



1 BOARD MEMBERS PRESENT:

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3 MR. JOHN DAVIS, Chairman.

4 MR. TIMOTHY COSGROVE, Member.

5 MR. JOE ROSSI, Member.

6 MS. LEAH GOODMAN, Member.

7 MR. MICHAEL MILNAMOW, Member.

8 MR. ROLAND E. LAURIN, Member.

9 MR. STEVE GREGORY, Member.

10 MR. MIKE MULCAHY, Member.

11 MS. JUNE NELSON, Member.

12 MS. MARIE LUPO, Secretary.

13

14 ALSO PRESENT:

15

16 MR. DAVID BRUMMEL, Mayor.

17 MR. RONALD MENTZER, Community  
Development Director.

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19 MR. JIM DARNELL, City Engineer.

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1           CHAIRMAN DAVIS: I need a motion to reopen the  
2 public hearing for the Landon Road Partnership.

3           MEMBER COSGROVE: I make a motion that we  
4 reopen the public hearing for Landon Road  
5 Partnership LLC.

6           MEMBER GOODMAN: Second.

7           CHAIRMAN DAVIS: All in favor, say aye.

8                                 (Whereupon, the ayes were heard.)

9           CHAIRMAN DAVIS: Okay. Where we are now is we  
10 have had the staff memo review completed, and we  
11 have it in our possession. Is there any new  
12 information that we should know about?

13          MR. MENTZER: No. Nothing new has been  
14 submitted since we completed and distributed the  
15 report.

16          CHAIRMAN DAVIS: Okay. Anybody in the audience  
17 have any questions?

18                         Oh, we have two guys. Okay. If you'd  
19 like to come up, sit down.

20                         Okay. If you'd like to swear him in.

21          THE COURT REPORTER: Please raise your right  
22 hand.

1                   (Whereupon the oath was administered  
2                   by the Notary.)

3           CHAIRMAN DAVIS: Your name is?

4           MR. MILLER: Dan Miller.

5           CHAIRMAN DAVIS: Okay.

6           MR. MILLER: I own the property to the south.

7           CHAIRMAN DAVIS: Is the mike on?

8           SECRETARY LUPO: It's on. Speak into it.

9           MR. MILLER: Sure. I own the property to the  
10 south of the proposed development, which includes  
11 the drainage easement that has the Ferry Creek  
12 tributary. So that runs along most -- a good part  
13 of the proposed development to the south.

14          CHAIRMAN DAVIS: Okay.

15          MR. MILLER: All downhill, all downstream. So  
16 you can imagine I'm a little concerned about the  
17 stormwater as well as some other issues. However, I  
18 think the proposed subdivision is a very attractive  
19 addition to the neighborhood, and I have a potential  
20 buyer of one of my lots that would like to be  
21 included in that subdivision. But there are a few  
22 issues that I just want to get out in the open and

1 make sure they're addressed.

2 CHAIRMAN DAVIS: What exactly are we looking at  
3 here?

4 MR. MILLER: I can show you a picture.

5 CHAIRMAN DAVIS: I mean, what's your drawing?  
6 Is that your property?

7 MR. MILLER: Yeah, that's my property.

8 CHAIRMAN DAVIS: Okay.

9 MEMBER COSGROVE: She's got to hear you to  
10 record it down.

11 MR. MILLER: I was saying this is my property  
12 here, and this is the proposed subdivision above it.

13 CHAIRMAN DAVIS: Okay. Please continue.

14 MR. MILLER: So I have met previously with Ron  
15 and the engineer, and we had a preliminary draft  
16 here of the subdivision of my property. And so I  
17 just want to confirm that the previous proposal of a  
18 flag lot with two homes and a shared stormwater  
19 management area not required in an outlot is still  
20 acceptable regardless of what happens above this  
21 property.

22 CHAIRMAN DAVIS: Well, can we address that?

1           MR. MENTZER: I don't really think it's part of  
2 this public hearing. This is really a separate  
3 issue whether -- what Mr. Miller can do on his  
4 property independent of the subdivision. We have  
5 had -- I would confirm that we've had a number of  
6 meetings and conversations. In advance of tonight's  
7 meeting I didn't go back and review the file, so I'm  
8 not prepared to commit to what we've talked about in  
9 the past.

10           MR. MILLER: Well, all I'm asking is that what  
11 is done in the proposed subdivision does not change  
12 anything in what we previously agreed to, and I  
13 should not be impacted by what the subdivision does.  
14 Right?

15                   And I'll be specific in a couple areas.  
16 So this is a flag lot that goes up to Landon, and  
17 it's directly below the proposed subdivision road.  
18 So in this case it would be a public road with a  
19 common drive right below it. And I believe I've  
20 read that, you know, whatever is proposed in the  
21 subdivision cannot be injurious to other properties.

22           CHAIRMAN DAVIS: That's correct. I mean, this

1 is a self-contained project that they're doing.

2 MR. MILLER: Right.

3 CHAIRMAN DAVIS: So the conditions that are  
4 there now would continue to be there afterwards with  
5 probably some improvement on drainage due to just  
6 the way stormwater management works. So to answer  
7 you directly, whatever your deal is is independent  
8 of this project. But we're not looking at, you know,  
9 preventing you from doing anything on your parcel.

10 MEMBER COSGROVE: I have a question, and I know  
11 it may not be appropriate. If his property now  
12 abuts the right-of-way for the roadway, why would  
13 you need a flag lot to service the back -- service  
14 the back lot? You'll have access to the road.

15 MR. MILLER: And so is that required? Because  
16 there is several reasons that I may not want to. I  
17 haven't gone through all the options, but, you know,  
18 that has been discussed to have these two lots  
19 access the public road. But then, you know, I have  
20 to provide a stormwater detention area. I'd be  
21 required to become part of that homeowners  
22 association and also the maintenance of all of, you

1 know, the common areas in that subdivision. So it  
2 would kind of be --

3 CHAIRMAN DAVIS: Are you trying to get yourself  
4 connected to this one?

5 MR. MILLER: Possibly and possibly not. I  
6 haven't weighed out all the options. I just want to  
7 make sure that this is still a viable option for me  
8 because it's previously been discussed, and now  
9 there is a subdivision going in. Does that change  
10 anything in my configuration?

11 MEMBER COSGROVE: Well, my understanding is  
12 it's going to be a dedicated road.

13 MR. MILLER: Okay.

14 MEMBER COSGROVE: It's going to be dedicated to  
15 the City. So if you were to apply with a  
16 subdivision layout in the future and use the  
17 dedicated road, I don't know why you'd be forced to  
18 join an association, unless I'm misunderstanding  
19 that. There is no -- it's a dedicated road. You  
20 abut a dedicated road. You're totally separate and  
21 apart from Sequestria Estates.

