explained that after the May Board meeting, he had invited a few residents to work with some members of the Plan Commission, in the form of a subcommittee, to jointly compile a list of recommendations to bring to the Board. President Sauer explained that the resident's portion of the subcommittee turned in their recommendations, but it was not a consensus of the subcommittee. Although there were some good recommendations, it was one-sided. President Sauer stated that the Ordinance was in place and had to be tested, and in over time, if the Ordinance needs to be amended, it could be.

Trustee Moran invited all interested residents to attend the next Plan Commission meeting on Monday, July 10th at 7:30 p.m.

President Sauer called for a brief break at 8:50 p.m.
President Sauer reconvened open session at 8:55 p.m.
The roll was called and a quorum re-established.

III. Consent Agenda

Items: A. Minutes of Board Meeting – 5/24/06;
F. Resolution #2409 Appointing (Land Technology, Inc.), Natalie Karney, Health Officer;
J. Resolution #2413 appointing Camille Koertner, Plan Commission Member; K.
Resolution #2414 appointing Denis Taillon, Plan Commission Member
were removed from the Consent Agenda for further discussion.

Motion: On motion of Trustee Tripicchio, seconded by Trustee Farrell, moved approval of the following agenda items by a single omnibus vote:

- B. Motion to approve the 06/28/06 Vouchers for payment of bills
- C. Motion to approve the Treasurer's Report for the 1st month of Fiscal Year 2007
- D. Motion to adopt Ordinance #1089 regarding the Annual Appropriation
- E. Resolution #2408 appointing (Arnstein & Lehr), J.W. Braithwaite & N. Harbottle, Attorneys
- G. Resolution #2410 appointing (Rafferty Architects), Kelly Rafferty, Building & Zoning Officer
- H. Resolution #2411 appointing (Baxter & Woodman, Inc.), Andrea Pracht, Village Engineer
- I. Resolution #2412 appointing Patrick Ryan, Environmental Commission Member
- L. Resolution #2415 appointing Roberta Svacha, Village Treasurer
- M. Resolution #2416 appointing Roberta Svacha, Finance Committee Member

Discussion: There was no discussion.

Vote on Motion

By Roll Call: Ayes: President Sauer, Trustees, Farrell, Moran, Schnure and Tripicchio
 Nays: None
 Absent: Trustees Contorno and Pino
 Abstain: None

President Sauer declared the motion approved.

Items removed from the Consent Agenda for further discussion:

- A. Approve the Minutes of Board Meeting 5/24/06

Trustee Tripicchio said that he was not in attendance at the last meeting and wished to abstain from the vote.

Motion: Trustee Schnure moved to approve the Minutes from the May 24, 2006 Board meeting as presented; seconded by Trustee Farrell.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, and Schnure
 Nays: None
 Absent: Trustees Contorno and Pino
 Abstain: Trustee Tripicchio

President Sauer declared the motion approved.

- F. Resolution #2409 Appointing (Land Technology, Inc.), Natalie Karney, Health Officer

Trustee Farrell asked about Ms. Karney's rate increase of 25%. President Sauer explained that

Mrs. Karney had not asked for or received an increase for the last five years and the measure was taken to bring the rate up to current market price.

Motion: Trustee Farrell moved to approve Resolution #2409; seconded by Trustee Moran.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Schnure and Tripicchio
Nays: None
Absent: Trustees Contorno and Pino
Abstain: None

President Sauer declared the motion approved.

J. Resolution #2413 appointing Camille Koertner, Plan Commission Member

Trustee Schnure pointed out that even though the Plan Commission has done a reasonable job, based on his position that the Lot Coverage Ratio Ordinance is a debacle, he is opposed to the re-appointment. He said that this is a statement about the Plan Commission on a whole. Trustees Moran and Farrell had questions for Trustee Schnure about his comments.

Motion: Trustee Moran moved to approve Resolution #2413; seconded by Trustee Farrell.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran and Tripicchio
Nays: Trustee Schnure
Absent: Trustees Contorno and Pino
Abstain: None

President Sauer declared the motion approved.

K. Resolution #2414 appointing Denis Taillon, Plan Commission Member

Trustee Schnure reiterated his comments regarding the Plan Commission as in the previous Resolution #2413.

