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BEFORE THE CITY OF WARRENVILLE
PLAN COMMISSION/ZONING BOARD OF APPEALS

IN RE THE MATTER OF:)
)
) 2008-0273
LONDON ROAD PARTNERSHIP, LLC,)
Preliminary Planned Unit)
Development, 3 S 640 Landon Road)

REPORT OF PROCEEDINGS
October 23rd, 2008
7:00 p.m.

REPORT OF PROCEEDINGS had and
testimony taken at the public hearing of the
above-entitled cause, before the CITY OF WARRENVILLE
PLAN COMMISSION/ZONING BOARD OF APPEALS, held at the
Warrenville City Hall, 28 W 701 Stafford Place,
Warrenville, Illinois.

1 BOARD MEMBERS PRESENT:

2

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. MICHAEL MULCAHY, Member.

11 MS. JUNE NELSON, Member.

12 MS. MARIE LUPO, Secretary.

13

14 ALSO PRESENT:

15 MR. DAVID BRUMMEL, Mayor.

16 MR. RONALD MENTZER, Community
17 Development Director.

18 MR. JIM DARNELL, City Engineer.

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

3 MEMBER COSGROVE: I make a motion that we reopen
4 the public hearing for the Sequestria subdivision
5 located on Landon Avenue.

6 MEMBER GREGORY: Second.

7 CHAIRMAN DAVIS: All in favor say aye.

8 ALL MEMBERS: Aye.

9 CHAIRMAN DAVIS: Where we are now is the
10 petitioner has submitted revised drawings based on
11 the staff memo from September and they have been
12 submitted just recently. Staff is still working on
13 them, so we are not going to have a staff review at
14 this point.

15 There are a couple of things which we
16 have been given information on and I suspect that it
17 might be worth talking about and that had to do with
18 that sight line regarding the stop sign between the
19 new street and Landon Road. Apparently Intech
20 Consultants did the analysis and it was determined
21 that based on standards, the sight distance north and
22 south was well within the requirements for clear
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1 view. Even though there is a rise in the street to
2 the north, apparently it is far enough down the road
3 where it is past the point of the required distance
4 for view for a car to get off of the new street back
5 on to Landon.

6 So, Jim, have you had a chance to look
7 at this one?

8 MR. DARNELL: No, not yet.

9 CHAIRMAN DAVIS: Okay. But we have it in hand,
10 so I guess that will be reviewed as part of the final
11 staff review, but essentially they are indicating
12 that it doesn't meet the warrants for a stop sign on
13 Landon and that will either -- that may or may not be
14 verified by our staff consulting engineer.

15 In addition, there was a -- at the
16 last hearing, we had a request by one of the land
17 owners to the north, he had some questions for the
18 engineer, the petitioner's engineer who was not
19 present at that meeting; but subsequently there was a
20 job site meeting which I believe the staff,
21 petitioner and the land owner met out there and a
22 number of things were discussed. We have just

1 received a written request for questions to be
2 answered by the land owner and again, at this point,
3 staff has the information.

4 I guess I'll ask you straight up, Bob,
5 is there anything on here that directly relates to
6 your property?

7 MR. SIEBERT: Yes.

8 CHAIRMAN DAVIS: And those would be?

9 MR. SIEBERT: All of them, all of the questions
10 that I submitted.

11 MEMBER COSGROVE: Will you use the microphone,
12 please.

13 CHAIRMAN DAVIS: This is Bob Siebert.

14 MR. SIEBERT: Yes, I submitted about fifteen
15 questions that all relate to the flow, storage and
16 the restrictors that would affect my property.

17 CHAIRMAN DAVIS: Isn't your property uphill from
18 this?

19 MR. SIEBERT: My property, if you look at the
20 particular subdivision, Lots 7, 8 -- I'm sorry, I
21 think it is Lots 9, 10 -- I'm sorry, 9, 8, 7, part of
22 12, are on the perimeter of my property. There are
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1 four of those lots that are on the perimeter of my
2 property.

3 CHAIRMAN DAVIS: Well, which ones did you say?

4 MR. SIEBERT: Lot No. 9, Lot No. 8, Lot No. 7.

5 CHAIRMAN DAVIS: Yes.

6 Well, I am looking at this
7 topographical -- well, we don't need to get into the
8 minutiae, but anyway, your questions have been
9 received and as part of the staff review, they will
10 address those.

11 MR. SIEBERT: I would like to have the questions
12 and be able to question the engineer on his answers
13 and have this in the report as it is in the statute.

14 CHAIRMAN DAVIS: I'm sorry, what do you mean the
15 statute?

16 MEMBER COSGROVE: He wants it part of the public
17 hearing.

18 CHAIRMAN DAVIS: Oh, yes, sure, sure.

19 MR. SIEBERT: At the public hearing, I have the
20 right to cross examine the engineer on the data and
21 the questions that I have submitted.

22 CHAIRMAN DAVIS: Sure. Well, like I said, at
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1 this point staff hasn't had a chance to compare what
2 your questions are to whether we have data at the
3 preliminary stage or whether it is going to be showing
4 up at the final engineering stage. That's all.

5 MR. SIEBERT: Since there will be no public
6 hearing after this, I would like to then take the
7 points, since they have the questions, which if the
8 engineer would have been here a month ago, he would
9 have had to answer the questions. So I have these
10 questions here and I am concerned that I don't want
11 the answers from staff, I want the answers from the
12 engineer.