22 Is that correct, Ron?

1           MR. MENTZER:  If the project goes forward as  
2  it's currently proposed and presented to the Plan  
3  Commission and ultimately that's the way it's  
4  approved and there is a final plat of subdivision  
5  that's recorded that's consistent with that, there  
6  would be the ability for any property along the  
7  south side of that roadway and -- and actually for  
8  any property that would abut up to it.

9           I think there is the Miller property, the  
10  Aschauer property and the Mrumlinski property that  
11  all would abut up to what would then be a new public  
12  right-of-way.  And they would all have the potential  
13  to then access that public right-of-way.  Again,  
14  that's assuming that it gets recorded as it's  
15  currently proposed.

16           There is, I think -- and I would like to  
17  just put a caveat on that that the Miller property,  
18  the property that's up there, that property was  
19  created in a deed division that the City has  
20  maintained was illegal and conveyed and sold to  
21  Mr. Miller.

22           And the City's position has long been that

1 in order for anything to be built on that, whether  
2 it's off of a flag lot or off of a new public road,  
3 there has to be some formal subdivision process, a  
4 formal subdivision plat that's created that goes  
5 through the City's process; and the City would  
6 approve it to recognize it as a new buildable lot.  
7 Until that happens, you know, really it's not even a  
8 buildable lot from the City's perspective.

9 MEMBER GREGORY: Wouldn't it also be true, Ron,  
10 that any proposal would be considered on the  
11 ordinances and conditions that exist at the time of  
12 formal submission?

13 MR. MENTZER: That's correct.

14 MEMBER GREGORY: So as ordinances are  
15 amended -- I mean, we recently -- that area  
16 underwent some rezoning not too long ago, which  
17 obviously changes future land use. As the  
18 conditions change around the area, that could have a  
19 play into what's ultimately approved by the City.  
20 Isn't that true?

21 MR. MENTZER: That's correct. As rules and  
22 regulations evolve, that could impact what somebody

1 can or can't do with their property.

2 MR. MILLER: Can I address that? When the  
3 rezoning was done, I opposed the rezoning; and I  
4 agreed to accept R-1A with the agreement that this  
5 would be done with the stormwater detention included  
6 in a shared configuration instead of in an outlot.

7 CHAIRMAN DAVIS: And that's on record  
8 somewhere?

9 MR. MILLER: Hopefully it's in meeting notes.  
10 It was -- and recorded. It was stated in this room  
11 here.

12 CHAIRMAN DAVIS: Well, I tell you. This is  
13 sort of outside what we're dealing with now.

14 MR. MILLER: Okay. I'll move on then.

15 CHAIRMAN DAVIS: The only thing that you have  
16 the opportunity to is you're an owner of record.  
17 You have the opportunity to develop within the  
18 guidelines established. Whatever is going on --

19 MR. MILLER: I'll move to --

20 CHAIRMAN DAVIS: -- the property adjacent to  
21 you only affects you in regards to I believe you're  
22 one of the participants in a shared stormwater

1 drainage cross access agreement of some sort.

2 MR. MILLER: There is no agreement yet.

3 CHAIRMAN DAVIS: But, I mean, you're -- okay.

4 MR. MILLER: But I'll move on to how I'm  
5 directly impacted here.

6 CHAIRMAN DAVIS: Yes.

7 MR. MILLER: So I also want to confirm the  
8 availability of sewer and water with no recapture  
9 agreements, as stated in the September 4th notes.  
10 In the September 4th notes it states that  
11 Mr. Whitaker's client intends to run water and sewer  
12 beyond where it is required to the benefit of  
13 adjacent property owners if they desire to tap on.  
14 He has a gentleman's agreement to do such extra  
15 improvements and does not anticipate seeking  
16 recapture agreements with such properties.

17 MR. MENTZER: That's a quote of Mr. Whitaker.  
18 I'd let --

19 MR. MILLER: I was just asking if he would  
20 confirm that.

21 MR. WHITAKER: Now or --

22 CHAIRMAN DAVIS: Yes. State your name again.

1 MR. WHITAKER: Russell Whitaker. I'm an  
2 attorney with the law firm of Dommermuth, Brestal,  
3 Cobine and West, 123 Water Street, Naperville,  
4 Illinois. I'm here on behalf of Landon Road  
5 Partnership as the owner of the property.

6 We did state that there would be no  
7 recapture agreements. As I think you and I have  
8 talked in the past, there is a desire to work out --  
9 a desire to work out an easement over the property.  
10 And as that is worked out, I think that could  
11 certainly be something that could be worked into  
12 that agreement.

13 MR. MILLER: Okay. Thank you.

14 I also want to confirm that the line of  
15 trees along the road by my property would not be  
16 disturbed during the construction of the public  
17 road.

18 CHAIRMAN DAVIS: On your property?

19 MR. MILLER: Yeah. If you see in the picture  
20 there, all along the road there is a line of trees.

21 CHAIRMAN DAVIS: That's on your property?

22 MR. MILLER: Right.

1           CHAIRMAN DAVIS: They're not supposed to be on  
2 your property.

3           MR. MILLER: Okay. Now, my major concern is  
4 the stormwater management. The basin for the  
5 stormwater management area, my engineer suggested  
6 that a clay lining be required.

7           CHAIRMAN DAVIS: Are you talking about --

8           MR. MILLER: His, the developers.

9           CHAIRMAN DAVIS: Okay.

10          MR. MILLER: A clay lining be provided to  
11 protect properties close to that area. Probably  
12 most affected would be Mrumlinski. His top of  
13 foundation is 708. The water level, the normal  
14 water level, is 702 in his basin.

15          CHAIRMAN DAVIS: So what's your request?

16          MR. MILLER: That the stormwater management  
17 area be lined with clay to prevent seepage to  
18 basements in the -- I mean, it doesn't affect the  
19 homes in the subdivision, but directly south of the  
20 subdivision all downhill it would affect. It's  
21 likely that he would have water in the basement.

22          CHAIRMAN DAVIS: Well, what do -- how are you

1 going to construct your detention pond?

2 MR. WHITAKER: This kind of gets back to our  
3 last meeting. It's going to be a final engineering  
4 issue. Those sort of details have not been done at  
5 this point in time. We would certainly work with  
6 Mr. Darnell to make sure that it was designed  
7 appropriately, considering the circumstances of  
8 adjacent properties and soils. I know there is  
9 comments in the staff reports regarding soils test.  
10 That is not something that's been done. And it's  
11 outstanding, and it's a matter of final engineering.

12 CHAIRMAN DAVIS: Okay.

13 MR. MILLER: Okay. Regarding the road, there  
14 is a request for a variance for a 50-foot right-of-way  
15 and reduced pavement with 24 feet. And I'd like to  
16 have an explanation of what the hardship is that  
17 requires that variance.