Motion: Trustee Moran moved to approve Resolution #2414; seconded by Trustee Tripicchio.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran and Tripicchio
Nays: Trustee Schnure
Absent: Trustees Contorno and Pino
Abstain: None

President Sauer declared the motion approved.

IV. CONCEPT REVIEW

A. Proposed PUD Subdivision on Arrowhead Lane (Richard Sova, Landover Corporation)

Richard Sova introduced himself to the Board as a representative of Landover Corporation, the developer of the proposed subdivision on Arrowhead Lane just north of Miller Road. He explained that he was before the Board to present a "courtesy review". A similar presentation was made to the Plan Commission at their May meeting, and the Plan Commission's recommendations were incorporated into the current presentation. Mr. Sova reported:

- * The entire property consists of four properties, each with a home, and encompasses 36 acres. They are proposing 17 homes on the 36 acres, with an overall density of 2.1 acres per lot.
- * Average lot size is approximately 1.6 acres due to setting aside areas for wetlands, detention areas, and open space.
- * A portion of the current Arrowhead Lane would be abandoned and reconfigured with a new road to access the subdivision.
- * All septic fields would have 100% expansion fields. All utilities would be located underground.
- * The subdivision will conform to Lake County's Stormwater Management Commission (SMC) Ordinance regarding stormwater runoff and it is their intention is to not only meet the Ordinance but to exceed it and have a reduction in stormwater runoff.

Harvey Silets, 125 Arrowhead Road, addressed the Board. He explained that he is a neighbor of the proposed development, and has owned his property for the past 36 years. He gave background information about the properties on Arrowhead Lane, including that when the Wynstone property was annexed into the Village, the properties on Arrowhead Lane were then absorbed into the Village. He explained that the properties on Arrowhead Lane have always been considered more of a "rural" community, and that the "rural" atmosphere is diminishing. The four lots which make up the proposed subdivision are now 4 homes, with the proposal of adding an additional 13 homes. Mr. Silets noted that the properties on Arrowhead Lane are in the R-1 or 5 acre minimum zoning area. Mr. Silets explained that one of their concerns had been the suggested three homes on the lot north of their property, at 135 Arrowhead Lane, which is a five acre parcel. Mr. Silets noted that since the Plan Commission's review, the count had been paired down to two homes. Mr. Silets suggested following the Village's Comprehensive Plan to enforce open spaces and strongly encouraged the monitoring of stormwater runoff.

President Sauer explained that the Village is working with Landover Corporation, the Wynstone P.O.A, and the Lake County Department of Transportation (LCDOT) to share the cost of a floodplain study and mapping effort within the Wynstone Subdivision to Miller Road. This study, which will be performed by Baxter & Woodman, will provide information to verify the flowrates and the base flood elevation upstream of Miller Road. Lake County is in the process of

designing culvert improvements in minimizing flooding of Miller Road as well as making sure that the improvements do not negatively impact flooding of adjacent properties. Lake County has offered to pay \$50,000 towards the study with the remaining portion to be split between the Village, Landover Corporation and the Wynstone P.O.A. President Sauer explained that the County Board still had to approve the Agreement, which should be within the next 90 days.

Larry Grunkemeyer, 512 Miller Road, expressed his concerns about stormwater runoff, especially on his property. Mr. Larson explained that when Wynstone was built downstream property owners were assured that stormwater runoff would be monitored and at a minimum, but that had not been the case to date. He said he is hearing the same statements now, but he is very concerned that when all the homes are built, there will be no where for the water to go but downstream.

President Sauer explained that the floodplain study would be the first step to addressing and solving these problems and as part of the study, there will be informational meetings with all affected by this study, including the residents. President Sauer explained that Mr. Sova has volunteered to participate in this study to fully understand the water runoff issue.

Village Attorney J. W. Braithwaite addressed the Board about the Village's Comprehensive Plan. The Comprehensive Plan designates this area to be developed as two or more acres, in other words, somewhere between two and five acres.

Trustee Farrell said that she felt there were too many houses on the property and didn't feel that the density "fit" in North Barrington. Mr. Sova explained that the proposed lots were larger than the lots to the north in Wynstone and the significantly larger than the lots to the south, in Biltmore.