13 CHAIRMAN DAVIS: Well, do we have the engineer
14 here?

15 You got anything here that you want to
16 address at this stage?

17 MR. SEIFERT: I am certainly willing to --

18 MEMBER COSGROVE: Would you use that microphone,
19 please.

20 CHAIRMAN DAVIS: Use the one at the podium.

21 MEMBER COSGROVE: You will have been to sworn in
22 and, Russ, if you're going to give testimony tonight,
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1 you might as well swear him in also.

2 THE COURT REPORTER: Would you please raise your
3 right hands.

4 (The oath was thereupon duly
5 administered to the
6 witnesses by the Notary.)

7 THE COURT REPORTER: I need you to state and
8 spell your name for me, please.

9 MR. SEIFERT: My name is Ed Seifert,
10 S-e-i-f-e-r-t. Principal with the firm of Intech
11 Consultants, Downers Grove, Illinois.

12 CHAIRMAN DAVIS: Bob, do you want to ask your
13 questions?

14 MR. SIEBERT: What is the source and the date of
15 the topography?

16 MR. SEIFERT: The topography that is depicted on
17 the plan was shot by our firm, either late 2004 or
18 early 2005. I do not have a specific date today.

19 MR. SIEBERT: So it was an actual shooting, it
20 was not an aerial?

21 MR. SEIFERT: That is correct.

22 MR. SIEBERT: Were you, prior to meeting on my
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1 property with me, on that north end?

2 MR. SEIFERT: Not me personally, one other
3 member of our firm.

4 MR. SIEBERT: What is the storm water frequency
5 release rate and size of the pipe?

6 MR. SEIFERT: The release rate is .10 as
7 required by City of Warrenville. I don't understand
8 the other question you are asking.

9 MR. SIEBERT: What is the size of the pipe that
10 is on the storm water management area exiting to the
11 72 inch basin?

12 MR. SEIFERT: At this time, we have not done a
13 final sizing on it because it will depend to some
14 extent upon what happens immediately downstream of
15 that in our negotiations with the adjacent property
16 owner for an outfall; however, I would guess at this
17 particular point it would probably be somewhere in
18 the vicinity of a twelve to fifteen inch pipe.

19 MR. SIEBERT: Okay. In the storm water
20 management area in the previous engineering plan
21 dated 4/15/08, there was a volume required 4.5 acre
22 feet. The revised has an acre foot volume

1 requirement of five acre feet. What determined the
2 additional half acre foot?

3 MR. SEIFERT: Two particular reasons.

4 Mr. Darnell asked us to revise our
5 calculations to a small extent relative to release
6 during certain stages of the storm, the early stages,
7 which we did which generated the need for some
8 additional volume.

9 We also had been asked by Mr. Darnell
10 to include the potential for additional storm water
11 detention volume for Lot 12 to be included within
12 that particular detention basin to allow for the
13 eventual redevelopment of Lot 12 at some time in the
14 future should it ever happen.

15 So the combination of those two
16 factors increased the amount of volume that we could
17 put into the detention basin.

18 MR. SIEBERT: What portion of the five acre feet
19 is from watersheds off the property?

20 MR. SEIFERT: There is no formal detention
21 storage being provided for anything other than the
22 Sequestria subdivision. Any additional water that
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1 comes from off-site or upstream gets passed through
2 the basin but is not formally stored there.

3 MR. SIEBERT: You said it gets passed through,
4 what quantity would you say is being passed through?

5 MR. SEIFERT: I do not have that number
6 available tonight, sir.

7 MR. SIEBERT: Okay. You do not have that.

8 Is that a quantity also was being
9 stored along the north property line adjacent to mine
10 where there is approximately in the area of three,
11 three and a half foot difference in the elevation, 60
12 to 70 feet wide on the storage of water. That water,
13 is that going to go through the management area?

14 MR. SEIFERT: Any water that falls within the
15 confines of the subdivision would be routed into the
16 detention basin.

17 MR. SIEBERT: But you have no figure or estimate
18 on this volume of water?

19 MR. SEIFERT: Not with me tonight, sir.

20 MR. SIEBERT: Then I would just say that I would
21 be concerned that the determination of that area did
22 not include all of the variables, because in the last
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1 31 years, I have received no water where my three out
2 buildings are and you could explain to the people
3 with the topography why that occurred.

4 MR. SEIFERT: I have no idea what your question
5 means, sir.

6 MR. SIEBERT: Okay. The question means is the
7 fact that if you look at topography that your firm --
8 you stated your firm created this, once you hit on
9 the storage, 709, that holds the areas adjacent to my
10 property. When it reaches an elevation of 711, it is
11 sheet drained all the way to the southern portion
12 with approximately a five foot elevation drop, which
13 means any amount of water that would come from the
14 west, the other side of the Prairie Path, through the
15 Prairie Path, comes into my property on the side or
16 stored on the other property, would not back into my
17 property because the 711 is a foot lower than the
18 elevation of my property.

19 When you establish top of foundation
20 on Lot 7, 8, 9, at 712, you have cut -- removed the
21 sheet draining that was available for the last 31
22 years. You have installed a twelve inch perforated
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1 pipe, PVC pipe, yet all of Lot 7 and probably since
2 Lot 12 is higher on the elevations would have to go
3 into this Lot 9 and probably a portion of Lot 10,
4 would have to drain through the back. You are also
5 mandatory that the additional sump pumps be drained
6 to the back.