18 CHAIRMAN DAVIS: Well, staff can comment  
19 further. But there is no parking on that street, so  
20 you've got 24 feet of pavement to drive up and down.  
21 There is going to be no parking on either side. So  
22 in effect it's a wider driveway width than we

1 currently have on our streets. And the right-of-way  
2 width is a function of never really knowing in  
3 advance where the utilities are, but in a PUD you  
4 know where the utilities are going to be. So once  
5 they're installed, there is no further need for  
6 access right-of-way.

7 MR. MENTZER: If I can just elaborate on that.  
8 The variance that's being requested for the reduced  
9 right-of-way width and the reduced pavement width is  
10 a subdivision control variance. It's not a zoning  
11 ordinance variance, and as such does not require a  
12 finding to be made that there is a hardship.

13 According to the subdivision control  
14 ordinance, the City has to make findings based on  
15 evidence presented to it in each specific  
16 subdivision ordinance variation request that the  
17 following criteria are satisfied: That the public  
18 welfare is protected; that there is unique  
19 conditions; and that there is particular physical  
20 conditions associated with the property that justify  
21 the granting of the variance.

22 And from the staff perspective that's a

1 very oddly shaped piece of property. It's a --  
2 basically it's a flag lot similar to your piece of  
3 property. And we believe that having a reduced  
4 right-of-way wouldn't hurt the ability to provide  
5 proper utilities and proper road and would serve  
6 with -- with the dedication of the appropriate  
7 easements, it would serve the area just fine. The  
8 public works department and the fire department have  
9 both reviewed those requests and have no objection  
10 to those requests.

11 MR. MILLER: What is the normal or required  
12 right-of-way, the width?

13 MR. MENTZER: The required right-of-way is --  
14 City standard requirement is 60 feet. And with that  
15 60 feet there is no requirement for a parallel sewer  
16 or water easement. In this case the width of the  
17 right-of-way would be less, but there would be a  
18 parallel sewer and water utility easement that would  
19 be dedicated to accommodate the installation of the  
20 public utilities.

21 MR. MILLER: So I've made it well known that I  
22 would be offering to sell the 40-foot strip that

1 would remove any requirement for a variance. And it  
2 was -- the developer has never contacted me  
3 regarding this.

4           Also, the land division that was done  
5 actually reduced the right-of-way from 60 feet to 50  
6 feet. So the developer put themselves in this  
7 variance condition. So in the previous meeting it  
8 was stated that the land division was done to create  
9 the driveway to land -- I was wondering if the  
10 attorney could explain what that means.

11           MR. WHITAKER: The land division was done, I'm  
12 going to say, a year ago; don't quote me on that.  
13 There were -- there was a kind of a unique  
14 configuration around the property. There was some  
15 property slot back and forth in order to allow the  
16 development to lay out. We traded some property  
17 along the -- along this boundary and then along the  
18 top portion for some property in this area to allow  
19 the layout and the configuration of the stormwater  
20 detention.

21           When we transferred the property right  
22 here, there was a 15-foot strip. That 15 -- there

1 was an easement reserved over that 15-foot strip.  
2 It was to remain -- there is an easement for public  
3 utilities granted to -- reserved to us, and there  
4 was also a requirement that nothing could be built  
5 on that lot for perpetuity.

6           So for all intents and purposes we're  
7 granting -- we have 65 feet worth of area that is  
8 going to be either granted to the -- is going to be  
9 dedicated to the City or is going to be granted an  
10 easement over it to the City. So you have, in  
11 effect, 65 feet total for your roadway and for your  
12 easement.

13           So while there is a technical variation  
14 from the ordinance, we are meeting the spirit and  
15 intent of the ordinance with providing what would be  
16 the required amount.

17           MR. MILLER: Now, you said that the -- a  
18 building could not be put on the property. Which  
19 property is that?

20           MR. WHITAKER: The property that you're  
21 referring to that was the slot was 15 feet  
22 immediately adjacent to your property here. There

1 is -- part of the easement that is on that says that  
2 it could not be improved with a building. So it  
3 is -- it is permanently there for public utilities.

4 MR. MILLER: Okay. But above that, the Lot 83,  
5 is that buildable?

6 MR. WHITAKER: Is Lot 83 buildable?

7 MR. MILLER: Right. Is it --

8 MR. WHITAKER: As long as I've been involved,  
9 we do not own any portion of Lot 83. So I wouldn't  
10 make any representations as to what exists on Lot 83  
11 or what can be done with Lot 83.

12 MEMBER COSGROVE: That's the Aschauer house.  
13 There is a house on there already.

14 MR. MILLER: Okay. According to the staff  
15 report, there is 15 potential lots abutting to the  
16 cul-de-sac, Page 3 of the staff report. Can you  
17 specify where the 15 lots are located?

18 MR. MENTZER: There is 12 in your subdivision.

19 MR. WHITAKER: There are 11 in our subdivision  
20 that abut the right-of-way. There is the -- there  
21 is your property; there is --

22 MR. MILLER: Abutting the right-of-way.

1           MR. WHITAKER:  -- the Mrumlinski property;  
2  there is the Aschauer property.  And then a portion  
3  of the Monarch Landing property also abuts us.  So  
4  that is 15 lots.

5           MR. MILLER:  Okay.  So when you say 15 lots, it  
6  includes all of Lot 83 as one lot?

7           MR. WHITAKER:  Correct.

8           MR. MILLER:  Okay.

9           MR. WHITAKER:  And I guess I wondered if that  
10 wasn't something that would be brought out today  
11 because the code provides that we -- that there can  
12 be 15 lots on this cul-de-sac, which is where I  
13 assume you're going.  We could not seek a variance  
14 at this time for some prospective subdivision.

15                       We certainly don't know what's going to  
16 happen on your property.  Based on our discussion  
17 the other day, you didn't know if it would be two  
18 lots or three lots or when it would be done.  We  
19 certainly don't know what's going to happen in the  
20 future on the Aschauer property.  So to try to be  
21 forward looking on what's going to happen on those  
22 properties is just impossible.  They need to be

1 evaluated as they come in and looked at how they  
2 connect to the property.

3 MR. MILLER: So that's one of my concerns, the  
4 cul-de-sac minimum exceeding 300 feet with 15 lots  
5 today but the possibility of subdividing these lots.  
6 Is that a concern for the City or the fire  
7 department or whoever has that requirement on the  
8 length of the cul-de-sac?

9 MR. MENTZER: I can just speak from a staff  
10 technical standpoint. I think the -- one of the  
11 reasons why staff is encouraged by this project  
12 going forward is -- it has been -- is that it really  
13 helps provide access in a reasonable fashion to kind  
14 of a quagmire of lot configurations that exist  
15 today.

16 So it starts to make sense out of an area  
17 that's been subdivided over time and is kind of a  
18 difficult series of lots to serve with vehicular  
19 access. And sewer and water and utilities in this  
20 subdivision does help -- in my mind helps straighten  
21 that out and provide for reasonable and appropriate  
22 access.