Trustee Tripicchio agreed with Trustee Farrell and feels the proposed subdivision is too dense and would support the zoning as called for in the Comprehensive Plan as two or more acres per parcel.

Trustee Moran said that he felt there were too many houses.

Mildred Drasen, 550 Miller Road, was concerned about septic systems running into the pond on her property, which is downhill from the proposed subdivision. Scott Simon, Land Technology, explained that he was the septic engineer for the development and explained that the soils on the property have been tested, and all the systems will be located in septic suitable soils. All septic systems will have to be approved by Lake County, as well as the Village, and all the lots are designed with a 100% expansion field.

President Sauer explained that this was a "concept review" and the developer was looking for feedback from the Board. The next step would be for the developer to appear before the Plan Commission for preliminary plat approval after he received direction from the Board. It was

noted that after the concept review by the Plan Commission, the developer altered the plans to accommodate 17 homes instead of the proposed 18.

Village Attorney J. W. Braithwaite explained that the Board could either approve or reject this “concept plan” but the Board cannot direct the Plan Commission on how to proceed. A motion can be made to either accept or reject this concept plan, in principle, which would give the developer an idea of the Board’s position.

There was lengthy discussion about how to direct the developer to continue. The Board said that they would like to become more familiar with the history of past PUD’s in the Village, as well as an understanding of the concept of a PUD, as well as to see the results of the floodplain mapping before moving forward.

Mr. Sova said that they are committed to adhering to the County’s Stormwater Management Ordinances, as well as the Village’s Comprehensive Plan. He said that he will be presenting the subdivision as a PUD.

Motion: Trustee Schnure moved to accept, in principle, the “Concept Plan” as presented by Landover Corporation for the proposed subdivision on Arrowhead Lane and that it be referred to the Plan Commission for further review; seconded by Trustee Farrell.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Schnure and Tripicchio
	Nays:	Trustees Farrell and Moran
	Absent:	Trustees Contorno and Pino
	Abstain:	None

President Sauer declared that a majority of the quorum was required to carry the motion and that he voted “Aye”. President Sauer declared the motion approved. President Sauer thanked Mr. Sova for his diligence in working with the Village and residents in order to achieve a plan that can be acceptable to all. President Sauer said that the Board would like further information, in the form of the floodplain mapping, as well as to look into the history of PUD’s in the Village, in order to move forward with the proposal and recommendations.

V. AMENDMENTS/VARIATIONS

- A. Ordinance #1090 Amendment to Zoning Ordinance 10-4-2A1
- B. Resolution #2417 Granting Temporary Relief in the Event of a Catastrophe

The Ordinance and the Resolution had been made available to the Board in their packet materials. President Sauer explained that one of the concerns that surfaced during discussions about the recently passed Lot Coverage Ratio Ordinance was the ability to rebuild a home should there be a catastrophe. The existing Zoning Ordinance, which was not affected by the

recently passed LCR Ordinance, prohibits rebuilding where the damage exceeds fifty percent of the value, without a variance from the Code. A Public Hearing before the Plan Commission is required to change the Village's Zoning Ordinance, and that will be scheduled for their August meeting. President Sauer explained that in order to provide temporary protection until the ordinance can be adopted after the Plan Commission Hearing, Resolution #2417 directs the Building and Zoning Officer to allow the rebuilding, repair or restoration of any non-conforming building or structure which is unintentionally destroyed or damaged.

Motion: Trustee Schnure moved to forward the proposed Ordinance #1090, an Amendment to Zoning Ordinance 10-4-2A1, to the Plan Commission for a review and discussion at a Public Hearing to be held on August 14, 2006; seconded by Trustee Moran.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Farrell, Moran, Schnure and Tripicchio
	Nays:	None
	Absent:	Trustees Contorno and Pino
	Abstain:	None

President Sauer declared the motion approved.

Motion: Trustee Moran moved to approve Resolution #2417; seconded by Trustee Tripicchio.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees, Farrell, Moran, Schnure and Tripicchio
	Nays:	None
	Absent:	Trustees Contorno and Pino
	Abstain:	None

President Sauer declared the motion approved.