7 So basically what you have done is
8 eliminated the sheet draining from the edge of my
9 property to the lowest portion. The release pipe and
10 size is extremely important because it will affect
11 the back-up of the water that is not able to be
12 released on the surface or to come down. You are
13 also filling in this area three feet and higher in
14 some areas.

15 So I would just question the fact that
16 the water -- you have not given in this preliminary
17 plan any assurance that the water that you haven't
18 identified, the volume, that this is in the
19 management area.

20 The --

21 CHAIRMAN DAVIS: Hang on a minute. Do you
22 understand all that?

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1 MR. SEIFERT: I think I understand the point
2 that he's getting at, however, in my opinion,
3 Mr. Siebert is misinterpreting our drawings. Just
4 because there is a foundation elevation at a higher
5 elevation than that area in the back of his property
6 does not mean that the flow is going to be blocked.

7 As you all know, drive through any
8 subdivision, you have houses with foundation
9 elevations. You have green space areas, side yards
10 and what not that are much below that. These are
11 large lots. These are going to have large homes on
12 them, but there is going to be green space area. It
13 is our intention not to fill these lots.

14 We have suggested a foundation
15 elevation on each lot because that areas slopes from
16 the rear to the front. Normally you keep your
17 foundation elevation off of grade that are in the
18 rear of the lot. We are not filling these lots. It
19 is our intention to work with the existing grade as
20 is.

21 Yes, there will be a higher foundation
22 elevation than there is currently, but there will be
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1 sides yard swales, there will be rear yard swales
2 that will convey water down to the subdivision
3 detention basin, the storm water management area.

4 The pipe that Mr. Siebert is referring
5 to is a twelve inch perforated pipe. The area that
6 he's also referring to as a depression in the back
7 end of his property, which is actually on the
8 northern end of our property, is a depression right
9 now that holds water because it doesn't drain. Once
10 we've provided a drainage outlet, that water won't
11 stand there and we will be creating a swale in there
12 to insure that it won't even if the pipe is blocked.

13 At this particular point, all of the
14 details of the design have not been worked out. This
15 is a preliminary engineering plan. It is not final
16 construction drawings. We have not designated each
17 and every grade in each and every location on the
18 particular project.

19 Mr. Siebert is trying to read into
20 what we are doing and understandably so. He lives
21 there, he's concerned about it and he wants to make
22 certain that nothing is done here that will adversely
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1 affect him. There is no intention to adversely
2 affect Mr. Siebert or any portion of his property.
3 We will continue to make sure that the water runs
4 downhill. We will continue to make sure that the
5 water does not back up on his property.

6 Rest assured during the time we get
7 into final engineering and design, all of those
8 elevations, pipe sizes, slopes on the pipe,
9 et cetera, et cetera, will be worked out in extremely
10 full detail. They will be reviewed by Mr. Darnell
11 for compliance with all of the rules, regulations and
12 ordinances and if Mr. Darnell sees any problems with
13 that, we will certainly change it to meet his
14 satisfaction.

15 We will not be backing water up on
16 Mr. Siebert's property.

17 MR. SIEBERT: I thought I was asking the
18 questions but --

19 CHAIRMAN DAVIS: Well, he was trying to answer
20 your question.

21 MR. SIEBERT: Well, that wasn't answering my
22 question. The filling here is four feet and when you
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1 fill to the top of a foundation, you have to take the
2 elevation back to the ditch or back to the rear lot,
3 you don't take it to the side. That doesn't occur.

4 The key element here --

5 MEMBER COSGROVE: Excuse me, where are you
6 saying you're thinking four feet is going to be
7 filled?

8 MR. SIEBERT: There is an elevation in here that
9 is 709.

10 MEMBER COSGROVE: Which lot?

11 MR. SIEBERT: This is on Lot 8, the back of
12 Lot 8. There are also other areas in there that are
13 different than what are showing on this particular
14 item here. That area back there is extremely wooded.
15 There are two and a half foot depressions where the
16 water has washed the soil down from the sides of
17 trees. They are standing two feet up. In the
18 spring, for three or four months, this is completely
19 covered with water. It is complete storage area.

20 The water comes from the north, comes
21 from the west under Route 59, comes from the west of
22 Route 59, culverts under the Prairie Path and as you
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1 go down on the Prairie Path, there are various other
2 additional pipes that when the farmers -- John Case
3 was the one farmer, I used to always talk to him, he
4 would come down to clear the pipes so that the water
5 could go under the Prairie Path. There is stored
6 water here.

7 A major point that I have made is that
8 this was not taken into consideration in determining
9 the item here, volume required. That is a misdenomer
10 (sic). It is estimated and it is stated by the
11 engineer here alone.

12 I'm not sure that I am confident being
13 there was an estimate. It is easy to say you are not
14 going to get any water, but I have been there 31
15 years, seen the movement flow of water, seen where it
16 goes.

17 CHAIRMAN DAVIS: At this point, they haven't
18 completed final engineering in regard to the total
19 storm water design and management. All the
20 preliminary -- I mean your questions are reasonable
21 and they will be answered. You can't expect somebody
22 to complete a set of documents when he doesn't know
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1 if he's going to get approved by the City, so as far
2 as I can tell --

3 MR. SIEBERT: What I am saying is the
4 nomenclature is incorrect, because volume required is
5 an absolute. This is not.