1           And in my mind if at any point in the  
2 future there was additional subdivisions that would  
3 access off this new public street, that would make  
4 all the sense in the world rather than having them  
5 access off of private drives or off of existing  
6 private drives or future oddly configured new  
7 private drives.

8           But it is possible that some form of  
9 variance would be necessary in the future if  
10 additional lots -- enough additional lots were  
11 accessed onto this particular area. I would not  
12 count the Monarch Landing as a lot that would have  
13 access on this.

14           The area of the Monarch Landing property  
15 that abuts up to this is encompassed in a stormwater  
16 management easement and is prevented from being  
17 developed currently. So in my mind that wouldn't  
18 count as a buildable lot towards the 15. One of the  
19 lots that the developer has is a stormwater management  
20 lot itself. So I wouldn't count that towards the 15  
21 from an administrative interpretation standpoint  
22 either.

1           MR. MILLER: So a variance would likely be  
2 needed to subdivide further?

3           MR. MENTZER: I said it could be needed  
4 depending on the level of subdivision in the future  
5 and the number of lots that we're accessing,  
6 buildable lots that were accessing that property.  
7 Could be and likely are two different things.

8           CHAIRMAN DAVIS: How big is your parcel?

9           MR. MILLER: My parcel is 100,000 square feet.  
10 Two homes over 50,000 per lot would also provide  
11 stormwater detention for that property.

12          CHAIRMAN DAVIS: Well, at 100,000 the maximum  
13 you could go would be three lots if it's R-1A.

14          MR. MILLER: Right.

15          CHAIRMAN DAVIS: But if you decide to do  
16 something now and there is no sewer and water out  
17 there, you're stuck with septic fields.

18          MR. MILLER: Right. Understood. I have a --  
19 you know, it's 100,000 square feet, but the yellow  
20 portion is storm -- it's floodplain.

21          CHAIRMAN DAVIS: So as a practical matter,  
22 you're not going to get more than a couple lots out

1 of it.

2 MR. MILLER: More than two, yeah. It's two.  
3 So by joining the street I'm not going to get any  
4 additional lots.

5 Okay. My major concern, though, is the  
6 creation of three subdividable lots in Lot 83. It's  
7 less than three acres, so it does not require  
8 stormwater detention. So the land division and this  
9 public road has made available three lots that  
10 provide for no stormwater detention. I'm directly  
11 south of that. Everyone along Point Oak Drive is  
12 impacted by that. So how is that going to be  
13 resolved?

14 CHAIRMAN DAVIS: Well, that could be done  
15 regardless of what we're doing in this project.

16 MR. MILLER: No. There is not a public road  
17 there.

18 CHAIRMAN DAVIS: But they can still access  
19 Landon Road.

20 MR. MILLER: Only in the front.

21 CHAIRMAN DAVIS: Well, they can do a flag lot  
22 just like you want to do. So I'm not sure. We

1 don't know what --

2 MR. MILLER: A flag lot can only accommodate  
3 two homes. Here we have three.

4 MEMBER COSGROVE: Actually, they can  
5 accommodate three.

6 MR. MILLER: Flag lots? Oh, okay.

7 MEMBER COSGROVE: The key lot and two flags.

8 MR. MILLER: All right.

9 MEMBER COSGROVE: But really it's not part of  
10 the subdivision.

11 MR. MILLER: It's not part of the subdivision,  
12 but it's created a stormwater management issue for  
13 everyone below that property. I'm concerned with  
14 that for my potential buyers, and I'm concerned for  
15 everyone along Point Oak Drive that is impacted  
16 by -- you know, this is flood plain we're talking  
17 about.

18 CHAIRMAN DAVIS: Yes. But isn't that -- right  
19 now that property is a standalone piece of property.  
20 So however that project develops, it's beyond the  
21 scope of what this guy is doing.

22 MR. MILLER: I agree. But what this guy is

1 doing has created a situation, that that can be  
2 subdivided into three lots without any provision for  
3 stormwater. This subdivision, even Lot 12, you had  
4 to increase the detention area in case Lot 12 is  
5 ever redeveloped. But now we're adding three lots  
6 with no provision for stormwater.

7 CHAIRMAN DAVIS: But they can do that  
8 regardless of what we're doing.

9 MEMBER GOODMAN: And the Lot 83 already  
10 happened a long time ago. Am I correct? None of  
11 that is relevant now.

12 MR. MENTZER: It was done legally in accordance  
13 with the City's regulations. The fact that Lot 83 --  
14 what currently exists as Lot 83 could potentially be  
15 subdivided in the future in my mind doesn't really  
16 have a whole lot of merit or impact on whether or  
17 not this is an appropriate subdivision. And this  
18 subdivision complies with our regulations.

19 If there is an objection to the future  
20 subdivision of Lot 83, then when and if that comes  
21 through our process, that would be the appropriate  
22 time to object to that. The fact is is that under

1 the current stormwater management regulations, if a  
2 subdivision of property takes place for residential  
3 single family and it involves properties that are  
4 less than three acres in size, stormwater management  
5 is not currently required under the countywide  
6 stormwater management ordinance. In four years,  
7 five years, ten years when Lot 83 is subdivided,  
8 that may be changed; and maybe it would require  
9 stormwater management. At this time it doesn't.

10 MR. DARNELL: It requires stormwater detention.  
11 Stormwater management is still required, and I think  
12 it's important to note that even if stormwater  
13 detention is not required on any future subdivision  
14 of Lot 83, they are still going to have to manage  
15 their water. They're going to have to convey it in  
16 a safe manner down to where it drains to. You can't  
17 harm your neighbor by a proposed development.

18 MR. MILLER: Right.

19 MR. DARNELL: But where it --

20 MR. MILLER: But -- I'm sorry.

21 MR. DARNELL: Where it drains to is you. They  
22 can't harm; they can't cause extra cost to you to

1 protect yourself from flood levels. That's not  
2 allowed, and the City won't let that happen. So the  
3 DuPage County when putting together the stormwater  
4 ordinance determined that for subdivisions under  
5 three acres the increased runoff from residential  
6 subdivisions under three acres was minimal enough  
7 that it was -- we didn't have to worry about  
8 providing stormwater detention for that. Now, you  
9 can agree with that or disagree with that, but that  
10 was a decision that was made in 1992.

11 MR. MILLER: Okay. But the water does not come  
12 to this property, right? It goes to the street, and  
13 then it's a stormwater detention area.

14 MR. DARNELL: I don't know how that property  
15 drains.

16 MR. MILLER: Well, it's above the street, and  
17 it's all downhill. So it's coming down to the  
18 street and then collected into the stormwater  
19 detention area for this development.