C. Ordinance #1091 Code Amendment (Section 4-5-3(E) Permit Fees

The Ordinance had been made available to the Board in their packet materials. Village code Section 4-5-3E provides for the payment by property owners of an hourly fee of \$80.00 for review of revisions to drawings related to revisions of plans for spetic repairs. The present rate charged to the Village is \$80.00 per hour and that rate is being increased by the Health Officer to \$100.00 per hour and the new rate must be reflected in a code amendment. However, rather than stating a stipulated rate which would need to be changed again at some point in the future, the Village Attorney is suggesting that the amendment provides that the rate to be charged to the property owner is the rate charged to the Village by the Health Officer. There were some questions from the Board.

Motion: Trustee Farrell moved to adopt Ordinance #1092; seconded by Trustee Moran.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Schnure and Tripicchio
Nays: None
Absent: Trustees Contorno and Pino
Abstain: None

President Sauer declared the motion approved.

D. Ordinance #1092 (Code Amendment) Preliminary Plat Approval by the Village Board and Final Plat Submittal Time

The Ordinance had been made available to the Board in their packet materials. Village Attorney J. W. Braithwaite reminded the Board that at the April Board meeting, he had discussed with the Board the desirability of amending the Subdivision Ordinance to require that preliminary plats come to the Village board for approval. Presently, they are approved only by the Plan Commission, and the Board had agreed it would be beneficial to both the Village and the applicant. The Board had also discussed the desirability of having final plats approved within 6 months after the preliminary plat has been approved and having the final plat recorded within one year after its approval, although these dates could be extended in a specific case by the Board by an appropriate motion. Both changes to the Subdivision Ordinance were contained in one Ordinance. There were some questions from the Board.

Motion: Trustee Farrell moved to adopt Ordinance #1092; seconded by Trustee Moran.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Schnure and Tripicchio
Nays: None
Absent: Trustees Contorno and Pino
Abstain: None

President Sauer declared the motion approved.

F. Ordinance #1094 Zoning Variation, Leopold, 118 Stone Marsh Lane

The Ordinance had been made available to the Board in their packet materials. President Sauer explained the variances to the code requested by Mr. & Mrs. Leopold:

ZR-10-6-2(A): R-2 Residential Zoning District requires that each lot have an area of at least two (2) acres.

The lot area of the subject property is approximately 1.90 acres.

ZR-10-1-2(B) and

ZR-10-4-2(A,1,b): A non-conforming building or use shall not be expanded.
The subject property is non-conforming on account of lot area.

President Sauer invited Zoning Board of Appeals Chairman Nass to address the Board and explain the recommendations of the Zoning Board of Appeals. Chairman Nass explained that the Leopold's had submitted a building permit to construct a 16 ft. x 14 ft. three-season sunroom addition to the home. He reported that the porch would be constructed on an existing deck, and the slope of the porch's roof would match the roofline at the rear of the home. Due to the porch being constructed on an existing deck, there were no concerns from the Village Forester or the Health Officer. Chairman Nass said that the Zoning Board of Appeals unanimously approved the variance request.

Motion: Trustee Schnure moved to adopt Ordinance #1094 granting approval of the variance requests for Mr. & Mrs. Phillip Leopold to construct an addition to the home at 118 Stone Marsh Lane using the plans prepared by K.F. Brandeis dated 4/6/06; seconded by Trustee Tripicchio.
Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Farrell, Moran, Schnure and Tripicchio
	Nays:	None
	Absent:	Trustees Contorno and Pino
	Abstain:	None

President Sauer declared the motion approved.

G. Ordinance #1095 Zoning Variation, Katzbeck, 601 Brookside Road

The Ordinance had been made available to the Board in their packet materials. President Sauer explained the variances to the code requested by Mr. & Mrs. Jeff Katzbeck:

ZR-10-6-3(A): R-3 Residential Zoning District requires that each lot have an area of at least 40,000 square feet.

The lot area of the subject property is approximately 24,490 square feet.

ZR-10-9-2(B): From each side line, the setback shall not be less than ten percent (10%) of the average width of the lot, or ten feet (10'), whichever is greater.

The required side setback is 18.15 feet. The existing house is located 14.57 feet from the side property line, representing an existing setback encroachment of approximately 3.58 feet.

ZR-10-1-2(B) and

ZR-10-4-2(A,1,b): A non-conforming building or use shall not be expanded.

