

APPENDIX B

PZC MINUTES TRANSCRIPT



**PLAN COMMISSION AND
ZONING COMMISSION
VILLAGE OF
CRYSTAL LAKE**

PUBLIC HEARING

Date: January 24, 2024

Court Reporter: DEBORAH R. SANTI, CSR

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PLAN COMMISSION AND ZONING COMMISSION
VILLAGE OF CRYSTAL LAKE

PUBLIC HEARING:

Application for:

2023-36 - 7013 Sands Road - NVA Trucking
Rezoning, Special Use Permit
For Freight Terminal and
Preliminary and Final Planned Unit Development

100 West Woodstock Street
Crystal Lake, Illinois
Council Chambers

* * * * *

Wednesday, January 24, 2024

7:00 p.m.

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1 Application for:
2
3 2023-36 - 7013 Sands Road - NVA Trucking
4 Rezoning, Special Use Permit
5 For Freight Terminal and
6 Preliminary and Final Planned Unit Development
7
8 100 West Woodstock Street
9 Crystal Lake, Illinois
10 Council Chambers
11
12 Held on Wednesday, January 24, 2024,
13 commencing at the hour of approximately 7:00 p.m.
14
15 PLAN COMMISSION PRESENT:
16 Jeff Greenman, Chairman
17 Alan Skluzacek, Commissioner
18 Natasha Teetsov, Commissioner
19 Stacy Mason, Commissioner
20 Bill Gronow, Commissioner
21 Scott Smith, Commissioner
22 Kathy Repholz, Commissioner
23
24 ALSO PRESENT VILLAGE STAFF:
Victor Filippini, Village Attorney
Katie Cowlin, Director of Community Development
Elizabeth Maxwell, City Planner
Michael Magnuson, Village Engineer
Abigail Wilgreen, Civil Engineer
Steve Pautsch, Civiltech

PETITIONERS:
Ivan Nartsev, NVA
Shawn Polinowski, NVA
Mark Daniel, Attorney
Ryan Blocker, Jacob & Hefner
Harish Rao
Aleksandr Vaysman, Olympus Design
Ken Polach, Polach Appraisal
Joe Abel

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1 OBJECTORS:
2 David McArdle - Attorney
3 Pat Dooley
4 Daniel Dooley
5 Larry Thomas
6 Shawn Strach
7
8 Lisa Waggoner - Attorney
9 Debra Alcock
10 Sandra Grantham
11
12 MEMBERS OF THE PUBLIC:
13 Kevin McVeary
14 Jerome O'Keeffe
15 Judy Jackowiak
16 Kathleen Carr
17 Brian Anders
18 Lowell Todd
19 Nicole Perrine
20 Mike Walker
21 Tim Jackowiec
22 Jane Jorgensen
23 Dan Annen
24
* * * * *

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1 CHAIRMAN GREENMAN: Good evening, everyone.
2 I would like to welcome you all here, and call the
3 Crystal Lake Planning and Zoning Commission meeting
4 Wednesday, January 24th to order.
5 As customary, will all of you that
6 are here, in attendance, it's wonderful to see you
7 all. I would ask that you all rise and join us in
8 the Pledge of Allegiance.
9 (Pledge of Allegiance.)
10 CHAIRMAN GREENMAN: Thank you very much.
11 I've got a couple of notes so that
12 everybody can understand the proceedings and how it's
13 going to operate this evening, so bear with me, as I
14 share the information.
15 As I call tonight's meeting to
16 order, I would like to remind all those present that
17 tonight's proceedings are an official public hearing.
18 That being said, all parties shall be respectful of
19 the process. I'm going to ask that there be no
20 clapping, no yelling, crude language. Any time --
21 Those actions will not be tolerated, please
22 understand that could lead to removal of persons from
23 the proceedings. And I know that you all will honor
24 that, and I appreciate that.

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1 Tonight's proceedings are being
2 recorded for playback and streamed on the City's
3 webcast. In addition, a stenographer is present to
4 transcribe tonight's meeting. That being said, we
5 are also be making space available in the city hall
6 to accommodate any members of the public who cannot
7 be seated in the council chambers as we have a full
8 house here.
9 I would like to note that our city
10 staff has a substantial amount of materials regarding
11 this petition to be available on the city's website
12 and all of those materials have been made available
13 to Members of the Commission.
14 With those items being stated, I'm
15 going to ask for staff to please do roll call.
16 MS. MAXWELL: Ms. Repholz?
17 COMMISSIONER REPHOLZ: Here.
18 MS. MAXWELL: Ms. Teetsov?
19 COMMISSIONER TEETSOV: Here.
20 MS. MAXWELL: Mr. Skluzacek?
21 COMMISSIONER SKLUZACEK: Here.
22 MS. MAXWELL: Mr. Gronow?
23 VICE CHAIR GRONOW: Here.
24 MS. MAXWELL: Mr. Smith?

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1 COMMISSIONER SMITH: Here.
2 MS. MAXWELL: Ms. Mason?
3 COMMISSIONER MASON: Here.
4 CHAIRMAN GREENMAN: Mr. Greenman?
5 CHAIRMAN GREENMAN: Here.
6 Will the record please reflect we
7 have a quorum.
8 And with that, we're going to move
9 on to the agenda item number 2, which is to approve
10 the minutes from the January 3rd Planning and Zoning
11 Commission meeting.
12 I know Commissioners have had the
13 opportunity to be able to review the minutes as they
14 have been submitted.
15 Are there any changes or adjustments
16 to those minutes?
17 (No response.)
18 CHAIRMAN GREENMAN: If not, I will entertain
19 a motion to approve those minutes as submitted.
20 COMMISSIONER SKLUZACEK: I'll make the motion
21 to approve the minutes.
22 VICE CHAIR GRONOW: Second.
23 CHAIRMAN GREENMAN: Motion and second.
24 All those in favor, signify by

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1 saying aye.
2 (Chorus of ayes.)
3 CHAIRMAN GREENMAN: Motion carries.
4 And with that we will move on to
5 agenda item number 4, which is 2023-36 7013 Sands
6 Road, the NVA Trucking. This is a rezoning special
7 use permit for freight terminal and preliminary PUD
8 and final PUD amendment.
9 MS. MAXWELL: Elizabeth Maxwell, City
10 Planner.
11 CHAIRMAN GREENMAN: Tonight's request, just
12 for everyone's awareness is -- has been continued
13 from the original public hearing date which was held
14 on July 19, 2023.
15 Regarding tonight's hearings, the
16 proceeding are going to be in a formal matter, so
17 this will be helpful to understand the process and in
18 terms of interactions and things like that. So I
19 want to share this with all of you. City staff
20 will -- starts off by introducing the item that's
21 before us this evening. The Petitioner will present
22 its case and provide testimony to support the
23 petition. Following that, the Commission will accept
24 public comment regarding the petition. Following the

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1 presentations and public comment, they'll be an
2 opportunity for cross-examination. Please understand
3 the cross-examination shall only be permitted on
4 behalf of persons who have already registered as
5 interested parties. Other than the Petitioner, there
6 are only two registered interested parties. The
7 Members of the Commission will also have an
8 opportunity to ask questions following the cross-
9 examination. Interested parties will then have an
10 opportunity to offer any brief closing remarks. The
11 Petitioner then will be given an opportunity to offer
12 any brief closing remarks.
13 Please keep in mind that anyone who
14 intends to speak during the proceedings regarding
15 this petition must first be sworn in. In a moment, I
16 will be administering a general oath to all those
17 that are going to be speaking, or wish to speak, and
18 I'll ask that each speaker, before he or she speaks
19 to please confirm whether he or she has been sworn
20 in.
21 The hearing is being transcribed.
22 We will ask for everyone to speak clearly, at a
23 reasonable pace and use the microphone so the
24 statements can be heard by all in attendance.

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1 In the public comment portion of
2 this agenda item, we have placed a sign-in sheet in
3 the lobby. Please sign it only if you wish to speak.
4 If your concern has already been shared, then you do
5 not need to restate that concern. Public comment
6 will be limited to five minutes per person, unless I
7 otherwise allow it, depending on the comment and
8 things like that.
9 At this point, for those of you that
10 wish to speak that have not yet signed in, I'll give
11 you about five minutes to go ahead and sign in on the
12 sheet in the table outside. That will give you --
13 Because what we want to be able to do is have the
14 sign-in sheets, and I'll be calling people in groups,
15 and so this will help facilitate the meeting and make
16 sure we're timely and also give everybody that wishes
17 to speak an opportunity to speak. So again, if you
18 wish to speak and you have not yet signed in, I'm
19 going to please ask you in the next five minutes or
20 so to go outside and sign in. If you're outside, and
21 you haven't had a chance to sign in, please do that.
22 In addition, general public
23 comments, we have two groups that submitted
24 interested party registrations. These parties will

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1 be allowed to provide their own testimony, but they
2 will also have an opportunity to conduct cross-
3 examinations of persons who will testify. As I
4 noted, earlier, the cross-examination portion of this
5 hearing will follow the close of public comment.
6 Regarding cross-examinations, each
7 interested party and the Petitioner, if so desired,
8 shall be granted no more than five minutes to conduct
9 cross-examination of any witness. As Chair, I have
10 the discretion to extend this time if the offering is
11 prevalent information. Consistent with the rules of
12 cross-examination, that were posted for this hearing,
13 it is expected that no more than a total of 30
14 minutes will be allocated for all cross-
15 examinations.
16 I now ask that anyone who wishes to
17 speak during the course of tonight's hearing, if you
18 stand up and please be sworn in. I'm also going to
19 ask that you raise your right hand and repeat after
20 me, please.
21 (Witnesses sworn.)
22 CHAIRMAN GREENMAN: Thank you very much.
23 I will now have the city staff at
24 this hearing, with a presentation. I note for the

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1 record, that each of the city staff members, who are
2 scheduled to speak, have been sworn in.
3 And with that, I will turn it over
4 to the staff.
5 MS. MAXWELL: Elizabeth Maxwell, City
6 Planner.
7 So this is the request for NVA
8 Trucking. So originally -- We'll dim the lights. So
9 originally this was brought forward at the July 19th
10 public hearing. At that meeting, there were numerous
11 concerns raised by the general public. So the
12 request was continued to September 6th, in order to
13 allow the Petitioner time to acquire and provide
14 additional reports. So the narrative, traffic impact
15 study, revised stormwater plans, environmental
16 impact, the entrance detail, fence detail,
17 photometric plan and a landscape plan were items that
18 can from that meeting.
19 The hearing on September 6th was
20 continued again to allow the Petitioner some
21 additional time to get all of those documents
22 together. October 18th was continued to the November
23 15th meeting. At that meeting, staff requested a
24 continuation to allow the traffic study to be

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1 completed. And then it was continued to December
2 6th, and then opposing legal counsel had requested
3 the meeting be continued again to this date. So we
4 have continued this meeting since the July original
5 hearing.
6 So their request is for rezoning. A
7 portion of the property is ML and a portion of the
8 property is M manufacturing. So that would be
9 rezoned to manufacturing with a planned unit
10 development overlay. They are also requesting a
11 special use permit for a freight terminal and a
12 preliminary and final planned unit development.
13 The subject property was annexed
14 back in 1985. It was I1 industry in the County, and
15 it took the zoning of ML and M in the city, based on
16 a subdivision that was contemplated at the time of
17 annexation.
18 So they are requesting that ML
19 portion be rezoned and then the full property would
20 have the PUD so it would be M PUD for the entire
21 site. The Petitioner has provided a site plan, so
22 just for some clarification, Sands Road is on the
23 east side. Route 31 is on the west. You have the
24 railroad tracks, and then the residential subdivision

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1 to the north here. They've got -- They're building
2 here about 30,000 square foot customer/employee
3 parking and then vehicle storage around the
4 perimeter.
5 They've also submitted a landscape
6 plan, so there's perimeter landscape, as well as the
7 buffer along the north property line there. They
8 provided renderings -- architectural renderings of
9 what the building would look like.
10 Now I'm going to turn is over to the
11 City Engineer, Abby Wilgreen, to do the traffic
12 presentation.
13 MS. WILGREEN: Thank you. So what is a
14 traffic impact study, what it does it projects future
15 traffic conditions that result from a development.
16 It recommends improvements and measures to offset the
17 impacts of the anticipated increase in traffic
18 volumes from that development. It's based on a
19 nationally recognized institute of transportation
20 engineers, we call the ITE, methodologies and
21 practices.
22 Who completes the traffic studies
23 for Crystal Lake, so Crystal Lake requires a
24 professional engineer, who is licensed in the State

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1 of Illinois, to perform the traffic impact studies,
2 and they also must be certified as a professional
3 traffic operations engineer. We call them PTOE as
4 determined by the ITE. They have standards. So the
5 PTOE is a specialized certification with experience
6 and it also requires continuing professional
7 development requirements.
8 So who completes the traffic impact
9 studies for city projects, so the city has a process
10 where the developer must use an approved traffic
11 engineer consulting firm. The city performs
12 qualifications and has a list of firms that they work
13 from. This firm also must be pre-qualified by the
14 Illinois Department of Transportation.
15 Does the consultant work for the
16 developer or do they work for the city, they work for
17 the city. Everything goes through the city. The
18 engineering firm is hired by the city to provide that
19 impartial analysis. Once the city has reviewed and
20 approved the traffic impact study, we do ask the
21 developer to review and comment on it after it is
22 approved by the city.
23 So to get to further information
24 regarding the traffic impact study, they did hire

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1 Civiltech Engineering or one their qualified
2 engineers. So Steve Pautsch is here, he's a licensed
3 professional engineer, and he is a certified
4 professional traffic operations engineer. He has
5 worked as a traffic engineer for more than 22 years
6 at Civiltech Engineering, which is one of the largest
7 transportation focused engineering firms in the
8 northeast Illinois region. Throughout his career,
9 Steve has been extensively involved in traffic impact
10 studies, having prepared or peer reviewed well over
11 100 of these documents for municipalities and other
12 governmental agencies throughout the Chicagoland
13 area.
14 I'm going to turn it over him to go
15 over the study in greater detail.
16 MR. PAUTSCH: Thanks, Abby.
17 So I'll walk you through the traffic
18 study and our methodology for that. The slide that
19 is up there now orients you to the proposed
20 development site. It's shown in the light blue
21 shaded polygon. Single intersections there on the
22 bottom are shown along US 14 for reference. You can
23 see towards the bottom right corner that's the
24 Casey's development site, which is also accounted for

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1 traffic accounted for in this study. And also for
2 reference on here are existing traffic volumes. We
3 call them average daily traffic volumes on the
4 roadway surrounding the site. So Illinois 31 carries
5 the most traffic at more than 34,000 vehicles per
6 day. US 14 is around 20,000 vehicles per day or so,
7 and Sands Road is somewhere around 3,000 vehicles per
8 day.
9 This is the proposed development
10 plan here. The proposed development, the land use,
11 we calculate the amount of traffic that would be
12 generated in this case, a truck parking facility.
13 Approximately two-thirds of the parking spaces are
14 anticipated to be accessed on a regular basis, which
15 is from once a day to once every several days.
16 Between 50 and 70 of the parking spaces are
17 anticipated to be accessed on a weekly to monthly
18 basis. And then the remaining 50 to 70 parking
19 spaces are anticipated to be accessed rarely over
20 periods longer than one month.
21 There would be 64 car parking spaces
22 provided as part of this development. Those are
23 shown in the yellow box on the screen. And there
24 will be a 33,000 square foot office and maintenance

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1 building.
2 On the right side of the screen is
3 the proposed driveway on Sands Road, which will be
4 access limited. Vehicles will not be allowed to turn
5 left out of this driveway. Furthermore, trucks are
6 not expected to arrive or park due to the truck
7 weight restrictions, six tons per axle, on Sands
8 Road.
9 This is a blowup of the site
10 driveway. You can see the concrete channelization
11 that's provided there to prevent vehicles from
12 turning left out and then zoomed out a little bit,
13 the right is the same drawing, just zoomed out a
14 little bit. You can see a left-turn lane that is
15 proposed on Sands Road surface site driveway.
16 This slide describes how traffic --
17 future traffic levels are projected. Start by
18 obtaining traffic counts. These were conducted on a
19 weekday and Saturday in September of 2023. Upon
20 these baseline traffic counts, traffic volumes are
21 increased in accordance with future growth
22 projections. The growth is determined by
23 coordinating with the Chicago Metropolitan Agency for
24 Planning, assuming a 2030 analysis here. Also

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1 traffic from the Casey's development at the northeast
2 corner of US 14 and Sands is included in the traffic
3 model.
4 Finally, the anticipated traffic
5 generated by the new development is added. So the
6 sum of all of those results in a total future traffic
7 volume. The existing traffic counts, as I noted were
8 counted -- They were conducted in September, on a
9 Thursday, and a Saturday. Traffic data was collected
10 for a 24-hour period. And upon reviewing the traffic
11 volumes, three peek periods were determined. These
12 were 7:00 a.m. to 8:00 a.m., 4:30 to 5:30 p.m. and
13 those happened on weekdays; and on Saturday, there is
14 a peek period between 11:45 a.m. and 12:45 p.m. So
15 these three hours represent the highest traffic
16 periods and were used to conduct the traffic
17 analysis.
18 Additional data collection efforts
19 also included gathering one week of traffic data at
20 the existing truck development to determine the
21 number of trucks and cars that enter and exit that
22 facility. So that's the existing NVA facility that
23 is to the south of this development. The volume of
24 traffic is generated by development correlates to the

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1 type of land use and size with the development. One
2 of the best ways to anticipate the traffic volumes
3 generated by the proposed site is to find a nearby
4 site, with similar characteristics, in this case
5 there is an existing NVA Trucking site that's just to
6 the south. As previously mentioned, one week's worth
7 of traffic data was collected at the gate serving the
8 existing site. Traffic volumes for that -- for a
9 weekday and then for Saturday were scaled up based on
10 the ratio of the size of the existing site to the
11 proposed site. These calculations show that
12 approximately 25 to 60 new car trips, depending which
13 of the three periods, which is about one passenger
14 car trip every one to two minutes. And then the five
15 to 15 new truck trips per hour. So again, that
16 ranges from one truck every four minutes to one truck
17 every 12 minutes.
18 Civiltech also conducted a
19 comparison of the amount of traffic generated by the
20 proposed truck parking site to the amount of traffic
21 that could be generated by a potential truck shipping
22 logistics warehouse facility that could be built on
23 this site. This calculation was completed using an
24 industry standard publication, which is the Institute

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1 of Transportation Engineers Trip Generation Manual.
2 This comparison found that the amount of traffic
3 generated by a truck shipping logistics center, a
4 warehouse, would be very similar to a truck parking
5 facility over the course of a typical day.
6 Once the amount of traffic is
7 calculated, then the next step is to determine the
8 routes the traffic entering and exiting the site will
9 take. This part of the study is known as trip
10 distribution, and these were conducted separately for
11 cars and trucks. These estimations reflect that
12 there will be no traffic departing the site to the
13 north on Sands Road, and that no trucks will enter or
14 exit the site from Sands Road to the north. The
15 majority of the truck traffic will utilize US Route
16 14 to access Illinois Route 31. The distributed site
17 trips are then added to the existing counts and the
18 background road and then intersection capacity
19 analysis are performed. These capacity analyses were
20 completed at the Sands Road and Smitana Road
21 intersection and Sands Road and US 14 intersection
22 and at the site driveway where it intersects Sands
23 Road. These analyses were completed using industry
24 standard methodologies and Transportation Research

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1 Board's High Capacity Manual. They provide what is
2 commonly referred to as the level of service or LOS.
3 LOS describes the ability of an intersection to
4 accommodate traffic flow and delay based on a letter
5 grade, which range from A, which is the best traffic
6 flow and least delay, to F, which is oversaturated
7 conditions and extensive delays. The capacity
8 analysis also produced an estimate -- that produce
9 estimates of queue lengths, which is the length of
10 the line of vehicles that are stopped typically at a
11 stop sign or a traffic signal.
12 The results of the capacity analysis
13 conducted at the site driveway where it intersects
14 Sands Road indicate that it will operate at a very
15 high level of service during all three of the peek
16 traffic periods. This means that drivers entering
17 and existing the facility will have little or no
18 delay. Although driveway volumes are low, the
19 northbound left-turn lane was recommended on Sands
20 Road at the site driveway. This left-turn lane will
21 facilitate traffic flow and safety by providing space
22 for vehicles turning left to pull out of through
23 traffic which will allow northbound traffic to
24 continue unimpeded.

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<p style="text-align: right;">Page 22</p> <p>1 We developed representations of the 2 traffic conditions at each of the analyzed 3 intersections using a program called SimTraffic. 4 This software gives us the ability to visualize what 5 actual traffic conditions will look like based on 6 data. These videos were based on traffic conditions 7 during the PM rush hour, which is the hour with the 8 most amount of traffic. Note that these recordings 9 sped up twice realtime in order that you can see what 10 traffic looks like over a longer period of time and 11 is run about one minute. 12 This first video is of the driveway 13 at Sands Road. Note the vehicle turning left in the 14 left-turn lane. Also note that vehicles turning out 15 can do so with very little delay. 16 This next slide is a summary of the 17 analysis at the intersection of Sands Road and 18 Smitana Road. Again, this analysis shows that the 19 intersection currently operates and will continue to 20 operate at a very good level of service with the 21 addition of development traffic at levels of service 22 A, during all time periods. 23 The next video. Similar to the 24 first video, you will see that traffic volumes on</p>	<p style="text-align: right;">Page 24</p> <p>1 lengths in an average. These are projected to 2 increase by 20 feet or less, which is approximately 3 one car length or less. Here's a video that shows 4 operations at this intersection. The intersection of 5 US Route 14 and Illinois Route 31 has also been 6 allocated. Compared to the volume of traffic it 7 currently uses in the intersection, the amount of 8 newly generated site traffic is small, comprising of 9 about 200 new trucks and cars per day. Compared to 10 the 20,600 vehicles on US Route 14, this is less than 11 1 percent of the traffic volume. Compared to the 12 54,900 vehicles that travel through the interchange 13 on a daily basis, this is less than 0.4 percent of 14 that traffic -- total traffic volume. 15 Based on these figures, it is not 16 anticipated that the traffic generated by the 17 proposed development will result in a noticeable 18 difference to the interchange operations. 19 Staff has coordinated with IDOT 20 regarding this traffic study, and IDOT has stated 21 that they do not need to review the traffic impact 22 study. 23 The assessment of queue lengths was 24 completed with respect to site distance. And Sands</p>
<p style="text-align: right;">Page 23</p> <p>1 Sands Road are relatively low with gaps in traffic 2 that will allow drivers on Smitana to turn onto Sands 3 with relatively little delay. An intersection 4 capacity analysis conducted at the intersection of US 5 Route 14 and Sands Road is shown on this slide. This 6 shows that the current operation of the intersection 7 is level service B perceived during peak time period. 8 This a actually quite good level of service for a 9 busy IDOT intersection, many of which operate at 10 level service D, E or even F. Comparing operations 11 between existing and background traffic conditions, 12 which includes Casey's development, it would be noted 13 that the intersection will operate similarly with 14 only p.m. peak dropping one level of service grade 15 from a B to a C. The difference between the 20, 30 16 background and total traffic count, that is the 17 impact of the NVA site traffic. And comparison 18 between these metrics shows that the site traffic 19 will have very minor impact on the operations of this 20 intersection as the peak periods remain at level of 21 service B in the a.m. and C in p.m. and on Saturday. 22 This is based on projections that average traffic 23 delays will increase by one second or less during the 24 rush hour. The traffic amount also calculates queue</p>	<p style="text-align: right;">Page 25</p> <p>1 Road the guidelines from both federal and IDOT 2 standards for stopping sight distance are that 250 3 feet should be provided. There is 700 feet between 4 the railroad tracks and US 14, which easily exceeds 5 the 95th percentile queue length of 265 feet plus a 6 250 foot stopping sight distance. Therefore, it is 7 our opinion, that there will not be any safety issues 8 related to queues on the north leg of Sands Road and 9 US 14. 10 To wrap things up, the traffic 11 impact study for this development found that the 12 roadway system surrounding the development will have 13 the capacity to accommodate generated by the new 14 site. This traffic will not follow the typical 15 patterns where comparably higher traffic volumes of 16 traffic were generated by rush hours. Instead, the 17 development traffic and particularly truck traffic 18 are spread out throughout the day away from the rush 19 hours. Another takeaway is that truck traffic 20 generated by this development will not travel on 21 Sands Road north of the site due to driveway turning 22 restrictions and roadway weight restrictions. 23 Finally, the traffic study recommends installing a 24 northbound left-turn lane on Sands Road serving the</p>

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1 site driveway. This will facilitate additional
2 traffic flow and safety by limiting the potential for
3 vehicles turning left into the site to delay
4 northbound through traffic. Thank you.
5 MS. MAXWELL: Elizabeth Maxwell, City
6 Planner.
7 So as you review all of the evidence
8 and testimony, I would like you to just take a look
9 at pages 10 and 11 of the staff report where the
10 conditions of approval are. If you do choose to make
11 a motion to approve, staff has recommended several
12 conditions of approval. I will just point out a few
13 of them. There is a -- for the requested portion of
14 the property to be rezoned ML, there is a condition
15 that would restrict those uses to ML uses only, even
16 though it would be rezoned to M. So that would be if
17 there was a future user of the property, then they
18 would not have M uses on that portion, it would be
19 restricted to ML provided it would also allow this
20 development if approved.
21 Also, we added some information
22 about idling, so no idling over in the evenings or up
23 until the morning for more than one half hour.
24 And then no sleeping would be

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1 permitted in any of the trucks or on the site during
2 any overnight hours.
3 And then finally, for the parking
4 lot lights, we've required that long shields be
5 installed on the backside of the lights on the
6 northern portion of the parking lot to limit the
7 visibility of the fixture and any light to the
8 residences to the north.
9 So with that, I will turn it over to
10 the Petitioner for their presentation.
11 CHAIRMAN GREENMAN: Thank you very much. So
12 at this point, I'm going to ask the Petitioner and
13 teams to please state your name for the record and if
14 each of you has been sworn in.
15 MR. DANIEL: Good evening, Mr. Chairman, my
16 name is Mark Daniel, I'm the attorney for NVA
17 Properties of Illinois, LLC. I'll introduce the team
18 in just a moment. If we could grab on the screen the
19 PowerPoint and move to page 2, please.
20 With me tonight for NVA you've got
21 Ivan Nartsev, who was here before you last time. We
22 are not going to be repeating a lot of the testimony
23 from the last hearing about items, background and
24 history. He has already testified though to the fact

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1 that there is a transportation issue where there are
2 not enough locations distributed at the right places
3 in the transportation network for hauling deliveries
4 of goods and services. In fact, I saw in one of the
5 submissions by neighbors, that they sent something in
6 about four pages long that had recommendations of
7 things to consider for a truck parking facility.
8 It's not necessarily what we are, but that came out
9 of a fall 2022 report by the US Department of
10 Transportation, and that provides the background for
11 why it's so important to have these uses. We're all
12 consumers. We all build. And goods need to move
13 back and forth. To the extent that we're engaged in
14 over-the-road trucking, the long-haul trucking where
15 a truck goes out in that category that's gone for
16 longer than a month, that Civiltech shared with you
17 on the slide, that is critical to our living, not
18 just in Crystal Lake, but regionally, nationally.
19 I'm not going to speak to you too much more about
20 that, except for one point, we've come through a
21 tough time, and a lot of businesses have
22 consolidated, a lot of transportation companies have
23 closed. In my office complex alone, two intermodal
24 and one logistics firm closed in the past six months.

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1 They did not make it through the pandemic. In this
2 instance, you have someone who is trying to grow and
3 maintain employees. The recent employee list, the
4 last two years of the 32 or 33 that worked in the
5 office over the last two years, a third of them were
6 Crystal Lake residents. All of them were McHenry
7 County residents. Your comprehensive plan recommends
8 doing what you can to keep jobs in the county, in
9 Crystal Lake, and we've gone to some great lengths in
10 our narrative to explain how this site is part of a
11 larger, much larger, nearly 700 or 800 acres of
12 industrial manufacturing area. It's a key part not
13 just of Crystal Lake but of McHenry County and of the
14 Chicago metropolitan area. You've got some big
15 players here that have been around for a long time.
16 We brought in tonight, in case there were questions,
17 Shawn Polinovski. Shawn has been with NVA as its
18 manager, site operations, and we thought it be a good
19 idea from him to hear concerns knowing that a number
20 reaching directly to him would be posted under one of
21 the conditions on the gate entering the site.
22 The development team has changed. I
23 came on after the July hearing, started work in
24 August. I have been practicing land development

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1 for -- since 1994 starting at a large law firm in
2 Cincinnati and transitioning to DuPage. I've
3 testified in dozens and dozens of these hearings on
4 projects from single family up to billion dollar
5 lifestyle shopping centers. Alex Vaysman is also
6 here with us, from Olympus, you met him previously.
7 He will discuss some of the building elements to the
8 extent that they've changed, and I will touch on that
9 in the coming pages. Ryan Blocker, sitting at the
10 table to your right, and he's with Jacob & Hefner,
11 civil engineering design, traffic restriction in the
12 entrance, the turn lane, stormwater, drainage,
13 grading, all of that has been Ryan's charge. Harish
14 Rao, did the environmental impact statement. It's a
15 big document that you got as part of the materials.
16 We shared that with Counsel for some of the neighbors
17 a couple of months ago. They studied a handful of
18 things that Harish will tell you about between the
19 last hearing and now. We have a new landscape firm,
20 Gary Weber & Associates. Jeff Cook is a member of
21 the American Institute of Certified Planners. He is
22 sitting in the front row. The landscaping has
23 changed substantially. Ken Polach, from Polach
24 Appraisal, at the far right of the table, he did the

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1 impact analysis regarding home values and market
2 issues. And Joe Abel, his wife Lois is here as well.
3 He's also a member of the American Institute of
4 Certified Planners. He has been around for a long
5 time. And again, I'm Mark Daniel.
6 As part of this process --
7 CHAIRMAN GREENMAN: Mark, just one second.
8 So as all of you have been announced, I just want to
9 affirm you have all been sworn in.
10 (Chorus of yeses.)
11 CHAIRMAN GREENMAN: Thank you very much.
12 MR. DANIEL: As part of the process, the
13 zoning hearing serves a handful of purposes: One is
14 to publicly hear what projects and allow them to be
15 vetted in the open. The other is to learn. And
16 during the hearing process, you apply your practical
17 experiences and professional experiences, your
18 experience as residents. You've got a great attorney
19 on the Board and neighbors have their say. A lot of
20 the plan changes that came in to play over the last
21 few months arose from the last hearing. The requests
22 are the same. We tried to state within the published
23 requests. I think because of the buffering on the
24 north lot line, 12 foot fence, it's not really

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1 necessary. It's efficient. It's expedient and may
2 give people some more comfort if it's a 12 foot
3 fence, but the approach on that fence, is that if you
4 like that at 12 feet, we're willing to meander in the
5 line, as I'll show you in a minute. Most of the
6 property is zoned M, the entire frontage. All of the
7 frontage on 31, all of the railroad buffering, those
8 are the material components of the property. You can
9 see the arrows pointing from the ML district, the
10 manufacturing district, you can essentially where
11 that line is. What we're looking for is the
12 opportunity to essentially on the ML portion of the
13 property, maintain that as a more passive use of the
14 property with the headquarters, the repair and
15 maintenance and the warehousing to the south.
16 We discussed a no idle zone, to the
17 north 300 feet of the property at one point in time,
18 and I think that could be done.
19 As far as some of the conditions go
20 there might be some clean up that we need to think
21 about.
22 The special use for the freight
23 terminal you will see on there are number of uses
24 here that permitted, limited or special uses in the

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1 ordinance. We want to have a headquarters office
2 that has logistics in it. We wanted to have all the
3 repairs that we talked about at the last hearing, and
4 none of that use has changed. The analysis of it
5 though is the village has given it thought on
6 rezoning ordinance and the M district is appropriate
7 for these uses. In fact, the ML is appropriate for
8 many of the uses. You can see the building here.
9 The PUD process gives you a chance
10 to more specifically and directly regulate a use.
11 Zoning doesn't always regulate every use and on every
12 property the same way. You can't. It's impossible.
13 In this case, you have the landscape buffers to the
14 north and west. The building orientation changed.
15 That's a huge element of this. The residents will
16 see less of the building. Sound migration will be in
17 different directions, northwest and southeast, not
18 towards the homes. Loading areas are adjacent to the
19 building or inside of the building. You'll note on
20 the southeast side of the building, that top arrow,
21 that's the loading area for the parts. So even parts
22 delivery, there's a little garage that opens up and
23 you can pull a van in or out for parts delivery on
24 the east side of the building. At the south end of