20 MR. DARNELL: Okay.

21 MR. MILLER: So does -- is increased volume of  
22 that detention area required to handle that extra

1 stormwater?

2 MR. DARNELL: I'm not sure. What extra  
3 stormwater is coming? You're talking about this --

4 MR. MILLER: Not this one. Lot 83.

5 MR. DARNELL: Lot 83?

6 MR. MILLER: Divided into three lots and built --

7 MR. DARNELL: Will not have a detention pond.

8 MR. MILLER: Will not have a detention bond.

9 The water come downs to the street. It's collected  
10 and put into the stormwater detention area of this  
11 proposed subdivision.

12 MR. DARNELL: No.

13 MR. MILLER: No?

14 MR. DARNELL: No.

15 MR. MILLER: Where would it go?

16 MR. DARNELL: . I don't know. It's not been  
17 designed. I have no idea how it's going to drain.  
18 I would imagine -- I would imagine it will drain out  
19 to Landon Avenue.

20 MR. MILLER: No. It actually slopes down. The  
21 Lot 83 is right here. It's above the public road --  
22 proposed road. The water is going to come into the

1 road and collect and delivered to the stormwater  
2 management area.

3 MR. DARNELL: If you say so. I don't know. I  
4 don't know what the future subdivision of Lot 83 is  
5 going to look like, so I have no idea.

6 MR. MILLER: Okay. My concern was additional  
7 stormwater impacting the lots below it, including  
8 mine and anyone else on Point Oak Drive. If that's  
9 not a concern, okay.

10 CHAIRMAN DAVIS: Well, I think what he said was  
11 just like this project has to guarantee no impact on  
12 properties on either side of them, the same rules  
13 would apply on a subdivision of this parcel, that  
14 whatever is on their property has to stay on their  
15 property or be conveyed in some fashion to not cause  
16 harm to adjoining neighbors.

17 So it's difficult to be crystal balling as  
18 to how and when and if that's ever going to happen.  
19 So at the time that this project may or may not come  
20 into the City for that possibility, then that's when  
21 it gets analyzed. So currently it is what it is  
22 over there.

1 MR. MILLER: Okay. Thank you very much.

2 That's all I have.

3 CHAIRMAN DAVIS: Anybody else? Okay.

4 THE COURT REPORTER: Please raise your right  
5 hand.

6 (Whereupon the oath was administered  
7 by the Notary.)

8 MR. SIEBERT: Robert Siebert, 29W501 Albright  
9 Court.

10 The document for the preliminary  
11 subdivision here showing the engineering behind Lot  
12 No. 9 shows three buildings on my property. There  
13 are two. The building to the west has never been  
14 there. There has never been a building that size  
15 there.

16 And I would refer to the October 23rd  
17 where the engineer stated that somewhere between the  
18 fall of 2004 and the spring of 2005 his people shot  
19 the property. I've been there 31 years. Evidently  
20 they measured an invisible building.

21 But there is another explanation as to how  
22 this occurred. The explanation is eight or nine

1 years ago I took down a 12-by-14 shed that was six  
2 inches across the property line. This was not 20  
3 feet from those buildings. It was within the  
4 western line.

5           How does this occur? When you take an  
6 aerial view, you pick up the shadows of buildings.  
7 So what this was was an aerial survey. This  
8 document there is no date. There is no statement of  
9 any licensed surveyor. So I would suggest -- and I  
10 took the individuals, Ron, the engineer, right on  
11 his property. I'm sure they were able to count to  
12 two and know that there is two buildings.

13           60 or 70 feet south of my property, which  
14 ranges from Lot 9, 8 and 7, has tremendous storage  
15 capacity. Two to three feet on the trees have been  
16 washed out. So I guess it's hard to establish  
17 preliminary engineering if your preliminary facts  
18 with an aerial can drastically vary from the actual  
19 reality of the grades that are there.

20           I would agree with the engineer's comments  
21 on October 30th memorandum on Page 4, which states,  
22 "The preliminary engineering plan has been reviewed

1 and stamped approved as submitted." And I think  
2 from the previous statements here I would like to  
3 have the next paragraph in the document because in  
4 the future someone may have forgotten, misplaced or  
5 simply doesn't know what was stated and presented to  
6 be part of the preliminary and final engineering  
7 from the City of Warrenville engineers.

8 And I quote his statement.

9 CHAIRMAN DAVIS: What page are you on?

10 MR. SIEBERT: I'm on Page 4 of the review  
11 comments by the City of Warrenville engineer dated  
12 October 30, 2008.

13 CHAIRMAN DAVIS: Page 4?

14 MR. SIEBERT: Yes, sir.

15 CHAIRMAN DAVIS: Okay.

16 MR. SIEBERT: Okay. This is to certify that a  
17 registered professional engineer, the individual who  
18 makes this certification, certified that to the best  
19 of my knowledge and the belief that drainage of  
20 surface waters will not be changed by construction  
21 of such subdivision or of any part thereafter; or  
22 that if such surface water drainage will be changed,

1 adequate provisions have been made for collection  
2 and diversion of such surface waters into the public  
3 areas or drainage which the subdivider has the right  
4 to use that such surface waters will not be  
5 deposited on the property of adjoining landowners,  
6 such concentrations as may cause damage to the  
7 adjoining properties because of the construction of  
8 the subdivision.

9           And I would simply request that on the  
10 first line the following words be struck, and these  
11 words would be that to the best of my knowledge and  
12 belief. In engineering it is not a belief to the  
13 best of your knowledge. It is the engineering  
14 facts. It's very simple to see that and to certify  
15 that it will not damage someone else's property.

16           So I would request that these, as the  
17 engineer has requested, be placed into the  
18 subdivision and the final engineering and  
19 preliminary engineering and part of this hearing so  
20 that there is no confusion in the future as to the  
21 intent and restrictions placed upon the subdivision  
22 to protect its neighbors.

1 I also have one other --

2 CHAIRMAN DAVIS: Wait a minute. Let's go back  
3 over there. What do you want done?

4 MR. SIEBERT: I would like that phrase stricken  
5 and the rest of it going in the same as the City of  
6 Warrentville requested in his memorandum --

7 CHAIRMAN DAVIS: Just skip all of that and tell  
8 me what line you want to change.

9 MR. SIEBERT: That line is where it starts on  
10 the first line, that to the best of my knowledge and  
11 belief, which is subjective, to remove that. The  
12 rest of it would stay the same.