The subject property is non-conforming on account of lot area and building setback

President Sauer invited Zoning Board of Appeals Chairman Nass to address the Board and explain the recommendations of the Zoning Board of Appeals. Chairman Nass explained that

Mr. Katzbeck had submitted a building permit to construct a 16 ft. x 14 ft. screen porch addition to his home. An existing concrete patio will be removed and replaced with a paver patio. The porch will be constructed on a portion of the patio; and the porch is not considered a viable living space, but the roof and full screen walls over the paver patio creates an outdoor space to shield from rain and insects. It was noted that the patio and porch are located on the opposite side of the lot which has the existing setback encroachment. Chairman Nass reported that there were no concerns from the Village Forester, the Health Officer, or neighbors. Chairman Nass said that the Zoning Board of Appeals unanimously approved the variance request. There were some comments from the Board.

Motion: Trustee Moran moved to adopt Ordinance #1095 granting approval of the variance requests for Mr. & Mrs. Jeff Katzbeck to construct an addition to the home at 601 Brookside Road using the preliminary plans dated 3/15/06 as presented by Archadeck of Northern Chicagoland; seconded by Trustee Tripicchio.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Farrell, Moran, Schnure and Tripicchio
	Nays:	None
	Absent:	Trustees Contorno and Pino
	Abstain:	None

President Sauer declared the motion approved.

H. Resolution #2418 Code Variation, Tonigan, 184 Biltmore Drive

Henry Tonigan, 184 Biltmore Drive, addressed the Board. He said that he is seeking a variance from the Village Code to be allowed to utilize the existing evergreen vegetation in lieu of a fence around his pool. Mr. Tonigan said that as a result of a Ordinance passed by the Board in August of 2005, which required that all existing swimming pools be protected by a barrier to obstruct access to the pool, he proposed to erect a 48" high ornamental aluminum fence around approximately ½ of the swimming pool area while the other ½ of the swimming pool area will remain bordered only by existing evergreen vegetation. Mr. Tonigan used photographs to depict the location of the pool and the surrounding vegetation. He stated:

* The concrete, in-ground 20 by 40 foot pool was constructed in the 1950's.

* The pool is located to the rear of the lot, over 100 feet from Biltmore Drive. There is an upward slope from Biltmore Drive to the pool, causing the pool area to be hidden from street and public view.

* The east and south sides of the pool are lined with mature yews and evergreens. The east side has 45 yews, which are more than 5 feet tall and seven foot wide; while the south side of the pool has 20 yews that are 6 foot tall and 12 foot wide. The bases of these trees are such that a small child or ball could not travel under or through the vegetation, and because they are evergreens, they keep their vegetation throughout the year. He feels that the removal of the

evergreens would destroy the privacy of the pool and diminish the value of the property, and installing a fence outside the evergreens would also diminish the value of the property, as well as call attention to the pool area. Installation of the fence on the exterior of the evergreens would result in an additional cost in excess of \$3,500.

There were some questions from the Board regarding access to the pool as well as the possibility of setting a precedent. It was noted that the Resolution requires that the premises be examined annually, during the month of April, beginning in April 2007, by the Building and Zoning Officer to confirm the then existing adequacy of the barrier and a report of such examination shall be filed at the Village Hall.

There were questions for Village Attorney Braithwaite as to why the request was not heard by the Zoning Board of Appeals. Mr. Braithwaite explained that the variation was to the fencing requirements of Section 8-5-2 of the Village Code, which may be granted by the Village Board upon proper application. He also noted that it was up to each property owner to seek relief from Village Ordinances, if they have a situation which calls for relief.

Motion: Trustee Schnure moved to approve Resolution #2418; seconded by Trustee Farrell.

Discussion: There was lengthy discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Farrell, Moran, Schnure and Tripicchio
	Nays:	None
	Absent:	Trustees Contorno and Pino
	Abstain:	None

President Sauer declared the motion approved.

VI. COMMISSION AND STAFF REPORTS

President Sauer stated that the following items were contained in the Trustee's packets distributed on the Friday prior to the meeting and that if there were any questions, to contact the corresponding Commission Chair or Village Officer.