6 CHAIRMAN DAVIS: Okay.

7 MR. SIEBERT: That is what I am stating, it is
8 on the print.

9 CHAIRMAN DAVIS: Is that --

10 MR. SEIFERT: I am not sure what to answer.

11 MEMBER COSGROVE: John, I have a question for
12 the city engineer.

13 CHAIRMAN DAVIS: Yes.

14 MEMBER COSGROVE: Right now, the Clymen
15 property, which is 28 acres to the west or something
16 thereabouts, is raw ground. When that's developed,
17 that storm water that sheet feeds across there now
18 will be detained and put into a detention facility on
19 that property and released some place that is not
20 coming across the Prairie Path, is that a valid
21 assumption?

22 MR. DARNELL: I think it is a valid assumption
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1 that the water will be stored, storm water will be
2 stored and released at a much less rate than existing
3 conditions. It will probably drain towards the same
4 location that it drains now, maintaining existing
5 drainage patterns, but it will be a much, much
6 reduced rate.

7 MEMBER COSGROVE: That will be the one tenth
8 cubic foot per second similar to what this one is, so
9 the conditions will change drastically sheet feeding
10 in this state right now to a controlled state when it
11 is developed.

12 MR. DARNELL: As properties get developed, the
13 total flow, the total amount of water that runs off
14 properties developed actually increases due to the
15 greater impervious area, but the rates, because of
16 our storm water ordinance in DuPage County, the rates
17 are greatly, greatly reduced.

18 MEMBER COSGROVE: Okay.

19 CHAIRMAN DAVIS: If I understand you right, your
20 contention is the volume of water in its natural
21 state is greater than what they are assuming?

22 MR. SIEBERT: And the storage on their property
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1 has not been taken into consideration in determining
2 this volume and to concur with what Jim just said,
3 the rate would change, but you can't reduce the
4 volume.

5 What I am saying is they haven't taken
6 this into consideration. Until they take that into
7 consideration, this management area is incorrect.

8 CHAIRMAN DAVIS: Well, we'll find that out,
9 won't we?

10 MR. SEIFERT: As far as we are concerned, sir,
11 we have provided all the volume that is required by
12 the law.

13 CHAIRMAN DAVIS: Yes.

14 MEMBER GREGORY: I have a question I would
15 address to both of the professional engineers and
16 that is under the current county ordinance or city
17 ordinance, is any consideration given to existing
18 on-site depressional storage in the design and
19 calculations?

20 MR. DARNELL: Existing on-site depressional
21 storage is looked at during the design. DuPage
22 County actually does not have a storage requirement
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1 for storm water detention, they have a release rate
2 requirement. You have to provide enough storage so
3 that you can restrict your release rate to that
4 amount.

5 Everybody refers to a tenth of a CFS
6 per acre, that is not exactly what the ordinance
7 says. It says that you shall restrict to a tenth of
8 a CFS per acre or the existing release from your
9 site, whichever is smaller. On most sites, they
10 don't have enough depressional storage on the site to
11 actually have an existing release rate smaller than a
12 tenth of a CFS per acre. Occasionally you do run
13 across a site that has a big depressional area and in
14 fact, their release right might be much smaller than
15 a tenth of a CFS per acre, but that is the only
16 reason -- the only time that comes into play.

17 With regard to depressional areas in
18 rear yards in residential areas, we do look at
19 depressional storage, the caveat being to cause no
20 harm to your neighbor. If you want to fill in part
21 of the low area on your property, you have to make
22 sure -- you have to prove that you are not going to

1 be raising the flood elevations on the neighboring
2 property and if you can prove that, then you are
3 allowed to fill in any depressions.

4 MEMBER GREGORY: If any of the depressional
5 areas that supposedly exist are south of the common
6 property line, it is a consideration potentially for
7 downstream property but not Mr. Siebert's?

8 MR. DARNELL: Correct. Most of the time when
9 you run into situations like this it is when the
10 depressional area itself actually sits on a common
11 property line with somebody else, so when you fill in
12 part of it, you push the water over. If you are
13 separated from the property line by some distance, it
14 is usually not an issue.

15 CHAIRMAN DAVIS: Do you have any other
16 questions?

17 MR. SIEBERT: Yes.

18 My property, this -- I have an aerial
19 photo 35 years ago, prior to Point Oak Drive, the
20 Wilger farm being here, complete farming to Ferry
21 Road. You can see the dust off of the tractor. If
22 you look on the property along the Prairie Path and
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1 the property to the north, you can see dark
2 indications. These are where the water is, where
3 there is water in the soil. It runs all along the
4 Prairie Path. The area where you have Lots No. 5, 6
5 and 10, that whole area north of the Prairie Path is
6 a wetland. That has pipe then that goes under the
7 Prairie Path.

8 This has been -- because of the
9 building around those areas on the west side of
10 Route 59, this has been expanded tremendously in the
11 corner where they have it.

12 The movement and flow of the water
13 from the west on to this property that has not been
14 accounted for is what concerns me because that has
15 been two and a half feet of water in that area.
16 Within a foot it hits my level and gets higher. It
17 will then flow around my property into my neighbor's
18 property going down towards Landon Drive.

19 So what this would do then would be to
20 filter the water down that way. When you are looking
21 at this and seeing the movement, you have water
22 coming down along the Prairie Path, next to the
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1 Prairie Path, north of the Prairie Path, filtering
2 from under the Prairie Path pipes and huge culverts
3 from the west side of the 59, even the west side of
4 the EJ&E tracks, which all come into this watershed.