13 MEMBER GREGORY: Ron, isn't this standard  
14 language, I mean, keeping with --

15 MR. MENTZER: This is the standard language  
16 that the City has required.

17 MEMBER GREGORY: On all subdivisions for final  
18 engineering? So it's not -- it's stipulated by  
19 ordinance?

20 MR. MENTZER: Yes. It's actually --

21 CHAIRMAN DAVIS: I believe there are legal  
22 reasons for that. Do you want to address that?

1           MR. MENTZER:  It's one of the signature blocks  
2  in the subdivision control ordinance.

3           CHAIRMAN DAVIS:  I've been down this road.  So  
4  the attorney can address that.

5           MR. WHITAKER:  I believe it's a statutory  
6  requirement.  I would suggest that if I were going  
7  to court on this, that if he's certifying to the  
8  best of his knowledge and belief, there is certain  
9  steps he has to take to be reasonably informed and  
10 have reviewed plans.  So I believe that this does  
11 cover Mr. Siebert's concern.

12                    But again I don't -- I don't know  
13 firsthand, but I believe this is probably language  
14 that is pulled from statute or from DuPage County.  
15 This is -- I work in multiple municipalities, and  
16 this is the same language that is on every plat that  
17 we do.

18           MR. SIEBERT:  I would take exception to that.  
19 In all the municipalities that I deal with that  
20 language is not -- that that is in there.  And I  
21 would take exception to the fact that the attorney  
22 says to his best ability.  Was it his best ability

1 or his representatives that identified a nonexistent  
2 building? Was it his best --

3 CHAIRMAN DAVIS: Let's cut to the chase here,  
4 Bob. Are you saying this whole thing is subject  
5 to -- you don't believe it?

6 MR. SIEBERT: What I'm saying specifically in  
7 this is that it was the topography was an aerial.

8 CHAIRMAN DAVIS: Are you saying that the  
9 topography is inaccurate regardless of whether a  
10 symbol on the lot was there or shouldn't be --

11 MR. SIEBERT: John, what I'm saying is that in  
12 an aerial topography it can be plus or minus two  
13 feet in any direction. And what I'm saying is that  
14 the aerial --

15 CHAIRMAN DAVIS: Are you saying that the survey  
16 is suspect?

17 MR. SIEBERT: I'm saying, yes, that the survey  
18 is suspect.

19 CHAIRMAN DAVIS: Okay.

20 MR. SIEBERT: I'm saying it's suspect by its  
21 own delineation of buildings that are not where they  
22 are within a scale on his plan. And I explained the

1 reason that occurs is the shadow; that you're  
2 picking up shadows on the buildings.

3 MEMBER COSGROVE: You're the engineer for this  
4 project, the gentleman in the first row.

5 MR. SEIFERT: Yes.

6 MEMBER COSGROVE: Can you take the podium,  
7 please? I have a question for you.

8 MR. SEIFERT: Sure.

9 MEMBER COSGROVE: Please state your name.

10 MR. SEIFERT: My name is Ed Seifert, principal  
11 with Intech Consultants, 5413 Walnut, Downers Grove.

12 MEMBER COSGROVE: Did Intech Consultants  
13 physically shoot the topography of this property?

14 MR. SEIFERT: Yes, we did.

15 MEMBER COSGROVE: Okay.

16 MR. SIEBERT: Okay. Then all I would say is  
17 they measured an invisible building.

18 MEMBER COSGROVE: So they made a mistake on  
19 something of a building that's on your property. It  
20 doesn't --

21 MR. SIEBERT: It's 20-by-15 feet. That's a big  
22 mistake. And what I'm saying is that they also, if

1 they measured it, shot -- the topography is not  
2 what's there. So all I'm asking for is the document  
3 that is representative by the City engineer be  
4 stated and be placed in so that there is a record  
5 because I will hold the developer and the City  
6 responsible for any water then that comes into my  
7 property.

8 CHAIRMAN DAVIS: From anywhere?

9 MR. SIEBERT: No. From the west and from the  
10 development that is not shedded. That's all. Only  
11 what has occurred and where it is. I've been there  
12 31 years. All I'm saying is it's extremely suspect  
13 for anybody of any type of professionalism to have a  
14 building 20-by-30 that isn't there on a plan and  
15 also to have a statement on another plan that it was  
16 a City of Aurora instead of the City of Warrenville.  
17 As a professional I don't do that, and I wouldn't  
18 expect anyone else to do that.

19 CHAIRMAN DAVIS: Okay. Well, it's been  
20 corrected, has it not?

21 MR. SIEBERT: Yes, that has.

22 CHAIRMAN DAVIS: That's why we review these

1 things.

2 MR. SIEBERT: Okay. But my only question,  
3 John, is the fact that it was not staff or engineers.  
4 It was a lowly resident that brought that up on your  
5 attention about where the error was. Why should a  
6 lowly resident have to do that when we have all  
7 these high powered people and consultants? Why  
8 shouldn't they submit a plan for review that is of  
9 the highest quality?

10 That's why we question what will occur in  
11 the future. All I'm asking is that the statements  
12 and the parameters be established and be written.  
13 And I don't think that is asking for anything out of  
14 the ordinary.

15 CHAIRMAN DAVIS: Well, I'm not really sure --  
16 you're kind of going all over the map. What is it  
17 specifically? Limit yourself to what it is you want  
18 to see us take into consideration.

19 MR. SIEBERT: I said at this point just remove  
20 that small phrase and do exactly what the engineer  
21 suggested. That's all I'm saying.

22 CHAIRMAN DAVIS: Let me find that.

1           MEMBER COSGROVE: The signature block is part  
2 of the subdivision control ordinance, and without  
3 modifying the ordinance that block is not changing.

4           MR. SIEBERT: The block in a PUD can be  
5 changed, and any notes can be placed in there.  
6 That's part of the PUD. It does not have to be  
7 anything that's standardized. Anything can be put  
8 in there. That's the reason it's a PUD, to protect  
9 the people around it, to make any changes, to have a  
10 better development. That's the whole purpose. If  
11 you don't want to do it, that's fine. I just want  
12 it in the record --

13           CHAIRMAN DAVIS: Sure.

14           MR. SIEBERT: -- as to what I asked for. That's  
15 fine.

16                   The next item that I have is on the  
17 permeable paver street. In this October 30th review  
18 it states that the public improvements will all be  
19 accomplished in Phase 1. Does that mean that the  
20 driveways, private driveways, will also be  
21 constructed in Phase 1?

22           CHAIRMAN DAVIS: Well, if I was a builder, I

1 wouldn't.

2 MR. SIEBERT: Okay. But I'm asking -- you're  
3 not the builder or the developer, John. So I'm asking  
4 with this document that is given to the City are  
5 they being constructed in Phase 1 or are they not?

6 MR. MENTZER: Public improvements are being  
7 constructed as one phase.

8 MR. SIEBERT: Okay. So then the answer would  
9 be the fact that they are not?

10 CHAIRMAN DAVIS: It's fair to say.

11 MR. SIEBERT: Okay.

12 MR. MENTZER: I didn't say they were being --

13 MEMBER COSGROVE: The question was whether  
14 private driveways are going in in phase -- when they  
15 do the road. And the driveway is a private --

16 MR. SIEBERT: The question was in the document  
17 here it states that all public improvements will be  
18 in Phase 1. They will not be phased in. All public  
19 improvements will be accomplished in Phase 1. My  
20 question was will the private driveways be included  
21 in this or not. It's just a simple yes or no.