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1 the building, you also have the warehousing area.
2 That warehousing area is important, because sometimes
3 you have to break down loads and shift them on
4 different vehicles. Different vehicles take half a
5 load in one direction and another. That's called
6 less-than-load shipping. That can occur inside the
7 building. You can stack pallets up to 16 feet in
8 height. Under OSHA standards with our fire design,
9 you can do four four foot pallets inside the
10 warehouse. There's a loading dock on the south and
11 loading bays on the southeast and the northwest at
12 the south end of the building. All that occurs south
13 of the repair areas.
14 You can see what Civiltech already
15 mentioned in relation to the left-turn lane
16 restriction and the turn restrictions, that's a
17 significant change.
18 The water main hasn't been mentioned
19 yet. We are not relying or proposing to rely on well
20 water in this instance. Some have asked at prior
21 hearings would we go down in the aquifer, we are not.
22 The water main extension will extend on the north lot
23 line on the west side of the Sands Road. That is a
24 significant benefit to the neighborhood. There have

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1 been concerns about ground water in the area and some
2 of the uses that we heard over the July hearing, and
3 we may be hearing again tonight.
4 The stacking into the project side
5 lots are for at least five semi-truck tractors and
6 their trailers. That's plenty of stacking. The gate
7 will be open during business hours and closed during
8 the off hours. One change in occurrence since July
9 actually occurred in November or December. There
10 were concerns that the site would be open as a truck
11 parking facility, meaning that Mark Daniel Trucking
12 has one truck. If I'm being given a time period at
13 the end of my maximum hours on the road during the
14 day, I might be able stop here and sleep in the
15 truck. That's not going to happen. To add
16 confidence, we fully fenced the property. We only
17 had a partial fence planned before. It is now fully
18 enclosed and will be secure.
19 With regard to the photometrics and
20 the lighting, on the north side of the property, the
21 lighting is situated at the tail end of the north end
22 of the truck parking spaces is directed LED lighting
23 with a flat lens. So none of that light should pan
24 over towards the neighbors. You will hear from Alex

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1 that we did a photometric study without landscaping
2 and without the fence, and we were at zero-foot
3 candles at the lot line. That is without the
4 landscaping and the fence. So those are the
5 significant changes. There is some material
6 landscaping design work, some of the design work is a
7 little bit different. You can see the warehouse and
8 repair and maintenance relationship to the office
9 building. Between the office portion of the building
10 and the bays for the repair, you will see four panels
11 on the wall. That is essentially the parts
12 department and locker room facilities for individuals
13 that work in the maintenance and repair departments.
14 You can see where there is office and we can add
15 windows, we have, and there is some building features
16 that staff has mentioned on the north lot line. I
17 think staff report mentioned this and we mentioned
18 this in our narrative. You have a lot of
19 landscaping. Some of the neighbors are upset we
20 removed trees. We used a licensed professional
21 landscaper to preserve as many of those trees as we
22 could.
23 As you move from our northwest lot
24 line, approximately four homes, five homes, there's a

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1 grade change. So the homes that are about midway
2 across our lot lines start to rise up. So they're at
3 a higher elevation or higher grade. The intent is to
4 plant more mature trees in those locations first,
5 because it's sensitive to any possible lines of
6 sight. You can see that we have three rows of
7 evergreens and these trees will reach up to 45 feet
8 tall. We also have a row of canopy-shade trees, and
9 about where you see the fence jog the northeast on
10 this exhibit, that is about where your grade change
11 is. So it slopes down from 31 and then it slopes up
12 at that point where the fence jogs.
13 Who will be onsite, NVA's employees
14 that are in the office and logistics areas, the parts
15 area and the repair and maintenance area, NVA drivers
16 that are employees driving NVA trucks. In the
17 trucking industry, there are two things that occur,
18 if a logistics truck -- a logistic or transportation
19 company has orders to fulfill, they can rely
20 non-employees. They can be individuals that lease
21 trucks from NVA on a lease to purchase, but they are
22 under an exclusive obligation to drive for NVA; or
23 another company could be contacted if there's special
24 needs or urgent hauling project, that comes in to

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1 play. You see that down south when a tornado comes
2 through, you see a lot of that going on where the
3 entire company works for two or three others. That
4 shouldn't happen very often here, but those are the
5 types of drivers that are driving and hauling. Then
6 you have independent drivers. So I mentioned Mark
7 Daniels Trucking Company, one truck. I could sign a
8 maintenance and repair contract within NVA and have a
9 space to park, okay. This is a lease that would be
10 not less than 30 days, it might be 60 at a minimum
11 because of the practical side of it, but NVA sees
12 that as an opportunity to use the repair and
13 maintenance facility during times where it's not
14 necessary for NVA's own trucks. And then you have
15 the other repairs, so if Mark Daniel doesn't have
16 that contract for service and Mark Daniel needs to
17 get his truck fixed, I can call up and make an
18 appointment like we do with our cars and trucks
19 personally. The other vehicles are delivery vehicles
20 serving the site and the waste haulers.
21 Then you can see generally where the
22 parking plan is right now. We put the ones that are
23 most controlled by NVA at the north end of the
24 property. Seasonally what happens is the box trucks

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1 maybe in less demand during the summer, and the
2 storage of those box trucks, the long-term parking of
3 those will be at the north end of the property that
4 is less use for the north row of parking. During the
5 summer months the box trucks would be there. In the
6 winter months, the open flatbed trucks are not in as
7 much demand. So those will be parked at the north
8 end of the property. Again, it's less activity near
9 the north lot line. Also, at the north lot line you
10 have the trucks that are driven by employees of NVA
11 and those trucks are owned by NVA. Again, it's the
12 most control at the north lot line. And then you can
13 see as we move further south, you transition through
14 the drivers that obligated to drive for NVA, who are
15 under a lease to own their truck, and the drivers
16 that are contracted with NVA for cooperative joint
17 work. And then at the south end you have the repair
18 portion of the property. All repairs would occur
19 south of the north side of the building, all the
20 parking for repairs, parking of trucks for pick up
21 would be south of the north end of the building. No
22 outdoor repairs. The only thing you would see is a
23 possible tire inflation or a tow. Maybe a jump start
24 on a cold morning. You could see that we readily

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1 agreed with no idling zone in that north area of the
2 property, as I mentioned earlier.
3 During -- I discussed the
4 progression of development in the area, and I think
5 there were a couple of things. The approach on
6 reviewing this, you saw CMAP, Civiltech's references.
7 CMAP has historical aerial photographs going back
8 quite some time. In this instance you can see the
9 industrial movement from south to north. You could
10 see the site and can you a line drawn in this 1970
11 aerial to a line which is approximately where the
12 homes are on our north lot line. This is from 1970.
13 You can see the county landfill. You can see the
14 other industrial uses of the development to the east.
15 The Woodsinger (ph) family has a store on the
16 southwest. That was significant employer in the
17 area. Then you also have industrial uses that have
18 developed since 1970. You move to 1980. The site
19 shifted north a little bit in this area. You can see
20 that the number of industrial uses to the south has
21 increased and they also extended or expanded to the
22 north. NVA's current location, which has gotten too
23 small, has been developed. The site to the north of
24 the outdoor storage and indoor storage has been

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1 developed, and you can see Royal Subdivision to the
2 north of our site has its infrastructure started.
3 That's 1980. In 1985, the hardwood flooring business
4 adjacent to Lorel Subdivision developed and opened,
5 and you still have Lorel Subdivision under
6 construction in some places. You can see an
7 expansion of manufacturing and industrial use in a
8 lot of locations. There's a lot more to the east and
9 the west, not a whole lot more, but this site remains
10 undeveloped. This prior subdivision, I just
11 mentioned, that subdivision did not develop and there
12 hasn't been any progress in developing this property
13 since then.
14 There are a couple of standards that
15 we're going to go through here on the ordinance side.
16 I'm not going to continue to speak here too much, but
17 I would ask you to think about a handful of things.
18 It's a manufacturing district. Some neighbors in the
19 July hearing said well, you're not going to pin this
20 as being our fault, and we're going to be next to
21 manufacturing. We're not. We're just asking you to
22 take in to account that this is a manufacturing and
23 industrial area, and one of the most important ones
24 that you could see in the metro Chicago area.

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1 Initially, and I will save this for
2 Ivan, but I think Ivan has been very workable.
3 Initially, I thought there was a problem with the
4 left turn. I didn't think it was necessary because
5 of the traffic numbers, but Ivan said if you give him
6 the left-turn lane, let's design it and get it in
7 there. We knew there were no left turns out for
8 trucks, because it wasn't practical and people get
9 ticketed. But Ivan has been very workable with the
10 overall design of the project.
11 There are some condition issues that
12 we would like to address towards the conclusion of
13 this. We intended for more specific measurements at
14 the time. I drafted the conditions that are attached
15 to the narrative. Staff is relying on the county
16 GIS's version of the zoning map. So I used distance
17 as a result. Generally 200 feet in one instance, 300
18 feet in another instance for certain activities on
19 the site. There was a mention of shields on the
20 lights, and I think a condition like that could be
21 appropriate. I would just ask that it's staged so
22 that if the LED lights with the flat lens and the
23 directed lighting cast a glare, before we even occupy
24 the site, staff can say put the shield on the pole

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1 and hang them down six inches. We prefer not to have
2 motion detectors because that tends to be more of a
3 nuisance for neighbors and gives people a bit of a
4 headache. We get the calls about the lights going on
5 and off whenever an animal crosses through at night.
6 There is no activity by us, but it's an animal that
7 sets off a motion detectors. So we prefer to turn
8 the lights down to the minimum required by insurance
9 and for security purposes, and then if there is an
10 issue with that, we end up using motion detectors as
11 a backstop. I think motion detectors for everybody
12 is more of a headache on that front.
13 In general, the conditions that
14 staff has referenced in the staff report are
15 acceptable. I do think that some clean up would be
16 nice, because there are federal and state exceptions
17 on idling we have to pay attention to. Generally,
18 there's idling limit of 15 minutes. We don't think
19 that we exceed that. We can comply with that.
20 That's not a problem. During cold weather months,
21 exceptions apply at the federal and state level,
22 because you do need to idle. That is why I said in
23 the north property, we'll call that a no idling zone,
24 regardless what the law says. All the idling would

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1 be done to the south.
2 With that, I would like to ask Alex
3 to step up and speak about the building and
4 architectural change.
5 MR. VAYSMAN: Thank you, Chairman, and the
6 Commissioners for giving us the opportunity again.
7 Since the last time we were here, we have done some
8 redesign on the architectural side, as it relates to
9 the site planning, as it relates to lighting design
10 and what we're trying to do, and I will explain why
11 and what will have occurred as a result of that, but
12 just to summarize really quickly. What we're
13 building here, hoping to build, is a state-of-the-art
14 transportation facility. It's not a warehouse. It's
15 really not a trucking terminal. We do -- Olympus
16 Design and Development, we do a lot of these
17 facilities. We know what a trucking terminal is.
18 This is not one of them. However, in the industry
19 there is no better term to describe it, but in any
20 event, it is a -- It's a 31,851 square footprint of a
21 building. It has 7,000 square feet of office. The
22 warehouse is only 8,000 square feet. The repair
23 bay -- The repair section of the building is
24 12,000 -- a little more than 12,700 square feet.

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1 The repair -- The idea is to -- When Ivan and I speak
2 about the future, about the design of the building,
3 the idea is to not have any trucks onsite and get
4 them out as fast as possible. Because if they're
5 onsite, they're not making any money. They have to
6 be out there performing. The operation is designed
7 for -- Well, if I say so myself, we have done a great
8 job making sure that it's very efficient in the sense
9 that repairs happen fast and the trucks leave. The
10 employees come to the office five o'clock and they
11 leave.
12 The warehouse, the 8,000 square feet
13 of warehouse, I mean, there are some homes in the
14 area that are 8,000 square feet. It's not a big
15 warehouse. This is a warehouse that's not
16 designed -- It is not designed to be -- like a
17 logistics operations, like a lot of warehouses in
18 areas. It's a warehouse use. A lot of the stuff
19 that would be stored in the warehouse are for NVA's
20 business, for example, tires, for example other
21 things that usually would be stored outside.
22 Ivan has decided to have this
23 state-of-the-art facility. With that, the building
24 is a precast box, not metal panels, nothing like

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1 that. It's a precast box and with regular pallets
2 that are, you know, you have seen those in industrial
3 use. The HVAC equipment will be obviously all
4 covered. What we have done since the last hearing,
5 is we completely reoriented the building and
6 completely reengineered that portion of the site in
7 order to -- we were -- The request was to really
8 focus on noise, to really focus on visibility. We
9 controlled the noise by realigning the repair bays to
10 not face the neighbors but face areas that already
11 have a lot of noise coming, which is, you know, which
12 is towards Sands and towards the expressway, and that
13 changed a lot.

14 Also, photometrics, the lighting
15 onsite, we have minimized the number of poles
16 significantly. We're only using just enough number
17 of poles to control the light levels at acceptable
18 levels. In fact, if you -- if we -- the -- I have a
19 copy of the photometrics, but at the property line --
20 right now at property line, we're at zero foot-
21 candles and that is without any trees or fencing. So
22 according to our model, our computer models, there is
23 no light that escapes. Furthermore, Mark said we
24 could, you know, absolutely institute other levels of

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1 light protection, you know, with a recommendation.
2 We don't think it's needed, but we will be happy to
3 do that.

4 We have seven repair bays, two docks
5 on the back.

6 We've extended the water service.
7 Ryan will talk to that.

8 If you have any questions, I'll be
9 here all night. Thank you.

10 MR. DANIEL: From Jacob & Hefner we have Ryan
11 Blocker here. Brian has handled the civil design
12 component since late July.

13 MR. BLOCKER: Good evening, Commissioners.
14 As mark mentioned, Ryan Blocker, Vice President of
15 Jacob & Hefner. I'm the civil engineer for the
16 project. I think Mark already took a lot of the
17 points I was going to make here, and I know staff did
18 a great job and the traffic consultant outlining some
19 of the provisions we made to the site design. So in
20 the interest of time, I'll be pretty brief.

21 But I guess a couple of points I
22 would want to make is that certainly this site has a
23 lot of challenges from a grading perspective. As it
24 sits today, there's roughly forty feet of grade

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1 difference across the site. So certainly that
2 introduces the need to grade things relatively flat
3 for development, and then you end up with some areas
4 higher and lower than the adjacent properties. But
5 as Mark mentioned, you know, we did add the fence.
6 We strategically placed that to be at the highest
7 grade everywhere around the perimeter. So that's why
8 you see on north line, it sort of jogs over. And
9 again, we're trying to do that in the best interest
10 of being a good neighbor and providing the most
11 screening we can.

12 Additionally, the fence is --
13 provides gated access at the driveway, as you
14 mentioned, along with that long queuing for trucks
15 to make sure they are getting off Sands Road, out of
16 the way and into the site.

17 Additionally, as the traffic
18 consultant pointed out since the last meeting, Ivan
19 has agreed to -- NVA to add this northbound left-turn
20 lane, although I think explicitly the traffic volume
21 doesn't necessarily warrant it on an explicit level,
22 but to be sensitive to the concerns and the
23 recommendations from the city, we agreed to do that.
24 Additionally, we're restricting that entrance

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1 geometry via the access control to prevent trucks and
2 really any vehicles from going northbound towards
3 Crystal Lake Avenue, as well as to discourage anybody
4 that would be coming from the north to come in. That
5 said, we do want to keep -- make sure that emergency
6 vehicles and things like that can accommodate, so the
7 driveway still does do that.

8 So those -- You know, some of the
9 site points I think that are most prevalent. Also,
10 as Alex just alluded to, we agreed to extend the
11 water main, which currently the city's main I believe
12 is a 12 inch just south of the railroad tracks. I
13 believe that's being extended roughly a thousand feet
14 to the northeast property corner. Again, that will
15 serve his site and as well as be a good extension
16 point for the neighbors or anyone else to continue
17 that improvement north.

18 The other thing I think would be
19 good for me to hit on is probably stormwater and
20 drainage for the development. We are certainly
21 meeting all Crystal Lake and McHenry County
22 Stormwater Ordinances. The site, as noted in the
23 staff report, has two detention basins. We
24 certainly, with the understanding that infiltration

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1 is available here, we're taking full advantage of
2 that, and as a result too, we're doing our best to
3 provide a lot of B & P or best management practices
4 to treat, pretreat stormwater before it's going to
5 infiltrate into the ground. We do that via catch
6 basins in the parking lot where the water is
7 initially collected, and it then goes to four bays on
8 large depressional areas in the stormwater basins
9 where sediment and things like that can filter out.
10 From there, there's also a bioretention basin as part
11 of it, where again, it gives sediment a long time to
12 sit there and filter out before this water eventually
13 gets to the bioinfiltration basin, which is at the
14 lowest part of the site, there at the southeast
15 corner, and ultimately infiltrates into the ground.
16 As I said, we're doing the infiltration, but at the
17 same time were are sizing those basins to meet what
18 would otherwise be required by the ordinance as far
19 as release rate, and that's based on the acreage of
20 the property. So we're meeting all of those release
21 rates, but in fact, the infiltration rating to the
22 ground does exceed those, so we're actually well over
23 design from a volume perspective, and in addition to
24 those detention volumes, we're also providing all the

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1 necessary compensatory storage for what currently
2 sits at some depressional areas on the site. So
3 we're providing that on top of the detention as well.
4 All of that said, I think the
5 stormwater is certainly meeting all codes and
6 ordinances, if not certainly going above and beyond.
7 And the last point I'll make is to
8 the north as Mark, mentioned there are some grades
9 but -- where the residential goes up from the
10 property versus down, but when we look at that north
11 property line from the way it sits today to how it
12 would be under post-development conditions, there is
13 a greater than 80 percent reduction to the flow rates
14 that you go in that direction, just by nature of the
15 fact that we're now collecting the water and getting
16 it into our stormwater management system.
17 MR. DANIEL: Thank you. So you've heard a
18 little bit about the standards of the special use and
19 PUD regulations related to plan compliance and
20 watershed issues came up during that testimony,
21 stormwater, among other things. Alex also testified
22 about the ability to meet the request of staff when
23 it comes to building modifications.
24 Another component of Jacob & Hefner

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1 was surveying the property and reviewing
2 environmental conditions. They did more in this case
3 than ordinarily would be performed, and there are
4 reasons for that. We did back at the first hearing
5 and you know, there are some people that will say
6 that staff is playing along with us. That is not
7 true. Staff insisted on quite a bit as far as this
8 project, and they frankly pulled together a list of
9 demands for this EIS, even though we didn't think
10 they were necessary. So I think Harish Rao, from
11 Jacob & Hefner, I would like to have you talk about
12 the environmental assessment and the ground water and
13 the noise side of things and any other issues that
14 you reviewed.
15 MR. RAO: Good evening. Thank you for the
16 opportunity to talk about the environmental impact
17 issues associated with this project. And so we were
18 looking at three specific things. The first one I
19 want to talk about is the ground water flow direction
20 on the site. We had a ground water study to test the
21 ground water wells to determine what the heights of
22 ground water in the area in order to get an idea of
23 what the detention levels are in the area. So that
24 determined what the direction the flow is. And so

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1 what was determined from that was that the wells,
2 that the direction of water will flow would be west
3 to east. That's essentially the conclusion from
4 that.
5 THE COURT REPORTER: I'm sorry, can you speak
6 up. I'm having a really hard time hearing you.
7 MR. DANIELS: Remember, you have to speak up.
8 MR. RAO: What I was trying to say was that
9 the ground water study we are looking at the
10 detention levels in the four wells that we had and
11 determined that the direction of flow is from west to
12 east, and it's not going to the direction of the
13 neighbors to the north. That is conclusion from that
14 part of the study.
15 The second one that I looked at was
16 the noise levels. The second part of the
17 environmental impact planning study that we looked at
18 was the noise levels that might be expected from the
19 project. And so we based some monitoring levels at
20 different parts of the area, one very close to Route
21 31 on the west side, one model maybe less than 10
22 feet from the neighbors to the north and one very
23 close to the border where the existing facility is to
24 get a sense of what you might expect. So that study

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1 was essentially very clear in that we were able to
2 get a reading from the range of 50 to 60 decibels dBA
3 which is the sound levels that you would want to
4 measure for. So basically, that is saying that the
5 likelihood of this project having an impact from a
6 sound use is very minimal to non-existent. In fact,
7 what you would actually hear from this noise study is
8 that the noise levels that you typically hear from
9 your windows, measuring instruments, that there is
10 constant traffic coming from Route 31, as well as
11 from the Metra traffic that generated noise
12 constantly.

13 Then the third part of what we would
14 look at is how the air emissions might be affected by
15 the project from the increased traffic from the
16 trucks. We're primarily looking to see what you
17 could do to make sure that those were not impacting
18 the community. And so we want to make sure that --
19 Ivan took how they maintain their current trucks.
20 All of the trucks that they have are essentially --
21 the entire fleet of trucks that they have essentially
22 are 2018 models or later, and all of them are
23 certified and complying with the California
24 regulations and they are also inspected on a regular

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1 basis in accordance with the Illinois regulations
2 under part 4164 in compliance and for inspection on a
3 regular basis. So if you are doing all of those
4 things and maintain your idling for truck time, as
5 required in the regulation, there should be no impact
6 from that. I think that's pretty much -- I had one
7 last thing that I want to mention was we also have as
8 part of the environmental impact planning study, a
9 draft stormwater prevention plan that is included
10 which will be finalized once the property is
11 completed. This is primarily to make sure that items
12 that are stored on the facility primarily talking
13 about motor oil or transmission oil, things that are
14 stored in storage tanks will be controlled so that if
15 there is any small spills, it will be immediately
16 taken care of. And that's all I have.

17 MR. DANIEL: Thank you. So I just want to be
18 clear during the testimony on the noise, the two
19 prongs of the testimony were that dBA regulations on
20 noise. That was the decibel reading. And then
21 Mr. Rao also testified about the background noise.
22 And what's important there, and I think some
23 neighbors may have done this, but if you walk about
24 60 feet from the garage at their existing facility,

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1 if you stand at their garage and you take 20 steps
2 out, that is approximately the zone where you can
3 hear the planes from O'Hare more than you can hear an
4 airgun or pneumatic hammer or wrench inside the
5 garage. The garages at the existing location are
6 older. They are not the same that we're going to
7 have at this location due to environmental standards,
8 energy-saving standards. The garages have to have
9 different seals. They're thicker, and they're
10 soundproofed here, at this development site. So
11 again, you walk 60 feet out, and you hear the planes
12 overhead more than you can hear somebody using a
13 tool, a pneumatic tool on the inside of the garage.
14 And again, if any pneumatic tools being used inside
15 are something that make a similar kind of noise and
16 is different in kind from background noise. The bays
17 will be shut. We're happy to live with that
18 condition as part of our operating protocol anyway.

19 From a landscaping perspective, I
20 would like to have Jeff Cook step up and give a
21 explanation of what's going on with the north lot
22 line.

23 MR. COOK: Thank you. Thank you this
24 evening, Commissioners.

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1 Jeff Cook, I was sworn in earlier.
2 I'm a Senior Associate with Gary Weber & Associates,
3 and when we joined the team to provide a landscape
4 plan, one of the first things we did is walk the
5 site, take a look at what's going on, what are we
6 dealing with. We noticed some of the grade that was
7 testified to earlier, ups and down particularly going
8 around the north line, and we talked with the owner.
9 We asked him about, you know, what the direction
10 would be for treating this buffer area.
11 Traditionally, we would take a look at the ordinance.
12 We would say what are the requirements, and we would
13 put in the number of evergreens, the number of shade
14 trees, the number of shrubs, the number of ornamental
15 trees, and we provide a plan. That was not the
16 direction we received from Ivan. Ivan shared that he
17 really wanted to enhance that buffer area. Not only
18 does he want to put in a fence, put screening. He
19 wanted to really increase and go above and beyond.
20 And so our plan shows along that north line is those
21 three rows of evergreen. There's 164 evergreen trees
22 lined up in three rows along that north property
23 line. South of it is 27 shade trees. Those shade
24 trees when they go in, we're typically measured at --

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1 referred to as two-and-a-half-inch caliber, the size
2 of the trunk of a tree when it's installed.
3 Practically speaking, they're 12 to 15 feet in
4 height. The evergreens -- Ivan had a professional
5 firm go out there and pull out the evergreens, and
6 they are actually stored on the site. I saw some of
7 them, and it was his intention to put those along the
8 north line to preserve some of that mature height of
9 the existing evergreens that were on the property
10 previously. Where that becomes impossible is the
11 cold snap we've had. We certainly are going to be
12 putting in all the evergreens that are proposed. As
13 Mr. Daniel testified earlier, the focus will be on
14 keeping the highest trees located along the north
15 line towards the east where the grade really
16 increases to have the most impact right away, and
17 that will be accentuated with the eight foot fence as
18 proposed or a 12 foot if that is the purview of the
19 city. We have also put together the rest of the plan
20 to provide the required upgrade along the west lines,
21 north lines and a certain amount of requirements for
22 the parking lot landscaping. We had a native sea
23 mixture for the stormwater basin area, and we've also
24 reviewed the staff report and the recommendations and

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1 we don't think there is any problem with updating
2 that plan to meet all of those conditions. With
3 that, I'll turn it back to Mark.
4 MR. DANIEL: To the extent that the trees
5 shown on the plan, if that dies or is damaged or
6 needs to be replaced, if we don't do it, there's a
7 violation, and it's enforceable. We will be
8 maintaining and replacing trees as necessary to
9 comply with this landscape plan. There should be no
10 doubts about that. This plan is part of the PUD
11 approval. If something dies or gets sick, it's
12 replaced. It's that simple. Some people were
13 concerned about that before, but that is the plain
14 fact.
15 The north landscape buffer also
16 screens at least two-thirds of the homes on the north
17 lot line from the industrial use to the north of our
18 entrance, which has outdoor operations. And they're
19 active operations, assembly and manufacturing plus
20 loading and delivery. So there is a screen benefit
21 from our fence into our landscaping.
22 One other note on the trees, as the
23 evergreens grow up to the canopy, they'll eventually
24 overlap. The canopy trees on the inside of this

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1 planting, the south side of this planting are going
2 to grow, and one of the instructions from Gary Weber
3 & Associates is not to trim the lower part of the
4 tree to make sure that screen is fully effective for
5 several years. So you wouldn't have as much trimming
6 or pruning at the lower level of that tree so they
7 can keep that screen. That's the sort of detail that
8 Gary Weber provided in his recommendation.
9 Ken Polach will be next. Ken has
10 been on board with us I believe since October, right,
11 Ken?
12 MR. POLACH: Approximately, yes.
13 Thank you. I'll try to be brief
14 because of the hour, but I'll be happy to answer
15 questions.
16 My name is Ken Polach, I'm a
17 certified appraiser. My general background, since I
18 haven't appeared before you recently, I have
19 Bachelor's degree in Engineering Science and a
20 Master's degree in Business Administration. I have
21 been involved in the appraisal of real estate for
22 almost 55 years. I am a member of the Appraisal
23 Institute. I hold an MAI designation in the
24 organization, as well as the SRA designation, which

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1 is the residential designation. I'm also a certified
2 review appraiser. I appraise property throughout the
3 area. I appraise property in Illinois, as well as
4 several other states. The majority of my work is
5 within the area of northern Illinois and within the
6 area of Cary. In recent years we've appraised
7 numerous properties within the -- I'm sorry, the Cary
8 and Crystal Lake area. In recent years we appraised
9 property for the City of Crystal Lake, as well as
10 Metra and other clients within the area.
11 Briefly, what we've been requested
12 to do is simply to determine what the impact would be
13 of this proposed development and the planned unit
14 rezoning or zoning on the property, what the impact
15 would be on the surrounding properties. In order to
16 do that, we looked at all of the properties, the
17 properties that surround the subject are residential
18 properties, commercial properties, industrial. As
19 part of a large industrial area, it has been
20 described and been described further, but in doing
21 our research, we primarily attempted to control our
22 research to focus more on the residential properties.
23 The reason for this is simply that those would be the
24 most likely to show an impact if there is an impact

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1 as a result of any changes. What we were requested
2 to do is to determine whether there would be this
3 impact.

4 Our conclusion was that there would
5 not be a negative impact on the surrounding property,
6 and I will go through briefly some of the
7 considerations that we take in to account at arriving
8 at that opinion. We consider the property, the whole
9 property you're familiar with, you're aware of. It
10 is been described, I'm sure in detail. We considered
11 the surrounding uses, the adjoining uses. Again, you
12 know what those uses are and are very familiar with
13 the uses. We also considered the fact that the area
14 is primarily developed. This is not an area with a
15 lot of large vacant land that is available. Most of
16 the land in the area has been developed over the
17 years. This is one of the last large pieces
18 available that can be developed. We did consider the
19 proposed use on the property, the improvements -- the
20 main improvements would be at the south end of the
21 property of the building, that has been described in
22 detail. The uses that would be closest to the
23 residential area would be the less active uses it
24 would be parking area, storage area, as is required.

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1 These are uses that are allowed or would be permitted
2 under the current zoning, as well as the proposed
3 zoning.

4 The other things that we looked at
5 in our study were the access to the property, the
6 traffic has been described, the ground water, the
7 fact that there would be less mitigation of --
8 migration rather of ground water to the adjoining
9 properties. Considered the noise, the stormwater,
10 the air emissions. We also considered the sales of
11 property within the area. We researched sales of
12 various properties including the residential
13 properties. The properties to the north, which are
14 the closest residential properties that are to the
15 subject property are in a similar price range to
16 those that are found throughout Crystal Lake.

17 The lighting has been described in
18 detail. The extensive landscaping buffer that would
19 be provided, has been described, as well as the
20 fencing that would buffer this property. In addition
21 to the landscaping that already exists on the
22 adjoining properties, is the extensive landscaping
23 that would be provided.

24 Our conclusions were based on the

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1 fact that the industrial zoning exists, has existed
2 for years. Any buyer of the property adjoining this
3 property realized that the property is zoned for
4 industrial use and would have a question as to what
5 would be developed on this property. This gives you
6 an opportunity to develop this property, to have
7 control over what is developed on this property and
8 one that is consistent with the existing zoning on
9 the property, and it provides for buffers to the
10 adjoining properties to keep them from having any
11 impact as a result of this development.

12 The proposed use is consistent with
13 development within the area. The commercial
14 industrial properties certainly are tolerant, more
15 tolerant of adjoining manufacturing uses. The
16 proposed use would also increase the valuation of the
17 property. There's a substantial investment that's
18 being made in this property. This will be reflected
19 in the increasing property taxes for the taxing
20 bodies, which will benefit the area in general.

21 The proposed development, in our
22 opinion, would not diminish or impair property values
23 in the area.

24 In summary, the approval of the

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1 planned unit development would not have a negative
2 impact on the character, the use, the development,
3 the marketing or property values of those uses which
4 exist within the area.

5 Thank you for your time.

6 MR. DANIEL: At this point in time, I would
7 like to bring Shawn Polinowski very briefly just to
8 confirm that he had been listening to testimony.

9 Shawn, were you previously sworn?

10 MR. POLINOVSKI: Yes, I was.

11 MR. DANIEL: Shawn, to the extent that
12 Civiltech and staff discussed the operations of the
13 site, were their discussions accurate as you
14 understood them?

15 MR. POLINOVSKI: Yes, they were.

16 MR. DANIEL: And with respect to the hours of
17 operation discussion and the ebb and flow of trucks
18 between different categories that were displayed in a
19 slide that Civiltech showed, were those accurate?

20 MR. POLINOVSKI: Yes, they were.

21 MR. DANIEL: And they're indicative of the
22 current operations?

23 MR. POLINOVSKI: They are.

24 MR. DANIEL: As far as the security of the

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1 site is concerned, can you just briefly explain to
2 the Commission how it is that the gate is handled
3 during the day and how surveillance in the parking
4 lot is handled during the day compared to the night?
5 MR. POLINOVSKI: Sure. So the gates open
6 around 7:00 a.m. that's when I usually get there, and
7 stay open throughout the day up until about 6:00,
8 which is when they're shut. And if you don't have
9 the password to get in or key code, you cannot get
10 in. There is a call button that you can use, but
11 those at night and supposed drivers have a hard time
12 getting in, there's a call button you can click, and
13 it goes to my phone and at that point I'll decide who
14 it is. If it's one of our drivers or someone who
15 works for NVA, to let them in or what the issue is,
16 and if it's not, then tell them to go back to the
17 road.
18 MR. DANIEL: To the extent that the site's
19 concern overnight, the current development, the
20 proposed development, we're dealing with tonight, is
21 it accurate to say you are going to have supervision
22 during the day, surveillance of the parking lot when
23 the gates open and at night rely on security cameras
24 and eventually transition to 24 hour a day employee?