5 CHAIRMAN DAVIS: Okay.

6 MR. SIEBERT: So what I am stating here is the
7 fact that notifying that this is a problem, notifying
8 that there has not been, by the engineer's own
9 statement, any calculation of this volume which means
10 it is not in the required volume on storm water
11 management and I would request at best that in the
12 PUD it be stated that there are special
13 considerations and engineering to have this directed
14 so that both myself and my neighbors who are
15 downstream do not receive additional flooding. We
16 don't want to have another situation that we have
17 with the Fawell Dam. This should be increased.

18 Just as a second request that I have
19 on this, if you look at Landon Drive, Landon Avenue
20 that they have here, where the road hits Landon
21 Avenue, the elevation of the road is 711. If you
22 look at the site plan, the elevation that goes into
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1 the mouth of the road starts at 714 and goes down to
2 711. You have a three foot drop, which means there
3 would have to be a wall, there would have to be
4 something there to hold the ground back.

5 If there is a three foot drop and the
6 road goes in with a 711 or 711.6 at one corner, you
7 are at the point where you are draining water off of
8 Landon Drive coming from the top of the hill into
9 this new area which then goes down with the piping
10 and all of this to the low area on the road
11 elevations where the storm water management area is,
12 goes back into the storm water management area. So
13 you're taking more water that is not on the site,
14 putting it in the storm water management area.

15 You have basically five twelve-inch
16 pipes funneling water into the storm water management
17 area and so far I have received no answer as to what
18 the outflow is, only a restriction on so many cubic
19 feet that we have, but not the size.

20 CHAIRMAN DAVIS: Is his description of this
21 condition accurate?

22 MR. SEIFERT: Landon Drive has a slope to it.
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1 As you can see on the topography, you will see a
2 number of contour lines that are relatively closely
3 positioned. As you bring the roadway up to Landon
4 Drive, it will be like say Warrenville Road, which is
5 flat all the way across or has a small bit of a
6 crown. As you hit Landon Road, the northern end will
7 be higher than the southern end.

8 We have indicated a 711 there. It is
9 an average elevation through that area, it is not an
10 exact elevation. It is all only to indicate that
11 what we are going to be doing is taking and blending
12 in to the Landon Drive pavement. We are not taking
13 and doing what Mr. Siebert is alleging and even if we
14 were, we would take steps to alleviate it.

15 At this particular point, we are
16 dealing with a preliminary engineering plan that has
17 certain control grades put on it to indicate the
18 intent of what we are planning on doing. It is not
19 indicating that that is exactly what we're going to
20 do. We're showing the intent because the purpose of
21 a preliminary engineering plan is to establish basic
22 feasibility. It does not indicate that we have

1 solved all the problems, but basically it is a
2 feasible project. That is all it is intended to
3 indicate at this particular time.

4 Mr. Siebert's comments are certainly
5 valid. It is something that we do have to look at as
6 we design that area, but we are very confident that
7 can do it. We do this for a living and we have been
8 doing it for many, many years. We are aware of the
9 potential for problems if we don't do our job right
10 and we will do it right.

11 CHAIRMAN DAVIS: Okay. Any more questions?

12 MR. SIEBERT: Yes.

13 Again, I would repeat the fact that I
14 would like to see statements in the PUD referring to
15 this, referring to the drainage easement on the back.

16 Also, it may be preliminary, but if
17 you look at the preliminary plot in the note area,
18 you will see that you have now become the City of
19 Aurora because it is the City of Aurora that is
20 vacating the --

21 CHAIRMAN DAVIS: Which drawing are you looking
22 at?

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1 MR. SIEBERT: That would be the preliminary
2 plot. I have it in the back room if you want it.
3 Dated 10/9, not the engineering, but the plot.

4 CHAIRMAN DAVIS: Okay.

5 MR. SIEBERT: If you look on the plot on Note
6 No. 1.

7 CHAIRMAN DAVIS: Yes.

8 MR. SIEBERT: City of Aurora.

9 CHAIRMAN DAVIS: Yes.

10 MR. SIEBERT: What I am saying is the fact that
11 I deal with a lot of these and I find a lot of
12 errors, unintentional, but the errors are not only in
13 the description, but also in the engineering and all
14 I'm saying is that there should be language that
15 would protect the individuals who are residents of
16 this area and if they are willing to state that no
17 one will receive additional flooding and put it in
18 there, put it in the restrictions, because we have
19 seen that in the areas this has not occurred when the
20 best plans are questioned, maybe it isn't the best.

21 I would -- I would definitely state
22 that I would like to see the amount and volume of
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1 water that is coming in there. Any volume that would
2 be coming back into this area, that it would be
3 within the storm water management area. That only
4 protects not only me, but all the individuals that
5 live on Point Oak Drive, individuals that live down
6 Albright Court, individuals that live across Landon
7 Drive. This is where all the water flows.

8 CHAIRMAN DAVIS: Well, all right. You are --
9 within whatever is doable within the limits of normal
10 engineering, we'll do what we can.

11 MR. SIEBERT: Okay.

12 CHAIRMAN DAVIS: I don't think anybody can give
13 you absolute dry.

14 MR. SIEBERT: For 31 years, I have been absolute
15 dry and through those 31 years, you received probably
16 three 100 year floods and a 500 year flood. It has
17 been dry.

18 So, it isn't the fact that it we are
19 saying create something that is better, what I am
20 saying is maintain what is here. That is all I am
21 asking for, maintain what is here.

22 CHAIRMAN DAVIS: All right. Your question has
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1 been asked and, you know, they'll do what they can
2 do, right?

