

Village of East Dundee
Planning & Zoning Commission
Meeting Minutes
Thursday, March 10, 2005

Chairman Swanson called the meeting to order at 7pm.

Roll: Commissioner Dahlke, Commissioner Gorman, Commissioner Snow, Commissioner Bernstein, Commissioner Meyer, Commissioner Smith, Commissioner Martin and Chairperson Swanson. Commissioner Cohen arrived at 8:00pm.

The first item of business was the concept plan review. Chairman Swanson introduced Thom McNamee. Mr. McNamee presented two options for his property on Elgin Avenue. Option A showed a private road on the north of the property and single-family subdivision lots. Option B showed a three-story condo with parking in the back. Mr. McNamee indicated that prior to proceeding he would like some indication from the commissioners. Several commissioners questioned Engineer Joe Heinz on the impact development would have on the storm water. Engineer Heinz advised that the condo may have to be moved to the east to accommodate the retention and that this would have to be further investigated.

Chairman Swanson asked the commissioners for their comments. Commissioner Dahlke stated he prefers the single-family subdivision rather than a higher density unit. Commissioner Gorman advised he preferred option B, the condo, if a solution could be reached. Commissioner Snow said he preferred option B. Commissioner Meyer stated that he was opposed to a private road. Commissioner Bernstein prefers option A, or the single-family plan, and expressed some concern with the condo option. Commissioner Smith said he preferred option B. Commissioner Martin advised his preference is option A.

No action was taken.

Chairman Swanson advised the next matter of business is the continuation of petition PZ 05-01-03.

Chairperson Swanson advised that a question had come up and would be directed to Attorney Morrow. Attorney Morrow explained the question is that of the adequacy of the notice of these proceedings. Under the Village ordinances in 3 areas: zoning, special use and variance, the notice requirements are all the same, the same language is used: that the applicant has to give notice to whom the current real estate tax bills are sent on the record of the local real estate tax assessor of all lots lying within 250 feet of the property line. This notice shall be sent by certified mail to the address on the tax assessor's rolls and then the applicant submits an affidavit that they have done that. The petitioner indicated an affidavit was filed, and when this question was first raised, Attorney Morrow advised the petitioner had been contacted. There were two addresses mentioned, one of the addresses they did have a record of having sent notice to the tax address for that property and the other address, a waiver of objection and notice has been submitted. Mr. Dave Plote, one of the adjacent property owners indicated he had waived the objection. Attorney Morrow advised these items are being reviewed and if the person who raised the question or anyone else wants to formalize that with something in writing, it will also be considered and reviewed. Attorney Morrow has consulted with Attorney Regan and both Attorney Morrow and Attorney Regan are of the opinion that the hearing should proceed.

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Commissioner Gorman asked what would happen if there was not proper public notice. Attorney Morrow advised the facts are not clear at this point and that the tax assessor's rolls have not been compared with the return receipts of the certified mail. Commissioner Gorman asked if there was a person who had not been properly notified and objects what then happens. Attorney Morrow advised that if there was a person on the tax rolls at the time publication went out that was not properly notified, then the consideration would be to determine if the requirements of notice had not been met and if the requirements are not met after looking at the law and the facts, that there would be the possibility of having to re-do the public hearing.

Mr. O'Leary introduced himself and advised that in talking to some of the residents in Barrington Hills he is of the impression that they were not notified. Mr. O'Leary said he was aware that the owner of the property where the subdivision would be located received a written notice of the subdivision but that the property owner directly west of there received nothing in writing. Mr. O'Leary advised in Barrington Hills two property owners did not receive notice: one property owner had an address that the notice was mailed to that did not exist, and another property owner, Mr. Joshi, who is present, did not get notice and that the tax bill does reflect him as the owner. Mr. O'Leary gave the property address (525 Pond Gate, Barrington Hills) and PIN (01193010290000) to Attorney Morrow. Mr. O'Leary presented a copy of the change of address application, dated November 3, 2004, and from the Cook County Treasurer's office and a record listing of all changes associated with the property tax identification number. Attorney Morrow advised all the information will be reviewed. Commissioner Martin asked Mr. Joshi if he had been properly notified. Mr. Joshi advised he had not.

Motion by Commissioner Martin/Dahlke to close this public hearing and table this until proper notification has been made to all property owners. Discussion of notification followed. Trustee Scarpelli introduced additional properties that may not have received notification. Dave Plote introduced himself as an owner of at least one of the properties Trustee Scarpelli mentioned and that they waive their notice to object and submitted an affidavit of such earlier in the day.

Motion by Commissioner Martin/Dahlke to amend the motion to recess the public hearing, until Tuesday, March 15, 2005, 7pm, contingent of the investigation of the public notification issue.

Mr. Joshi introduced himself and stated the burden of proof should fall on the petitioner and that he objects to this public hearing and that he received no notification.

Roll: 9 – Ayes- Commissioner Dahlke, Commissioner Gorman, Commissioner Snow, Commissioner Bernstein, Commissioner Meyer, Commissioner Smith, Commissioner Cohen, Commissioner Martin and Chairperson Swanson.

There was then a five-minute break.

Chairman Swanson recalled the meeting to order.

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Roll: Commissioners: Dahlke, Gorman, Snow, Bernstein, Meyer, Smith, Cohen, Martin and Chairperson Swanson.

The next agenda item that was discussed was the Citgo Gas Station. Joe Heinz, from Heinz Engineering reviewed the maps, plans and comments submitted.

Motion made by Commissioner Dahlke/Cohen to approve petition PZ 04-12-01 and PZ 05-01-02 to recommend approval of the preliminary and final engineering plans, contingent upon the Heinz and Associates Engineering memo dated March 8, 2005 (does not include discussion on the sign).

Roll: 9 – Ayes- Commissioner Dahlke, Commissioner Gorman, Commissioner Snow, Commissioner Bernstein, Commissioner Meyer, Commissioner Smith, Commissioner Cohen, Commissioner Martin and Chairperson Swanson.

The second item was the recommendation to approve B-4 with special use for planned unit development as presented, with the exception of the two freestanding signs.

Motion by Commissioner Cohen/Martin to approve PZ 04-12-01 and PZ 05-01-02 for B-4 zoning with special use for planned unit development as presented, with the exception of the two freestanding signs.

Roll: 9 – Ayes- Commissioner Dahlke, Commissioner Gorman, Commissioner Snow, Commissioner Bernstein, Commissioner Meyer, Commissioner Smith, Commissioner Cohen, Commissioner Martin and Chairperson Swanson.

The third item for discussion was the two freestanding signs. Mr. Plote stressed the importance of signage to his business. The Commission expressed their preference for a brick base.

Motion made by Commissioner Snow/Meyer to approve two freestanding signs.

Roll: 6 – Ayes- Commissioner Dahlke, Commissioner Snow, Commissioner Meyer, Commissioner Smith, Commissioner Cohen, and Chairperson Swanson, 3 – Nays- Commissioner Gorman, Commissioner Bernstein and Commissioner Martin.

Motion by Commissioner Martin/Gorman to adjourn.

Roll: 9 – Ayes- Commissioner Dahlke, Commissioner Gorman, Commissioner Snow, Commissioner Bernstein, Commissioner Meyer, Commissioner Smith, Commissioner Cohen, Commissioner Martin and Chairperson Swanson.

Respectfully Submitted,
Jamie Bowden
Village Administrator