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1 MR. POLINOVSKI: Yes. That's correct.
2 MR. DANIEL: I think that's all that I have.
3 One other question, I'm sorry. The
4 statement about employees and all of them being from
5 McHenry County and from Crystal Lake, is that also
6 accurate?
7 MR. POLINOVSKI: Yeah. That's correct.
8 MR. DANIEL: That is all I have. Thank you,
9 Shawn.
10 The last witness we have tonight is
11 Joe Abel. While Joe is making his way up, I'll note
12 that the project narrative was prepared as a team
13 over the course of months. You have a situation
14 where Joe, is a certified planner, and he is in the
15 practice for nearly 30 years. He put together the
16 background. Zoning classifications in the area,
17 consistent with the staff memoranda, would be
18 amplified a bit to discuss the economic importance of
19 this 22 acre site in light of the immediate city
20 industrial district and manufacturing district and
21 the overall county industrial manufacturing complex.
22 We also describe the surrounding uses. You are all
23 familiar with the area. We don't need to belabor the
24 point. I wouldn't be surprised if you've driven

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1 through the area recently on a couple of occasions.
2 Casey's recently and you've had this case. So we're
3 not going to belabor the surrounding uses. But I
4 would ask Joe to open with his background and discuss
5 how he analyzed the standards first for special use,
6 and then for the planned unit development, and then
7 we'll talk about the rezoning last.
8 MR. ABEL: As Mark said, my name is Joseph
9 Abel, I'm a planning and zoning consultant. My main
10 experience besides being a planning consultant, I was
11 Director of Planning for DuPage County from 1970 to
12 1997, where I prepared an updated comprehensive plan
13 at that time in the fastest growing county in the
14 State of Illinois and the fastest growing in the
15 country. And so we worked primarily on developing
16 the County comprehensive plan, and implementing that
17 plan with an updated zoning district map.
18 In terms of the special use, looking
19 at this property very carefully and seeing testimony
20 where it's part of a very large industrial area,
21 commercial in this entire segment, it's important to
22 the -- not only to Crystal Lake but also to the
23 county in terms of total development.
24 There are certain things that we

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1 have to look at in terms of coming up with a special
2 use, 1) The City of Crystal Lake has already
3 determined that special use and being a manufacturing
4 district and this type of use, unfortunately, the
5 property was presently divided between two zoning
6 classifications. I look at it from a planning
7 standpoint as where do we start with the special use
8 and combine the PUD at the same time, is there an
9 opportunity to take a piece of property that has been
10 around for 40 years with a divided zoning
11 classification M, which is in the northern portion --
12 southern portion and the northern portion, which has
13 the ML. The northern portion has the access.
14 Unfortunately, there is not access to this property
15 from Illinois Route 31. It's totally from Sands
16 Road. And so from that standpoint, it's very
17 difficult also because of the topography to divide
18 this property into two segments, manufacturing and
19 light manufacturing. I'm not sure why that was done,
20 but it was done, and it's happened throughout --
21 throughout the years and probably is the biggest
22 deterrent to why the property has not been developed,
23 which is a very fast growing area. I'm familiar with
24 it because actually developed the first comprehensive

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1 and zoning ordinance for both Fox River Grove and
2 Cary, which are your neighbors to the south. So I
3 have been involved in what's happening in this area.
4 As a Director of Planning, I also got together with
5 all the planning directors in the six county
6 metropolitan area and determined what was going to
7 happen in the future. So the fact that you've got
8 this large 22 acre piece that's been sitting for
9 quite some time and not providing any expert -- any
10 economic benefit to the community now is the time to
11 put that to rest and do what you're supposed to do in
12 terms of developing the property carefully.

13 The advantages that you have in this
14 particular instance -- this particular instance is
15 that the property theoretically could be designed as
16 two separate uses. But you've got the opportunity
17 here to put it entirely together in one zoning
18 classification, manufacturing. Then to have the
19 conditional and special use which would tie it all
20 together. And it gives you the opportunity to do
21 what's most appropriate, because you can set the
22 conditions on the property. If either of these
23 properties were able to be developed separately
24 either as a two-lot subdivision or one, they would

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1 just come in and meet the zoning standards and you
2 would have to live with those standards. And we all
3 know that there are advantages of having this
4 particular type of hearing is that you, the city, can
5 control what happens on this property.

6 The number one thing that we looked
7 at in DuPage County when we redid the entire zoning
8 district and the new comprehensive plan was the whole
9 idea of looking at transitions. The transition
10 between uses is always the most difficult thing.
11 That's why we're here this evening. You've got
12 residential, and you've got manufacturing. How are
13 you making sure that transition takes place properly.
14 1) You have a good start. That's always my theory
15 that the best place for a transition takes place at
16 the rear property lines. So you have a rear property
17 line on residential and a rear property line on the
18 subject property line. So number one you met that
19 criteria. That is the absolute number one rule is to
20 try and make your transition at the rear property
21 lines. The next rule is make proper use of that plan
22 in terms of getting a proper buffer, and obviously,
23 the greatest buffer there is this landscaping. And
24 whether this property would be in the M or the ML, it

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1 still requires a 50 foot setback, which is a setback
2 that you have determined in your own ordinance and in
3 my professional opinion is a reasonable distance.

4 Another thing that you put into your
5 ordinance is the landscaping requirement. And I met
6 with the Petitioner, I mentioned to him I do work on
7 many, many projects and a number of projects similar
8 to this, and I felt it was very, very important to
9 make sure that there was very detailed landscaping
10 plan. That landscape plan buffer, the actual buffer
11 between the rear lot lines should exceed the standard
12 for just straight permitted use of coming in and ask
13 for a building permit.

14 As you heard previously from Gary
15 Weber's planning proposal, this is probably one of
16 the most extensive landscape plans I have seen in
17 quite some time. Your ordinance requires bushes,
18 evergreens and trees. What this plan is proposing is
19 almost totally trees and evergreens and no bushes
20 because they're too low and won't form anything. And
21 then in addition, the fence that's being provided.

22 So in terms of meeting the standards
23 for a planned unit development and rezoning,
24 everything is in place. If you go through line by

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1 line as you go through it, you will see that number
2 one we meet the task. This is a very difficult piece
3 of property to develop. But more importantly, we
4 have prepared a plan that will given an excellent
5 transition at the rear lot line, where it should be,
6 from both -- for both parties, and I think that's the
7 key to this proposal, is that you're in charge. You
8 could put the standards on it, and that is one of the
9 things that the developer is willing to give up in
10 terms of rezoning the entire property under one
11 zoning classification with the planned development.

12 So that's why, in my professional
13 opinion, I think the standards have been met, and I
14 think the most important thing is you will have a
15 transition that will protect the residential
16 development to the north.

17 Now, I think it is unfortunate that
18 this hasn't been recognized, and that's why we have
19 such a big room here. The one thing you've heard and
20 Mark went through the aerial photographs. This area
21 has been industrial in terms of its use and character
22 going all the way back to when it was -- the area of
23 the county. The county had it industrial, and when
24 you look at the land use -- the aerial photograph and

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1 the zoning district map we prepared, the exhibit, you
2 will see that the entire area is surrounded by
3 industrial development to the east. It's all county
4 heavy industrial, especially earth-moving-type uses.
5 So it's not that this is an area that hasn't been
6 used for industrial. It has always been planned and
7 zoned for industrial development, but this is the
8 opportunity, as I said, to put conditions on it to
9 guarantee adequate transition to uses. I think
10 that's the key ingredient that we're talking about
11 this evening. The process that we're going through
12 tonight, will result in planned unit development.

13 MR. DANIEL: Thank you Joe. Starting at page
14 18 of the narrative, you can see a series of proposed
15 findings of fact and the conditions follow that. I'm
16 not going to repeat where the testimony fits for each
17 one of these, but you have evidence that has arisen
18 at the hearing regarding the resulting factors. I
19 think the staff memorandum and through the testimony
20 concerning the comprehensive plan and the consistency
21 with watershed plan, benefits to public
22 infrastructure. The split zoning is a burden on the
23 property right now. This is a 22 acre property, and
24 it's fairly incredible that in this area, that 22

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1 acres has remained undeveloped and underutilized over
2 the years with all the development that has gone on
3 in the area. There was a project that Liz mentioned
4 over on her testimony rezoning under 9200B3. Since
5 1985, that's almost 40 years at this point in time.
6 It was proposed for manufacturing and limited
7 manufacturing back then. The project did not go
8 through, and now you have an opportunity for a single
9 user to take responsibility for the entire property,
10 instead of having several smaller limited
11 manufacturing, manufacturing uses in the area.

12 To the extent that the property
13 values are affected, you heard from Mr. Polach there
14 is no impact. There is this issue here from
15 neighbors concerning the trend of development in the
16 area. Mr. Abel addressed that. You can see the
17 trend of development and when it occurred with the
18 CMAP aerials that were displayed earlier in my
19 presentation.

20 In essence, each of the findings
21 that we provided you for the map amendment are
22 supported with the testimony. We've talked about
23 topography and everything else. I don't want to
24 start down the path of a closing. I think it's

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1 probably more efficient if we move into the next
2 phase and then if there are questions that tie these
3 findings, I will be happy to answer them and
4 summarize towards the end.

5 I do want to thank you for your
6 time.

7 CHAIRMAN GREENMAN: Thank you very much. I
8 appreciate that.

9 At this time I'm go to open up the
10 hearing for public comment. You will need to step up
11 to the podium in order to speak. When you do step
12 up, please state your name and address for the
13 record, and also, please confirm that you have taken
14 the oath before you speak. The stenographer, the
15 staff or myself, if we can't hear you, we'll ask that
16 you -- to ensure that you're speaking with enough
17 volume so everyone can hear.

18 We will take public comment in order
19 of the -- those that signed up. And what I will do
20 is I will call a number of people, and what I'll do
21 as you walk up, the first one that I call, that first
22 person to provide comments. Others can stand off to
23 the side. And this will hopefully facilitate in
24 terms of timing and then hopefully we won't have a

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1 bunch of people moving, while people are speaking,
2 and once we've gotten most of the people, I'll call
3 another bunch of names up and try to keep the flow
4 going, so that we're respectful of everyone's time
5 and ensure that everyone wishes to speak gets signed
6 up and will have an opportunity to be able to speak.

7 We will take public comments in the
8 order that appear. When I call your name, please
9 approach the area as I indicated. If you're in the
10 back or you're in the other room and you hear your
11 name, I might bypass you, but I'll make sure, because
12 you're already on the list, that I will get back to
13 you at the end. So everyone will again get signed up
14 will have an opportunity to speak if they so desire
15 since they signed up.

16 Please keep in mind, and this is
17 that each person will be limited to five minutes. I
18 will be the timekeeper. Please try to avoid
19 repetitive comments. And further, I'll remind
20 everyone from the audience, I know you might have
21 your personal thoughts in terms of comments or
22 whatever. I'm going to please ask that you keep them
23 to yourselves, that way we'll ensure that it's
24 efficient in terms of hearing everybody and everyone

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1 is respectful in terms of the particular people that
2 are speaking at the time. So I know you all will
3 abide by that, and I would appreciate that.
4 So with that, let's -- First I will
5 turn it over to the attorneys. I'm not sure how you
6 want to work this out. I have David McArdle, Pat
7 Dooley, Daniel Dooley, Larry Thomas, Shawn Strach.
8 So I'm not sure who is going to be speaking, but
9 that's the first group.
10 MR. MCARDLE: Thank you. So I'm David
11 McArdle, 50 Virginia Street. I represent Dan Dooley.
12 Dan Dooley is an owner to the east of the property,
13 as you're looking at the north subdivision, and I'm
14 here with Lisa, Lisa Waggoner, who represents an
15 owner to the west of the subdivision, and our job is
16 to present --
17 CHAIRMAN GREENMAN: David, I'm sorry, for the
18 process, I do need to ask if have you have taken the
19 oath.
20 MR. MCARDLE: I've been sworn.
21 So we had a conversation with Vic,
22 the attorney here for the Board, last or a couple of
23 days ago about the procedure, and we understand you
24 want to get to the point, especially after what you

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1 have been through just now, and I don't how we're
2 going to keep your attention, but we'll try. And I
3 don't -- I'm not a longwinded person, so I plan to
4 stay on point, but there is a number of issues that
5 need to be addressed.
6 So the first thing I need to do is
7 pass out a memorandum that we wrote with an appendix.
8 I would like to give you each a hard copy of that so
9 you have it in front of you to refer to instead of
10 scrolling through computers, because I have no idea
11 if everyone is going to follow where I am.
12 Can I do that?
13 CHAIRMAN GREENMAN: Please.
14 MR. MCARDLE: This has been filed with the
15 city on whatever the site referenced is. So it has
16 been available. I apologize for the tardiness of
17 this, but last Wednesday we received the 31 page
18 written by -- the document called narrative. We had
19 wrestled through that. Yesterday, we received the
20 impact report, which is the valuation. That was 31
21 pages. You know, we're scrambling, to say the least,
22 and we did the best we could. So this memorandum
23 consists of about 11 pages with an appendix. I
24 clipped it so that you could separate the memorandum

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1 from the appendix. The memorandum, if you flip it
2 just one page, it consists of five, not so much
3 arguments, but positions. I'm not going to go
4 through those, because you can read them. I don't
5 know if you've read them so far because it was just
6 entered into the site, but I would just ask you from
7 an equity standpoint make sure you read it before you
8 make a decision for our benefit, because we spent a
9 lot of time on this over the last month and a half,
10 not to mention the last 48 hours trying to respond to
11 the initial petition, the initial testimony in July,
12 and then of course the supplemental petition or
13 documents recently filed. And so a lot of thought
14 and effort was put into this. We think we have a
15 strong objection, and we documented it.
16 So there's five main points there.
17 Point number six is simply the response to the issues
18 raised yesterday and last week to very specific
19 issues that were also relevant.
20 When you flip to the appendix, just
21 for a minute, that is broken down between 20
22 particular exhibits, and I won't go through those as
23 well. I would like to, before I call my first, you
24 know, quote witness, I have two, by the way, I have

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1 an engineer, who has a number of -- like six
2 opinions, hand those opinions to you. They are his
3 opinions. He will regurgitate those opinions to you
4 and explain those one by one, and I think we'll stay
5 on point there. And then I have a real estate
6 witness to go through those valuation issues and
7 critique where we have been so far this evening.
8 One point I would like to make from
9 this memorandum has to do with the very first point,
10 and that is reclassification request from an ML on
11 the north and M on the south to an entire site of M.
12 As has been mentioned, and in the appendix, these are
13 documents four through nine. In 1985, this property
14 was annexed into the city, and it was classified ML
15 on the north and M on the south. 450 feet plus or
16 minus on the north consisting of three sublots.
17 Those three sublots are shown in a subdivision plat
18 on page 3 of the appendix. Each of the page numbers
19 in the appendix are numbered in the bottom right-hand
20 corner. And lots two, three and four are the ML
21 designation -- lots one, two, three, four, pardon me,
22 designated ML. And that was the buffer zone. And
23 the reason I'm making this -- I'm even referencing
24 this right now is because in 1985, 40 years ago, and

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1 I'm not going to give you verbiage, it's all in our
2 brief. The city staff that preceded this city staff
3 right here wrote a letter as they do with all zoning
4 processes during annexation and zoning processes,
5 they wrote a letter to the zoning board of appeals.
6 They weren't combined with the plan commission. So
7 the ZBA at the time, said we need to classify the
8 north ML and the south M in order to provide
9 protection to the residential neighborhood. The
10 zoning board met, and in the zoning minutes, I could
11 give you quote as well, we need to protect the
12 sensitive nature of the neighbors to the north, and
13 therefore, we should zone this ML on the north and M
14 on the south. So 40 years ago the city staff, the
15 zoning board and that of course it went to the city
16 council and they approved it, all recognized the
17 sensitivity of the property to the north. Nothing
18 has changed. The planner said nothing has changed.
19 We'll explain why -- our version of why it hasn't
20 changed, but there's no reason to change it today.
21 The philosophy is the same. We still need the same
22 protection. It's the same homes. It's the same
23 vacant land, and it's the same buffer zone to
24 manufacturing. We have to transition not with trees.

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1 We don't need bushes, we need zoning uses that are
2 transitioned from residential to heavy manufacturing,
3 and that's either going to be light manufacturing,
4 office, multi-family, apartments. Something less
5 intense has to separate from a zoning standpoint in a
6 use standpoint residential from heavy manufacturing.
7 So that is -- I just want to make that point. That
8 we take that position, and for -- I've never heard
9 this suggestion, but it's suggested this evening that
10 the zone -- the whole property manufacturing, yet
11 limit the north three or four hundred feet to ML
12 uses. That's not legal. You can't -- If you do
13 that, you zone this manufacturing, and you impose
14 some condition, home rule or non-home rule, and 10
15 years from now this particular owner wants to sell
16 his property as manufacturing, you're going to get a
17 challenge. There is no way you're going to -- He's
18 going to say oh, I'm limiting the north 300 feet to
19 ML, even though it's zoned manufacturing. That
20 doesn't work. It's an original thought, but it has
21 no basis. So we're pleading with you to keep the
22 buffer that existed 40 years ago. It served a
23 purpose then and it serves a purposes now.
24 I have two witness. The first one,

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1 is Larry Thomas an engineer, I ask him to come up.
2 I'm not going to do this question and answer. It's
3 too slow. It's just -- It's painstaking. I'm just
4 going to ask him to do a narrative of his background,
5 and why he was asked to come here this evening and
6 set his opinions. I'll ask him his opinions.
7 Could you state what I asked you to
8 state and go through?
9 MR. THOMAS: Hi, I'm Larry Thomas, I'm a
10 professional engineer licensed in the State of
11 Illinois. I'm currently a principal engineer with
12 Stanley Consultants out of Chicago, Illinois.
13 CHAIRMAN GREENMAN: Larry, have you been
14 sworn in?
15 MR. THOMAS: Yes, I'm sworn in. Thank you.
16 Between the early 1980s and 2012, I
17 was the appointed Village Engineer for Cary and for
18 Fox River Grove, and between 1995 and 2012 I was the
19 appointed engineer for the City of Delavan,
20 Wisconsin. And in that role, my job was to view all
21 of the plans from developers for residential,
22 commercial and industrial developments that came in
23 to the villages for their review. So I'm well-aware
24 of what's involved with plan reviews, zoning and the

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1 water, wastewater, stormwater, roads and so forth
2 that are necessary to properly serve subdivisions and
3 the developments.
4 I was asked to take a look at the
5 plans to see if I had any comments regarding them,
6 and I've come up with -- and the other documents that
7 go along with it, and I've got six things that I
8 think warrant your look before this project goes
9 forward. 1) is with the Civiltech Engineering
10 report. They concluded that there was going to be
11 about 100 in-and-out trips by trucks per day at their
12 development, and taking a look at their own testimony
13 today, I want to read this part, the truck trailer
14 park provides 325 truck trailer parking lots, about
15 which 200 to 220 expected for a high turnover
16 operations. And high turnover means on a daily basis
17 or every several days. So let's forget all of the
18 other -- the cars and everything else. I've got over
19 200 spots that the business plan is to have a truck
20 come in and a truck go out from those spots on a
21 daily basis. So that means I have 400 truck
22 movements a day in and out, not 100 truck movements
23 per day. And my belief is that if you -- if they do
24 develop this property as they intend, with the 325

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1 spots, and they do accomplish their business goal of
2 turning over those 200 spots per day, then you have
3 to account for 400 truck movements per day, not 100.
4 The technique that they used to come up with the
5 number, that's a standard technique, but in this
6 case, it lacks common sense because it doesn't
7 conform to the business plan that has been put
8 forward. It's three times that. So that's my first
9 opinion on that.
10 The second opinion, on page 2.
11 Taking in to account that I've got potentially 400
12 truck movements per day, we have to take a look at
13 the intersection of Sands Road and that driveway
14 entrance. Nowhere has anyone talked about the fact
15 that this driveway entrance is at the base of a hill.
16 When you approach this site from the north, you're
17 going up a hill until you get to the driveway of
18 Hardwoods, and as you're going down a hill, you're
19 425 feet from the driveway entrance at that point.
20 And that speed limit you're going gives you eight to
21 ten seconds to recognize that the road is shifting
22 over six feet, because that have to get that turn
23 lane in, and they're not doing it -- They're doing it
24 by moving both lanes. And I've got that amount of

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1 time to -- If I come over that hill, I'm potentially
2 looking at the side of a semi truck that is turning
3 into that lot or a semi truck that's coming out of
4 the lot and going very slowly. Now, for a seasoned
5 driver, that may not be a problem, but if I'm dealing
6 with someone that's going over the speed limit,
7 potential on that road, and is a young driver or is
8 looking at their phone and I come over that hill,
9 that is going to be a potential problem. This needs
10 to be addressed. On the intersection design, how are
11 you going to address the fact that I have this hill,
12 and on the third page, I show a cross-section that
13 shows that. You can see that there is -- where the
14 driveway is for their entrance, you can see where the
15 Barrington Hardwoods driveway, and you can see where
16 Scott Lane is. And you could see that this is a
17 potential problem that you have seven to ten seconds
18 to deal with. And this should have been addressed in
19 the Civiltech report. It should be something that
20 goes into the design of that intersection so that we
21 don't have potential of crashes occurring for cars
22 coming over that hill. Also, if the increased number
23 of trucks potential there, that may increase the
24 length of the turn lane that's needed. So those two

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1 things need to be taken a look at.
2 Opinion number three, on the fourth
3 page. The mounted lights in that parking lot are
4 mounted 30 feet in the air, okay, and if you flip to
5 page 5, you will see some of my artwork. And you can
6 see that all of those lights are visible all the way
7 to the south on their property. All 40 of those
8 lights will be visible to the homeowners to the north
9 of the site. They can see. The fence is not high
10 enough. Even at 12 feet, that fence wouldn't block
11 those lights, because it's halfway down the hill.
12 It's not at the top of the hill, it's halfway down
13 the hill. And they're also removing the hill that is
14 there. A big portion of that hill is being removed,
15 as you can see the difference between the proposed
16 ground elevation and the existing ground elevations.
17 So although they're saying that there will no light
18 spillage over, the point is that when you're standing
19 in your yard on those houses, you will be able to see
20 the lights. You will see the fixtures. Now, the
21 other factor that goes in here is their light survey
22 is based on the light bouncing off the pavement,
23 black pavement, 30 feet below the light fixture. I
24 have 325 spots that have potentially 325 trailers

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1 that are painted white or silver on the top, and
2 those are 14 feet in the air. So now the reality of
3 the situation for light disbursement is that I'm really
4 bouncing the light off of a white surface only 14
5 feet, and the tops of those trucks are visible to the
6 homeowners. So I think the light impacts are being
7 underestimated.
8 Number four, page 6, there is an
9 offsite stormwater contribution to this property that
10 has not been accounted for in the design of these
11 improvements. The Nancy Drive neighborhood has --
12 Algonquin Township installed a pump and a detention
13 area at the northwest corner of that subdivision, and
14 they pump that water through a 2 inch force main all
15 the way to the south of the -- access road, and it
16 dumps onto the Route 31 right-of-way and then from
17 there it runs down the hill onto the NVA property.
18 Now, we don't have exact numbers for that pump, but
19 we've estimated it to be 70 gallons per minute or
20 100,000 gallons a day are coming onto that property
21 during wet weather that is unaccounted for in their
22 design calculations. And the problem here is that if
23 that water comes down there and if it does not
24 infiltrate at the rate that they hope it will, then

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1 they end up with a situation that that water will run
2 off eventually onto Sands Road. This issue has to be
3 further investigated.
4 Opinion number five, we can't really
5 conclude with confidence there's no significant risk
6 of ground water contamination as a result of the
7 proposed land use. They did do the four poles, the
8 four test wells, but they did not test the water in
9 those wells to the level of being able to determine
10 if there was any water quality violations, drinking
11 water quality violations. They just tested gross
12 contamination, something 1 milligram per liter or
13 worse, but under water quality numbers can go down to
14 parts per billion. So the issue here is that is
15 there existing contamination out there already or
16 not. We don't know. They also avoided drilling any
17 holes directly downgrade from the exiting property.
18 So we don't really have a way to know at this time if
19 their existing operations have caused ground water
20 contamination. There is no information in that
21 regard. And the other point on this is the fact that
22 they're dismissing this as being any risk, even if
23 there was contamination, there wouldn't be a risk
24 because the water moving to the east. Well, there

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1 are public, not public, there are non-community
2 public water supplied wells directly to the east, and
3 there are private wells directly to the east that
4 uses that for their water supply. So if that does
5 aquifer does become contaminated, it is an issue for
6 those people. There's other issues in there that I'm
7 not going into. You can read those in more detail.
8 I was asked to take a look at the
9 building site's sizes, and those number are being
10 used in some other places in the testimonies.
11 One thing too, something near and
12 dear to my heart, there has been no discussion of
13 wastewater for this property. What do -- Where is
14 the wastewater from this building going to go? You
15 can't put a septic system on this property. It's all
16 paved over. So -- and there's no -- I see nothing,
17 no descriptions as far as their connect to public
18 facilities. There's been no description of that
19 anywhere. The only thing I found was in a response
20 to a letter where they're considering using septic.
21 Well, you can't use septic where you've paved the
22 whole thing over. So I think there needs to be some
23 discussion of that topic before we're done here.
24 The trees and so forth, as far as

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1 their ability to block the light, a six to ten foot
2 tree put on a slope isn't going to cut it as far as
3 block 30 foot tall lights.
4 As far as the last exhibit on page
5 10, what you can see there is that trucks on the site
6 are going to be visible from the second stories of
7 the houses. Any truck that's 150 or more from the
8 house is visible. So you are going to be able to see
9 the truck roofs out there. So that's a factor that
10 should be taken in to account. Thank you.
11 CHAIRMAN GREENMAN: Thank you.
12 MR. MCARDLE: Thank you. Before I call the
13 next witness, Shawn Strach, I just want to comment
14 quickly on the conditions.
15 We saw Mark get up and he had an
16 exhibit with a bunch of red lines it's the general
17 plan for parking vehicles. I don't whether that's a
18 condition or not, but even if it was a condition,
19 that and no idling and no sleeping, how in the world
20 is the city going to enforce that? Is it going to be
21 complaint based? Do you have to wait until somebody
22 complaints on the north?
23 We have 20 acres of asphalt, the
24 building is going to get built. Business is going to

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1 get started, and they start idling trucks because
2 it's, you know, 40 below out. They need to keep
3 these trucks warm so they don't turn into ice bricks.
4 They're going to idle. There is no question. You're
5 going to hear a witness talk about the idling
6 requirements in order to keep these trucks alive.
7 The idling law he's going to comply with has four
8 exceptions to allow idling, and we will go over those
9 as well. So that idling law is, you know, it's got
10 lots of holes in it.
11 As far as sleeping is concerned, the
12 same thing, how are we going to police that? It's
13 impossible. It would be too late once business is
14 going again. I mean, it scares all of these
15 homeowners to have that happen for safety reasons,
16 for noise reasons and for property-value reasons.
17 My next witness is the property
18 witness, Shawn Strach, and he will give his opinion
19 as well.
20 MR. STRACH: Good evening, my name is Shawn
21 Strach, and I have been sworn in here.
22 I was retained to render my opinions
23 regarding whether the applicant's petition met the
24 city's criteria to reclassify this north portion of

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<p style="text-align: right;">Page 94</p> <p>1 the subject property, immediately adjacent to the 2 Lorel Estates residential subdivision from the light 3 manufacturing limited to the M PUD with a special use 4 for a freight terminal and outside storage of more 5 than 300 semi tractor trailers here. 6 My resume is attached to the 7 information that they've hand out. I'm a real estate 8 broker for about 20 years here, in McHenry County. I 9 was also the Chairman of the Planning and Zoning 10 Commission for the City of McHenry for nine years. 11 I'm currently on the City Council in the City of 12 McHenry as well. So I have been in your seats for 13 these type of events when you have a use coming in 14 front of you that might be high profile, lots of 15 people in the audience, tough decisions to make. So 16 I appreciate you guys being here tonight and giving 17 us an opportunity to speak. 18 I was asked to review applicant's 19 petition and submittals because of my experience and 20 background, and I've reviewed the petition -- the 21 Petitioner's application proposed plans and the 22 related documents filed with the city, the historical 23 information from the 1985 annexation as well for the 24 subject property to the city, zoning board minutes</p>	<p style="text-align: right;">Page 96</p> <p>1 truck parking of more than 300 vehicles. 2 Outside storage does not really 3 equate to truck parking and for a truck terminal. 4 Outside storage and zoning codes is not traditionally 5 intended to reference 300 tractor trailers but 6 instead it reference storage materials, supplies, 7 supporting and ancillary uses of the primary 8 business. And again, that primary business would be 9 parking. The petition -- I'm just moving on to page 10 2. The first section here of the UDO standards for 11 the map amendment. I just want to touch on a few 12 points here. The standards that are represented 13 here, on page 2, item A is the criteria for the 14 existing use and zoning of nearby property. My 15 opinion is that the proposed map amendment does not 16 take in to account the existing residential use and 17 the residential zoning of the property to the north. 18 The proposed map amendment does not preserve the 19 character of the neighborhood to the north, as the 20 previous zoning commission, board of appeals and 21 council did in 1985. After reviewing the notes from 22 the '85 hearing and city the council vote, there was 23 a strong intent by city staff, planning commission, 24 zoning boards of approvals and counsel to protect</p>
<p style="text-align: right;">Page 95</p> <p>1 from the July 19, 2023, the initial hearing that was 2 happening here, at the City of Crystal Lake, and the 3 zoning approval criteria in relation to this 4 petition. So I will try to keep my notes as brief as 5 I can so that we can move on tonight. 6 The Petitioner's request is a truck 7 parking truck terminal. The application seeks 8 permission for a freight terminal as it's principal 9 use and outdoor storage as its accessory use; 10 however, the application, plans submitted and 11 testimony show this request for truck parking and 12 truck terminal is for these 300 semi tractor 13 trailers. The applicant stated in the first zoning 14 hearing that no freight from the trailers was going 15 to be loaded or unloaded at this facility, which 16 eliminates the use of the freight terminal. On page 17 2 of the Petitioner's narrative, it's clearly stated 18 that the Petitioner's request was for a truck 19 terminal. Further, on page 7, the applicant 20 primarily engages an over-the-road hauling and 21 special-project hauling. The narrative provides that 22 now there will be a warehouse area to reconstruct 23 loads. Even if this is the case, the narrative is 24 clear that the principal use of this property is for</p>	<p style="text-align: right;">Page 97</p> <p>1 this area, and there is nothing that's changed that 2 would remove that protection. 3 Moving on to item B, the extent to 4 which the property values are diminished by a 5 particular zoning classification or restriction. 6 There's a high likelihood of diminished value. 7 Outside the City of Chicago, I personally visited the 8 following semi tractor trailer parking lots, and none 9 of these are adjacent to residential subdivisions. 10 Those locations are listed in the packet for you. 11 The reason is obvious that there's no residential 12 adjacent to these, because there is a nuisance that 13 comes with that. Section 16 -- Excuse me, Section 14 1-700 is to guide zoning decisions, including the 15 protection of an existing development from being 16 encroached upon by incompatible types of development. 17 Further, Section 1-700 I and J of the city's UDO 18 clearly delineate the intended difference between 19 intensities permitted in the ML and the M districts, 20 and we've listed those for you. The limited 21 manufacturing is clean, low environmental impact and 22 compatible with the neighborhood adjacent. The 23 manufacturing is not. It has a much higher intensity 24 for generated nuisances, and there is a high nuisance</p>

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1 potential in your zoning ordinance.
2 The Petitioner's impact study is
3 flawed for some significant reasons. First, the
4 appraiser notes that the sales information shows
5 increasing values for the residential neighborhood to
6 the north. That's because there's a protection zone
7 there now in reference to that, and those properties
8 are gaining in value. There was also a significant
9 mature vegetation on this 20 acre parcel that was
10 present here for a long time. So there's a tough
11 basis for opinion on the fact that once this zoning
12 changes, that there won't be a negative impact on
13 those property values.
14 Second, we didn't see any comparable
15 properties that were adjacent to a truck parking lot.
16 While I visited those five terminals which are
17 similar to the use requested, none of these
18 properties were included in the appraisal report.
19 Further, they didn't look at any terminals, there
20 were no freight terminals referenced, and on top of
21 that, the locations that were chosen were mostly
22 light manufacturing in those adjacent uses. We saw
23 nothing that had a heavy use.
24 Lastly, there's examples of

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1 manufacturing zoning next to residential properties
2 that were located in that impact study. Almost all
3 of those properties, as I visited those properties,
4 were light manufacturing. They reference the
5 comprehensive plan map, where you, as the city, show
6 that comprehensive plan map as an industry not
7 separated out for manufacturing and light
8 manufacturing.
9 I would like to move on to item
10 number C. It really is in reference to extending the
11 destruction of property value of a petitioning
12 property owner promoting health, safety, morals and
13 general welfare to the public, I reference back to
14 the same things I just mentioned. The relative gain
15 to the public as opposed to a hardship imposed on the
16 petitioning property owner. Moving over to page 4,
17 my opinion is that there is no public gain here.
18 There is risk of diminished values to the adjacent
19 residential properties, and the hardship on the
20 Petitioner unfortunately is self-imposed, because the
21 Petitioner purchased this property with the current
22 zoning in place. Other than the one attempt in 1985
23 for an industrial development or residential
24 development, the property has never been attempted to

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1 be developed since then as an ML property or anything
2 else. The property also has not been marketed for
3 sale. I have not seen any public, other than a
4 billboard on the property, for quite some time.
5 Moving on to item E, on page 4, the
6 suitability of the subject property for zoned purposes.
7 My opinion it is not zoned for this request use. The
8 Petitioner purchased this property, and at the time
9 for forty years it has had split zoning of ML and a
10 residential neighborhood to the north. Prior to
11 annexation, the zoning classification of this
12 property was a light industrial from the county for
13 all of those years as well.
14 We can go into the 1985 information
15 from when this property was zoned as well. The
16 following four bullet points that you can see on page
17 4 all reference those city council members, planning
18 zoning commission and the appeal board that all
19 reference protecting those neighbors to the north.
20 Moving over to page 5. From 1985 to
21 until now in 2023, almost 40 years later, there was a
22 concern -- excuse me, a concern for an intense use
23 adjacent to the residential subdivision to the north
24 of this property, and that is still valid.