3 Anything else?

4 MR. SIEBERT: Oh, yes.

5 There appears on the drawing that
6 there is a 40 foot by 419 foot section of land and a
7 44 by 234 foot on the perimeter of Lot 83 that has
8 not been identified in the notes.

9 CHAIRMAN DAVIS: Is that the land that was
10 swapped?

11 MR. MENTZER: That is correct, that was part of
12 the land division that was processed by the City two,
13 three months ago.

14 CHAIRMAN DAVIS: A portion of one lot, a portion
15 off of lot -- I think the portion off the back of
16 lot --

17 MEMBER COSGROVE: 83.

18 MR. WHITAKER: I can address that. I am Russ
19 Whitaker, I am an attorney with Dommermuth, Brestal,
20 Cobine and West in Naperville.

21 A portion of Lot 83 was swapped with a
22 portion of the subject property. There was a land
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1 division process through the Plan Commission and it
2 was processed -- I mean it was processed through the
3 City according to City procedures. So, technically
4 speaking, I don't believe the question is correct in
5 that there is no -- there is no property that we
6 currently own that is not depicted on the plat or
7 plans.

8 CHAIRMAN DAVIS: I think that's the land that
9 got put on to your property in order to create the
10 driveway going back to Landon.

11 MR. WHITAKER: You're correct.

12 CHAIRMAN DAVIS: So that is already -- all those
13 areas are accounted for on this picture.

14 MR. SIEBERT: They are not accounted for in the
15 notes as to -- because what this is, is it says that
16 it is a taking a couple of plots in the legal
17 description, I think, taking a couple plots putting
18 these together and with the notes, we didn't see the
19 actions occurring on these.

20 CHAIRMAN DAVIS: Well, that is because this is
21 already done before this drawing was made, the land
22 swap. So I am not sure what your question is.

1 MR. SIEBERT: You are saying it was already
2 done, when was it accomplished?

3 CHAIRMAN DAVIS: Sometime a few months ago.

4 MR. MENTZER: I don't know the specific date.

5 CHAIRMAN DAVIS: Yes, it was done.

6 MR. MENTZER: It was done as a land division.
7 Under the city ordinance, two adjacent property
8 owners can exchange property without going through
9 the subdivision process so long as they are not
10 doing -- creating a new separate buildable lot. If
11 they are creating a new separate buildable lot, they
12 would need to go through the formal subdivision
13 process which is what is happening right now.

14 So, it was processed by the City and I
15 don't -- I'm not understanding the significance of
16 the question honestly.

17 MR. SIEBERT: I guess it is the point that this
18 began with the first document, 1/11/07, and we are
19 now in '08, so I would think that anything that
20 occurred as you just stated a few months ago,
21 anything that occurred since '07 would be identified
22 in a note on the plan.

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1 MEMBER COSGROVE: There's a note on the plan
2 from 8/18 saying revised legal description, is that
3 what you are referring to?

4 MR. SIEBERT: No. I would be referring to the
5 fact that it was just stated that it was three months
6 ago when this occurred and yet the beginning of this
7 process occurred with the first plan, 1/11/07. So I
8 am just questioning if anything occurred since then,
9 it should be identified in the plans because it is a
10 PUD.

11 MR. WHITAKER: I would suggest that it is
12 completely immaterial to what is before us.

13 CHAIRMAN DAVIS: We have the plan as presented
14 and that includes the land swap.

15 MR. SIEBERT: Okay. It doesn't say -- that's
16 all I'm saying, I believe it should be identified in
17 the notes.

18 MEMBER GREGORY: There is -- on the preliminary
19 plat, there is a note on there on Lot 83, it says per
20 land division document number which clearly to me the
21 intent is that upon recording of that land division
22 plat that that will be inserted. So it will be noted
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1 on the documents.

2 CHAIRMAN DAVIS: Anything else?

3 MR. SIEBERT: Yes.

4 Referring to the fact that the
5 vacation of the street was noted specifically as a
6 note on the document and I don't see a real
7 difference between that, showing the individuals who
8 are interested property owners there, and the change
9 of this. I think it is too important.

10 CHAIRMAN DAVIS: The interested property owners
11 made the deal, so they know what's going on.

12 MR. SIEBERT: I believe any of the perimeter
13 property owners are also interested because they are
14 adjacent to.

15 CHAIRMAN DAVIS: Any other questions?

16 MR. SIEBERT: The last question I have is what
17 is the flow rate of the five twelve-inch perforated
18 pipes, the maximum flow rate per pipe?

19 MR. SEIFERT: We do not have that answer for you
20 tonight, we will have that answer when we do the
21 final engineering.

22 MR. SIEBERT: Is not that a standard
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1 specification of the manufacturer of the pipe with
2 the flow rate because of the square inch --

3 MR. SEIFERT: The flow rate has nothing to do
4 with the pipe manufacturer whatsoever. Water moves
5 in response to hydraulic gradients. It depends on
6 what elevation and what hydraulic head is operating
7 upon the pipe.

8 Until we have designed the subdivision
9 during final engineering, I cannot give you exact
10 numbers as to what flows are going to be carried by
11 which pipes, sir.