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

Trustee Moran asked that Kelly Rafferty prepare a report regarding compliance to date with the previously discussed Ordinance which required that all existing swimming pools be protected by a barrier to obstruct access to the pool.

- B. Building Inspection Report (Ray Donini)
- C. Building Inspection Report (B&F Technical Code Services, Inc.)
- D. Health & Sanitation Report (Natalie Karney - Land Technology)
- E. Engineering Project Status Report (Andrea Pracht – Baxter & Woodman)

- F. Parks & Recreation Commission Meeting Minutes (6/5/06)
- G. Plan Commission Meeting Minutes (6/12/06)
- H. ZBA Meeting Minutes (6/13/06)

VII. ADMINISTRATION – President Bruce Sauer

A. Support of FPA Regulations (BACOG)

President Sauer referred to the memo from BACOG Executive Director Janet Agnoletti regarding statewide Facilities Planning Area (FPA) program. President Sauer explained that FPA programs protect municipalities and local governments with land use planning and helps protect the environment. Particular groups, including the homebuilders community, have proposed eliminating the program and BACOG is asking for each of BACOG's individual member governments to support these revised regulations as proposed by the Illinois Environmental Protection Agency.

Motion: Trustee Tripicchio moved that the Village of North Barrington support BACOG's position regarding the FPA Regulations; seconded by Trustee Moran.

Discussion: There was some discussion.

Vote on Motion

By Roll Call:	Ayes:	Trustees Farrell, Moran, Schnure and Tripicchio
	Nays:	None
	Absent:	Trustees Contorno and Pino
	Abstain:	None

President Sauer declared the motion approved.

B. Motion RE: Ogloza, 135 Clover Hill Lane

President Sauer explained that this property owner has a guest house on the property that was used as a residence when the current house was being built. When the property was annexed into the Village, as part of the Annexation Agreement, the guest house was not to be a rental property, but could be used as a guest house for family. It has come to the Village's attention that the property is not being used as agreed to in the Annexation Agreement. Also, the homeowner is storing equipment and materials on vacant property to the rear of his home, which is in violation of Village Ordinances. Although the Village has contacted the property owner of these violations, no action has been taken. President Sauer would like the Village Attorney to begin legal action to bring the property to compliance.

Motion: Trustee Tripicchio moved authorize the Village Attorney to initiate legal action against the Oglaza's, 135 Clover Hill Lane, in order to bring the property into compliance with the Village Code; seconded by Trustee Moran.

Discussion: There was some discussion.

Vote on Motion

By Roll Call: Ayes: Trustees Farrell, Moran, Schnure and Tripicchio, President Sauer
Nays: None
Absent: Trustees Contorno and Pino
Abstain: None

President Sauer declared the motion approved.

VII. Reports by Board of Trustees

A. Trustee Rick Contorno

Trustee Contorno was absent.

B. Trustee Jane Farrell

Trustee Farrell updated the Board on the activities of the Parks and Recreation Commission including the concert held on June 17th featuring the Harper Jazz Combo. She said the event was a success and the Commission was considering having two concerts next year.

C. Trustee Al Pino

Trustee Pino was absent.

D. Trustee Moran

Trustee Moran referred to the Plan Commission's submittal of a Road Plan for the Village's roads, which was included in their packets, and the possibility of incorporating a previous study by the Environmental Commission regarding Flint Creek and stormwater drainage. Trustee Moran asked if there were any plans for road work for this year. President Sauer explained that there would be no road program this year and he had spoken with Baxter & Woodman's Mark Dachsteiner about getting an early start on next year's program and had instructed him to work with Trustee Tripicchio. President Sauer asked that the Plan Commission's suggestions be incorporated into next year's program.

Trustee Tripicchio explained that the Plan Commission's report had a lot of information, as well as some suggested concepts, but the concepts need to be more defined. Trustee Tripicchio said that he felt that the roads in the Village, specifically in Biltmore, are in horrendous shape, especially the edges. He said he is in favor of stabilizing these edges, as well as widening the roads, but the bottom line is that a road program is typically one of the most expensive programs in a community, and if the Board doesn't take a comprehensive look into the road program, it would remain as it has been which is overlaying on existing roads. Trustee Tripicchio said that he was in favor of concrete ribbons, but not in favor of fully improved roads with curb,

gutter and enclosed storm sewers. He explained that the Village needs to make a commitment, in a systematic way, which could be in the form of a 5-year or possibly longer, road program. He explained that the Village needs to formulate a plan, and then find out how much it will take to do one mile of road with the plan in mind, and then commit yearly to completing the project. Also, any long range plans should also include drainage. The Board also has to determine how the Village wants the roads to look and explained that this type of project would be well beyond what he could do as a Trustee.