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1 Currently, there is no real reason to reclassify lots
2 two, three and four to the M manufacturing, when
3 nothing has changed to support that rezoning. If we
4 do that, we're undermining the city's intended
5 protection to buffer those neighbors, as I spoke
6 about from that 1985 hearing.
7 Moving down to item F, the length of
8 time the property has been vacant, as zoned,
9 considered in the context of the land development in
10 the area. There has been no marketing effort on this
11 property to market this property for anything since
12 that 1985 time, other than that one billboard. I
13 have not seen anything posted or anything online to
14 show that it was available for anything else. If the
15 development was lack, it was due to no sales and
16 marketing on this property.
17 Item G, the comprehensive plan, as I
18 spoke earlier, the map shows this as an industry, not
19 separating out the manufacturing and light
20 manufacturing in this area. So I think the buffer is
21 the big concern. We're looking to remain that buffer
22 between that residential neighborhood and their
23 proposed use.
24 Item H, the evidence or lack of

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1 evidence of the community need for the proposed,
2 unfortunately, there's not really a local community
3 need for this. The Petitioner's business is national
4 in nature and not local.
5 Moving over to page 6, when I was on
6 planning and zoning commission, I found it easy for
7 myself to use the standards and have a little check
8 sheet every time I was in front of a planning zoning
9 commission and listening to a hearing. I thought it
10 was easy to do that. So I thought I would provide to
11 you that today, as well, as I would have done when I
12 was sitting in the chairs that you guys are in
13 tonight. So as you can see on page 6, Section 9-200,
14 paragraph 3 of the standards of the map amendment,
15 we've listed those standards for you, and I've given
16 my opinions on what those answers should be on that
17 sheet.
18 As we move over to page 7, does the
19 property meet the UDO or general standards for all
20 special uses. The petition doesn't meet the standard
21 UDO for general standards set for in 2-400(b). Below
22 are some relevant standards, my opinion on whether
23 the Petitioner has met those standards and a rebuttal
24 to the Petitioner's narrative. I won't bore you with

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1 all of those details, but if we move down to number
2 1, that the proposed use is necessary or desirable at
3 the location involved to provide service or facility
4 which will further public convenience and contribute
5 to the general welfare of the neighborhood or
6 community. The only opinion that I have here is that
7 the private entity is the only one who benefits here
8 from this proposed reclass.
9 Moving on to number 2, that the
10 proposed will not be detrimental to the value of
11 other properties. Negative values, as I spoke of
12 earlier, will certainly happen in this area because
13 of the changes that will happen.
14 Number 3, the proposed use will
15 comply with regulations in the zoning district and is
16 located and in this ordinance generally but not
17 including but not limited to all applicable yard and
18 bulk regulations, parking and loading requirements,
19 sign control regulations, watershed, wetlands,
20 floodplain regulations, building and fire codes and
21 all applicable city ordinances. There are a long
22 list of variances required to get this property
23 passed in the condition it's in. We'll move on to
24 section 3, and you'll see a whole list of those as

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1 well.
2 Further, on page 22 of the
3 narrative, there's an extensive list of variables:
4 landscaper buffers, lighting, use, building design,
5 stormwater, et cetera.
6 Moving on to page 8, again, one of
7 the requirements for and standards that we need to be
8 proposed on is the use will not negatively impact
9 existing offsite traffic circulations. I won't read
10 the rest of the statement. You guys all know what
11 they are. And Larry's alluded to what he feels is
12 his opinion, and I agree with Larry's opinion on what
13 the traffic counts really should be in looking at the
14 sheer volume of the trucks and that will be in and
15 out of this property.
16 Item 6, whether it will negatively
17 impact environmental creating air, noise, water
18 pollution, ground contamination and unsightly views.
19 Unsightly views, light pollution, nuisance and noise
20 for sure.
21 Number 7, again, I won't read the
22 whole statement, I'll give you my opinion. The
23 opinion is that the elevation here makes this
24 property very hard to shield 300 semis -- semi truck

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1 and trailers parked in this parking lot. From the
2 second floor of those residences, it will be very
3 tough to shield that. In addition the light
4 pollution that Larry alluded to with the height of
5 those lights in this parking lot will make it very
6 tough.
7 Lastly, number 10, we'll wait until
8 we move on to Section 3 to give a response to that.
9 But if you turn to page 9, I've got another list of
10 standards for special use and what I feel are my
11 opinions on whether or not those meet the criteria.
12 On page 10, we will move that
13 Section 3. The Petitioner does not meet the city's
14 UDO criteria for specific use, outdoor storage and
15 warehousing distribution set forth in Section 2-400
16 C. Below are the relevant standards, and again, I
17 won't bore you with all of those details, but I will
18 share my opinions.
19 Number 8(b), the proposed storage of
20 300 semi trailers is not within the rear yard of the
21 proposed building and is adjacent to residential
22 properties. This does not meet the criteria for
23 outdoor storage.
24 Under C, we talk about screening.

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1 The elevation of this property, as I spoke of before,
2 trying to shield 300 tractor trailers is very
3 difficult from the second floor of these homes.
4 Moving on to Section 55, warehouse
5 distribution. It talks again about outdoor storage.
6 The proposed storage of 300 semi trailers is not
7 within the rear yard, which is again in your zoning
8 ordinance. This does not meet that criteria.
9 And lastly, on page 11, I've taken
10 Section 2-400(C) for that review criteria and
11 Section -- the warehousing section from Section 55
12 and done the same as that checklist that I've
13 provided before and my opinions on those as well.
14 I appreciate your time and effort in
15 this extremely tough decision, as you guys have to
16 make tonight, and I appreciate you reviewing this
17 data to be brought to you tonight. Thank you.
18 MR. MCARDLE: That's all we have at this
19 moment.
20 CHAIRMAN GREENMAN: I want to confirm that
21 Pat and Daniel have no desire to.
22 MR. MCARDLE: Correct.
23 CHAIRMAN GREENMAN: With that, we'll open
24 this up to Lisa.

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1 MS. WAGGONER: Chairman and Members, my name
2 is Lisa Waggoner, and I'm here representing Debra
3 Alcock, who is present, and she resides on Nancy Lane
4 on the western side of this proposed development.
5 I've been sworn, and I also have my
6 witness, Sandra Grantham, she's also been sworn.
7 Debbie has been sworn, but Debbie has chosen not to
8 speak.
9 So with that, thank very much for
10 the opportunity to present our objection to you. We
11 much appreciate the fact that this is a very
12 difficult process, and the time that you spent
13 already is significant. So we are trying to make
14 sure that we move this along as quickly as we can but
15 try to make the pertinent points and not repeat
16 things.
17 With regard to our memorandum in
18 support of are objections, which you all have the
19 hard copy of and which is also in the record on the
20 City's website. Another point that I would like to
21 make out of this memorandum, not all of them, but a
22 point I would like to make is that in the
23 Petitioner's narrative, he appeared to indicate that
24 this planned unit development ordinance allowed both

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1 the ability to vary standards, such as setbacks,
2 landscaping, those kind of things, but it also
3 implies that you have the ability for a PUD to allow
4 different uses than those that have been applied for,
5 and that has never been the way the PUD ordinance has
6 been interpreted. And in fact, the PUD ordinance
7 specifically says for an industrial PUD, that the
8 permitted uses in the PUD -- in the zoning
9 classification are the only ones that can be made
10 industrial use. Aside from that, special uses have
11 to be applied for separately. In our application
12 today, the special use was for freight terminal. I'm
13 still not confident this is a freight terminal. That
14 was the only special use that was requested and
15 published for. Now, in the narrative, the indication
16 is that this property will also have automotive
17 parts, accessories and tire store, truck leasing,
18 automotive major repair and private parking. Those
19 were all indicated as uses that they think are
20 broadly allowed under this PUD application. Those
21 uses all require a special use or a limited use in
22 conjunction with an application for special use under
23 your PUD ordinance, any other uses or even a limited
24 use has to be called out a special use. So those

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1 four uses that I've articulated, the automotive,
2 parts, accessories and tire stores, that's actually
3 not even a permitted use in manufacturing. The truck
4 leasing and automotive repair, the private parking,
5 those uses all require a special use permit. That
6 special -- None of those special use permits were
7 requested. They weren't in any application. They
8 weren't in public notice, and they weren't considered
9 as public -- as requirements that are put before you
10 today. So I just want to articulate that to the
11 extent that the narrative says we're asking for these
12 things and under the PUD you can give those things,
13 that's not the way the zoning ordinance PUD of the
14 city has been interpreted, and we object to that
15 interpretation.
16 Also, we thought it would be helpful
17 for the Commission to bring someone, who is a
18 trucking expert, who has been in the industry for a
19 long time, a truck driver, truck company owner, as
20 well as other credentials. So I would like to
21 present Sandra Grantham. Her resume has already been
22 submitted, and Sandra is going to testify today.
23 Again, we're probably going to try to kind of stay
24 away from a question and answer. I think she can

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1 give you her credentials and then give you her
2 opinions on some aspects of this application, but
3 also the ideas she could help with just some
4 understanding of the pure trucking freight terminal,
5 truck terminal industry as it were and give you some
6 guidance.
7 And Sandra has been sworn in as
8 well.
9 MS. GRANTHAM: Good evening. Thank you. I'm
10 Sandra Grantham. I own DOT Construction Specialties.
11 I am a third-generation truck driver, owner and
12 operator. I owned and operated four commercial truck
13 driving schools for over 25 years. My primary job
14 these days is doing federal work, carrier
15 administration audits, DOT audits, OSHA 10 hour
16 classes and audits. I go to many trucking companies,
17 I audit their fleet. I audit their drivers. I audit
18 the facilities for compliance. I look through their
19 CSA scores, comprehensive safety analysis scores to
20 see how they are ranked against other trucking
21 companies, if they are running within the regulations
22 or if they need some help to run within regulations.
23 So pretty much what I do here in the day as a
24 trucking company will audit, DOT audit for a company

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1 having an issue, I come out. I do an assessment and
2 I formulate a safety plan for them to get in
3 compliance so that they don't lose their boarding. I
4 have other obligations that I do as well, but that in
5 a nutshell is what I do.
6 MS. WAGGONER: So can you describe in terms
7 of the -- for the Commission, just kind of a trucking
8 company operation on a daily basis.
9 MS. GRANTHAM: Sure. Since we're talking
10 about a truckload carrier, there are different types
11 of trucking operations and not all of them are the
12 same. People who we identify as carriers, the
13 Federal Motor Carrier Safety Administration, so there
14 are very different types of trucking companies.
15 There are locational trucking companies, there's
16 truck load, there's long haul. One of the gentleman
17 over there said they were a long-haul truck drivers,
18 and sometimes they're out for 30 days at a time, but
19 then also said were LT, which means less than
20 truckload. Generally, a less than truckload means
21 some sort of a cross-situation going in the facility.
22 A truck comes in, unloads, you break it all down, you
23 palletize, put it on another truck and send it back
24 out. That's not necessarily a truck-load operation.

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1 That's generally not a long-haul operation either.
2 Long-haul operation, they're gone 30 days. That is
3 usually a team environment. You have two drivers in
4 a truck, so the truck can go longer. Your hours of
5 services are different for a team operation than they
6 are for solo driver operation. That's why we run
7 sleeper tractors, which means these drivers do sleep
8 in their cabs. The chances of them sleeping in the
9 cabs at the truck at their facilities or other
10 facilities are exponentially greater than them going
11 to a hotel. Somebody has a \$250,000 hotel room
12 sitting right there. So they're not going to go to a
13 hotel. Some of the problems of having this type of
14 an operation is those drivers need facilities. So
15 they come in, we'll say they're coming in the
16 afternoon on Fridays. As was stated, if they come on
17 Friday, if they're not going to a hotel, they're
18 going to need showers. They're going to need
19 restroom facilities. They're going to need food.
20 They may need some repairs. They may need some
21 fueling. This is basically a truck stop then at that
22 point, it's a quasi truck stop. I'm not saying
23 that's what they are, but I'm explaining to you how
24 it works. So when have a you truckload company like

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1 that, you have to have these facilities. If it's
2 just a truck parking lot and they're not providing
3 facilities there, if you were to go to South
4 Barrington, you would see -- and the Dundee area, you
5 would see truck parking lots as far as the eye could
6 see because they are so close to the expressway,
7 close to the interstate, close to the toll roads.
8 And so it's, you know, conducive to parking trucks
9 there. Here if we have 300 trucks there, they have
10 to motor through residential areas onto Route 14 and
11 then make their way to the toll roads. So they're
12 not really contiguous with a toll road, like some of
13 other truck parking lots out there. If these were
14 all their own trucks hauling all their own products,
15 that might be a different story, but that's not what
16 they're proposing here. They're proposing that they
17 will have company drivers and those drivers will park
18 in the north end of the idle and they won't idle.
19 Well, they can't idle, because the laws in Illinois
20 are very specific. You are allowed to idle 10
21 minutes every 60 minutes, unless the weather is below
22 32 degrees or above 80 degrees, then you can idle for
23 heat and air conditioning. But these folks are
24 saying that they're people are local, so why do they

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1 need idle if you go home. So they shouldn't be
2 sleeping in their trucks, and they shouldn't be
3 idling if they live local. They did say that their
4 office personnel lives locally, but they do not
5 address whether the drivers live. Now, I can assure
6 you that if you have empty seats in a truck, we're at
7 70 percent empty seats in over-the-road trucks,
8 because people would rather have a job to come home
9 every night, not on the road. If you have 70 percent
10 empty seats, it's very difficult, unless you're in
11 the metropolitan area of Chicago, Detroit, New York,
12 to fill those seats. It's unreasonable to believe
13 that you're going to attract and keep 300 truck
14 drivers from this general area here. It's not going
15 to happen.

16 I own a trucking company. I'm
17 looking for two truck drivers, and they go home every
18 night. You can't get them. Can't find them. They
19 are not out there. People are not wanting to put
20 themselves in trucks anymore. They don't want to
21 drive locally; they don't want to drive on the road.
22 You see all of these Sprinter vans now. Everything
23 is going to smaller trucks, because it's hard to fill
24 seats on these trucks. You have to have a lot of

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1 incentives for it. So some of the drivers, in over-
2 the-road companies, they could live in Florida,
3 California, they can live in Utah. They can live
4 down the street. They can live anywhere. They live
5 in the truck. They're gone all week, all month.
6 They live in their truck, but they need facilities,
7 and they need a place to park the truck. So if we
8 don't have truck parking, that is when you see trucks
9 park on side of the road on onramps on off ramps in
10 Walmart parking lots. We see them everywhere because
11 there is nowhere for them to park. Brilliant idea,
12 buy a piece of property, park trucks there, charge
13 for parking, very lucrative, solves the problem.
14 Well, we don't have that problem around here. We
15 actually have a 200 truck parking lots in that area,
16 tons of them. I can give you a list of truck parking
17 lots in this area. They're more continuous to the
18 interstates than this particular one is.

19 I understand the need for them to
20 park their own trucks. Right now, they have 60, but
21 they want to increase it to 300. So they're probably
22 going to need more operators, which are not their
23 drivers. Those are people that own their own trucks
24 that will broker to them, possibly run under their

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1 authority, and then park the truck there so they can
2 have services that they need. It's very common in
3 the owner-operator world, but they don't have
4 contract drivers, which they stated. So contract
5 drivers somebody wants to be an owner operator cannot
6 afford their truck, so they can lease a truck from a
7 trucking company. When they lease a truck from the
8 trucking company, usually some things come with it,
9 vehicle maintenance plan, to make sure that truck is
10 taken care of and maintained, and they can pass
11 through a shop, make sure it's maintained. Then when
12 they're doing a pass through if that person lives in
13 say Utah, where are they going to sleep? Again,
14 we're back to sleeping in the truck. Now it's 14
15 degrees out, that truck is going to idle. That truck
16 is not going to idle for 10 minutes. That truck is
17 going to idle all night, all day, until there's no
18 chance of that truck freezing, with the brakes
19 freezing up and the fuel gelling. So that truck will
20 run. It's not an industry practice to shut trucks
21 off in super cold weather. Last week trucks ran and
22 ran and ran. Because once they shut them off,
23 they're very difficult to get started again. If you
24 plug them in, that helps somewhat, because it heats

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1 the oil. Even if you run synthetic oil. You are not
2 going to get that truck started. The fuel is going
3 to gel. There's a lot of problems with having
4 massive amounts of trucks in a certain area. It's a
5 big undertaking and it's a 24/7 operation. There
6 aren't set hours for trucking. There just are not.
7 Every 72 hours, grocery stores must be refilled with
8 food or we all starve. Fuel has to be delivered.
9 Everything moves by truck. These trucks are not
10 running 8:00 to 5:00. They are just not doing it.

11 MS. WAGGONER: You talked a little bit about
12 the need for the trucks to run. Could you give a
13 little bit more description of the pure refrigeration
14 as well as the regeneration that has to occur in a
15 truck tractor.

16 MS. GRANTHAM: Sure. So we call them reefer
17 trailers or temperature-controlled units, and
18 basically, they're food haulers, their pharmaceutical
19 haulers, chemical haulers. All of that stuff has to
20 be refrigerated, even when it's cold out or it will
21 freeze. So you can set a reefer unit on those
22 trailers to keep the temperature on the trailer to
23 preserve product or whatever it happens to be,
24 because we refer to those as perishables. Those have

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1 to run all the time if there's a load in that
2 trailer. The trailer is empty, maybe not, but if
3 they're going to pick up a load, they may pre-start
4 the reefer unit so that the temperature is correct in
5 the trailer. If they're picking up food, they have
6 to because there's a thing called Food Safety and
7 Modernization Act and all drivers have to go through
8 that haul reefer or temperature-controlled trailers
9 so that they won't spoil food. So those will have to
10 run and will have to be refilled with fuel. So if
11 those trailers are just sitting in the yard, they're
12 going to be running, and it's a diesel engine, just
13 like it is on the truck, and it has to be serviced
14 with fuel so it doesn't run out. So if one of those
15 drivers is sitting for 60 days, which I'm not sure
16 why they would, but they were, somebody would then
17 have with a wet hose that fuel tank on the truck or a
18 reefer trailer to make sure that that trailer doesn't
19 run out of fuel and become perishable.

20 What Lisa was asking about the
21 region is all late model trucks now have to comply
22 with the Greenhouse Gas Act. What that means you is
23 can't have emissions going up into the air. So
24 there's a regeneration on them. They have DPF, a

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1 diesel particulate filter. What that does is when
2 the exhaust passes and the soot coming out through
3 exhaust manifold on the truck, it doesn't come out
4 through the smokestack anymore. It goes down into a
5 filter. This filter captures the particulates. When
6 it captures those particulates, it starts to clog.
7 When it clogs, it signals a furnace to turn on, burn
8 off all that soot and then you will see just clear
9 air coming out of there. It gets to about 600
10 degrees when that happens. Most of the time, we have
11 a passive regeneration where you're driving up and
12 down the roads, and the truck will go into regen.
13 You're running down I-80, something goes into regen,
14 it burns it all off, no harm, no foul, you're good.
15 If your truck doesn't go into regen, it could derate.
16 We call it derating because you won't be able to go
17 as fast, you won't get better fuel mileage. You have
18 to do force regen. You have to park somewhere. You
19 force it into regen and sit there, in a parking lot,
20 and sit there for 40, 50 minutes so that it will
21 regen, burn off the soot and then you can go on your
22 way. A forced regen is not always recommended, but
23 if you don't pull the miles you need to do that,
24 you're going to have to force the regen. If you do a

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1 force regen, and you have a whole row of trucks, it's
2 not uncommon for a truck to burst into flames and
3 take out the other two trucks on either side. It's
4 very dangerous to do a forced regen. So a lot of
5 people do a force regen far away from the other
6 trucks. And they're loud, they're very loud. If you
7 go on YouTube, and watch a force regen, it's very,
8 very loud. So we have 300 trucks. I can guarantee
9 there's going to be some forced regens in that lot if
10 those trucks are coming in on regen, and they'll
11 finish the regen while they are sitting parked. So
12 this can be very loud. It's time consuming, and it's
13 very, very hot.

14 MS. WAGGONER: You had the opportunity to
15 review the information from the Petitioner, correct?
16 MS. GRANTHAM: Yes.
17 MS. WAGGONER: And one of the things that
18 maybe they applied for was a freight terminal as a
19 special use, but do you have an opinion as to whether
20 this is a freight terminal, based upon your testimony
21 and the information you were provided?
22 MS. GRANTHAM: I do. So originally, when I
23 reviewed this and I went through some of the stuff,
24 there was a video from July, and it was a -- the

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1 video was sent in. There were no freight would be in
2 the trailers when they came in and no freight would
3 be taking place -- you know, being loaded, being
4 unloaded, any of that. That was the original
5 petition.

6 Tonight we hear that they're going
7 to be taking freight off and running LTL, less than
8 truckload, and so they'll be taking freight off,
9 bringing it into the warehouse, which was stated it's
10 not a warehouse, but the term warehouse has been used
11 several times, and then they're going to break it
12 down into different pallets and reload it onto
13 another truck. That's called a cross-dock, that was
14 not a warehouse. Later they said the warehouse was
15 going to house their own tires and fluids and
16 everything that they need for their own trucks. So
17 I'm having a hard time figuring out what it is
18 they're actually going to be doing with this property
19 here. Because if it was a truck terminal, then those
20 trucks would either be parked there and the drivers
21 go home or the trucks are going to drop trailer, put
22 in another one or leave. If were truck parking lot,
23 then they're going to lease parking spaces. Very
24 lucrative to lease parking spaces. I'm not really

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1 sure what I would quantify this as other than a quasi
2 truck stop, because it has all the services of a
3 quasi truck stop. They want to sell truck parts out
4 of there. We have a truck parts distributor down the
5 street from here too, and I can tell you firsthand,
6 because I buy my parts from them, trucks come in and
7 out all day long. That is all you see is trucks
8 driving in and out off 176 to buy truck parts. It's
9 not like NAPA, it's not like Pep Boys. You can't
10 just go in there and get a part like you can for your
11 car. These are very specialized trucks. So each
12 truck has larger parts, larger freight, larger
13 everything. You don't have these in your little
14 stores. These are very specialized. So when drivers
15 find out about where they can get parts, they all go
16 to the same place. We have a good stop for brakes.
17 Everybody needs brakes. So you're going to see a lot
18 of truck traffic coming in and out of there which
19 when you go to a truck stop, you go to TA or Petro,
20 you could see the same exact facilities that are
21 being proposed here tonight.
22 MS. WAGGONER: In terms of the -- You said
23 there were other similar facilities, truck stops or
24 truck parking lots or freight terminals. I'm not

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1 sure what we're calling it at this point. But you
2 indicated that you have seen a number of those. Have
3 any of those been located next to a residential
4 subdivision?
5 MS. GRANTHAM: No, and I did bring a list
6 with me of the different truck parking lot in the
7 general area, and none of them are located near a
8 residential area. It's really not a good idea to
9 plan any kind of truck parking or you know, truck
10 services next to a residential area. I know on Sands
11 Road there is a weight limit where the township
12 starts, where the village or city ends. The township
13 starts at six tons. I don't know if six tons were
14 actual -- it might be either way, six times five is
15 30 times two is 60. So it's 60,000 pound road at
16 best, if you were going to go down the road with a
17 loaded semi. If it's six ton road, that's 12,000
18 pound road no matter what you take down that road.
19 But if a driver were to miss the entrance, which
20 happens all of the time, they're going to end up in
21 the residential neighborhood, in the residential
22 neighborhood with children. Children are fascinated
23 by trucks. This is a very scary thing for any truck
24 driver to have tractor trailers by pedestrian

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1 traffic, especially children.
2 When you have trucks delivering to
3 schools, those truck drivers are trained on where to
4 take that truck, how to back in and generally want
5 deliveries when children are in the building and
6 poses no threat whatsoever. Here we have it backing
7 right up to single-family homes, and those single-
8 family homes are large homes. So we have large homes
9 with families living in them. This isn't like your
10 city where it's a retirement community and there are
11 no children. This has always been an established
12 single-family home environment, and it needs to stay
13 that way. So you're going to have to think, you
14 know, do we need a buffer, I think we do, because we
15 don't want that many trucks that could get lost; or
16 if the GPS takes them down Route 176 and they turn
17 down Valley View -- Valley Road, and then they weave
18 their way through, because if they don't have a
19 proper GPS or truck because you have to have a
20 totally different GPS for trucks, because you could
21 hit a bridge. You could get a weight limit ticket,
22 you don't know weight limit, it could be a Class II
23 highway. There's a lot of variables here. So if
24 they accidentally come in off 176 and Valley View

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1 Road, there's no place to turn around. They're going
2 to weave their through the neighborhoods, and that is
3 not something that you would want, tractor trailers,
4 over 65 feet long, 80,000 pounds. I know that wasn't
5 flatbed division, so that opens up the door for
6 oversized permitted loads as well. I don't know that
7 they haul oversize or permitted, but you do see that
8 sometimes with the flatbed in your fleet.
9 MS. WAGGONER: On the topic of traffic,
10 there's a railroad crossing about 800 lineal feet
11 south of this Sands Road entrance. Would there be
12 any safety issue that occur with the heavy volume of
13 these semi tractor trailers?
14 MS. GRANTHAM: Yeah, that's a bad one. There
15 is not a lot of room, and if the numbers are right,
16 and Larry did a great presentation, and I agree with
17 all of his opinions, only because they -- I put
18 together something similar, not as comprehensive as
19 his, his was fabulous. He's right. There are going
20 to be 400 trucks in and out every day for that
21 particular site. When those trucks start backing up
22 and you're a truck driver and we have a lot of new
23 truck drivers now because of Baby Boomers, and I'm
24 one too, are getting out of the trucks and some of

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1 the younger folks are getting in the trucks now.
2 When you're younger, you are learning, and they may
3 not realize how long their truck is and they start
4 inching over those tracks and there is nowhere to go.
5 It's two lanes. It's not like they can go around it.
6 They are going into oncoming traffic. We don't have
7 adequate shoulders on Sands Road either. If they
8 were to go onto the shoulder, there's a chance they
9 could roll the truck. So I would be very concerned
10 about truck traffic backing up, especially in the
11 prime hours and somebody encroaching on those tracks
12 and they're sitting on those tracks and there's
13 nowhere to go. It can be very dangerous.

14 MS. WAGGONER: You touched on the idling laws
15 in Illinois in terms of them being -- having a number
16 of exceptions. So even though it would be a
17 condition that there would be no idling, even under
18 the statues, there would be idling that would be
19 allowed in cold weather or people that are actually
20 sleeping in the vehicles, correct?

21 MS. GRANTHAM: There are some exceptions for
22 that if it's below 32 degrees, they're allowed to
23 idle the truck. If that's how they're using the heat
24 or air conditioning at around 80. A lot of trucks

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1 have what we call EPUs, auxiliary power units that
2 hold on to the back of the truck, and that would
3 power then the heat, the air, TV, whatever is you
4 want, refrigerators. These trucks are fully
5 equipped, and they're very nice inside because people
6 live in these trucks. These are their homes away
7 from home. So if you have any EPU, I don't know that
8 they do or don't have EPUs. If they have EPU, that
9 will also be running at night. If they don't, then
10 the truck engines would have to run to allow the heat
11 and air conditioning, because you have to start that
12 to run the heat in the passenger portion and then in
13 the sleeper portion of it as well, the same with air
14 conditioning.

15 MS. WAGGONER: So essentially, if there was a
16 condition that they could idle during the day or in
17 other words, Illinois statues during the day,
18 someone's truck could idling all day if the
19 temperature were similar to or above 80.

20 MS. GRANTHAM: Yep.

21 MS. WAGGONER: I think we've pretty much
22 touched on most of Sandra's opinions. I guess I
23 would just ask you to summarize in your experience
24 and understanding of the industry and your

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1 understanding of this application, do you think that
2 this application is -- the proposed use is compatible
3 with the established residential neighborhood?

4 MS. GRANTHAM: In my opinion, no. I don't
5 feel that this would be a good fit. I don't think
6 it's going to bring any positive effects to the
7 community. It does not bring value. It will devalue
8 the neighborhood that's there.

9 These trucks -- I know trucking.
10 Don't get me wrong, I really am. I own trucks. I've
11 been running trucks forever. Trucks move everything
12 in this country, and they very essential. However,
13 there is a place for truck traffic and a place where
14 truck traffic should not be. So you have to control
15 the activity of these trucks. If we have 300 trucks,
16 and we'll just say 5 percent of them get lost in that
17 neighborhood, that's a lot of trucks. 5 percent of
18 300 is a lot of trucks.

19 Some of these truck drivers we have
20 a washout rate, 70 percent, which means the truck
21 driver leaves the industry or leaves that job and
22 goes to another trucking company. So we're
23 constantly having new truck drivers behind the wheel,
24 not necessarily brand new trained truck drivers but

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1 new to the company too. So you're going to have
2 people getting lost. I worry about a truck getting
3 lost in a neighborhood.

4 In my new truck yard, I have trucks
5 getting lost there all of the time. Trucks pull down
6 my driveway and they're always lost. Those roads,
7 there's a weight limit sign. Sometimes they see it;
8 sometimes they don't. We constantly have trucks lost
9 in our driveway. I help them out, tell them where to
10 go, but nobody in the neighborhood is going to be
11 able to help them out and tell them where to go.
12 They're going to be lost.

13 MS. WAGGONER: Thank you.

14 That's all I have, Chairman and
15 Members.

16 MR. DANIEL: Mr. Chairman, can I ask if there
17 was any paperwork circulated, a list of addresses or
18 report on any of this?