12 MR. SIEBERT: At a one percent grade with a
13 twelve inch pipe, what is the flow rate?

14 MR. SEIFERT: I do not have a calculation here
15 tonight, sir.

16 MR. SIEBERT: Okay. That is a standard.

17 CHAIRMAN DAVIS: Okay. Anything else?

18 MR. SIEBERT: No.

19 CHAIRMAN DAVIS: All right. For those in the
20 audience that have been listening to this gripping
21 discussion of information, I just want to state for
22 the record that we are dealing with a preliminary
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1 plan and by preliminary plan, in our ordinance, we
2 have criteria as to the amount of information that is
3 necessary to be part of a preliminary plan.
4 Essentially it is a concept plan with enough
5 information on it for staff to evaluate whether
6 there's solutions available for it.

7 The fact that we don't have everything
8 down to the last period is a fact that they're taking
9 the risk that this project can get analyzed and
10 approved and move forward to the City Council. The
11 City Council will take action on it either approving
12 the preliminary or not. At that point, they know
13 they have a deal and then they have to go and
14 complete the rest of the engineering documents, which
15 would then answer many of the questions that
16 Mr. Siebert asked.

17 So nothing gets left out of the
18 equation, it is just a matter of how much information
19 do they need to present to the City to find out if
20 they have a viable project for the City to take
21 action on and that is the process that we are in.

22 But contrary to the land owner's
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1 skepticism about the ability of solutions to be
2 provided, I can say without too much controversy that
3 rarely has a project, if any project, has gone
4 through the City without having complete analysis to
5 it.

6 We cannot control Mother Nature. The
7 fact that the land owner's property is dry for 31
8 years, according to him, is no guarantee that we may
9 get a rainfall that is going to, you know, negate
10 that existing condition he has; but we have existing
11 ordinances and DuPage County has enacted ordinances
12 to evaluate storm water management and that's the
13 best we can offer is to comply.

14 They are being required to comply with
15 the ordinances as we now have in existence. If
16 somebody takes issue with the quality of the
17 ordinances themselves, that is a whole other animal
18 and that has to be taken up at higher levels than we
19 operate on.

20 So, if anybody out there is concerned
21 that something is going to get overlooked, I would
22 say that is not going to happen.

1 Anyone else out there have any
2 questions about what we have in the process?

3 Would you come up and ask your
4 questions.

5 MEMBER GOODMAN: Does he need to be sworn in?

6 CHAIRMAN DAVIS: I think you are a repeat,
7 right?

8 MR. HAYS: Yes.

9 CHAIRMAN DAVIS: You got sworn in before your
10 statement last time, so you are still under oath.

11 MR. HAYS: Brad Hays, 3 South 730 Point Oak.

12 Just for clarification, did I hear
13 this was the last public hearing on this?

14 CHAIRMAN DAVIS: No.

15 MR. HAYS: There will be other public hearings?

16 CHAIRMAN DAVIS: We are going to continue it.

17 MR. HAYS: Oh, okay, great.

18 You said that you had designed the
19 drainage for large homes. I know that it's tough to
20 say exactly how big, but that is kind of subjective.
21 What do you mean by large, what does large mean to
22 you, how many square feet?

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1 MR. SEIFERT: Oh, probably anywhere 3,000, 3,500
2 and up.

3 CHAIRMAN DAVIS: You are talking single level or
4 two levels?

5 MR. SEIFERT: That's both levels.

6 CHAIRMAN DAVIS: So we are talking about the
7 footprint on the ground.

8 MR. HAYS: Yes, let's take the single -- forget
9 the two story, let's look at the single story which
10 would be just the footprint.

11 MR. SEIFERT: Somewhere in the vicinity of 2,000
12 square feet. It varies. Every home builder has got
13 a different stable of potential models that they're
14 willing to build and it varies all over the
15 landscape. Some put more on the lower levels than
16 the upper levels and things like that, but you know,
17 you are talking about somewhere in that ballpark or a
18 little larger.

19 MR. HAYS: And how did you come up with that
20 number, is that a conversation you had with the
21 developer?

22 MR. WHITAKER: We have not -- the developer is
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1 going to sell the lots, he's not -- he's an
2 architect, but at this point he's not building
3 anything. We have had preliminary discussions as to
4 what kind of homes would go there, we have not -- we
5 have not finalized any requirements to that.

6 I submitted a draft covenants for CCR
7 documents for the subdivision. That document
8 outlines the minimum requirements in that zoning
9 district, nothing more. So there has been nothing
10 finalized as to what the size of those homes will be.

11 MR. HAYS: Okay. The southwestern part of this
12 development, in your calculations, will any of that
13 water drain on to the Erickson Monarch Landing
14 property?

15 MR. SEIFERT: No.

16 MR. HAYS: None of it will?

17 MR. SEIFERT: No.

18 MR. HAYS: You said you had -- this topography
19 had been done in 2004?

20 MR. SEIFERT: Correct.

21 MR. HAYS: So have you seen any drainage changes
22 since Erickson has changed the configuration of their
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1 land --

2 MR. SEIFERT: Not as it --

3 MR. HAYS: -- since 2004?

4 MR. SEIFERT: Not as it relates to the property
5 we are working on, no.

6 MR. HAYS: This last flood that we had -- in
7 fact, some of you probably remember that I was asking
8 questions of the engineer about the water that might
9 be coming from Erickson if we had a large flood.

10 This last flood, we really kind of
11 tested it and I'm pleased to report we did not get
12 flooded out, however, the water level came up to
13 within one inch of our drainage tile that keeps the
14 water away from our house and our basement. My wife
15 and I were watching that thing for 24 hours, making
16 sure that it didn't hit the tile because if it did,
17 it would have flooded us out.