22 MEMBER COSGROVE: Included in what?

1 MR. SIEBERT: In Phase 1.

2 MEMBER COSGROVE: The private driveways are  
3 going to go in when the houses are built.

4 CHAIRMAN DAVIS: He's just saying --

5 MR. SIEBERT: That's all.

6 CHAIRMAN DAVIS: If I understand your question,  
7 you want to know in addition to public improvements  
8 are the driveways going in?

9 MR. SIEBERT: That's correct.

10 CHAIRMAN DAVIS: Let's let somebody answer it.

11 MR. WHITAKER: I have no idea at this point. I  
12 would say it's entirely premature. I don't know  
13 when we will install driveways.

14 CHAIRMAN DAVIS: So the answer is no.

15 MR. SIEBERT: The answer was premature. And  
16 the reason why I asked this was the fact that I  
17 installed Clarendon Hills, Lisle, Naperville, all  
18 over, permeable pavers. It is impossible to expect  
19 construction, houses, concrete trucks, stone, semis,  
20 going down these roads with three-inch rock and not  
21 pumping dirt.

22 The integrity of the permeable paver

1 street is gone when the dirt is there. So I'm  
2 saying either there better be a membrane or an inch  
3 and a half of band that will be taken out, or there  
4 will have to be a vacuum truck there every night.

5 CHAIRMAN DAVIS: Okay.

6 MR. SIEBERT: When dirt gets in this, it  
7 eliminates any benefit, clogs up where you're  
8 working where you're going down the 18 inches or  
9 better, eliminates it. Part of the foresight,  
10 instead of saying "Well, we haven't gotten to that  
11 yet, we haven't gotten to that yet," you have to  
12 identify what the problem will be because that  
13 becomes a City problem because in Phase 1 they turn  
14 that over to the City; and these lots may not be  
15 purchased or developed for eight to ten years. We  
16 don't know.

17 And all I'm saying is the road will be  
18 there. As a taxpayer and a resident of the City I  
19 don't want our taxpayer money going to maintain,  
20 take up and put back down something that should have  
21 been identified in the beginning stages. And that's  
22 what I'm saying here.

1           MR. WHITAKER:  If I could, I think there is a  
2 simple answer to that question.  The City has asked  
3 us and we have committed that we would install  
4 conditions on construction to take care of this issue.

5                   In terms of what -- it's premature.  The  
6 road is not going to be built until final documents  
7 are approved.  We will have this sort of detail when  
8 final documents are approved.  We're going through a  
9 conceptual process here where we're trying to figure  
10 out if the City is willing to buy into a concept  
11 plan we have to develop the property.  The purpose  
12 of this is so we don't have to go into this detail  
13 preliminarily in order -- and expend unreasonable  
14 sums of money if in fact the City is not interested  
15 in this development.

16                   Mr. Siebert has at the last meeting and  
17 continues to at this meeting make unreasonable  
18 demands in terms of -- and I think it's as a result  
19 of not understanding a preliminary phase and a final  
20 phase.  We will address these issues when it is time  
21 to address these issues during final platting.

22           MR. SIEBERT:  Okay.  I would --

1           CHAIRMAN DAVIS: They're on record now to say  
2 that that will be certainly addressed during the  
3 final --

4           MR. SIEBERT: Okay. The problem here is the  
5 fact that three-inch wash gravel when you put in the  
6 sewer and water and stormwater down the street,  
7 you're putting in that. And if that's contaminated,  
8 the system doesn't work. So it's the idea you can't  
9 wait until later. You can't say wait until later.  
10 You can't simply say, well, this person doesn't  
11 understand. I've been in construction probably  
12 longer than he's been alive.

13          CHAIRMAN DAVIS: Are you asking that he not put  
14 brick pavers in?

15          MR. SIEBERT: Pardon me?

16          CHAIRMAN DAVIS: Are you saying we shouldn't  
17 put the brick paver road in?

18          MR. SIEBERT: No, I'm not, John. What I'm  
19 saying is you should know the proper procedure, the  
20 proper way of making sure the pavers work well.

21          CHAIRMAN DAVIS: Well, you --

22          MR. SIEBERT: That's what I'm saying.

1           CHAIRMAN DAVIS: Okay. Well, your question has  
2 been --

3           MR. SIEBERT: What I'm saying is the fact that  
4 the people that are speaking for the developer have  
5 never put permeable paver street, driveway, parking  
6 lot in. And what I'm saying is you have to know  
7 what you have to do. And you can never with  
8 construction -- I've been in construction with  
9 80,000 pound vehicles. You can't sit there and say  
10 that the dirt is not going to pump up. It's going  
11 to pump up.

12          MR. WHITAKER: I'd just like to respond. I was  
13 the attorney on a 250,000 square foot lead certified  
14 development in Naperville that is called Spring  
15 Prairie Pavilion. It has an extremely large parking  
16 area which has permeable pavers. It's concrete.  
17 It's all -- it's concrete pavers that are all  
18 permeable. We took care of this prior to getting  
19 our final plats approved because that was the  
20 appropriate time to do so.

21                        So to Mr. Siebert's representations that I  
22 have no experience doing this, he is absolutely

1 incorrect. I do have experience doing this. And we  
2 will take care of these issues when the time is  
3 appropriate.

4 MR. SIEBERT: Okay. And I would like to put in  
5 the record that a parking lot is a controlled area.  
6 A street is not. You have to have other things  
7 going over the street --

8 CHAIRMAN DAVIS: Bob, all I can tell you is  
9 that you're asking -- are you lecturing us on how to  
10 install --

11 MR. SIEBERT: No. I'm asking -- no, I'm not  
12 lecturing you, John. But I'm telling you --

13 CHAIRMAN DAVIS: They're going to have to  
14 address that in their final engineering. And then  
15 if you don't agree with their solution, then we'll  
16 hear from you again. That's all we can tell you at  
17 this point. That's all.

18 MR. SIEBERT: No. What I'm saying here, John,  
19 is that just as you build a house, you build a  
20 foundation first.

21 CHAIRMAN DAVIS: Okay.

22 MR. SIEBERT: When you have permeable pavers,

1 you have to make sure that the substance is not  
2 ruined by dirt. That's the key. Just -- it's the  
3 same key. And if everybody goes in and says, well,  
4 they'll take care of this later, later never comes.

5 CHAIRMAN DAVIS: Well, what do you want us to  
6 do?

7 MR. SIEBERT: What would I like you to do?

8 CHAIRMAN DAVIS: Yes.

9 MR. SIEBERT: I'd like to put down and say,  
10 okay, developer, bring a plan as to how you're going  
11 to insure that this is not going to become  
12 contaminated, because it isn't in here. That's all.  
13 That's preliminary.