19 MS. WAGGONER: There is not.

20 MR. DANIEL: Nothing?

21 MS. WAGGONER: No.

22 CHAIRMAN GREENMAN: The objectors had an
23 opportunity to be able to give a significant amount
24 of testimony, and I say that because as I open this

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1 up for the rest of the public to make comments, I
2 just want to remind everyone that it is not necessary
3 to bring up or to identify an issue that has already
4 been surfaced. We have that information. So we
5 appreciate that.
6 That being said, we will go through
7 the list. And again, what I'm going to do, I'm going
8 to call three or four members of the -- in order the
9 order that signed up and just come up, the first
10 person. Again, introduce yourself, state your
11 name -- name and address for the record, so we can
12 capture that, and also, again, indicate to us that
13 you have been sworn in. And then once those people
14 are done, then we will bring up a couple more people.
15 And again, if I called your name and you're
16 comfortable because all of your issues have been
17 surfaced, it's okay to say thank you, I pass.
18 With that, Kevin McVeary, please
19 come. Jerome O'Keeffe, Sean Dodey.
20 MR. MCVEARRY: I've been sworn in. I have a
21 few slides.
22 MS. O'KEEFFE: Mine is very brief. My name
23 is Beth O'Keeffe. I live on Scott Lane. My husband
24 was going to speak for me, but I gained my

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1 confidence. I run -- For the last 15 years, I run
2 the childcare. I'm licensed --
3 CHAIRMAN GREENMAN: You have been sworn in?
4 MS. O'KEEFFE: Yes. I run a licensed
5 childcare in my home for the last 17 years. Per
6 licensing rules, I have to have my water tested every
7 year. I do. I need to have the safety of the
8 children upmost daily, and I want to tell you that
9 twice now since NVA has come in, they've accidentally
10 gone down my street, and they are not going the speed
11 limit. We do not have sidewalks in the neighborhood,
12 which means the children, with me and my assistant,
13 walk carefully along the edge of the road, but when a
14 truck is barreling by, that's a little scary. And
15 that's all. Thank you.
16 CHAIRMAN GREENMAN: Thank you, very much.
17 MR. MCVEARRY: I have been sworn in. My name
18 is Scott McVeary, and I live at 6401 Scott Lane in
19 Crystal Lake with my wife, Laura; our nine-year-old
20 son, Donald; seven-year-old daughter May,
21 five-year-old son, Johnny. Our children attend
22 Coventry Elementary, and I'm currently the Treasurer
23 of the PTA. I'm a business advisor of the SBDC for
24 the past 12 years, and I've worked with the SBA

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1 during that time to assist few hundred small
2 businesses and entrepreneurs. I also spent 30 years
3 in the restaurant industry and opened and operated 22
4 restaurants over that time. I understand the need of
5 business operators, the top of that list is the need
6 for customers to be able reach our businesses. The
7 traffic study completed by Civiltech uses traffic
8 counts on September 7th and September 9th, a holiday
9 week, Labor Day. They showed an even flow of truck
10 across the days of the week. The Petitioner, Ivan
11 Nartsev, told the community at the Holiday Inn
12 meeting, that it's not like these trucks are over the
13 road every day. They all go out Sunday evening,
14 Monday morning, and come back on Friday evening,
15 Saturday morning. So is he misleading the community
16 or the traffic engineers. If the base numbers of the
17 traffic study are flawed, then the traffic study is
18 worthless.
19 If 326 new tractor trailers, in
20 addition to the 55, 65 traffic trailers are leaving
21 on Sunday evening and returning on Friday evening,
22 say between 6:00 p.m. and 8:00 a.m., that is 27
23 trucks an hour, two every minute or one every two
24 minutes. Should we tell Portillos, Texas Roadhouse,

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1 Village Square, Outback and Chuck E. Cheese to close
2 early on Fridays and Sundays, two of the busiest days
3 for any restaurant because 14 and 31 will be a
4 parking lot of truck traffic.
5 Here is a video Sands Road, traffic
6 south from Scott Lane. As you can see, this is a
7 completely blind hill. NVA proposes to put their new
8 driveway with 326 trucks at the bottom of this hill.
9 Can you see where the driveway is going to be? Can
10 you see it? Can you see it? Oh, it's going to be
11 there.
12 The speed limit on this road is 30
13 miles per hour. According to the McHenry County
14 Sheriff Department, there were 75 traffic stops on
15 this road in the last four months. Here is the
16 current driveway and the second blind hill coming to
17 the train tracks. My children's school bus goes down
18 this road every day. Drivers are unable to see
19 traffic on the other side of the tracks heading up to
20 the light at 14. This is where Casey's customers
21 will be entering Sands Road to access the traffic
22 light.
23 This is heading north on Sands.
24 Again, a blind hill, not able to see traffic backed

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1 up waiting for a truck to turn to one of NVA's
2 proposed two separate driveways.
3 Here they're planning to add a turn
4 lane for trucks waiting to enter the new driveway and
5 then back up the blind hill. They plan to install
6 that left-turn lane by extending to the left where
7 the southbound lane is currently. Car drivers and
8 truck drivers are unable to see down these hills in
9 either direction. So how can you come out of that
10 driveway and now cars coming over that hill.
11 Here is the same video at 5:16 p.m.
12 on Thursday, December 14th. You can't see anything.
13 A passenger car traveling at 30 miles an hour takes
14 89 feet to stop. Traveling 40 miles per hour, it
15 takes 139 feet to stop. A fully-loaded tractor
16 trailer going from standstill to 30 miles per hour it
17 takes 685 feet to get up to speed. This road cannot
18 handle this proposed traffic.
19 If this rezoning and special use is
20 approved, cars traveling south on Sands Road will
21 quickly have to decide if they come upon a truck
22 entering their lane, if they should hit the back of
23 that truck, move to the left and hit a head-on truck
24 waiting to going into the driveway from the proposed

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1 turn lane or worse, crossover to the northbound lane
2 and possibly hit a family heading home. How many of
3 those 75 traffic stops in the past 12 months will be
4 accidents in the future?
5 In the past six months, under their
6 current operation, our neighbors have witnessed two
7 different times an NVA truck disconnected from a
8 trailer block on Sands Road. The most recent
9 occurrence was a week and a half ago. If this was a
10 single instance, you could call it an accident, but
11 two or more instances it starts to a pattern. If
12 allowed to be seven times their current size, we
13 would expect seven times the problem.
14 In closing, here is a video of the
15 proposed development laid out over the existing
16 vacant land. This is along 31 and a gateway toward
17 our community. If approved, it will soon look like
18 O'Hare. Please don't let one person's greed outweigh
19 the needs of countless businesses, residents and
20 children. Thank you for your time.
21 MS. JACKOWIAK: Hi, my name is Judy Jackowiak
22 I have been sworn --
23 CHAIRMAN GREENMAN: I'm sorry, Jerome is up.
24 MS. O'KEEFFE: I already spoke.

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1 CHAIRMAN GREENMAN: Okay. I'm sorry.
2 MS. JACKOWIAK: Judy Jackowiak. I have been
3 sworn. I live in Crystal Lake. I actually live on
4 the south end of Crystal Lake.
5 I would like to thank this Board for
6 your time and service. It's clear our community is
7 important to each and every one of you. And it's
8 because of your dedication that Crystal Lake remains
9 a good place to live. I live on the south end of
10 Crystal Lake, and I love being apart of this
11 community for over 10 years now. And I would like to
12 share a different perspective that I have on this
13 rezoning request. I'm happy to share with you that
14 my father was a truck driver. He dropped out of
15 school in sixth grade to help his family farm. Later
16 he moved to Chicago and started his career. He drove
17 semi tractor trailers and flatbeds. In 1979, when
18 American Airlines 191 crashed at O'Hare, he helped
19 with the recovery of bodies and clearing of the
20 debris. He was a good man. Over the years I heard
21 firsthand from him about how the companies he worked
22 for only cared about their bottom line, get the
23 trucks out there, keep them moving. One day he was
24 told to drive a semi with bad brakes. He walked out

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1 and never drove again. He would be the first one to
2 say this is the wrong place, the wrong place for this
3 truck terminal. Being raised on a farm independent
4 of safe wells and is now a trucking industry, he
5 would be the first one to be raising concerns for
6 Crystal Lake.
7 If approved, at some point there is
8 a possibility that fuel leaks could seep into the
9 soil and the horrible result should that happen is
10 one that could have been prevented simply by denying
11 this request.
12 I applaud this Board for protecting
13 the interest of every one in our city by enforcing
14 strict city codes, and I would like to reference this
15 Crystal Lake Code, Chapter 358-6 about noise.
16 Specifically, Section A, factors for determining
17 whether sound is unreasonably loud and ruckus include
18 but are not limited to the following: The proximity
19 of the sound to sleeping families, whether
20 residential or commercial. Section M, regarding
21 commercial establishments adjacent to residential
22 property, unreasonably loud ruckus noise from the
23 premises of any commercial establishment, including
24 any outdoor area which is part of or under the

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1 control of the establishment between the hours of
2 10:00 p.m. and 7:00 a.m. which is plainly audible at
3 a distance of five feet from any residential
4 property. We have been told trucks will be entering
5 the property 24/7. I, myself, have worked for a
6 worldwide logistics company for over 10 years and are
7 well-aware of the noise these tractor trailers make:
8 the startup revving, back up alarms, the accelerating
9 and braking noise. I'm also aware of how the noise
10 travels in the quiet of the night.
11 The noise readings that were
12 recorded were not taken from the neighbor's backyard
13 while semis idled 30 feet from their property. Why
14 are the trucks allowed to idle in the cold weather.
15 Diesel is made of hydrocarbons that could solidify
16 when the temperatures drop below 32 degrees. When
17 this happens, the fuel starts to gel and can cause
18 very costly engine repairs. Extreme weather that we
19 recently experienced give -- could cause the trucks
20 to idle for hours, if not days, such as on weekends.
21 It's also common practice to run electric block
22 heaters for one to two hours. It's ridiculous to
23 think that neighboring residents won't be impacted by
24 this noise. Our residents are expected to listen to

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1 never ending idling and breathe diesel fumes for
2 hours on end. This is the wrong place for this truck
3 terminal.
4 Another consideration that must be
5 factored into your decision is the railroad tracks.
6 Nowhere in the traffic study was this year's merger
7 of the Canadian Pacific and Kansas City Southern
8 Railways mentioned. The number of projected trains
9 through local communities will increase from three to
10 11 to 14 per day. Barrington has filed a lawsuit in
11 opposition to this merger. Why, because of the
12 traffic impact and safety concerns. This is the
13 wrong place for this terminal.
14 Lastly, NVA's owner and his attorney
15 want you to believe that the only ones against this
16 are the neighboring residents. A public hearing
17 notice sign which was posted on this 22 acres was no
18 larger than a garage sale sign, and it fell far short
19 of helping to make community businesses aware of this
20 rezoning request. When I saw that, I had to do
21 something. I personally have spoken to approximately
22 100 various businesses, and because of the lack of
23 the visible sign, I found only three business owners
24 that were aware of this rezoning request. Many

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1 owners and managers were quite upset when they
2 realized the economic effect this could have on their
3 businesses due to the increased truck traffic. They
4 believe this is the wrong place for this truck
5 terminal.
6 Over the years, Mayor Shepley and
7 city officials worked diligently to attract
8 businesses responsibly to Crystal Lake, and I firmly
9 believe this Board, Mayor Haleblan and current city
10 officials must be just as dedicated to keeping this
11 their mission, community focused, so Crystal Lake can
12 continue to be a good place to live.
13 Our community is trusting you to do
14 the right thing by denying this rezoning request.
15 And to the owner of NVA Transportation, Mr. Nartsev,
16 I understand your decision to grow your business, and
17 perhaps you took for granted that you would be able
18 to expand your business on this property when you
19 bought it. I wish you well, and I hope that you find
20 a location that is more conducive to your needs as
21 well as the surrounding communities. This is the
22 wrong place for this terminal. Thank you.
23 CHAIRMAN GREENMAN: Thank you. Tim Myjak,
24 April Salava and Kathleen Carr.

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1 MR. DOOLEY: Okay. I'm Sean Dooley, I'm a
2 civil and environmental engineer, and I've been
3 working with emissions for the last 14 years,
4 sampling them and designing control systems for --
5 CHAIRMAN GREENMAN: Have you been sworn?
6 MR. DOOLEY: Yes.
7 So I don't know the whole logistics
8 industry. I don't understand a lot of the load
9 splitting or any of that. I'm really just an
10 emissions nerd. So I focus on the NOx, the carbon
11 monoxide, the formaldehyde and the particulate
12 pattern, and their permissible exposure to people.
13 So I start with NOx, carbon monoxide
14 and formaldehyde, they all sound scary, they're
15 relatively the same side effects of people. They
16 cause asthma, they burn your skin, cancer, you know,
17 death. But really, you know, focusing in on what
18 those permissible exposure limits are and how that
19 concentration of trucks in that area running idle
20 will increase those limits. So specifically, if you
21 look at NOx right there, if we have a permissible
22 exposure limit of 150 DPM that's provided by OSHA, we
23 would -- you exceed that by 2,000 times the
24 substantial truck. If you look at carbon monoxide,

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1 we would exceed it by 750 times with the expansion.
2 And if you look at the formaldehyde, we would exceed
3 it by over 16,500 times.
4 Particulate matter, this one I broke
5 out separately, because it's become a really hot
6 topic, specifically in Illinois, specifically our
7 county, McHenry County. So I wanted to go a little
8 bit of time specifically to that and some of the
9 impacts that could be generated from this expansion.
10 So right now, if the expansion were to go through as
11 is, you could see an increase of over 140,000 times
12 the permissible exposure as provided by OSHA.
13 So you can't see it very well in
14 this picture, but there is a map of Illinois, and
15 there's a list of counties. Up top, in that green,
16 you have McHenry County listed. We are a
17 nonattainment county and that is for the national
18 ambient air quality standards. We exceed currently
19 right now, we are an unhealthy breathing environment.
20 Just walk outside and we have unhealthy air. We are
21 above the 12 micrograms per cubic meter of
22 recommendation by the United States. That's why the
23 US EPA, the federal EPA has imposed a nonattainment
24 zone in our county. We have to go through stricter

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1 regulation for permitting, for any manufacturing or
2 maker-source evaluations. When you look at the
3 exposure again, this year -- I'm sorry, last year,
4 almost a year to this day, they talked about
5 decreasing that limit from 12 micrograms to 8. So
6 we're already out of compliance in this county. We
7 are going to even further be out of compliance when
8 they decrease that standard.
9 So the Illinois EPA has had start
10 enforcement. These are fenceline monitors and
11 modeling on the bottom of emissions coming into
12 residential areas. There are several of these in the
13 Chicagoland area. They are around manufacturing
14 sites. They are around quarries. They are designed
15 to measure any emissions heading into a residential
16 area. The reason the State is stepping in and
17 enforcing the industry to put these in because they
18 want industry to take liability if there is increased
19 emissions on a residential community. This is part
20 of Environmental Justice initiative of the State of
21 Illinois. California has recently set a precedent in
22 enforcing municipalities to support some of these
23 monitoring systems. These fenceline monitoring
24 systems on the very cheap end are half a million

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1 dollars a year to operate. On the high end, which
2 looking at all of those blues, this would be a
3 high-end case, are a million dollars a year, probably
4 more now, to operate those systems. And they are --
5 The State of California is enforcing some
6 municipalities to pay from their tax money to run
7 those fenceline monitoring systems.
8 So my concern, I live in Crystal
9 Lake. I live on the south side of Crystal Lake. I
10 just don't want my money going towards fenceline
11 monitoring. That's it.
12 CHAIRMAN GREENMAN: Thank you.
13 MR. MYJAK: Good evening. Tim Myjak. I live
14 at 4421 -- I've been sworn in. I live at 4421 Nancy
15 Drive. I've been a resident for 25 years. My
16 daughter has extreme asthma, so I'm very concerned
17 with the truck terminal being there and emitting all
18 of the pollution.
19 And then you know, just -- I know
20 doing some research that the federal government
21 really doesn't want a truck terminal near a residence
22 area, Illinois state doesn't, and so I'm no really
23 sure why Crystal Lake -- the City of Crystal Lake
24 would want to do this. That's all I have to say.

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1 CHAIRMAN GREENMAN: Thank you. As April is
2 coming up, Kathleen Carr is on deck and then we've
3 got Brian Anders, Lowell Todd and Nicole Perrine.
4 MS. CARR: I'm Kathleen. We're just waiting
5 for April.
6 CHAIRMAN GREENMAN: Is April here?
7 Why don't you go ahead, Kathleen,
8 and we'll come back.
9 MS. CARR: Good evening, Kathleen Carr, and
10 yes, I have been sworn in. Chairman Greenman, Vice
11 Chair Gronow, Ms. Mason, Ms. Repholz, Mr. Skluzacek,
12 Mr. Smith and Ms. Teetsov, thank you for choosing to
13 serve our community this evening in your role as
14 Members of the Planning and Zoning Commission for the
15 City of Crystal Lake.
16 Air quality is important and was
17 within the news quite a bit this summer. Smoke from
18 Canadian wildfires traveled over 1,000 miles to reach
19 our area. This lead Air Now in partnership with US
20 EPA to issue alerts such as this, poor air quality is
21 expected today, primarily due to lingering wildfire
22 smoke in the area. Those with chronic respiratory
23 illnesses should limit their time outdoors.
24 Imagine now if the of source air

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1 pollutants didn't have to travel 1,000 miles to pose
2 a health risk. Imagine if the risk was only a few
3 hundred yards away.
4 The zoning application you will be
5 voting on tonight make that a very real possibility
6 for hundreds of children, women, seniors and families
7 in our community.
8 Air pollution is one of the leading
9 causes of death. It is linked to 7 million deaths
10 per year. Diesel engines emit a max of air
11 pollutants contain both solid and gaseous particles.
12 Diesel particulate matter, DPM, is composed of carbon
13 particulates that include over 40 known cancer-
14 causing substances. The majority of the particulates
15 in DPM are small enough to be inhaled and often
16 deposit into the deepest regions of the lungs. In
17 these regions -- It's in these regions that the lungs
18 are the most susceptible to damage. The World Health
19 Organization has labeled diesel emissions as
20 carcinogens to humans. Study after study has shown a
21 direct correlation from exposure to DPM and lung
22 cancer. Not only has exhaust from diesel engines
23 been linked to lung cancer, it has also been linked
24 to not only effecting brainwave activity, increased

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1 likelihood of blood clots, worsening of heart and
2 lung diseases, and premature death. Children, whose
3 lungs are not yet fully developed, and the elderly
4 are most effected by exposure to DPM matter.
5 On page 1 of tonight's agenda packet
6 labeled NVA Trucking and parking packet one, it
7 states that the principal use is classified as a
8 freight terminal. The State of Washington in its
9 publication entitled Health Effects From Diesel
10 Pollution, specifically recommends that its residents
11 avoid living near warehouse districts. Thankfully,
12 my interpretation is that the City of Crystal Lake
13 own code also seems to address the issue. The City
14 of Crystal Lake's code Section 2-400, regarding
15 limited and special uses emphatically states in
16 Section 6, that the proposed use will not impact
17 negatively on the environment by creating air, noise
18 or water pollution, groundwater contamination or
19 unsightly views.
20 In my opinion, a vote for the
21 rezoning of this parcel to manufacturing district
22 with a PUD zoning would be in direct violation of our
23 own city's code, as the construction of a freight
24 terminal would inevitably increase vehicle emissions

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1 in the area.
2 The Respiratory Health Association
3 recently produced a report entitled The Dirty Dozen,
4 The Impacts of Diesel Pollution in Illinois.
5 Horrifically, this report highlights the societal and
6 economic impact that exposure to diesel engine
7 pollution. It's estimated that in 2023, McHenry
8 County residents experienced over 92 million dollars
9 in health damages due to diesel engine pollution. I
10 firmly believe that a health impact assessment should
11 be completed prior to any development occurring in
12 this area. A health impact assessment would evaluate
13 potential health risks prior to the rezoning
14 occurring. This is a crucial tool for those
15 commission members, such as yourself, to have prior
16 to making your decision and potentially putting the
17 lives of members of our community at risk.
18 In preparation for tonight's
19 meeting, myself and hundreds of members of the public
20 tried to the best of our abilities to educate
21 ourselves as to the Petitioner's request, the City of
22 Crystal Lake's zoning process and the needs of the
23 community. The process included reviewing
24 information that is contained on the city's web page

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1 for tonight's meeting. Thousands of words, pictures
2 diagrams, graphs and maps are contained in over 1,400
3 pages.
4 Although I have never quoted
5 Shakespeare, the phrase that kept coming to my mind
6 as I reviewed these documents was, "Thou dost protest
7 too much." When you need 1,401 pages to justify a
8 zoning change, in my opinion, that change is not for
9 the greater good.
10 In addition to reviewing the
11 information on the aforementioned web page, I also
12 reviewed the recently produced appraisal labeled
13 simply, impact study. It states on page 34, as a
14 result of the market impact analysis, it is our
15 opinion that the approval of the planned unit
16 development does not have a negative impact on the
17 character, use, development, marketing or property
18 values of the uses within the area. The use of the
19 word does in this sentence indicates present tense.
20 It is important to note that the report is written in
21 present tense, which leads me to conclude this report
22 does not attempt to address what will happen to the
23 property values in the future. The future is what is
24 at stake tonight. In my opinion, and it is simply

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1 common sense -- it is simply common sense that
2 property values would be negatively impacted if it is
3 your decision to grant the Petitioner's request. I
4 ask you in your criteria for rezoning in Section B to
5 include does not meet.

6 Setting aside the abundance of
7 reasons that the Petitioner has made for the
8 rezoning, I would give you one reason for you to vote
9 against it, act in the city's and your own best
10 interest and protect the area residents from
11 increased diesel air pollution.

12 As someone that has an incurable
13 degenerative pulmonary disease, I experience
14 difficulty with the simple act of breathing. I have
15 had the tough conversations with my children
16 regarding the results of CT scans. I implore you to
17 protect the lives of the community residents and vote
18 according to the village's own code. Please do not
19 increase their risk for pulmonary diseases by voting
20 in favor for allowing manufacturing with a PUD zoning
21 near their homes. Don't make my future theirs.

22 I would like to present you with a
23 copy of what I just stated.

24 MR. ANDERS: Brian Anders, I live at 4413

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1 South Nancy Drive, and I have been sworn in, with my
2 wife and two daughters. We oppose the rezoning and
3 the expansion of NVA for a multitude of reasons
4 including diesel fumes, traffic congestion, light
5 pollution, noise, potential criminal elements and
6 fire hazards, all of the things detrimental to a
7 child's healthy development.

8 Our backyard directly borders the
9 parcel that NVA wants to rezone to a truck terminal.
10 Our children's playset and playhouse are within
11 several feet of the property line. There's eight
12 children in total that have backyards on this
13 property line, and they play back and forth between
14 each house.

15 I have a petition here, with now
16 1,747 signatures and is still growing. With all due
17 respect, we request the Commission to deny the NVA
18 rezoning, because it will be a detriment to all of
19 Crystal Lake. Thank you.

20 CHAIRMAN GREENMAN: I'm just going to remind
21 everyone it's not helpful to do that. We're trying
22 to keep the process going here, and when I'm calling
23 out names and people clapping, they can't hear that
24 I'm calling out names. So if we could keep this

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1 process going.

2 I've Lowell and Nicole. So Lowell
3 first, and then Nicole after that, I've got Mike
4 Walker and Ron Sherman.

5 MR. TODD: Hello. Thank you for the
6 opportunity. My name is Lowell Todd, I am sworn in.
7 I live at 6501 Scott Lane in Lorel Estates. I want
8 to make a couple of comments. First of all, on
9 the -- We touched on it earlier about the pump
10 situation. There's a water pump that is on a --
11 potential pond within our subdivision, and that was
12 put in by Algonquin Township. And that was put in in
13 the early 2000s, because what happened was the storm
14 drains from Route 31, when they raised Route 31, they
15 terminate into this retention pond. I don't know how
16 that happened, but they do. So every time it would
17 rain, our yards would flood. And when they flood, my
18 neighbor had a four foot pool that was submerged, and
19 we have electric boxes and things back there that
20 were submerged. The township came in and put in this
21 pumping system. That acquired the pond and they put
22 in a pumping system which then is 1,500 foot hose
23 that terminates out into the area just above where
24 NVA is proposing to move. I can't -- I'm very scared

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1 about what happens in the future.

2 First of all, I didn't see any
3 contemplation of a -- of that water in the water plan
4 that was submitted by -- stormwater plan submitted by
5 NVA. I'm not even -- I don't even know if they're
6 aware it's there. But that pump has the potential if
7 it runs 24 hours pumping 100,000 gallons of water.
8 And so basically, what happens is before they put the
9 pumps in, every time it rains a couple of inches, our
10 yards would flood, and we're sandbagging. So it
11 worked. And I can tell you every time -- There's
12 been a few times the pumps failed, our yards flooded.
13 What scars me what is going to happen in the future
14 with this pumping system, and this water going out to
15 NVA. First of all, it wasn't contemplated in the
16 plan. I don't know 100,000 gallons a day for few
17 days in a row if we have a big storm is going to do
18 to your plan and overflow. I'm concerned about what
19 would happen to our subdivision down the road if it's
20 done improperly. That's my first thought on the
21 water situation.

22 My second comment is concerning
23 Kevin's presentation today on Sands Road. Sands Road
24 with those hills, especially coming southbound, is a

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1 scary road. I mean, he mentioned getting 70 tickets
2 this year. In the late nineties, I came upon a car
3 accident just over the hill between Scott Road --
4 Scott Lane, heading just north, turned off Scott Lane
5 on Sands just before the entrance of the hill, I
6 came -- I was the first one on an accident where two
7 kids were going too fast. They hit that hill and
8 went airborne and came down and a teenage girl was
9 killed and her partner was severely injured. I was
10 the first one there. I had to tell the mother what I
11 saw. And I'm here to say also I got two speeding
12 tickets on Sands Road two days in a row. So I know
13 how that road is. It's very dangerous and adding
14 those -- I'm concerned for the future in adding not
15 only truck traffic, but the -- if it is 400 trucks a
16 day, but the lane change. I'm very concerned about
17 what is going to happen to Sands Road with the
18 addition of those two things. Thank you very much.
19 CHAIRMAN GREENMAN: Thank you. Nicole?
20 MS. PERRINE: Yes, I have been sworn in. I'm
21 Nicole. I live at 3903 Wynwood.
22 CHAIRMAN GREENMAN: Nicole, your last name?
23 MS. PERRINE: Perrine.
24 Sandra, the transportation expert,

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1 did cover most of my issues.
2 CHAIRMAN GREENMAN: Nicole, you have been
3 sworn in?
4 MS. PERRINE: Yes, I have. I come to you
5 from a unique position of being a resident of Crystal
6 Lake for 56 years and also being in the
7 transportation industry for over 20 years. I worked
8 out of Elk Grove Village, which is still, to this
9 day, the largest industrial park in the United
10 States. As I said, Sandra covered most of the
11 issues. I do have a few things I would like to
12 mention about some of the hazards of owner operators
13 as far as the control issue. It's like when you hire
14 any contractor to come in to your home, it's not an
15 employee, so you have a loss of control there.
16 They're not vetted and they often please themselves.
17 When it gets to heavy trucks, you
18 have to look at the CDL licensing, the placarding,
19 making sure they're policing themselves to make sure
20 that they're placarding the trucks to see who is in
21 hauling anything hazardous. They are policing
22 themselves as to sleeping, hours driven and with
23 weight is a big concern as well. We had a shifting
24 of a load, that is a huge concern as far as the load

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1 shifts and the danger associated there. I don't know
2 of any public mandatory scale near Crystal Lake like
3 you have on Route 12, when you come in to Richmond,
4 and that is a concern also.
5 With that transportation liability
6 problems of power, meaning the cab is a thing that
7 has to have insurance with it. So if you have an
8 owner operator, they might not have the required
9 insurance also with their trucks.
10 A couple of other things, if we just
11 break it down to the basics, especially in this
12 weather, just be behind a tractor trailer at a stop
13 sign. Is your instinct to roll the window up or roll
14 it down, now multiply that by 300. No one here, none
15 of us, would want this in our backyard, not even the
16 Petitioner would want this in his own backyard. This
17 is where we lay our heads. We live here. This is a
18 issue. It's been mentioned several times tonight,
19 Crystal Lake is a great place to live. It's not the
20 place to come, pollute and leave.
21 And in closing, coming out of the
22 pandemic with no pathogens, let's -- I'm sorry, with
23 unknown pathogen, let's stay away from a known
24 pathogen. Everything is going greener and cleaner.

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1 This is going backwards. Trucks in and of themselves
2 are pollutants. And just a quick two things, that
3 when you know more you do better. Fox River Grove,
4 the incident that happened, there is something that
5 was too close to the railroad tracks it happened
6 there; and Hinkley, California. In Hinkley,
7 California with the wells too close to industry, the
8 pollutants that spread are still not cleaned up.
9 That second plume of contaminated water spread 54
10 acres in 15 years. City leaders we need your help
11 and protection. What's more precious than our health
12 and other lives. Thank you.
13 CHAIRMAN GREENMAN: Thank you. Next we've
14 got Mike Walker, Ron Sherman, Susan Zaleski and then
15 Tim Jackowiac.
16 MR. WALKER: I'm Mike Walker, 4409 South
17 Nancy Drive. I am sworn in. Everything that I was
18 going to say has already been said already. I want
19 to go on record to say I agree with everybody with
20 what they said, and I do oppose the rezoning. Thank
21 you.
22 CHAIRMAN GREENMAN: Thank you. Ron Sherman?
23 Susan and then Jane Jorgensen.
24 MS. ZALESKI: I'm Susan Zaleski, I've been

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1 sworn in. I live at 4001 Meandering Way. I have
2 lived -- So a lot of the stuff I was going to go
3 over, has been covered. But I just want to hit a
4 couple of points. I've lived in Crystal Lake 30
5 years. I have been a taxpayer for 17. I bought a
6 house very young. And I'm here to hold you guys
7 accountable for the rules and regulations, as
8 everybody is.
9 So one thing -- This is not a not-
10 in-my-backyard issue. This is a not in my town and
11 on my roads, in my lungs, in my water and on my
12 property value issue. I was very not happy to hear
13 it's not in my backyard. It's not in this city
14 issue. In an e-mail obtained from a FOIA request,
15 the Petitioner -- somebody representing the
16 Petitioner, said to the City of Crystal Lake --
17 described Ivan, the Petitioner, as a Russian bulldog
18 with a Cook County build mentality. Build now as
19 forgiveness later. This has been very apparent in
20 many of the verbal and correspondence to the city and
21 the people of Crystal Lake.
22 In a Northwest Herald article,
23 Mr. Daniel stated, this is a recent one, as far as we
24 are concerned, this -- I quote, as far as we are

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1 concerned, that project fits with or without a
2 rezoning. Quoting, we are going this route so the
3 city has more ability to regulate the specific use.
4 So I guess he's just doing you a favor by being here.
5 He doesn't need your special use permit. He's going
6 to go this route anyway, quoted in the Northwest
7 Herald. As you and I both know, that's not true. He
8 can't run a trucking terminal without a special use
9 permit, but this is just indicative of how this whole
10 process has gone. I feel very strongly about that.
11 I really wanted to come up here and
12 talk about the special use, but we have a ton of
13 smart residents here that went through the air and
14 the water, so I'm not going to go through that. But
15 one thing I found very interesting, I'll have to --
16 was everything that we asked them to test came up as
17 zero, zero, zero. Nothing, nothing, nothing is
18 effected, no water, no air. I mean, if everybody is
19 not saying it out loud, it's ridiculous. At least
20 they could come up here and said something was
21 effected, something. I mean, that's ridiculous. No
22 lights -- They've added lights. Since July, they've
23 added lights, and they are very bright. And I live
24 on -- across Sands on the east side, and I could see

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1 them from there. I thought it was a snowy night,
2 nope, it's every night. I could see them from there.
3 They've added lights and brightened them. Either
4 added them or brightened them because I didn't count
5 them when they first started out.
6 So I'm not going to go into the
7 special use permit, but one thing I really wanted to
8 point out was the runoff of water. I found this very
9 interesting. So we know about PFAs in water, very
10 important. I'm concerned about my well, and I live
11 to the east. We keep saying oh, the west and the
12 east. My property is on the east, and I drink off
13 the well that I have tested. The Village of Lake in
14 the Hills published a story on their city website,
15 post date 2/24/21 at 1:30 p.m. The story was about
16 taking city well number 6 offline due to detection of
17 PFAs. They have several wells, they could take one
18 offline. This well is located near the intersection
19 of Council Trail and Jessie Road. It's by the
20 Randall Road Industrial Park. You kind of know where
21 I'm talking about over there. Well, this location is
22 near the industrial heavy manufacturing area of Lake
23 in the Hills and happens to be near truck repair
24 shops and subsequently where the Northwest Truck

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1 Repair used to be located, which is the Petitioner's
2 other business, that is now running out of the Smith
3 Cartage property. So that Northwest Trucking used to
4 be operating out there right in Lake in the Hills.
5 This is not the only trucking company located over
6 there. The city has not determined the source of the
7 PFAs, and I do not pretend to know the source. I'm
8 simply pointing out the coincidence of heavy
9 manufacturing with a trucking repair in a trucking
10 parking area also with PFAs in the water leaking off.
11 Where is the drainage for all of the chemicals?
12 I don't think it's a coincidence
13 that the trucking area over in Lake in the Hills has
14 resulted in PFAs in the water. They have the ability
15 to take well number 6 offline. I can't take my well
16 offline. I drink from that well. I wash my clothes.
17 I can't take it offline. You guys going to take the
18 water from his and go under Sands Road and give us
19 all city water because of this, because if you want
20 to do that, that's fine, I'll take city water, but I
21 don't think you're going to do that. And you're not
22 going to pay to test my water, and you're not going
23 to care what I'm drinking.
24 So I think you should really take in

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1 to consideration on January 19, 2022 the Northwest
2 Herald ran a story, the title, Lake in the Hills and
3 Cary Considers Class Action Lawsuit Over Water
4 Contamination. The story summarized that Lake in the
5 Hills found PFAs in their water city wells, and
6 possibly suing for the cause. They are still looking
7 into it.

8 So on my last and final point would
9 be on June 18, 1985 your predecessors sat here. They
10 protected the homes. Since that point, hundreds of
11 additional homes have gone in. And my average home
12 value, I know that my house is not \$209,000, like the
13 report said. If I could pay that I would have loved
14 to pay 209,000, but that's not the average home value
15 in that area. The neighborhood, hundreds of homes
16 have gone in since the -- your predecessors decided
17 we're going to protect this land, and we're going to
18 protect this neighborhood. Now we even have a park
19 there. So is that what you guys want your legacy to
20 be remembered as, the ones that put the trucking
21 terminal in, when the predecessors in 1985 knew it
22 was obviously this area needed to be protected.

23 I hope that is not what you guys
24 decide, and I object to this special use trucking

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1 terminal. Thank you.

2 CHAIRMAN GREENMAN: Tim, you are up next.
3 And then Jane and Russ Jorgensen, Laurie Vieth and
4 Dan Annen.

5 MR. JACKOWIAC: Hello, Tim Jackowiac, 4419
6 South Nancy Drive, and yes, I have sworn in.

7 First, I would like to thank you all
8 for your attention, Mr. Chairman, I'm probably going
9 to be referring to you a few times, but I definitely
10 appreciate all of your attention right now.

11 But with that said, the last time I
12 was here, I spoke a lot about some personal contrast
13 that I observed as a former team member for safe
14 products in Centegra Health System. In particular,
15 their approach toward community outreach partnership.
16 I share a very night-and-day comparison to what I
17 considered the dismissive, neglectful, frankly
18 dangerous actions of NVA, leading up to our last
19 meeting. However, Mr. Chairman, one of your closing
20 comments to attendees was a general ask, and I quote,
21 you have an open mind when you come back in terms of
22 information and further gathering, because
23 information is available to all of us. Over the past
24 six months I think it's pretty evident that's exactly

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1 what I and other community members have done.
2 I attempted to gather some
3 information from NVA's website, But rather than
4 learning about who operates this family-owned
5 business, I found only stock photography of
6 fictitious personas and various other website
7 remanent.