18 My concern is that with the large
19 flood that we had, if any of the water in this
20 subdivision happens to come into our area, I'm afraid
21 we're going to get over that one inch if we have
22 another storm the same size that we have now and,
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1 therefore, it is going to have a negative impact on
2 ourself. So I understand this is preliminary and I
3 understand you are going to go back and do some more
4 drawings and some more figures, but please take that
5 into consideration when you're doing it, because we
6 only -- at this last storm, we had one inch variance
7 and we would have had -- we'd have been under water.

8 So that is really all I had to say. I
9 just want to make sure to please watch out for the
10 people south.

11 MR. SEIFERT: Definitely.

12 MEMBER COSGROVE: Excuse me, can you explain
13 what drainage tile you are talking about?

14 MR. HAYS: Well, we have a -- our sump pump,
15 there is a tile that goes around our house to keep
16 the water away from the house and our sump pump goes
17 into it and it exits into the pooling area to the
18 north of our home, which isn't on our property and
19 Erickson also, there is a waterway that runs through
20 it.

21 So, as the water was coming from
22 Erickson's property, it filled up our little pond,
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1 our retention pond there, to within one inch of our
2 drainage tile. If it had gone higher, it would
3 obviously have stopped the flow coming from our home
4 and hopefully not backed it up, but we were concerned
5 that it was going to do that.

6 So, I am looking at what is going on
7 here and I am looking at that one inch, it makes me a
8 little nervous. With all the numbers that we are
9 talking about and water sheeting and so forth, I am
10 not that familiar with water drainage, but I do know
11 what it is like to get wet and I don't want to get
12 wet.

13 MR. SEIFERT: I got wet in '96 myself, so I am
14 very familiar with it, too.

15 MR. HAYS: I guess one other thing I wanted to
16 mention, too, at the last meeting I was a little
17 concerned about the traffic and especially the
18 construction traffic. I don't know if there is an
19 answer how to keep the construction traffic off of
20 Point Oak, but something interesting happened this
21 week. A very large cement truck happened to come by
22 our house as he was lost and as far as I know, there
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1 is nobody building out there right now.

2 I looked at that and I thought this is
3 a vision of things to come and it really made me
4 nervous, you know, seeing this truck.

5 CHAIRMAN DAVIS: Nobody even knows where Landon
6 is. I have lived here many, many years. It is a
7 very remote spot.

8 MR. HAYS: I know.

9 CHAIRMAN DAVIS: How anybody got lost over
10 there, did you stop and ask him?

11 MR. HAYS: The point I think is in the last
12 couple years more people are finding out where we
13 live. So I guess with ten new homes coming in, I
14 envision a lot of cement trucks coming around
15 Point Oak because they missed the drive.

16 MR. WHITAKER: I would just point out that the
17 City has been diligent on this point. They did ask
18 us to make some commitments. There is a permeable
19 paver -- a permeable paver road that will be going in
20 and as a result, there are specific requirements the
21 City is imposing on us in terms of trucks coming and
22 trucks leaving the site.

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1 said, we don't have the final staff review on this
2 matter. When we do get it, it is going to be posted
3 on the government website for review prior to our
4 meeting and if somebody wants one, a hard copy, they
5 can call up the development department and get a hard
6 copy.

7 Do we have any idea as to when that
8 might be?

9 MR. MENTZER: It is our intention to complete
10 the report recommendation in advance of the next
11 meeting, so you would have that report and be able to
12 review that and potentially take action at the next
13 meeting.

14 CHAIRMAN DAVIS: So you heard it from the guy
15 that's going to do it. So at this point, any further
16 comments?

17 MEMBER COSGROVE: I had a chance to talk to
18 Russ, the attorney, before the meeting because I was
19 reading through the draft covenants that were turned
20 in and I got through maybe half of it, up to Page 23,
21 and they seem rather --

22 MR. WHITAKER: Onerous.
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1 MEMBER COSGROVE: Onerous, I guess that is the
2 word to use, for a subdivision this size. The only
3 common elements is the detention area and I asked
4 them to take a look at that to see if they could
5 simplify them so they are not a burden on the
6 homeowners as they take over the homeowners
7 association.

8 A lot of this stuff is covered in our
9 ordinances already and it seems a little redundant
10 and it might make it a little difficult for the
11 homeowners to pony up the way this is drawn.

12 MR. WHITAKER: I just would state that I did
13 talk to Tim and I will absolutely take a second look
14 at that between now and the next meeting.

15 CHAIRMAN DAVIS: Okay. Anyone else?

16 (No response.)

17 CHAIRMAN DAVIS: I need a motion to continue.

18 MEMBER COSGROVE: I make a motion that we
19 continue the public hearing to our next meeting,
20 November 6th.

21 MEMBER GREGORY: Second.

22 CHAIRMAN DAVIS: All in favor say aye.
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1 ALL MEMBERS: Aye.

2 CHAIRMAN DAVIS: Okay. Thank you.

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(Which were all the
proceedings had at the
hearing of the
above-entitled cause.)

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

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4 I, MELODY BURKE, CSR No. 084-001519,
5 Notary Public duly qualified and commissioned for the
6 State of Illinois, County of DuPage, do hereby
7 certify that I reported in shorthand the proceedings
8 had and testimony taken at the public hearing of the
9 above-entitled cause, and that the foregoing
10 transcript is a true, correct and complete report of
11 the entire testimony so taken at the time and place
12 hereinabove set forth.

13

14

15 _____
MELODY BURKE, CSR
NOTARY PUBLIC

16

17

My Commission expires:

18

February 9, 2011

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