Trustee Tripicchio suggested the Village do a Request for Proposal and go out to a couple firms, including Baxter and Woodman, but in order to proceed, the Board had to give these firms some idea of what they expected out of the plan. The Board should be able to give an idea of what they are looking for in this report, ask for what the standard should be on particular roads, and whether that involved longevity, concerns about drainage, etc. There was lengthy discussion, including how some areas may need curbs, some areas need trimming back, and the problem about getting community input.

Trustee Tripicchio also discussed a recently completed survey performed by Cuba Township, of under driveway culverts; where they exist, what condition they are in, and areas that would benefit by having them installed. He said the report indicated the Village was in pretty good shape, and he would like to move forward with a list of 15-20 to be completed this year. It would involve contacting the residents about the 50/50 program, but this work could require that subsequent work be performed to address related issues. There was lengthy discussion about requiring a resident to replace a collapsed under driveway culvert as it generally was located in the Village right-of-way.

E. Trustee John Schnure

Trustee Schnure said that he has repeatedly discussed with the Board the need for an enforcement officer in the Village. He would like to see the Board address the issue, via an agenda item, for the July Board meeting. Trustee Tripicchio said he would agree with Trustee Schnure because there are a lot of violations, especially with home improvements in the area. President Sauer asked audience member Joe Arizzi, who has performed code enforcement services to other Villages, to address the Board at the July meeting, outlining the role and responsibilities of a code enforcement officer, as well as costs for these services. Mr. Arizzi said that he would be happy to address the Board. It was noted that in some cases, fines for violations can help recoup costs for these services. Trustee Schnure also noted that he would not be in attendance for the July Board meeting.

F. Trustee Frank Tripicchio

Trustee Tripicchio explained that he had been in contact with the DeMicheles, 226 Crooked Lane, about their desire to have a 4-way stop at the intersection of Biltmore Road and Oxford Road. Trustee Tripicchio explained that the existing hedges at the northwest corner had been

trimmed, improving the line of sight problem, but the DeMicheles were still insistent on the installation. It was noted that due to the topography of the intersection, a 4-way stop was impractical and Trustee Tripicchio did not feel that the intersection would meet the necessary warrants needed for the installation of traffic control devices. There was further discussion.

VIII. OLD BUSINESS

There was no old business to discuss.

IX. NEW BUSINESS

Trustee Tripicchio mentioned the topic of leaf burning, which was brought up during the Public Comment portion of the meeting. There was some discussion about getting residential input regarding the topic. Trustee Tripicchio said that he has knowledge about leaf collection programs, but said that these services were very expensive. There was lengthy discussion. Trustee Tripicchio agreed to draw up a small questionnaire, which could possibly be sent out to Village residents regarding burning, for discussion at the July meeting.

Village resident Paul Kalmes, 23048 N. Old Barrington Road, had questions for President Sauer on restoration issues on the southeast corner of Old Barrington Road and Signal Hill Road. President Sauer gave some background information on the area; NICOR had located a booster station at the corner and the Village felt it was too close to the intersection, and it was moved farther back last fall; and due to the season, the site was not restored. This spring, there has been additional work to the area, and the Village has not been able to secure the information on who disturbed the site. President Sauer has been working with NICOR to plan the restoration and hopefully this will be accomplished within the next month.

Mr. Kalmes explained that his house is on the southwest corner of Old Barrington Road and Signal Hill, and the barricades indicating NO THROUGH TRAFFIC because of the road work on Kelsey Road, has caused cars and trucks going around the barricades to crush his culvert. President Sauer said that when the Kelsey Road work was completed, the area in question would be inspected, and if necessary, the culvert would be replaced at no cost to the resident.

X. ADJOURNMENT

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

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

These Minutes were approved by the Board at a meeting held July 26, 2006.

Attest: _____