8 So the next step was reaching out to
9 the city. In reviewing poignant e-mails and what I
10 and the community have been told at the last July
11 meeting, I learned quite a bit and if given the time,
12 am happy to expand on any of the following. This
13 includes information about Mr. Nartsev being --
14 provided with upfront clarity about current zoning
15 restrictions. Several questionable NVA requests for
16 in-person meetings and adequate justification for
17 deforestation, attempts to entirely negate and bypass
18 rezoning, contrarian statements regarding sleeping
19 accommodations, fairy tale fabrications about
20 building and water choices that were supposedly led
21 by public interest in mind, flipping from not doing
22 onsite loading to now we're dividing shipments and
23 that's a primary function of the warehouse. Many of
24 the points I outlined just now run completely counter

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1 to statements that were provided under oath. It also
2 seems some earlier ethical concerns were not founded
3 at least shared. For example, a local paving
4 contractor that voluntarily reached out to the city
5 cautioning that NVA's owner has quote a Cook County
6 mentality. I wonder what he meant by that. He
7 followed by saying, I'm pulling back on his reigns a
8 little. I said, let's start with permission rather
9 than ask for forgiveness, as permission will be
10 cheaper in the long run. That's some pretty sage
11 advice, and I'm going to get back to that. Given the
12 facts of what's transpired versus what has been
13 presented to the community, forgive me, but why on
14 earth should we expected to believe NVA's present
15 statements for future commitments?

16 Mr. Chairman, back in July you
17 expressed that you'd possibly like to see some
18 additional dialogue with the Petitioner and some
19 information of value might be gained. In fairness,
20 there was some outreach from NVA's behalf. This
21 consisted of a supposedly planned but to my knowledge
22 unfulfilled Zoom invitation to quote certain property
23 owners closer to the development and one community
24 meeting at the Holiday Inn advertised not by a venue

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1 marquee, public notice or even a roadside sign
2 outside of their office, but rather a short notice
3 letter to a select group of nearby residents. To me,
4 this sounds more like a checkbox than a potential
5 talking point than a genuine approach to community
6 outreach.
7 Crystal Lake is a city of around
8 40,000 people, most of whom are completely unaware of
9 the proposed scope and potential impact to this
10 project.
11 I did attend the Holiday Inn
12 meeting. Unfortunately, the sound and light studies
13 that were showcased by Mr. Rao here, simply confirmed
14 my novice observation, which is that NVA's 2022
15 disregard for the city development and tree
16 preservation did, in fact, make my yard incredibly
17 loud and bright.
18 Speaking of yard, I heard some
19 opposing voices characterize this as a
20 not-in-my-backyard scenario; however, with the
21 petition other 1,700 individuals vehemently opposed
22 to rezoning, let alone standing room only at 11:00
23 o'clock nearly on a Wednesday night, I think this is
24 a far cry from the eight or so homes that share a

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1 backyard.
2 Another phrase I came across is
3 buyer beware. I believe Mr. Polach stated this
4 earlier. You knew you were moving next to a field
5 that could be developed some day. That's true, but
6 at the time of purchase, I had taken solace in the
7 knowledge that the property behind me was not zoned
8 for heavy industrial use and an assurance that my
9 property value, as well as the hundred foot thick
10 natural sound and light barrier would be protected by
11 the city's stated quote high tree preservation
12 standards. To that end, I asked this Committee back
13 in July, any information available regarding the
14 grounds on which current zoning was established, and
15 if the proximity to residents played a primary
16 consideration. And in researching, I came to find
17 out that is precisely what occurred. Back then,
18 planning and zoning was met with a petition of around
19 100 individuals stating some of the following
20 concerns. Jim Okenthal (ph) of 4419 South Nancy
21 Drive, coincidentally the very address where my
22 family and I live today, stated that he didn't feel
23 heavy industrial zoning would be compatible with the
24 area, I agree. Residents would like to see buildings

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1 restricted to one story and low lighting, I agree.
2 There were concerns that cars leaving work would want
3 to take the shortest route and would cut through the
4 subdivision, similarly as expressed by Mr. McVearry
5 back in July. There were concerns about the severe
6 grade change, concerns about the noise from the
7 industrial park. Mr. Settles opposed because of the
8 danger of having semi trucks entering and exiting his
9 property.
10 There was a request to see 75 feet
11 as a dedicated green space with 10 foot berms and an
12 easement between manufacturing and residential lots.
13 Quote, residents feared that parking lots would be
14 built up to the residential lots and semi trailers
15 would be parked there for storage. Just for
16 reference, the distance from your name placard there,
17 Mr. Chairman, to the chamber doors is 55 feet. I
18 came in here yesterday afternoon and measured it. 55
19 feet isn't even as long as one of NVA's semi parking
20 spaces, but 55 feet is a greater distance than my
21 fence would be to a 30 foot high LED light pole. 55
22 feet is a greater distance than a semi truck would be
23 to my two young boys and nearly half our -- and
24 nearly a dozen other neighborhood kids playing in

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1 their yards.
2 Whether today or 40 years ago, we're
3 still here. You're hearing the exact same concerns
4 and what's evident to me is that a quiet residential
5 suburb is not compatible for development that's more
6 suited for an interstate arterial. We're discussing
7 a permanent change with a potential for even heavier
8 industrial use in the future.
9 I've heard a lot of positive spin
10 from NVA regarding the willingness to make slight
11 adjustments, concessions and accommodations, if only
12 went pressed by the city; but I've not heard them
13 make a compelling case for why rezoning is beneficial
14 to anyone outside of their organization. And to me,
15 it seems like that's where this conversation should
16 have started.
17 As for today, I sat largely on my
18 hands to let the process play out, but some day
19 lawyers aren't going to be here. Some day the
20 oversight committees aren't going to be going on, and
21 I certainly don't want to see myself and my neighbors
22 having to spend the following years as the vigilant
23 watchdogs making daily calls to non-emergency lines
24 for ongoing infractions and request for enforcement.

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1 However, we have been informed that if this project
2 and rezoning is advanced, that's the only action that
3 we can take, and that we'll have to take.
4 If you care enough to do so, do you
5 think it makes sense to walk on eggshells as a
6 business knowing that you're going to have to deal
7 with these kinds of calls or make more sense to be
8 setting up your business in a place that's
9 appropriate for it.
10 And finally, Mr. Chairman, I'd like
11 to close with a point you had directed NVA's counsel
12 at the July meeting. And that was quote, it is clear
13 that there's lot at stake in terms of your client, as
14 well as the residents. In this decision-making
15 process, I truly do hope there is zero consideration
16 for what NVA has at stake. This could have been a
17 contingency sale. Their presumptions are the only
18 reason they have something at risk, and that is not
19 something that I believe should be rewarded by
20 placing best interest of the residents of Crystal
21 Lake in jeopardy. As cautioned earlier, permission
22 will be cheaper in the long run. Thank you.
23 CHAIRMAN GREENMAN: We've got Jane and Russ.
24 MR. JORGENSEN: My points were already

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1 brought up.
2 MS. JORGENSEN: Thank you for hearing me at
3 this late hour. My name is Jane Jorgensen, and I
4 have been sworn in.
5 I'm concerned about traffic and
6 congestion -- traffic congestion and safety in and
7 around the City of Crystal Lake. Already approved
8 but not yet all occupied are 304 housing units at the
9 Redwood complex between Three Oaks Road and Walmart.
10 The Watersedge development in the old shopping area
11 on Route 14 is slated for 280 housing units,
12 potentially 60 to 100 hotel rooms and businesses with
13 808 parking spaces. The complex at Main and Crystal
14 Lake Avenue has 99 units. This is a total of 683
15 housing units, not included are those completed in
16 the Woodlore Estates on 31. All of those have
17 already been approved and are in the process of being
18 built.
19 It is presented before you to add an
20 area for about 325 semis coming and going. Area
21 roads are already congested. Crystal Lake is a great
22 place to live, as stated on Wikipedia, but it also
23 states previously area roads are congested. Then
24 there is our experience of the NVA incident on

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1 December 8th at 5:12, and this involves the railroad
2 tracks that have been mentioned earlier.
3 We were headed southbound on Sands
4 Road. An NVA truck is waiting to turn left into the
5 facility while waiting for a car to exit the camper
6 storage place and for us to pass their driveway.
7 There are four cars now backed up behind the NVA
8 semi. The next car, number five, did not block the
9 intersection at Smitana because we were turning left
10 onto Smitana. There was another car behind number
11 five. Car number six starts to come over the blind
12 railroad crossing, as is evidenced in the videos that
13 have already been shown, it's a blind railroad
14 crossing. Car number six comes up, can't see that
15 there's a line and the railroad crossing gates start
16 to come down as car number six comes over the tracks.
17 Car number six, with no place to go, because Sands
18 Road has no shoulders, had to squeeze up behind car
19 number five to get out of the way of the gates, while
20 all of the cars in line waited for the NVA semi to be
21 able to turn on the property. It all happened so
22 fast. We very scared for car number six that it was
23 not going to be able to get squeezed up enough to
24 clear the tracks and the gate, and it had nowhere

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1 else to go. We feared it being stuck on the tracks
2 and being hit by the oncoming train.
3 The location of NVA to these tracks
4 is a great concern for all Crystal Lake community.
5 This is especially a fact since there is no way to
6 know what is happening, as again seen in Kevin's
7 video, until the vehicle or God forbid a school bus
8 is on the top of the rise of the tracks. And now we
9 also add in the Casey Gas Station traffic. It is not
10 yet opened, but it will definitely increase the
11 traffic to the Sands Road intersections and rail
12 crossings.
13 A neighbor also had an issue, and
14 she couldn't be here, so I am quoting her account of
15 her personal situation. January 15th, another
16 incident experienced by a neighbor. I had just
17 turned onto Sands Road coming from Route 14, and the
18 NVA truck and trailer pulled into the road. I
19 started to go as -- go slowly, as he was getting into
20 his lane, when suddenly the trailer came off of the
21 truck and went sliding into my lane. Luckily, I
22 reversed quickly to not get hit by the trailer. I
23 was completely shaken up by this.
24 This is not the first time a trailer

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1 has become detached from a cab. This is the second
2 time it has disconnected on Sands Road blocking both
3 lanes of traffic, putting people in significant
4 danger, and as you know, from what you've seen on
5 videos, there is no way to know until you're there
6 that there's been an issue.

7 After the presentation tonight,
8 something to ponder. If a semi driver arrives at a
9 late hour and is not admitted through the gate, is
10 that driver going to go back out of the driveway
11 backing up onto Sands Road? Is it going to stay in
12 the driveway overnight until morning? I don't know
13 the answers to these, nor do you, but it's something
14 to ponder.

15 The previous trucking company at
16 this same location was there for about 30 years and
17 never, never, never was there an issue. We have
18 already had several in a very, very short time since
19 NVA has moved in.

20 I please, please ask you to vote no
21 to rezone the property at 7013 Sands Road. Thank
22 you.

23 CHAIRMAN GREENMAN: Laurie, please, you are
24 up next. Then Dan.

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1 MR. ANNEN: Good evening. My name is Dan
2 Annen, I have been sworn. It is -- My address is
3 4006 Church Hill Lane, Steeple Run just northeast of
4 the proposed property change here. I'm here to
5 talk -- I've been a firefighter/paramedic for about
6 10 years in the Village of Schaumburg. For about a
7 year-and-a-half before that, I was a firefighter/EMT
8 down in Moline, Illinois a more rural-
9 truck-stop-kind-of-town. So I just wanted to talk
10 about some of these issues from a
11 paramedic/firefighter type public safety standpoint,
12 some of the things that I've seen.

13 What we're talking about here, is
14 that we've got the traffic studies, and those are
15 great. We already talked about the possible change
16 in the actual traffic numbers, we're probably looking
17 more like 400 truck crossings up and down that
18 street. What isn't factored in those studies, at
19 least it wasn't obvious to me, is that those are just
20 looking at simulations. Those cars are not driven by
21 real people. They're not driven on ice. They're not
22 driven in rain. They're not driven while texting.
23 They're not driven by inexperienced or young drivers.
24 They're not driven at night. Those are just

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1 simulations that are spit out by a computer, but
2 that's not what is happening out there.

3 Car accidents happen because
4 vehicles interact with each other at different
5 speeds. That's the only way it happens. We all
6 traveled at the same speed, we're not going to hit
7 each other, right. With that Casey's gas station
8 coming in, you're having exactly that. You're going
9 to have lots of cars making turns, making unexpected
10 movements, varying speeds, decelerating, accelerating
11 at the bottom of two hills in a Chicago winter with
12 new drivers. When you add that much traffic, you are
13 simply going to get more car accidents. And we're
14 not talking about car accidents, we are talking about
15 truck versus car accidents. When two cars collide at
16 15 miles an hour, everybody walks away. It's not a
17 big deal. 30, 40 miles an hour even. But a fully
18 loaded or even unloaded semi truck has so much more
19 energy, that if it hits a Toyota Corolla even at 20
20 or 30 miles an hour, the mess that it creates is
21 substantial. It will destroy a car and anything in
22 it. So we're not talking about just two girls
23 hitting each other. We're talking about serious
24 accidents. Every time there is an accident and

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1 believe me you will have more, it is going to happen
2 if we have that many trucks coming through, when that
3 happens, you're also going to look at more emergency
4 responses to that intersection, which means more wear
5 and tear on all of your ambulances, all of your fire
6 engines, your police cars, all of that is going to
7 have wear and tear. A fire engine does not cost what
8 a Toyota Corolla costs. A fire engine is pushing a
9 million dollars now. A fire truck, a million five.
10 The tires alone are five to a thousand -- 500 to a
11 thousand dollars apiece. Every time you roll down
12 the street, you are wearing and tearing on those
13 tires. You are wearing out brakes. Fire trucks,
14 fire engines, those things take actual money to
15 maintain. This isn't a \$30 oil change. This is
16 serious money that gets spent on these things.

17 I will also tell you in anybody in
18 public service, including the officers behind you
19 will tell you one of the most dangerous things we do
20 is stand on a highway in the middle of a snowstorm
21 trying to help people who just got into an accident.
22 That's when we get hurt. That is when we get hit.
23 So by increasing the potential of car accidents at
24 that intersection, you are also increasing the

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1 potential of first responders getting hurt and
2 injured on the job, workmen's comp claims, things
3 that the city is going to have to payout.
4 The only other thing I did have to
5 say was it was kind of to -- I'm glad that our
6 trucking expert, Sandra, had mentioned that she feels
7 it's a serious concern with trucks in that railroad
8 crossing. I'm glad -- I think it was Nicole brought
9 up the Fox River Grove incident. There was a lot
10 people here. I remember in 1995 when that school bus
11 got hit by the train. We keep saying train, train,
12 train, but what we really are meaning here is
13 commuter train, trains full of people. We're not
14 talking about a grain train or a train full of coal
15 that's going down those tracks. We're talking about
16 trains full of people, commuters, Crystal Lake
17 residents. If they hit a truck, the train is going
18 to win, but that doesn't mean those people aren't
19 affected. Those are people on those trains.
20 That's all I have to say. Thank
21 you, very much.
22 CHAIRMAN GREENMAN: Thank you.
23 MR. WILLIAMS: Bret Williams.
24 Hi, my name is Bret Williams, I'm

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1 from 4019 Steeple Run.
2 CHAIRMAN GREENMAN: You have been sworn in?
3 MR. WILLIAMS: Yes, I have.
4 I'm on the Board of Directors for
5 the Steeple Run Homeowner's Association, and we've
6 got 74 homes that will be affected by this. And you
7 know, the homeowners, in this association, have
8 expressed serious concern over this and the effects
9 of the traffic on Sands Road. And so when that came
10 to me, I started looking at several, you know, things
11 of how the facility is set up. And you know, most
12 things have been indicated in tonight's meeting here,
13 so I'm not going to go through the ones that I had
14 already -- has already been indicated. But one of
15 the things that hasn't been indicated here is when
16 you go on Sands Road all the way up to 14, there's a
17 right-hand turn lane, and I think most everybody here
18 has been on that turn lane. Well, the
19 right-hand-turn lane, if you've got -- It's so short
20 that if you got trucks turning right, the amount of
21 traffic it's going to hold up, because it doesn't
22 have a long enough right-hand-turn lane for a truck
23 to get over into that turn lane, especially if
24 there's another vehicle in the center lane, it

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1 doesn't work. So the -- There has not been anything
2 indicated about that turn lane being extended, which
3 is going to have to be extended very substantially to
4 support 400 trucks. So unless you want to have
5 everything backed all the way up to the railroad
6 tracks, you're going to have to consider doing that,
7 and it hasn't been indicated tonight.
8 Second of all, everyone in this room
9 here that lives in the area they probably are
10 spending anywhere from 10 to \$20,000 a year in
11 property taxes, okay, it's not a small amount, and it
12 never goes down. So if this ends up going in and
13 this affects our home prices, then we are expecting
14 Crystal Lake and Algonquin Township to reduce our
15 assessments and our property taxes. So that's going
16 to have another impact on the village, because our
17 property taxes are already out of control. I think
18 everybody here would agree to that. In fact, there's
19 a lot of retirees that are having to move out of
20 state, out of the area because they can no longer
21 afford their property taxes, which is beyond
22 ridiculous. So that's another piece of the puzzle
23 here.
24 You know, the facility that you guys

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1 are building, it looks really nice, it really does,
2 but it's in the wrong location. You know, the
3 attorney indicated, you know, it's a big parcel, you
4 know, not many parcels like that around. All you
5 have to do is go a mile south on 31, there's tons of
6 land right off 31. It's easy access in and out. Go
7 north on 31 towards McHenry, tons of farmland right
8 there. Easy access in and out, right on 31, you
9 know. So until -- you know, honestly, if there were
10 all electric trucks now, maybe the emissions problem
11 would be, you know, solved here, but that's not going
12 to be the case for decades. And so anyway, as a
13 Board member of Steeple Run Estates, that's where we
14 stand.
15 CHAIRMAN GREENMAN: Thank you. I take a look
16 at the sign-up sheets, and I've exhausted everyone
17 that has signed in. I did bypass a couple people. I
18 called them, and they didn't respond.
19 Is there anyone that signed up
20 that --
21 MS. DOOLEY: My name is on the list. I
22 thought I didn't have to sign anything more. Is that
23 okay? It's going to make mine quick, because
24 everybody did a great job.

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1 CHAIRMAN GREENMAN: Please go ahead,
2 Patricia. Have you been sworn in?
3 MS. DOOLEY: Yes, I've been sworn in. My name
4 is Patricia Dooley, I live at 6621 Scott Lane. And
5 if you could show the slides.
6 This first one here is on Sands
7 Road, and those two trucks are parked outside the
8 fence. Those are both NVA trucks that are parked
9 there, and it's adjacent to Scott Lane.
10 On August 21st of 2023, at 7:40
11 a.m., I was going southbound on Sands Lane when I
12 approached these two cars, I had no idea that there
13 was another truck from NVA pulling out in the other
14 lane, and he pulled into my lane, and I swerved into
15 the other lane. Fortunately, I didn't hit anybody,
16 and I went around. I did report it to the Crystal
17 Lake Police, and he did a report in the afternoon,
18 and he did agree that he did still one was still
19 there.
20 Then four days later, on August
21 25th, I have a video on Sands Road. I have a friend
22 with me and going southbound on Sands Lane, that is
23 the entrance of NVA, and that is the NVA truck with
24 its logo on it. And if you watch what is happening

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1 there, another truck, I think it became uncoupled. I
2 don't know with their precheck certification is. So
3 fortunately, we were able to -- I had a friend in the
4 car, and she videotaped it for me. So I had a second
5 witness in the car. This was reported by the -- the
6 McHenry County Sheriff did show up to this, and I
7 don't see a whole lot of help from NVA. I couldn't
8 figure out how to navigate around. I couldn't see
9 what was on the other side. It took up more than the
10 one lane, a little bit into the other lane. I was
11 just fortunate enough on this occasion, I had a
12 friend videotaping this. I took this seriously. So
13 I did meet with Eric Helm on September 5th, and there
14 was six staff members, and there was one police --
15 Crystal Lake police officer present. You guys -- I
16 did end up getting Eric Helm to sign it that I was
17 there, and I did show him personally and I did
18 discuss all of these same concerns about the safety
19 of the Sands Road and it's happened to multiple
20 people, and we all talked about it.
21 So everybody has done a great job.
22 I'm just going to end with professor of Arizona State
23 University Environmental Health stated, more die
24 every year from water, air and noise pollution than

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1 the cumulative deaths of earthquakes, tornados and
2 floods in a year. I just hope you keep that in mind.
3 CHAIRMAN GREENMAN: Again, we've gone through
4 the list. We want to ensure that if there's anyone
5 that wants to express their thoughts relative to
6 thoughts that have not already been expressed, you
7 are more than welcome to identify yourself, because
8 if not, then I'm going to go over to
9 cross-examination.
10 (No response.)
11 CHAIRMAN GREENMAN: And with that, I going to
12 cross-examination.
13 MR. MCARDLE: You know, I don't want to drag
14 this out. I know Mark is sitting there fuming, and
15 he probably has questions, and Lisa and I have
16 questions.
17 CHAIRMAN GREENMAN: So I'm going to have the
18 two interested parties do cross-examination then I'm
19 going to offer cross-examination for the Petitioner.
20 From there, we're going to go on to any questions
21 from the Commissioners, and at that point we'll close
22 the public hearing, and we will then make some
23 decisions and have a conversation from the
24 Commission. So that's going to be the process.

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1 MR. MCARDLE: I have questions for
2 Mr. Polach. Is he still here?
3 I guess you have to stand up because
4 we have to share this.
5 You're the real estate appraiser,
6 right?
7 MR. POLACH: Yes.
8 MR. MCARDLE: So you went out and looked for
9 comparables to properties, right?
10 MR. POLACH: I looked for examples of similar
11 properties, yes.
12 MR. MCARDLE: And none of the properties that
13 you used in your report are heavier industrial, what
14 this city calls manufacturing uses as permitted under
15 the zoning code, correct?
16 MR. POLACH: Not specifically just --
17 MR. MCARDLE: No, they're in the light
18 industrial. Those are the uses you looked at, the
19 light industrial as opposed to heavy industrial, is
20 that right, you looked at light industrial buildings.
21 I don't mean the zoning, I mean the uses. All of
22 them you looked at were more on the light industrial
23 side given their definitions versus the manufacturing
24 uses, right?

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1 MR. POLACH: I looked for similar uses that
2 included manufacturing-type uses, as well as uses --
3 MR. MCARDLE: Name --
4 MR. DANIEL: Please let him finish.
5 MR. MCARDLE: Name one --
6 MR. DANIEL: This is insulting to the witness
7 and to you. You can answer.
8 CHAIRMAN GREENMAN: So once you asked a
9 question -- We'll give the person an opportunity to
10 answer the question. Once you've answered the
11 question, if you have another question --
12 MR. MCARDLE: Yeah, I know. I know.
13 You want to answer the question?
14 MR. POLACH: Yeah. The examples that we
15 found were uses that included things such as truck
16 parking, storage in rear yards, uses that would be
17 similar to what can be developed adjoining the
18 properties now. In other words, the light
19 industrial, light manufacturing uses, we found
20 similar examples throughout the City of Crystal Lake
21 to see if there were residences that were adjoining
22 those uses that continued to be occupied, that
23 continue to be SO and we found those uses that would
24 similar to the zoning and the improvements that could

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1 be made on the subject property.
2 MR. MCARDLE: Identify any manufacturing uses
3 in your report next to residential developments.
4 MR. POLACH: There were several that --
5 MR. MCARDLE: Just give me one, one building.
6 MR. POLACH: There were several examples
7 shown with the identification of their locations and
8 identifies the residential uses that are on each of
9 those locations.
10 MR. MCARDLE: I get all that in generalities.
11 Give me one heavy manufacturing use
12 that you found.
13 MR. POLACH: These were generally lighter
14 industrial or lighter --
15 MR. MCARDLE: They were all lighter
16 industrial, correct?
17 MR. POLACH: For the most part, yes.
18 MR. MCARDLE: Okay. How is that helpful to
19 this Board, probative, that putting a manufacturing
20 use where it's now light manufacturing next to
21 residential won't negatively effect the residents.
22 How does that help?
23 MR. POLACH: Because the use in this instance
24 is restricted. The conditions of the use include

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1 parking and storage in the area that is zoned for
2 light manufacturing.
3 MR. MCARDLE: And you're familiar with the
4 permitted uses in the manufacturing zoning district
5 in the City of Crystal Lake, correct?
6 MR. POLACH: Yes. But the specific use of
7 this portion of the property would be similar to that
8 that would be permitted in a light manufacturing
9 district.
10 MR. MCARDLE: If it's classified
11 manufacturing on page 5 of my memorandum, I have
12 eight bullet points of the permitted uses in
13 manufacturing that are all heavy uses. Any one of
14 those could be built with permission of the city
15 under a permitted building permit or a special use
16 permit, correct?
17 MR. POLACH: Yes.
18 MR. MCARDLE: And those would be right next
19 to this residential development.
20 MR. POLACH: No, they wouldn't. Under the
21 planned unit development requirements they could not
22 be built on that portion of the property.
23 MR. MCARDLE: Even if they're zoned
24 manufacturing, that is your testimony?

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1 MR. POLACH: Yes.
2 MR. MCARDLE: And you agree that putting a
3 manufacturing use next to a residential is consistent
4 with good planning, is that your testimony?
5 MR. POLACH: No, I'm not a planner.
6 MR. MCARDLE: So you don't have an opinion on
7 that.
8 MR. POLACH: I didn't testify to the fact --
9 MR. MCARDLE: I didn't say you did. Do you
10 have an opinion?
11 MR. DANIEL: Please let him finish.
12 MR. MCARDLE: I didn't say you did. Do you
13 have an opinion on that?
14 MR. POLACH: I'm not a planner. I don't have
15 a planner's opinion on that, no.
16 MR. MCARDLE: And do you agree that nowhere
17 in your report you have any evidence that there was
18 either a reduction in value to the residential
19 neighborhoods next to your light industrial or an
20 increase in value. You didn't give any opinions
21 about what happened to those residential values,
22 correct?
23 MR. POLACH: Not with those specific
24 examples. Those examples are just that, showing that

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1 there are residential uses next to industrial uses
2 similar to what could be developed on the subject
3 property.
4 MR. MCARDLE: So by not putting in values,
5 increasing or decreasing on your comparables, how is
6 that helpful to this Board to predict that there's
7 not going to be a negative impact to their home
8 values? How is that helpful?
9 MR. POLACH: Because what it does is show
10 that the property currently can be developed. So in
11 other words, we're not looking at a piece of property
12 that's going to be a park. Under the current zoning,
13 property can be developed, it can be developed under
14 the manufacturing, light manufacturing zoning, which
15 allows a number of uses. Included in those uses are
16 such things as parking. If you look at these
17 examples, which are light industrial or light
18 manufacturing, there are trailer trucks parked there.
19 There are cars parked there. There's storage in
20 yards. There are things that would be similar to
21 what could be developed on this property currently.
22 MR. MCARDLE: And do you agree you have no
23 information indicating there was ever any marketing
24 effort to sell this property, this vacant property,

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1 where the ML was, is, and where the M is since 1985?
2 MR. POLACH: Yes --
3 MR. MCARDLE: Until NVA bought it.
4 MR. POLACH: No, the property was marketed.
5 It was shown on market data sources as being listed
6 for sale.
7 MR. MCARDLE: Do you have that information?
8 MR. POLACH: It was listed on the CoStar
9 database, which is a national --
10 MR. MCARDLE: Is that in your report?
11 MR. POLACH: No.
12 MR. MCARDLE: Is there any information in
13 your report indicating there was an effort to sell
14 this in the last 40 years?
15 MR. DANIELS: Mr. Chairman, he's badgering
16 the witness. He is one that asked the question about
17 the listing, and he got his answer. Now he's asking
18 him for the report. He got his answer.
19 CHAIRMAN GREENMAN: The objection is noted.
20 MR. MCARDLE: That's all I have.
21 MR. POLACH: Thank you.
22 CHAIRMAN GREENMAN: Do you have any other
23 cross-examination from any other testimony?
24 MR. MCARDLE: Yes, for the planner.

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1 Who wrote the narrative?
2 MR. DANIEL: That was the planner and
3 attorney or do you want Joe?
4 MR. MCARDLE: The planner, please.
5 Could you explain what transitional
6 zoning districts are?
7 MR. ABEL: A transitional district can mean a
8 transition from one use to another.
9 MR. MCARDLE: And do they train you to
10 transition from a lower intensity zoning district to
11 a higher intensity district with interim intensity
12 districts?
13 MR. ABEL: That's possible.
14 MR. MCARDLE: No, do you they train you to do
15 that?
16 MR. ABEL: No, they don't train you to do
17 that.
18 MR. MCARDLE: Oh, so there's nothing in
19 schooling that you learned, that you should stay away
20 from putting a heavy industrial use next to a
21 residential use, they're good with that, in your
22 schooling?
23 MR. ABEL: It's determined by the design.
24 My testimony was that the community

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1 has the ability to make sure that this property is
2 designed in such a way as to create a good
3 transition. The transitions I said can be done
4 through a rear lot line. And when you look at
5 hundreds of uses throughout the whole county, you are
6 going to have manufacturing up against residential.
7 It happened because the county originally felt that
8 was reasonable. The zoning district map for Crystal
9 Lake and the comprehensive plan shows industry going
10 right up against the back of the existing residential
11 area we're talking about. Their own 2030 long range
12 plan feels that there is a reasonable transition
13 between residential and industrial.
14 My comment is that by doing what's
15 being proposed, by making this a unified development
16 through a planned development, the standards can be
17 put on there to make the transition reasonable. And
18 if this went to light manufacturing, in fact --
19 MR. MCARDLE: Mr. Chairman, here is how I
20 would like to do this. I would like to ask a
21 question and have him give me an answer and not go on
22 and on and on.
23 CHAIRMAN GREENMAN: He is trying to provide
24 his testimony --

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1 MR. MCARDLE: No, he's being verbose. That's
2 what he's doing.
3 MR. ABEL: No. I am telling you --
4 CHAIRMAN GREENMAN: You're asking a question
5 and he's trying to answer. And you're not happy that
6 he's --
7 MR. MCARDLE: Fine. Go right ahead. Keep
8 talking, we have all night.
9 MR. ABEL: If the -- The advantage that I
10 said that Crystal Lake has is that the ML does allow
11 for manufacturing. It can be a very, very large
12 building with truck parking associated with it, and
13 the yard setback would be the same, 50 feet. So
14 they're going to get, somewhere along the line the
15 homeowners are going to get a manufacturing
16 development on that property. That is the way it's
17 zoned.
18 My argument is that by doing it
19 through a special use process, this group can put on
20 various conditions. They may decide to make the
21 setback greater than the 50 feet. They may decide to
22 go to a hundred. I'm not on that board. But they
23 have that opportunity to do that. They have the
24 opportunity to say certain types of trucks.

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1 I just finished a development in
2 DuPage County --
3 MR. MCARDLE: This isn't answering my
4 questioning. I don't know what he's doing, but he's
5 not answering my question.
6 MR. ABEL: I'm answering your question about
7 how easy it is to do this.
8 CHAIRMAN GREENMAN: You asked him about
9 transition. He's trying to explain the transition.
10 Are there any more comments that you want to make?
11 MR. ABEL: You indicated that you didn't
12 think it was appropriate to have residential and
13 manufacturing as a transition. You said I was taught
14 to maybe put some other use in between. That is not
15 the way it is. That's not the way the world
16 operates, especially when you're doing a plan for a
17 community of this size.
18 MR. MCARDLE: Do you agree that in this
19 particular situation the transition zone which is now
20 ML should be maintained with ML uses?
21 MR. ABEL: If they want to leave it the way
22 it is, leave it the way the community decide.
23 MR. MCARDLE: So you think it should be left
24 ML.