14 CHAIRMAN DAVIS: I don't agree with  
15 preliminary. We're beating a -- yes.

16 MEMBER GREGORY: I have a question for  
17 Mr. Darnell. Jim, in your opinion can the --  
18 recognizing that the lots are going to be sold and  
19 built on at a later date, can the appropriate  
20 measures be taken to protect the integrity of the  
21 permeable paver street?

22 MR. DARNELL: I certainly hope so, because

1 we're going to have homes built in the future along  
2 Warrenville Road also. As they develop in the next  
3 ten years, homes will be torn down; and homes will  
4 be constructed. And so far we've been pretty  
5 diligent about keeping construction traffic from  
6 tracking mud on Warrenville, and we'll have the same  
7 diligence on this street also.

8 MEMBER GREGORY: And in reference to taking the  
9 proper steps and the engaging this proper sequences  
10 in construction, you certainly wouldn't build the  
11 homes first, then build the street?

12 MR. DARNELL: If all the homes were going to be  
13 built in, you know, the next year or two, if this  
14 was a spec home project, then I would say that's a  
15 possibility; much as we did on Saddle Ridge Court.  
16 We didn't put on the surface course until after all  
17 of the homes were in. We would probably do  
18 something similar on this.

19 But that's not the case here. These  
20 aren't spec homes. These will be custom homes that  
21 be built -- sold to other builders and built over a  
22 period of time. So I don't think holding off on the

1 construction of the street really works in that  
2 manner.

3           We're going to have to make sure that with  
4 final engineering that it's spelled out clearly and  
5 probably with covenants, too, that would keep the  
6 completed street clean and then offer remedies for  
7 cleaning it if it does become contaminated, whether  
8 those be fines or whatever else is appropriate.

9           MR. MENTZER: If I can just state for the  
10 record, I almost hate -- I feel like I have to  
11 respond to everything. The City staff has looked  
12 into this issue. The City staff has overseen the  
13 construction of Warrenville Road, which is a  
14 permeable pavement road.

15           It is very concerned about the issues that  
16 are raised by Mr. Siebert. We've had discussions  
17 with the developer and the developer's attorney  
18 about this issue that -- that the City staff  
19 requested, and the developers included at least  
20 some, you might call it, place holder language in  
21 the covenants to recognize the fact that there is  
22 permeable pavement road that is going to be

1 constructed and that because of the permeable nature  
2 of that road, that there is going to have to be  
3 special precautions taken by whatever builders build  
4 on that particular subdivision.

5           Whether it's the initial construction of  
6 the house or any subsequent accessory structure  
7 construction, the same issues apply. So that will  
8 be part of the covenants, and it will be recorded as  
9 part of the final subdivision for this subdivision  
10 plat for this process.

11           And I can also tell you that it is our  
12 intent that there will be notes on the final  
13 engineering plans that will recognize much of the  
14 same concern and restrictions and requirements that  
15 will be placed on any of the subcontractors that  
16 will be working on this particular infrastructure  
17 project as it goes forward.

18           So it is something that we take seriously,  
19 and we are aware of it. And we will finalize this  
20 as we finalize the final engineering for this  
21 project, assuming this project makes it to that  
22 point. But I think we've done a reasonable job as

1 part of the preliminary process to recognize this in  
2 the covenants that have been put forward so far.

3 MR. SIEBERT: I would just say the comparison  
4 to Warrentville Road is not a comparison because most  
5 of the setbacks on Warrentville Road are 30 feet.  
6 You have 30 feet from the road. If you rebuild, you  
7 can probably have an asphalt or concrete drive there  
8 which could be cleaned; and it could be done fairly  
9 easily.

10 In this subdivision you have on the four  
11 flag lots probably 230 feet. If it's simply stone,  
12 three-inch stone, because nobody wants to put  
13 asphalt in there until the house is done, you will  
14 pump a tremendous amount of mud.

15 I have been in the construction field for  
16 31 years. We're on these all the time in about 15  
17 different communities in the western suburbs. You  
18 can't tell somebody you can't get mud there. Mud  
19 will come.

20 All I'm saying is that there is a couple  
21 different ways of doing it. In all of the  
22 subdivisions -- Jefferson Estates where -- it's in

1 Naperville. Jim Darnell is aware of that. All you  
2 do is you put down an inch-and-a-half band. You  
3 wait until all the construction, all the damage, is  
4 done. You come back in there, and you put the  
5 finish on.

6 All I'm saying is that a similar type of  
7 approach is probably appropriate because we've got  
8 this huge road that will be Warrenville's road. And  
9 it will be our road to maintain and take care of.  
10 So I think it's to our benefit to ensure that it is  
11 done properly.

12 CHAIRMAN DAVIS: Are you questioning whether --  
13 go ahead. Finish.

14 MR. SIEBERT: No. I'm just -- what I'm stating  
15 is the fact that I would like to see the document on  
16 the plans and the PUD on the drainage, which will  
17 not only protect me. It will protect Dan. It will  
18 protect Mrumlinski. It will protect all the people  
19 that are adjacent to the property. And I don't  
20 think it's unruly to ask for that. It's common.  
21 When you look at --

22 CHAIRMAN DAVIS: What are we talking about now?

1 MR. SIEBERT: The same thing we've been talking  
2 about.

3 CHAIRMAN DAVIS: Are we off --

4 MR. SIEBERT: Page 4.

5 CHAIRMAN DAVIS: Are we off the pavers?

6 MR. SIEBERT: I made my comment on the pavers,  
7 John. I don't expect anyone to raise hands. I'm  
8 just saying I'm making my comment, which is what the  
9 public hearing is for.

10 I'm just stating it as a fact that to  
11 protect people that are adjacent to this development,  
12 that statement should be on all these documents and  
13 should be in there. And it's certainly in the  
14 public hearing.

15 CHAIRMAN DAVIS: Okay.

16 MR. SIEBERT: And I -- the last comment I'd say  
17 is I would certainly be concerned about any more  
18 invisible buildings to wind up here.

19 CHAIRMAN DAVIS: Anyone else have something to  
20 add to this matter?

21 Okay. Any further comments from anybody  
22 here? Okay. I think we can entertain a motion to

1 close the public hearing.

2 MEMBER GOODMAN: I make a motion we close the  
3 public hearing.

4 MEMBER GREGORY: Second.

5 CHAIRMAN DAVIS: All in favor say aye.

6 (Whereupon, the ayes were heard.)

7 CHAIRMAN DAVIS: Opposed? Okay.

8 (Which were all the proceedings had  
9 and testimony taken at the public  
10 hearing of the above-entitled cause  
11 on the day and date hereof.)

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