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1 MR. ABEL: No.
2 MR. MCARDLE: ML uses, is that you're saying?
3 MR. ABEL: No. I'm saying it should be
4 manufacturing for the whole property, so it's
5 unified, to get a unified design, and then force them
6 to go through a special use process, PUD, and then
7 this group can add additional conditions, greater
8 setback. Maybe rather than using the M1 lots as the
9 transition, maybe you have a greater distance, more
10 landscaping. I'm just saying there's a way to design
11 this property properly, as opposed to just
12 arbitrarily say oh, it has to stay ML. It would be
13 more appropriate. Because eventually, one of the ML
14 uses could go in there which the homeowners also
15 might feel is not appropriate.
16 MR. MCARDLE: Why not just leave it ML? What
17 is the argument leaving ML zoned?
18 MR. ABEL: It's probably not going to
19 develop, but that's the way it goes.
20 MR. MCARDLE: Well, whose to say it won't
21 develop? No one has ever tried.
22 MR. ABEL: They have been sitting on it for
23 40 years.
24 MR. MCARDLE: No one has ever tried to sell

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1 it.
2 CHAIRMAN GREENMAN: Do you have any
3 additional questions?
4 MR. MCARDLE: Yes. On page 1 of your
5 narrative, you indicate the sentence, in the second
6 full paragraph, the last sentence says, the same
7 trees and the fence will also screen the uses north
8 of the driveway entrance, which also include outdoor
9 and evening operations.
10 What operations are you referring
11 to? What evening and outdoor operations are going to
12 be going on there?
13 MR. ABEL: I'm trying to remember what we
14 discussed.
15 MR. DANIEL: Would you like an alternate?
16 The people who might have drafted the report and see
17 who might have contributed so you can get an answer
18 on that one?
19 MR. MCARDLE: Only if he can't answer it.
20 MR. ABEL: My understanding is that we had a
21 security operation, and I don't know what outdoor
22 operations would be.
23 MR. MCARDLE: On page 7, in the first
24 paragraph, the last sentence, it says, future

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1 revenues for this city are not a material part of the
2 zoning application. Is that a true statement?
3 Page 7, the first paragraph the last
4 sentence. Future revenues for the city are not a
5 material part of the zoning application.
6 MR. ABEL: But there could be some benefit
7 from year to year.
8 MR. MCARDLE: Is that still a true statement?
9 MR. ABEL: Yes.
10 CHAIRMAN GREENMAN: David, how much more time
11 are you going to need?
12 MR. MCARDLE: Three minutes.
13 Page 8, the top of the page
14 indicates they're not going to be spray painting a
15 lot, but they may spray paint some repairs. Do you
16 know -- Were you told that?
17 MR. ABEL: As I recall, we discussed a lot of
18 things that he are doing --
19 MR. MCARDLE: Are they spray painting on the
20 site, is that their intention?
21 MR. ABEL: Where are you reading that?
22 MR. MCARDLE: On the top of page 8.
23 MR. ABEL: Page 6 you mean.
24 MR. MCARDLE: 7, at the bottom.

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1 MR. ABEL: And your question was?
2 MR. MCARDLE: Were you told they were spray
3 painting on the property, spray painting the trucks
4 without spray booths?
5 MR. ABEL: No, I was never --
6 MR. MCARDLE: They didn't say that to you?
7 MR. ABEL: No.
8 MR. MCARDLE: That's all I have.
9 I have questions for Ivan, the
10 Petitioner.
11 CHAIRMAN GREENMAN: You are over your time,
12 so...
13 MR. MCARDLE: I'm over my time?
14 CHAIRMAN GREENMAN: You had 30 minutes for
15 the entire process.
16 MR. MCARDLE: Thank you. I know it's getting
17 late, of course.
18 CHAIRMAN GREENMAN: With that, the Petitioner
19 in terms of cross. And again, from -- Again, this is
20 cross, and you will have an opportunity to wrap
21 everything up.
22 MR. DANIEL: Sandra, have you listened to all
23 of the testimony from neighbors about a truck parking
24 lot being located at the development?

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1 MS. GRANTHAM: And you're referencing this
2 evening?
3 MR. DANIEL: Yes.
4 MS. GRANTHAM: Yes, I have.
5 MR. DANIEL: Do you notice in the plans
6 that's there's a headquarters that has a logistics
7 office and a repair center and a less-than-load
8 warehouse?
9 MS. GRANTHAM: I noticed that there are
10 provisions for that. I can't tell you what's in
11 those buildings, but I have seen the plans.
12 MR. DANIEL: You mentioned you have a list of
13 addresses of truck parking lots, right?
14 MS. GRANTHAM: Yes.
15 MR. DANIEL: How many of them have had 12
16 million dollars of improvements on them?
17 MS. GRANTHAM: I did not go in and ask them
18 that. If I had been told ahead of time to do that
19 research, I most certainly would have done that.
20 MR. DANIEL: Did you observe any buildings
21 that approach 33,000 square feet on the lot?
22 MS. GRANTHAM: Yes.
23 MR. DANIEL: Could I have that list?
24 MS. GRANTHAM: I'll prepare a list for you.

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1 MR. DANIEL: How many items were on it?
2 MS. GRANTHAM: I believe nine.
3 MR. DANIEL: Nine. Were they all in McHenry
4 County?
5 MS. GRANTHAM: No.
6 MR. DANIEL: Where were they?
7 MS. GRANTHAM: They were in various
8 counties -- Well, two counties, and they were in
9 other towns. Some were in West Dundee, some were in
10 Wauconda, some in Crystal Lake. I'll get you the
11 list.
12 MR. DANIEL: Okay. Did you look at the list
13 provided by the expert that testified earlier of the
14 five addresses?
15 MS. GRANTHAM: I don't believe I saw that
16 list. Which expert are you referencing?
17 MR. DANIEL: You mentioned a report that --
18 MS. GRANTHAM: We did hear a lot of people
19 tonight. If you could be more specific.
20 MR. DANIEL: I know. We just fielded this
21 tonight as well. So I have to look on the name as
22 well. Mr. Strach's testimony.
23 MS. GRANTHAM: I don't believe I ever
24 received any documents on that.

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1 MR. DANIEL: You never reviewed it. So the
2 statement that you agreed with their testimony, you
3 cannot vouch for because you didn't review this?
4 MS. GRANTHAM: Larry Thomas?
5 MR. DANIEL: So Larry Thomas. You said you
6 fully concur with Larry Thomas?
7 MS. GRANTHAM: I didn't say I fully
8 concurred. I said I agreed with him, and I was of
9 some of the same opinions of him, yes.
10 MR. DANIEL: Is that related to stormwater?
11 MS. GRANTHAM: I was not discussing
12 stormwater. But yes, I do agree with him on
13 stormwater as well.
14 MR. DANIELS: How many acre feet are coming
15 off the west side of the property from the --
16 MS. GRANTHAM: I had reference material like
17 you, I could answer that question.
18 MR. DANIEL: Well, you read his report,
19 right?
20 MS. GRANTHAM: Yeah, I read the report. I
21 didn't memorize it.
22 MR. DANIEL: Did Thomas calculate the number
23 of acre feet coming off that pump off Lorel
24 subdivision to the south on the west side of our

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1 property and then onto our property.
2 MS. GRANTHAM: I believe a different
3 gentleman came up here, who I believe a resident of
4 that street, who said that he wasn't sure if anybody
5 was aware of that pump or not, especially with NVA.
6 So I can't answer that question.
7 MR. DANIEL: How many excess acre feet has
8 NVA provided?
9 MS. GRANTHAM: I have no idea. I have to
10 look at the reports. Your reports late in the day a
11 few days ago.
12 CHAIRMAN GREENMAN: Just answer the question.
13 MS. GRANTHAM: I don't have that information,
14 but I would be happy to --
15 CHAIRMAN GREENMAN: That's fine. You don't
16 have the information, so that's fine.
17 Do you have another question?
18 MR. DANIEL: Did you observe NVA's parking
19 lot at its current facility to see how many trucks
20 were there?
21 MS. GRANTHAM: I did not trespass on their
22 property. I did drive past it.
23 MR. DANIEL: Okay. What did you observe, is
24 it 20 percent full?

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1 MS. GRANTHAM: For the lot -- the spaces they
2 have available right now?
3 MR. DANIEL: Yes.
4 MS. GRANTHAM: From what I can see from the
5 street, it looks pretty full.
6 MR. DANIEL: How many trucks?
7 MS. GRANTHAM: I don't, probably 30, 35 from
8 the front.
9 MR. DANIEL: So it was half full.
10 MS. GRANTHAM: Well, I know what's in the
11 back. There were buildings in my way, obstructing my
12 view.
13 MR. DANIEL: Have you looked at aerial
14 photographs to see what the truck parking on NVA's
15 property is.
16 MS. GRANTHAM: I looked at stage photographs
17 that are available for the public.
18 MR. DANIEL: Aerial photographs.
19 MS. GRANTHAM: I have seen aerial photographs
20 that were taken at very various strategic times, in
21 my opinion.
22 MR. DANIEL: Taken at strategic times by who?
23 MS. GRANTHAM: I have no idea. I didn't look
24 and see who was the author of those.

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1 MR. DANIEL: Google Earth?
2 MS. GRANTHAM: No, I don't look at Google
3 Earth. Goggle Earth is dated and antiquated.
4 MR. DANIEL: Did you look at the GIS?
5 MS. GRANTHAM: No.
6 MR. DANIEL: Chicago Metropolitan Agency --
7 MS. GRANTHAM: Asked and answered.
8 I looked at the pictures that were
9 provided to me.
10 MR. DANIEL: So you have no idea what
11 percentages of NVA's 60 trucks that you testified to
12 are onsite on a regular basis.
13 MS. GRANTHAM: Well, if -- Going by what they
14 told me that those trucks should be there every
15 Friday through Sunday, so I would assume if I went in
16 the lot on Friday, Saturday or Sunday, there would be
17 60 trucks there. During the week, I would not expect
18 to see them because they all leave out at 8:00
19 o'clock in the morning.
20 MR. DANIEL: Do agree that the transportation
21 and trucking market changes based on demand for
22 service, so you may get less then one load at a point
23 in time, you may have an increase in that or decrease
24 in that based on the economy and the market demand?

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1 MS. GRANTHAM: Everything is based on the
2 economy and market demand.
3 MR. DANIEL: So as far as your experience is
4 concerned with NVA, have you ever contacted NVA about
5 where it's drivers stay overnight when they return to
6 NVA's site and leave a truck?
7 MS. GRANTHAM: No, I have not.
8 MR. DANIEL: Did you ever call the Holiday
9 Inn, the closest hotel, to see if they're familiar
10 with NVA's drivers staying there?
11 MS. GRANTHAM: No.
12 MR. DANIEL: Never. Did you ever check with
13 any drivers of NVA that you knew?
14 MS. GRANTHAM: I don't know any of NVA's
15 drivers.
16 MR. DANIEL: Did you check with any other
17 hotels, other than the Holiday Inn Crystal Lake?
18 MS. GRANTHAM: I haven't checked with any
19 hotels.
20 MR. DANIEL: Would you agree that a trucking
21 company, with this many trucks in the area, offers a
22 secondary benefit to the hotel industry in town if
23 their truckers indeed stay in the hotels rather than
24 the back of their trucks?

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1 MR. GRANTHAM: No.
2 MR. DANIEL: You don't see that as a
3 secondary benefit?
4 MS. GRANTHAM: No, I do not.
5 MR. DANIEL: All right. I have no further
6 questions.
7 CHAIRMAN GREENMAN: Mark, do you have any
8 other?
9 MR. DANIEL: Larry very quickly, if you can.
10 Larry, are you a licensed Illinois
11 civil engineer?
12 MR. THOMAS: Yes.
13 MR. DANIEL: I notice that your report wasn't
14 stamped.
15 MR. THOMAS: There wasn't any need for it to
16 be stamped.
17 MR. DANIEL: Okay. On this -- I asked the
18 question about the number of acre feet coming off
19 Lorel Subdivision, down the west end of our property
20 and onto our property. You were concerned about
21 water flowing and whether we considered that water in
22 our stormwater report.
23 MR. THOMAS: Right, because there isn't any
24 indication in the reports that you have.

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1 MR. DANIEL: How many excess acre feet do we
2 plan for in our stormwater plan compared to what is
3 required?
4 MR. THOMAS: I don't know, and that's not my
5 concern. My concern is the fact that you haven't
6 addressed that particular issue, plus you haven't
7 really done a really good job of explaining how
8 you're going to keep the solids and petroleum
9 products --
10 MR. DANIEL: Well, let's stay on this
11 question. We'll move into the solvents and
12 everything else. Did you think to call --
13 CHAIRMAN GREENMAN: It's really important for
14 the stenographer to be able to hear, and it's very
15 difficult when there's a lot of background noise.
16 MR. THOMAS: You have to submit the
17 information. It's not my job to go looking for it.
18 MR. DANIEL: You know there's a stormwater
19 report submitted, right?
20 MR. THOMAS: Yes.
21 MR. DANIEL: And how many acre feet are
22 provided for in that stormwater report?
23 MR. THOMAS: I don't recall the exact number.
24 MR. DANIEL: How many excess acre feet?

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1 MR. THOMAS: I don't recall.
2 MR. DANIEL: Did you look at it?
3 MR. THOMAS: I did.
4 MR. DANIEL: How many acre feet are coming
5 off that property?
6 MR. THOMAS: Theoretically, there's not
7 supposed to be any, but since we have flows coming in
8 that you weren't aware of, there might be some flows
9 coming off.
10 MR. DANIEL: How do you know we weren't aware
11 of them?
12 MR. THOMAS: You would put it in your report;
13 wouldn't you?
14 MR. DANIEL: Did you ever notice there was
15 one point -- at least 1.16 extra acre feet?
16 MR. THOMAS: That doesn't matter. You have
17 to justify the fact that you've handled all the flows
18 coming onto that property and that you're not going
19 to be a dangerous problem for Sands Road.
20 MR. DANIEL: So you're here posing questions
21 about things that you may not have known about,
22 knowing that a city engineer, a city employee not
23 working for us, and one of the best engineers in the
24 State of Illinois have reviewed the stormwater

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1 report, and you're saying you're worried about 0.3
2 acre feet when we have five times that in excess
3 stormwater. I'm just letting you know --
4 MR. THOMAS: That's fine.
5 MR. DANIEL -- you can answer the question
6 about whether you're still concerned about it. Are
7 you still concerned about that issue?
8 MR. THOMAS: Yes, because I haven't seen the
9 actual numbers. You have demonstrated you're going
10 to handle that hundred thousand gallons a day coming
11 onto your property. You ignore the issue.
12 MR. DANIEL: No, there's excess storage, and
13 there's planning and excess storage.
14 MR. THOMAS: I didn't see any of that in
15 there.
16 MR. DANIEL: This is yours.
17 MR. THOMAS: I know.
18 MR. DANIEL: All right. Let's think about
19 the traffic for a minute.
20 Did you think about calling
21 Civiltech?
22 MR. THOMAS: No, I go by the information that
23 you submit. That's what we review.
24 MR. DANIEL: So you reviewed the traffic

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1 report?
2 MR. THOMAS: I did.
3 MR. DANIEL: Okay. What did we make in the
4 way of mistake in the traffic report that we
5 submitted?
6 MR. THOMAS: You did not address the issue of
7 the fact that there are 220 spaces in there that are
8 supposed to roll over every day, and somehow that
9 turns into 90 trucks -- 95 trucks a day. It doesn't
10 work.
11 MR. DANIEL: Did you visit NVA's property to
12 see how many times trucks roll over every day at
13 their current operation?
14 MR. THOMAS: That's not the job here. Your
15 job is to demonstrate --
16 CHAIRMAN GREENMAN: Hold on one second.
17 MR. MCARDLE: Objection, the same thing is
18 happening.
19 MR. DANIEL: I asked you a question.
20 MR. THOMAS: Yes. And you're ignoring the
21 fact that I am answering it.
22 CHAIRMAN GREENMAN: Gentlemen, it's very
23 difficult if more than one person is talking at a
24 time. During cross-examination, ask the question,

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1 answer the question. That's how this is going.
2 MR. DANIEL: I will start over with a
3 question.
4 CHAIRMAN GREENMAN: Would you please restate
5 your question, and Larry, based on the question,
6 would you please answer?
7 MR. DANIEL: Did you visit NVA's site to
8 observe the rolling over of trucks on any duration?
9 MR. THOMAS: No, because it wasn't necessary
10 because your business plan that you confirmed tonight
11 and was in your traffic report was that you had 220
12 spaces that were going to roll over every day. Okay,
13 that is 400 truck movements a day. Why wasn't that
14 fact addressed in the report?
15 MR. DANIEL: The report also said, did it
16 not, that they reviewed NVA's current operations and
17 conducted some extrapolation from those operations?
18 MR. THOMAS: That has nothing to do with
19 their business plan why they're building -- If they
20 don't need -- If they're not going to be moving 400
21 trucks per day, then why are they building so many
22 parking spots? Because if the -- What they're asking
23 for in this is they want a bunch of variances to be
24 engineering requirements. They have steeper slopes

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1 on the retention areas. They're building retaining
2 walls, and they're doing these things that aren't --
3 shouldn't be necessary if you don't need all of those
4 parking spots. So you're arguing against yourself.
5 Why are you building so many parking spots if you're
6 not going to be moving the trucks through there?
7 MR. DANIEL: Can I ask my next question?
8 Are the engineering deviations, the
9 ones that staff can approve, the ones that the City
10 Council can approve, are those on your quote/unquote
11 laundry list of zoning variances that we missed?
12 MR. THOMAS: No.
13 MR. DANIEL: Okay. Where is your list?
14 MR. THOMAS: What list are you --
15 MR. DANIEL: The list of variations that we
16 missed.
17 MR. THOMAS: I didn't say you missed any
18 variations. I said what the report is saying, you
19 are asking for variances on slopes and for the
20 retaining walls.
21 MR. DANIEL: And those are civil engineering
22 exceptions that are either at the city engineer's
23 discretion --
24 MR. THOMAS: Absolutely.

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1 MR. DANIEL: Putting power lines underground.
2 That is for the staff to decide, right? Where
3 there's sidewalks --
4 MR. THOMAS: What are you doing with sanitary
5 sewage on the site?
6 MR. DANIEL: Oh, did you not check?
7 CHAIRMAN GREENMAN: Larry, I'm going to have
8 to -- Mark is the one asking the questions. You are
9 to answer.
10 MR. DANIEL: As far as the traffic is
11 concerned, would it surprise you if we decided not to
12 do a traffic study in this case?
13 MR. THOMAS: I don't think you could get away
14 with it. The city would require you to.
15 MR. DANIEL: Are you aware of the city
16 retained the traffic consultant?
17 MR. THOMAS: I am.
18 MR. DANIEL: You don't have any discretion in
19 avoiding that?
20 MR. THOMAS: That doesn't mean I can't
21 question his results.
22 MR. DANIEL: Okay. You know it's not our
23 traffic study.
24 MR. THOMAS: I know that Civiltech did the

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1 traffic study. I'm questioning why they didn't and
2 it's clear in my opinion. I'm asking why they didn't
3 consider the fact the business plan, which indicates
4 400 trucks per day, rather than trying to tie it to
5 existing operations.
6 MR. DANIEL: All right. Barrington
7 Hardwoods, their loading operation, have you observed
8 that next to these neighbors?
9 MR. THOMAS: No.
10 MR. DANIEL: Have you observed the other
11 loading operations in the neighborhood?
12 MR. THOMAS: No.
13 MR. DANIEL: Have you ever observed aerial
14 photographs to get an idea over the years what
15 loading operations have existed at this site and
16 prior operations and since NVA moved to the site?
17 MR. THOMAS: I have.
18 MR. DANIEL: Okay. How many trucks were
19 loading and unloading during the prior operation,
20 Smith Cartage?
21 MR. THOMAS: I don't know the answer to that.
22 That has nothing to do with your proposal.
23 What we're reviewing is your
24 business plan of having 350 parking spots. That's

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1 what we're reviewing. We aren't reviewing what
2 happened 50 years ago.
3 MR. DANIEL: How many trucks came back at
4 Smith Cartage on a daily basis?
5 MR. THOMAS: That's immaterial to your
6 proposal.
7 MR. DANIEL: He doesn't want to answer. So
8 I'll just kind of let that go, and you can judge his
9 character.
10 MR. THOMAS: I don't know.
11 CHAIRMAN GREENMAN: Thank you for the answer.
12 MR. THOMAS: And immaterial.
13 MR. DANIEL: Ground water, did you review the
14 environmental report?
15 MR. THOMAS: I did.
16 MR. DANIEL: And what is a double basin, can
17 you explain that?
18 MR. THOMAS: You're referring to detention
19 areas?
20 MR. DANIEL: No. You said the environmental
21 problems. You're familiar with the environmental
22 report?
23 MR. THOMAS: Yes.
24 MR. DANIEL: All right. When you store oil

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1 or fluid onsite, what is below the container holding
2 the fluids so that if there's a leak in the
3 container --
4 MR. THOMAS: Oh, the double containment
5 you're referring to.
6 MR. DANIEL: Did you read about those?
7 MR. THOMAS: I don't recall anything --
8 seeing anything specific that was mentioned about
9 those, but the point is, anything that's spilled on
10 that parking lot has no way to be controlled before
11 it's in the detention. There are no triple basin
12 separators on -- all you've got is the sumps which
13 take solids. You have the bioretention things, and
14 you have -- you filter out a lot of the sediments.
15 But you do nothing in your treatment before it's
16 discharged to the subsurface to remove solvents and
17 petroleum products, period.
18 MR. DANIEL: And isn't that why you have a
19 written plan, an emergency plan, you have a spill
20 plan, you have a toxic substances plan, that's what
21 you have in the workplace.
22 MR. THOMAS: That's kind of too late. At
23 that point it's already in the subsurface.
24 MR. DANIEL: So let me ask you this question:

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1 Is that same problem applicable to every permitted
2 limited and special use in the ordinance?
3 MR. THOMAS: That is a problem in every
4 place.
5 MR. DANIEL: That's all I need you to answer.
6 I have no further questions.
7 Shawn, please, you can step up.
8 MR. STRACH: Mr. Daniel.
9 MR. DANIEL: Hi Shawn. Good to see you
10 again.
11 Those addresses that are on page 2
12 of your report, how many of those five sites had 12
13 million dollars in improvements on them?
14 MR. STRACH: I can't answer that, sir.
15 MR. DANIEL: Is it safe to say that none had
16 them?
17 MR. STRACH: I would say that the location at
18 PDL truck parking on Christina Drive meets them.
19 MR. DANIEL: That's the most improvement.
20 MR. STRACH: That would be the most improved,
21 but I can't answer on the value of that.
22 MR. DANIEL: And on one of these, did you try
23 to find the property, this US Route 12 and you
24 couldn't find it?

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1 MR. STRACH: No.
2 MR. DANIEL: You couldn't find the aerial?
3 The developer, was it just a small lot that was
4 hidden in trees?
5 MR. STRACH: Gerke is right along Route 12.
6 It's a major thoroughfare.
7 MR. DANIEL: And the other ones, the first,
8 the second, this F & H, Kanzler and Freight Union
9 don't have improvements like what is proposed here,
10 right?
11 MR. STRACH: Correct, they do not.
12 MR. DANIEL: And none of them have a
13 headquarters.
14 MR. STRACH: Again, the PDL facility is such
15 a large facility, I couldn't tell where the ownership
16 ended and started, because they do have a repair
17 facility as well.
18 MR. DANIEL: Did you call anyone to
19 investigate before you testified under oath?
20 MR. STRACH: I did not.
21 MR. DANIEL: Did you call any of these other
22 uses to investigate?
23 MR. STRACH: I did not.
24 My testimony was that there was no

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1 residential adjacent to these.
2 MR. DANIEL: But these are truck parking
3 lots, right?
4 MR. STRACH: Correct.
5 MR. DANIEL: All right. So what is it that
6 leads you to conclude that this is a truck parking
7 lot rather than somebody, who has outgrown their
8 site, is spending 12 million dollars on a
9 headquarters building and wants to have a larger
10 fleet that doesn't have the same issues with the
11 short flow on Sands Road on a smaller site that leads
12 to the photographs that you've seen. What is it that
13 leads you to think this is a truck parking lot?
14 MR. STRACH: The 325 spaces.
15 MR. DANIEL: Is there open access at these
16 five sites?
17 MR. STRACH: It appeared to me that there
18 were, yes.
19 MR. DANIEL: And we have a fence and a gate,
20 right?
21 MR. STRACH: At the current location, yes.
22 MR. DANIEL: And at the proposed location,
23 correct?
24 MR. STRACH: Uh-huh.

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1 MR. DANIEL: So what else is it about these
2 uses that you think is similar to ours?
3 MR. STRACH: Again, I didn't testify that
4 there was a similar use to yours. I testified that
5 in these five locations, they were not adjacent to
6 residential properties.
7 MR. DANIEL: Did you ever look over in Carol
8 Stream to see if there were homes next to industrial?
9 MR. STRACH: Sir, I'm sorry, but my testimony
10 was for these five, and I provided the addresses in
11 my testimony.
12 MR. DANIEL: All right. And you're a real
13 estate broker for a living?
14 MR. STRACH: Yes, sir.
15 MR. DANIEL: You're not trained as an
16 attorney, right?
17 MR. STRACH: Correct.
18 MR. DANIEL: As far as your experience, you
19 are not a certified real estate appraiser, right?
20 MR. STRACH: I am not a certified appraiser.
21 MR. DANIEL: You're not an SRA.
22 You're not a member of the Appraisal
23 Institute.
24 MR. STRACH: No, sir.

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1 MR. DANIEL: Are you a Member of the American
2 Institute of Certified Planners?
3 MR. STRACH: I am not.
4 MR. DANIEL: Have you had any education in
5 planning, architecture, civil engineering?
6 MR. STRACH: I have been involved in the
7 educational purpose from CMAP, when I served on the
8 Planning and Zoning Commission in the City of
9 McHenry, yes.
10 MR. DANIEL: So it's training. The training
11 we all go to.
12 MR. STRACH: Correct.
13 MR. DANIEL: When was the first time that you
14 were called to work on this?
15 MR. STRACH: I don't recall the date, sir.
16 MR. DANIEL: Was it within a week?
17 MR. STRACH: This week, sir.
18 MR. DANIEL: Yes.
19 MR. STRACH: No.
20 MR. DANIEL: Just give me a ballpark.
21 Was it before December 8th?
22 MR. STRACH: On or around that time.
23 MR. DANIEL: So somebody said that it was an
24 asinine idea to rezone the whole track and apply M1

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1 or ML regulations on the north end of it. That it
2 was an asinine idea, and it was illegal, against the
3 law, the attorney said. Do you agree with that?
4 MR. STRACH: I -- I'm not a lawyer, as we've
5 already stated. So I can't really answer if it's
6 against the law or not. In all of my testimony I
7 didn't say that it should be illegal. My testimony
8 was that there should be a buffer between a
9 residential and this light manufacturing buffer is
10 what should stay in place.
11 MR. DANIEL: Okay. Is the parking of trucks
12 that are there longer better than an active loading
13 facility for a light manufacturing use? Trucks
14 parked versus a building that has trucks coming in
15 every day and pulling out, Hardwoods, Barrington
16 Hardwoods?
17 MR. STRACH: I think in this particular
18 situation, and second in my opinion, Mr. Daniel, my
19 opinion is that if I were a resident living there on
20 a second story, with a 14 foot high trailer, with a
21 white or silver top, the light reflection and the
22 lights at 30 feet, in my personal opinion, would be a
23 detriment for me.
24 MR. DANIEL: And your opinion was that the

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1 trees are 12 feet tall, when in reality, they are
2 between 20 and down the road they're going to be 40
3 to 60 feet tall. Let's just think about this. You
4 said 12 feet in your testimony.
5 MR. STRACH: I never said a height in my
6 testimony.
7 CHAIRMAN GREENMAN: Mark, you have two
8 minutes.
9 MR. DANIEL: Within a planned unit
10 development, you had planned unit developments in
11 your capacity as a chairman, right?
12 MR. STRACH: Correct.
13 MR. DANIEL: All right. Do you recall in
14 planned unit developments you can set up a set of
15 conditions?
16 MR. STRACH: You can, yes.
17 MR. DANIEL: And those conditions could
18 include the very condition that staff suggested,
19 which is you make the ML regulations applicable for
20 the territory closest to the residents; couldn't it?
21 MR. STRACH: I have never experienced that,
22 and again, I testified that I'm not a planner, and
23 I'm not an attorney. So I can't answer that
24 intelligently for you.

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1 MR. DANIEL: You could put the conditions in
2 the ordinance, right?
3 MR. STRACH: I would say that that would make
4 sense in my purview, yes.
5 MR. DANIEL: Okay. That's all I have. Thank
6 you.
7 CHAIRMAN GREENMAN: At this juncture I'm
8 going to turn it over to the Commissioners, and
9 they'll have an opportunity to ask questions. This
10 is the time to ensure that all of your questions are
11 answered relative to this petition. Anything that
12 you need to clarify, this is the time.
13 COMMISSIONER SCOTT: I'll start. Can we take
14 a five minute break to gather thoughts and take a
15 restroom break.
16 CHAIRMAN GREENMAN: It is 12:08. We will
17 come back at 12:15, seven minutes.
18 (A short break was
19 taken.)
20 CHAIRMAN GREENMAN: We're at the point now
21 where the Commissioners are going to ask some
22 questions of evidence that was presented this
23 evening. So we would like to begin.
24 COMMISSIONER SMITH: For the appraiser, when

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1 you considered the impact of the development, were
2 you looking at the development, itself, or the zoning
3 for the use of the property?
4 Was it the specific development or
5 was it -- Do you understand my question? It wasn't
6 the zoning that impacts the surrounding community.
7 MR. POLACH: It was both, because the current
8 zoning is for a manufacturing district. So it's not
9 as if this was zoned for park use or residential use
10 or some other type of use. So we looked at the
11 existing zoning of the subject, as well as
12 surrounding properties, and then we looked at the
13 specifics of the proposal. And there are limitations
14 because it's a planned unit development. There are
15 only certain things that can be done on the property,
16 very specific, that can only be developed in a way
17 that is approved by the city, and so we have to look
18 at that. And when I compared that to what they could
19 develop under the current zoning, I think that a park
20 would not differentiate much. In other words, if I
21 don't want to live next to an industrial use, I won't
22 live next to an industrial use. Once again, certain
23 type of use another, it's not that specific in the
24 marketplace. If someone has an objection to this

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1 type of a use, they're not going to buy it. Yet we
2 found examples of people that are willing to buy
3 properties certainly next to industrial uses. It's
4 not inhuman. So in answer to your question, it's
5 both. We looked at both.
6 COMMISSIONER SMITH: Thank you. For the
7 Petitioner, can you provide some context or clarity
8 around any history with regards to the use, sort of
9 the context with regard to whether or not you have
10 attempted to do anything with the property prior to
11 this, whether it be marketed for sale and redevelop
12 it or anything else.
13 MR. DANIEL: Ivan, to be clear, when did you
14 buy the property?
15 MR. NARTSEV: Two years ago.
16 MR. DANIEL: So he's owned it for two years.
17 The listing question, when we pulled
18 up the listing off the record it was listed -- It was
19 initially listed in 2019. It was a 2020 listing from
20 CVR. So it was listed before our acquisition.
21 COMMISSIONER SMITH: Okay. Can I get some
22 clarity from Civiltech, our consultant, with regard
23 to the use and the question with regard to the
24 traffic volume, what use you based it on, whether --

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1 I think you mentioned it was warehouse use inside the
2 report, correct?
3 But given the different types of
4 uses that are permitted in this particular proposed
5 zoning classification, whether that was the most
6 intensive or what your reasoning was for selecting
7 that.
8 MR. PAUTSCH: Yes. Our trip calculation was
9 based on data provided by the existing NVA
10 development. So the gate there, the amount of
11 traffic going in and out, and that data was sealed up
12 based on the comparison of the size of the new site
13 to the existing site.
14 And I'll note also that on the short
15 term -- Our understanding of the short-term parking,
16 it's not turning over every day, it's turning over in
17 the range between every day and weekly, so...
18 COMMISSIONER SMITH: So given some of the
19 evidence that was presented today, do you still feel
20 comfortable with the report, as prepared?
21 MR. PAUTSCH: Correct. Yes, we do.
22 COMMISSIONER SMITH: Can you also answer or
23 just maybe clarify any concerns, if that there are,
24 in regard to stopping sight distance from the

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1 proposed entrance location?
2 MR. PAUTSCH: Yes. We did look at the
3 stopping sight distance going towards US 14 and the
4 railroad there, and that's in the report. We don't
5 have any concerns. The report does not include the
6 stopping sight distance to the north, but based on
7 the testimony provided earlier, it's our
8 understanding that the crest of the hill is about 450
9 feet away, which is a little further away than the
10 stopping sight distance standards for Sands Road,
11 which is 250 feet.
12 COMMISSIONER SCOTT: And then just a couple
13 of final questions with regard to drainage and
14 environmental concerns.
15 I noticed the pond on northwest
16 corner of the site that's adjacent to Route 31
17 right-of-way, where does the overflow of that pond go
18 to in an emergency situation. It goes north?
19 MR. BLOCKER: Good question. There's
20 actually a hundred year pipe that actually connects
21 from that pond to the east. It goes to a basin.
22 COMMISSIONER SMITH: So the overflow still
23 does go back to the east and discharge --
24 MR. BLOCKER: Yes.

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1 COMMISSIONER SMITH: Were you aware of the
2 pump and discharge coming from the subdivision to the
3 north?
4 MR. BLOCKER: So, no. I mean, the way I
5 understood it there was a 2 inch pipe discharge
6 there, which I mean, I can understand -- whether or
7 not that's going to be picked up on survey, but you
8 know, if the testimony was accurate, as far as flow
9 rate, that works out to a very minimal flow rate
10 given the offsite we did account for on the west, as
11 well as our infiltration rates exceed that. And
12 again, as I think Mark kind of alluded to, we have a
13 very good amount of capacity storage, based on the
14 detention, plus I think on the existing site there
15 was roughly nine acre feet of storage just the
16 depressional areas, which we're still maintaining on
17 our property, on top of our detention requirements.
18 So all of that water is still going
19 to be the same today, and we're increasing the
20 storage capacity.
21 COMMISSIONER SCOTT: I believe the evidence
22 presented was that the discharge was in the Route 31
23 right-of-way. Do you know what portion of that
24 right-of-way comes back onsite or if it's contained?

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1 MR. BLOCKER: The proposed changes that are
2 in our stormwater report, you'll see we're accounting
3 for 2.6 acres of offsite, basically the center line
4 of Route 31 all down that hill, to collect and get
5 routed to the stormwater basin. So in comparison,
6 the hundred thousand gallons that I believe was
7 presented works out to like .19 CFS, that acreage of
8 2.6 acres of runoff is going to be ten times, if not
9 way more than that. It's significantly being
10 accounted for.
11 COMMISSIONER SMITH: The -- There was I
12 believe some testimony with regard to downstream
13 monitoring or lack thereof. I know there was some
14 ground water studies done with regard to the
15 direction of flow. Was there any quality study done
16 to ground water that is downstream of the site at all
17 or was just the monitors that were onsite?
18 MR. BLOCKER: Harish could speak to that, he
19 did the study.
20 MR. RAO: The focus on the study was
21 primarily to look at the direction of how the flow --
22 the direction of flow was only looked at. No
23 measurement were taken.
24 COMMISSIONER SCOTT: Actually, I did have one

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1 other question.
2 MR. DANIEL: The area on Sands Road has two
3 archives, one is the old county landfill and the
4 other is Smith Cartage. So when it was Smith
5 Cartage, there was enough there where it made sense
6 to do the baseline water analysis where we sampling
7 the PNAs or any of the solvents that may be from
8 Smith Cartage ahead of time, because it was already
9 on it. With the environmental report, they've got
10 the precautions in place to avoid that. So that's
11 just a regular background that I reviewed and help
12 make the decision on.
13 COMMISSIONER SMITH: Sure. I appreciate the
14 clarity.
15 One other quick question. Did you
16 hear comments on the questions regarding the -- call
17 it the truck stop, the search for what the site
18 ultimately is used for with regards to some of those
19 scenarios.
20 MR. VAYSMAN: It's not a truck stop. A truck
21 stop people can, you know, sleep in overnight.
22 There's no shower onsite. You know, it's no
23 overnight parking. It's only for drivers. So people
24 affiliated somehow with, you know, with the site.

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1 And all of our drivers would say drivers from
2 California and they arrive at the yard, you know, and
3 have some type of repair, they're not sleeping at the
4 lot. We have cars, so drivers, they can take the car
5 and go to the Holiday Inn. I can provide receipts.
6 We use Holiday Inn almost every week, you know, for
7 overnight for the drivers.
8 COMMISSIONER SCOTT: I don't have any further
9 questions.
10 CHAIRMAN GREENMAN: Kathy?
11 COMMISSIONER REPHOLZ: My name is Kathy
12 Repholz. I just have one question, I think. I would
13 address it for the attorney.
14 A couple of times in your
15 cross-examination and through the presentation
16 tonight, you've refer to -- I might have a number of
17 12 million improvement right, this building, this
18 headquarters, and you're asking some of the witnesses
19 having seen that in other places. So what I'm taking
20 from that is that you were just making a -- you're
21 distinguishing this investment that's being made
22 here.
23 MR. DANIEL: That's correct. From a zoning
24 perspective, and I think Mr. Filippini could chime

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1 in, but the ordinance allows staff to determine the
2 most approximate classification of use that's in the
3 ordinance. It may not be perfect. It may not be
4 exactly all -- on all fours, A, B and C, but it's the
5 closest, and that's what staff did, and that's how we
6 approached it.
7 There has been a broad
8 characterization of this as a truck stop or a truck
9 parking lot, but it's not. And that's why we have a
10 list of uses that are being approved as part of the
11 freight terminal, okay. Those uses are all part of
12 this, and that aggregation of use that staff saw was
13 the close to the freight terminal use, and I don't
14 think it's on all fours either. The staff has the
15 authority to tell us that, and that's why
16 Mr. Gottemoller applied the way he did. That's when
17 we started application, and I believe that
18 interpretation. But I think the staff has the
19 ability to make that determination of use.
20 COMMISSIONER REPHOLZ: Yeah, I actually
21 was -- I wouldn't be asking a question about use,
22 because I think we're all pretty well-prepared about
23 that. I was just -- I was asking myself there is
24 just a huge investment going in here, and it seems

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1 like a lot of stuff that is updated and current and
2 like how you're approaching a lot of it, and then
3 part of what I ask myself is why not do all that and
4 then forget the 325 parking spaces.
5 MR. DANIEL: Well, you do need to have
6 trucks, and you do need to have parking spaces. At
7 least 160 of them --
8 COMMISSIONER REPHOLZ: Okay.
9 MR. DANIEL -- you know, right now we have 60
10 trucks. It's going to take sometime to ramp up to
11 that, obviously, and you know, if there are folks
12 that are leasing trucks -- contrary to the testimony,
13 Ivan does a list of people that want jobs, looking
14 for jobs, contrary to the testimony that was
15 presented, Ivan has a list of people that want jobs,
16 and you can see from the pictures, some of the
17 conditions, the site is just too small right now.
18 COMMISSIONER REPHOLZ: Thank you.
19 VICE CHAIR GRONOW: Yeah, there has been a
20 lot of information brought forward today, a lot of
21 testimony made and evidence presented today. I still
22 have some questions. I guess more for the Petitioner
23 at this point. Just for clarification purposes, so I
24 can get my mind around it. One of the things that

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1 you talked about in your narrative that you said to
2 us, I think on page 6, it talks about the facility,
3 itself, you're creating a facility with washroom and
4 locker- room facilities for employees.
5 MR. DANIEL: Correct.
6 VICE CHAIR GRONOW: Are your drivers
7 considered employees?
8 MR. DANIEL: The employees that are
9 referenced in the repair area -- There are two locker
10 facilities, men's and women's, and they're adjacent
11 to the repair area. We have a plan for the
12 individuals coming in to change their clothes and
13 shower after work when they leave those docks. So
14 that is where the showers are.
15 VICE CHAIR GRONOW: So there will be showers
16 in that area.
17 MR. DANIEL: For the mechanics. This is
18 strictly for the repair-oriented side. People have
19 to shower after their done with work.
20 VICE CHAIR GRONOW: So again, for
21 clarification purposes, there will be showers in that
22 locker room area and the lounge area.
23 Are the drivers employees, because
24 that what your narrative --

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1 MR. DANIEL: You mentioned a lounge area.
2 The waiting area is only for people that have
3 repairs. It's like what you find a small car
4 dealership, the TV, a couch, two seats and a table.
5 So there's nowhere you can layout and stay for the
6 long term, no accommodation.
7 VICE CHAIR GRONOW: So again, is the answer
8 to the question in terms of the drivers, some of them
9 are employees?
10 MR. DANIEL: Correct.
11 VICE CHAIR GRONOW: Are there any -- Would
12 there be any food service facilities attached to
13 this?
14 MR. DANIEL: There is no food preparation.
15 There is a kitchen for staff. It's a typical break
16 room: refrigerator, coffee maker, table. It's --
17 microwave. No stoves, no -- Nothing of that sort.
18 VICE CHAIR GRONOW: And then I know you've
19 expressed considerably that there would not be
20 overnight sleeping in the trucks. And then we heard
21 some testimony that says well, that's not very
22 logical in some cases when these trucks have to run
23 at certain temperatures. And do you have an answer
24 for that? Is there imperially no overnight sleeping

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1 in the trucks?
2 MR. DANIEL: The bulk of the employees are
3 from the immediate area. So if the truck they're
4 driving is onsite, they're not going to be onsite
5 they're going to be at home. That answers your
6 first.
7 When it comes to running the vehicle
8 and idling the vehicle, that's a circumstance that we
9 have to deal with in the regulations. There are
10 three points to make: 1) is from the environmental
11 statement. We're not a local trucking company.
12 We're based here, but we're national, and that means
13 we have to comply with Washington state, California
14 and Oregon regulations, which are a lot more
15 stringent than Illinois as to the time in the truck
16 and the engines running in those trucks.
17 On the idling side we again stand
18 ready to keep all the idling to the south end of the
19 property, and that's important for a lot of reasons:
20 You don't want to have the hassle of complaints. You
21 want to keep it 700, 800 feet away, which is
22 basically to that last road north of the building.
23 VICE CHAIR GRONOW: So you're saying that's
24 the only place the idling would occur?

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1 MR. DANIEL: Yeah. You wouldn't have that in
2 the north row or the row after that, and I think you
3 get into employee parking at that point in time.
4 There is 12 employee parking spaces. Those north two
5 rows, it's 75 feet plus 50 feet plus another 75 and
6 75. So you're at 300 feet south of the lot line
7 before you even have a driveway, and that's the road
8 coming around the building to the north side of the
9 building.
10 VICE CHAIR GRONOW: And you right here, you
11 said that your drivers are all local.
12 MR. DANIEL: Our employee drivers.
13 VICE CHAIR GRONOW: Your employee drivers are
14 all local. McHenry County?
15 MR. DANIEL: Yeah.
16 VICE CHAIR GRONOW: So you don't have any
17 employee drivers that do not live in this area.
18 MR. NARTSEV: The drivers, yeah, I do have
19 drivers living from this area.
20 MR. DANIEL: He said you do not. Do you have
21 employees that do not live in the area?
22 So he thinks three. This is an
23 employee -- This is just a staff list of employees.
24 So staff and drivers for the last two years there is

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1 nobody from outside McHenry County. The towns are
2 Huntley; the top town is Crystal Lake, that's 12
3 employee; Lake in the Hills comes next; Algonquin and
4 Huntley.
5 VICE CHAIR GRONOW: So really the number of
6 employee drivers is minimal.
7 MR. DANIEL: Right now, it is, yes.
8 VICE CHAIR GRONOW: I know you're planning to
9 expand.
10 It was one brought up in terms of
11 stormwater and the water main, a comment made that --
12 Well, first of all, you're going to expand the water,
13 city water line, bring water in. Will you still be
14 using any of the wells that exit?
15 MR. DANIEL: We will not be using the wells.
16 VICE CHAIR GRONOW: You are not using the
17 wells for any reason?
18 MR. DANIEL: No.
19 VICE CHAIR GRONOW: After the improvement.
20 MR. DANIEL: We're not allowed to for any of
21 the facilities. Possibly for landscape purposes,
22 landscaping and only irrigation. There's no reason
23 to tap into the well.
24 MR. VAYSMAN: So in addition, because we're

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1 bringing the water, now we have the position to have
2 fire hydrants too. Before we were -- This advertised
3 to tap into the existing -- The only way to do this,
4 anybody could do this, is to tap into the existing
5 well and expand the well. Ivan decided to do
6 something better, to actually bring the water,
7 because you can't feed a fire hydrant off a well.
8 Also, there's a different sprinkler
9 system, so he's bringing that as well. Because now
10 we have city water so that adds another level of
11 safety.
12 VICE CHAIR GRONOW: So you won't be using the
13 wells.
14 MR. VAYSMAN: Correct, we can't.
15 VICE CHAIR GRONOW: I think that's all for
16 right now.
17 COMMISSIONER SKLUZACEK: You mentioned
18 before --
19 MS. COWLIN: We can't hear you. Can you use
20 your microphone, please.
21 COMMISSIONER SKLUZACEK: I think it was
22 mentioned before, are that you are going to have a
23 septic tank system there or city sewer?
24

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1 MR. DANIEL: The question was are we going to
2 have a septic tank or city sewer.
3 We are going to have a septic tank
4 towards the west side of the property and it can be
5 connected, when properly licensed. It's not
6 something that's impossible to do.
7 COMMISSIONER SKLUZACEK: You're going to go
8 west.
9 MR. DANIEL: So it will be west, near the
10 retention where the open space is over on that side
11 of the project. You can probably handle all the
12 design even with the park improvements.
13 THE COURT REPORTER: I can hear you, I'm
14 sorry.
15 CHAIRMAN GREENMAN: Please move closer to the
16 mike when speaking.
17 COMMISSIONER SKLUZACEK: You said something
18 about not putting motion sensing lighting in on the
19 north property line, and under recommended
20 conditions, the city requested motion sensing.
21 MR. DANIEL: We would like -- If we're
22 talking about conditions, there are a few things that
23 we would like to address. I believe our conditions
24 are similar tailored to regulations that dealt with

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1 trucking projects, and Mr. Abel has done dozens.
2 Alex has does a lot of these uses.
3 The motion detectors create
4 problems. First of all, if they're not necessary, it
5 becomes a nuisance, because the lights are going on
6 and off. The other issue is that we have to have a
7 certain amount of lighting in our parking areas for
8 insurance purposes. So it's not like we can go dark
9 situation unless somebody is in the area, because if
10 you have darkness, somebody has to wait for the
11 detectors to come on to see the illumination. We
12 would prefer a staged approach to get motion
13 detectors, and there other things that we would try.
14 The dimming with the minimum, you know, required by
15 insurance is how we handled Navistar. We handled a
16 few other big projects like that, some big box stores
17 were handled that way, and that tends to work. And
18 still staff had looked at that and said well, it's a
19 problem. We're willing to put up until the time of
20 occupancy, and when we get the final inspection. I
21 mentioned the shields. The motion detector are the
22 same things. But we think that should be a very last
23 resort, because it does create the flashing
24 appearance, and it's been a distraction when those go

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1 on and off.
2 COMMISSIONER SKLUZACEK: Okay. And do you
3 have any or problems with the recommended conditions?
4 MR. DANIEL: On the ML use on the north side
5 of the property, I think it's a proper condition. I
6 think it's something that Mr. Filippini should
7 probably take a look at. Some of the aspects of the
8 ML use might be appropriate that are unintentional.
9 We're strictly parking trucks up there. I think it's
10 almost easier to say all we can do is park trucks up
11 there, and within set distance from the lot line.
12 Let's say when you take that 300 feet, we'll say no
13 idling within 300 feet south of that north lot line.
14 And then if we were to pursue another ML use, we've
15 got to come back for an adjustment to the planned
16 unit development, which is how it probably should
17 work, because if we're going to add an ML use in that
18 area, different from the one we promised, it's a
19 change to the plan.
20 COMMISSIONER SKLUZACEK: That's all I've got.
21 CHAIRMAN GREENMAN: Natasha?
22 COMMISSIONER TEETSOV: So we received footage
23 from residents showing the, I don't know the proper
24 terminology, but the decoupling of the trailer from

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1 the truck. In your estimation, how often does that
2 happen?
3 UNIDENTIFIED SPEAKER: In two years, it's
4 happened two times. You know, it's mechanical
5 failure. One time it happened because of mechanical
6 failure; and the second time, which just happened
7 recently, due to weather condition. You know, hook
8 up the trailer and it shows it's locked, but it was
9 frozen, so it doesn't hold properly. So that's the
10 second time it happened in three years.
11 COMMISSIONER TEETSOV: And what is the
12 procedure or process when that happens either offsite
13 or at the entrance?
14 UNIDENTIFIED SPEAKER: For how many years in
15 the company, it happened two times. So just took it
16 to the shop, warm it up the last time and it just
17 check out everything's working properly, we fix it.
18 COMMISSIONER TEETSOV: Was traffic impacted
19 when that procedure was happening?
20 UNIDENTIFIED SPEAKER: I wasn't there. You
21 can ask the question for my manager, because he was
22 there. He can answer that properly.
23 MR. POLINOVSKI: After that incident that
24 took in a few -- more than 10 trucks into the shop.

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1 For the most part we tried to -- if there is
2 congestion traffic, we have tools at the facility to
3 get them out of the way, and I guess, take care of
4 any repairs or we're ready to go to make sure they
5 actually lock.
6 MR. DANIEL: One thing that I do want to
7 mention, the initial application is -- it's changed
8 in respect that relates this. The sites are not
9 interconnected. So the existing location is not
10 going to be accessible from the proposed location.
11 There is no cross-connection. So these trucks are
12 going to be using the other access route. And this
13 issue with setting protocol for when something
14 decouples for when traffic is blocked on Sands Road,
15 we certainly can set it up as part of this PUD and
16 say annual public safety meetings to update on
17 whatever is going on in the area. I have done that
18 for schools. I haven't done it for non-educational
19 uses. Usually it's for school drop-off plans and
20 things like that. Usually we don't presume a
21 violation of the law, because of the zoning,
22 speeding, the number of tickets, we usually don't
23 consider that when it comes to zoning decisions. We
24 don't presume how to make it a left turn, for

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1 example. So you usually don't see in these
2 instances. We can put that in as a condition, if you
3 prefer to have it, that just washes over to the site
4 of the existing site.
5 COMMISSIONER TEETSOV: So just to clarify,
6 all of this property, you're all operated by the same
7 company?
8 MR. DANIEL: It's all under one umbrella,
9 yes.
10 COMMISSIONER TEETSOV: The other question I
11 have it was shared that if there was a truck that
12 gets to the gate let's say after hours and didn't
13 have the correct code or had to -- maybe it wasn't
14 appropriate to be there, how do they get out from
15 that spot if they're not allowed access onto the
16 property? Can you walk me through that?
17 MR. DANIEL: So this is one of the
18 conditions. There will be a gate with a sign on it
19 that says call this number, and the phone number is
20 called, they'll immediately respond. And we also
21 have remote-access authorization. So you can let
22 somebody in, if a second truck pulls in, so you don't
23 have somebody doing any backing or something like
24 that.

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1 COMMISSIONER TEETSOV: Thank you. Those are
2 all of my questions.
3 COMMISSIONER MASON: So the question was
4 asked earlier, but with regards to parking and I
5 think I'm getting a little bit closer to getting my
6 arms around it a little bit. But the question is
7 actually with your trucks, what is the ratio of like
8 leasing trucks to the ones that you own, and then
9 what is your current plan moving forward to how is
10 that going to look for the future?
11 MR. DANIEL: So why don't you start with the
12 current ratio. What you own and what you lease?
13 UNIDENTIFIED SPEAKER: So the current, it's
14 probably owned trucks, probably 70 percent, 30
15 percent. So currently, we see the opportunity to
16 grow. The market has changed a lot, but you know,
17 for us, we see it as opportunity. So that's why we
18 decide to step forward and just create -- It's a lot
19 of drivers. Honestly we have decent drivers. And
20 right now, the trucks, that's why we decide to grow,
21 because we buy a lot of equipment at real good
22 pricing, and it's lot of drivers, so...
23 MR. DANIEL: Owned versus leased.
24 UNIDENTIFIED SPEAKER: 70 percent.

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1 MR. DANIEL: Do you think it will stay the
2 same down the road, 70/30?
3 UNIDENTIFIED SPEAKER: It all depends.
4 Currently, we see a lot of drivers, so we're not
5 really concentrating on the leasing, because we see
6 more, you know, we see opportunity for drivers. I
7 don't know how the market will change later, but
8 right now, we have greater increase percentage of the
9 drivers. Employee drivers.
10 MR. DANIEL: Employee drivers, not lease.
11 UNIDENTIFIED SPEAKER: If the market changes,
12 maybe we change. Currently, that is where it is.
13 COMMISSIONER MASON: So how would that affect
14 you going forward, like the amount of trucks. Say we
15 have some, you know, 300, 400 trucks, how would that
16 affect that going forward?
17 UNIDENTIFIED SPEAKER: You know, it's really
18 hard to master, but to me, I would see that 150
19 trucks, that is -- you can manage. Because, if you
20 go more -- I mean, it's really hard to manage.
21 COMMISSIONER MASON: And you currently have
22 what number now, 60?
23 UNIDENTIFIED SPEAKER: Between 60 and 70.
24 COMMISSIONER MASON: The other question what

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1 is the construction timeline?
2 So let's say this does go forward,
3 from start to finish, like how long of a process
4 would it be to complete the question?
5 UNIDENTIFIED SPEAKER: That question, Alex
6 can answer, because he's the development company. So
7 he can answer that question for you.
8 MR. VAYSMAN: Thank you. Usually for a
9 project like this, it would be approximately 10
10 months -- between 10 months and 12 months. About a
11 year.
12 COMMISSIONER MASON: That's all of the
13 questions that I have.
14 CHAIRMAN GREENMAN: Good news is almost all
15 of my questions have been answered already. Just a
16 couple few ones.
17 So landscaping, I know we talked
18 about trees, and just a quick question, and maybe I
19 missed it. The trees that are going to be planted,
20 and I know it's going to be different sizes. Can you
21 walk us through the size -- the day that they're
22 planted, what are the sizes going to be?
23 MR. DANIEL: In general or?
24 COMMISSIONER GREENMAN: I'm talking about the

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1 north side of the property that abuts up against the
2 residents and using that as buffer, I just want to
3 better understand exactly the size as they're
4 planted, day one.
5 MR. COOK: Understood. So it's kind of a
6 two-prong approach. As I mentioned previously
7 earlier, in the presentation, the owner has saved a
8 lot of the existing evergreens that were onsite. We
9 don't have a survey of every single tree out there,
10 but generally, they're in the 10, 15 foot range
11 height. There's a good number of them out there.
12 With this weather, and depending on how it's been
13 covered, there is some risk of loss over the winter.
14 Those are intended to be planted -- transplanted in
15 that sort of northeasterly region where the grading
16 increases.
17 To the extent we can utilize those
18 fully grown -- not fully grown, but the larger trees,
19 those are going to be the priority. As you need to
20 fill in, the landscape plans typically expect 6 to 8
21 foot tall evergreen trees when they're installed.
22 There's also the 27 deciduous trees that are located
23 a little bit further down closer to the parking lot,
24 and those are 2 1/2 inch caliber, which depending on

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1 species 12, 15 foot height range.
2 So the answer to your question,
3 Mr. Chairman, is that we're going to have to see what
4 the status is some of those existing evergreens to
5 give a specific number. It certainly is the owner's
6 intention to maximize those large evergreens and to
7 comply with the landscape plan.
8 CHAIRMAN GREENMAN: I appreciate that, and I
9 appreciate your willingness to do that.
10 In the event though that none of
11 those trees make it, they will be -- for the higher
12 elevation, they will be at least 6 foot, 8 foot when
13 planted.
14 MR. DANIEL: When planted, the evergreens
15 would be expected between 6 and 8 feet. Staff, if
16 they were to mandate feet, if they were pursuing
17 feet, and you can't find, it would be 8 feet or more,
18 that's what I've seen on projects of this size. I
19 want to note real quickly on the fence. If you think
20 about a 15 foot tree coming in, a deciduous tree,
21 it's the 4 feet above 8 feet that makes a difference
22 in prepping the gap between the leaves of that
23 deciduous tree as its growing and the top of the
24 fence. So you might have a small gap, but that 4

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1 feet should eliminate it, because you don't have 12
2 foot below the canopy from the new tree that is 15
3 feet tall.
4 CHAIRMAN GREENMAN: And that's where I was
5 going next. How long is going to take an 8 footer to
6 fill the gap, approximately, with your expertise,
7 four years, two years?
8 MR. COOK: An 8 foot tree, you know, takes a
9 couple of years for the shock to be overcome, and
10 then they start growing at approximately a foot a
11 year. So you're probably talking a couple of
12 years -- few more years actually.
13 CHAIRMAN GREENMAN: It takes a couple years
14 for the shock then they start growing, so --
15 MR. COOK: From 8 feet.
16 CHAIRMAN GREENMAN: Just to have an idea.
17 MR. COOK: About two years let's say to get
18 over shock, and then add a foot a year, you get
19 another 4 feet. That's four years, six years, so
20 there's a period of time.
21 CHAIRMAN GREENMAN: I appreciate that. I
22 wanted to have a better understanding.
23 So you might have answered this when
24 Scott asked the question. We've seen some videos

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1 this evening, and so when you were taking a look at
2 everything, and this is relative to the hills that
3 are on Sands. Did you -- It sounds as though you
4 really didn't necessarily evaluate southerly. So
5 Crystal Lake Avenue going down Sands to 14, is that
6 correct, in terms of risks associated with -- Now,
7 trucks won't be coming through, I'll go there in a
8 second. But there won't be any trucks from Crystal
9 Lake Avenue down Sands. That being said, there are
10 cars, and you know, there at least has been some
11 information that, you know, the current posting of
12 speed limit may not always be met.

13 Any thoughts in terms of additional
14 mitigations that might be appropriate to ensure the
15 safety as you've got trucks that are going to be
16 entering and exiting, and they seem to be potentially
17 in areas that could be riskier.

18 MR. PAUTSCH: Well, I think the left-turn
19 lane is definitely a mitigation in terms of safety,
20 because trucks, as they're pulling in and getting
21 ready to turn left, they can pull out of traffic, and
22 not impede through traffic to the north.

23 So the -- I mentioned this earlier
24 about the stopping sight distance required on Sands

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1 Road is 250 feet, and it's my understanding that the
2 hill -- the crest of the hill is about 450 feet away.
3 So that car would have to be traveling more than 50
4 miles an hour, so more than 20 miles an hour over the
5 speed limit before that becomes an issue. So that's
6 in my mind really --

7 CHAIRMAN GREENMAN: On a day that the --
8 There is no moisture on the road and things like
9 that. So on a good day, correct?

10 MR. PAUTSCH: According to -- These
11 guidelines that are based on state and federal
12 standards for stopping sight distance.

13 CHAIRMAN GREENMAN: I don't know what those
14 standards are. So that would be on dry pavement
15 though, correct?

16 MR. MAGNUSON: Mike Magnuson, Director of
17 Public Works and Engineering, I have been sworn in.
18 No, that's actually based on wet
19 pavement.

20 CHAIRMAN GREENMAN: That's good to know. I
21 appreciate that.

22 Go back to a question that's been
23 asked couple of different times, but I'm going to ask
24 an additional question.

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1 So this has to do with after hours
2 trucks. My question is for whatever reason if they
3 can't get ahold of somebody, they don't really
4 have -- What options do they have, does the truck
5 have, if they're trying to go into a gated area and
6 for whatever reason they can't get ahold of anybody.
7 Can they -- Can they turn around? Is there enough
8 room to turn around?

9 MR. DANIEL: There is no way to turn around
10 in that -- It's 200 feet wide in total with detention
11 and we have a grade change going up on the north side
12 of the driveway. We would have the number posted and
13 we'd have to have a secondary number, in the event
14 something were to happen. I don't think we have seen
15 that happen with any of the previous. These folks
16 have the same licenses, same safety licenses. Their
17 expert and our manager are in the same field. So
18 they would have that same back and forth, that
19 secondary communication. We can work out the sign.

20 CHAIRMAN GREENMAN: And I understand that.
21 My point is that you're about ready to triple. I'm
22 trying to better understand the risks associated with
23 it, that's all.

24 MR. DANIEL: If there's a tripling, there's

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1 going to be somebody there 24 hours. It won't be for
2 a while. But when this fuels up to a point where
3 it's that busy, you're going to have someone onsite
4 24 hours.

5 CHAIRMAN GREENMAN: That's helpful, okay.
6 Thank you.

7 And I think my last question, so
8 what mitigations are in place to ensure that we don't
9 have any trucks on the road, Crystal Lake Avenue,
10 southbound on Sands, and what mitigations are we
11 going to have in place to ensure that trucks don't go
12 northbound on Sands past their facility.

13 MR. DANIEL: As mentioned, the trucks have
14 GPS, and I don't know if you've seen grain trucking.

15 CHAIRMAN GREENMAN: GPS doesn't drive the
16 truck, so...

17 MR. DANIEL: I understand.

18 CHAIRMAN GREENMAN: I'm trying to understand
19 what mitigation. I understand you're going to tell
20 them. What are the other things that you're going to
21 be in place to ensure that we maintain what you're
22 trying to accomplish?

23 MR. DANIEL: You start with the GPS. Then
24 you have signage, and the way that the driveway is

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1 designed is so that it opens up towards the south,
2 the whole driveway opens to the south. The only
3 large vehicle that would fit in from the north is
4 intended to be a fire truck or a life-safety vehicle,
5 because you need to have that road access from the
6 fire life safety. Internal lane, you have protocols
7 for your employees that include the rules of the road
8 of the site. We haven't even talked about trash cans
9 and recycling can around the site and maintains your
10 truck and the basis running of operation. There are
11 instructions for that. They also impose deliveries.
12 So somebody making a delivery to the site knows that
13 they can't access it from the north of the site, if
14 you're driving a vehicle of a certain size. Waste
15 hauling, I don't think a waste hauler would come from
16 the north. So that's generally how it's handled.
17 You have design. You have signage. You have
18 education.
19 On the leased vehicles and if
20 somebody is under a service plan, they're required
21 the follow the same rules as the owner vehicles. So
22 those same polices would extend to all of them,
23 including the environmental polices. So everything
24 applies equally to anybody who has a truck on that

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1 site. The only exception is my small truck that
2 breaks down where I make the appointment to get it
3 repaired, with no affiliation at all. That's the
4 only exception to that.
5 CHAIRMAN GREENMAN: I appreciate that. I
6 know your best interests are to ensure that doesn't
7 happen. I just wanted to better understand your
8 thought process. I mean, your professional in terms
9 of get all of that in and you had an opportunity to
10 listen to, you know, your comments and everything. I
11 wanted to better understand what your plan is.
12 MR. DANIEL: There is a serious penalty that
13 applies. I think the category of violation would go
14 on the trucker's federal registration. I think that
15 would be docked against them in general, when it
16 comes to their license, and they could lose it after
17 two or three events. So it's a very serious issue
18 for the drivers. Any violations are a problem. Turn
19 violations are a problem.
20 CHAIRMAN GREENMAN: I appreciate that very
21 much. Those are all of my questions.
22 I'm going to back to any other
23 additional questions?
24 (No response.)

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1 CHAIRMAN GREENMAN: So what I'm going to do
2 is kind of as I stated at the outset, I'm going to
3 offer the interested parties an opportunity to
4 summarize between two interested parties, a total of
5 five minutes, so use those five minutes
6 collaboratively, the way you want to, or if you
7 decide you don't want to do that, that's fine. Once
8 you've completed the five minutes total, between the
9 two of you, I will go to the Petitioner. You'll have
10 five minutes for closing comments. You don't have to
11 use them, but I'll give those to you. And at that
12 point, we will close the public hearing.
13 So with that, I'm going to turn it
14 over to the interested parties.
15 MR. MCARDLE: I'll raise two points quickly.
16 In my appendix at pages 56 and 57, I cite Section
17 2-400 of your code, and in those sections, the
18 requested use is for outdoor storage and they're
19 requested for warehouse distribution. Each state
20 that outdoor storage must only occur in the rear
21 yard.
22 In this case, he's got outdoor
23 storage three sixty. He can't -- He can't win this.
24 There is no way that the outdoor storage adjacent to

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1 the residential neighborhood is a rear yard, no
2 matter how you cut the definitions, and I provided
3 all of that in my memorandum. I gave you the
4 definitions of yards and all of that. The most
5 likely front yard is the one that faces Sands Road,
6 which would make parking -- the principal parking
7 we're concerned about in the side yard. Those are
8 two zoning violations he didn't request relief from.
9 My second point is the staff sent
10 out a memorandum last year, and that's in the
11 appendix as well, at page 38, and at page 38, the
12 staff said you need a principal use. Because you
13 only need parking for this building of 12 spaces or
14 so, they said, whatever the numbers were. You want
15 300. That's accessory. So in order to get that
16 accessory, you need a principal use. Your principal
17 use must be a freight terminal because that's the
18 only use that will allow you to have that type of
19 outdoor storage. So they fit freight terminal in.
20 They testified, and I gave you the
21 cites in my memorandum, at the last hearing, both
22 Ivan and Joe Gottemoller stood up and testified that
23 there is no freight being taken off and put on these
24 trailers, and they -- not one time did they use this

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1 as a freight terminal. They called it a truck yard,
2 a truck repair facility and one other term, not --
3 They never used the word freight term. Six months
4 later, all of a sudden in the narrative, it becomes
5 the south 9 percent of the property, or 8,000 square
6 feet, is warehouse, but in that warehouse, we're
7 going to have some skids, and we're going to unload
8 and load. You can't drive a truck up there like a
9 dock and bring a skid loader on there, because it's
10 not an elevated dock. This is not a freight
11 terminal. And if there is freight being removed,
12 it's not a primary use. The primary use is parking,
13 and that's impossible under your code. Thank you.

14 MS. WAGGONER: Thank you. Thank for your
15 indulgence this evening. I would just like to say
16 behalf of Ms. Alcock, who lives adjacent to this
17 property, we think have presented testimony and
18 evidence to support the Petitioner cannot meet the
19 UDO standards. With regard to the recommended
20 conditions on architecture, they are so numerous that
21 it would not really allow the public to see what the
22 structure is going to look like today, because the
23 staff conditions are so numerous. The use conditions
24 are so numerous that they'd be virtually impossible

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1 to enforce. And I understand that we're all going to
2 be on pinky swear and on the rule system, but the
3 bottom line is the city would literally have to have
4 a compliance inspector or police officer there to
5 enforce these conditions.

6 After rezoning the property to the M
7 PUD, attempting to limit the use of that property to
8 the north raises issues if they don't use this
9 property or don't ever develop the property as
10 petitioned. The various uses, as I mentioned, that
11 should be special uses and should have been applied
12 for for special uses, truck repair, the private
13 parking lot, et cetera, those were never applied for
14 for special uses, but they applied for a freight
15 terminal, which David already indicated, doesn't
16 appear to be a freight terminal.

17 As Larry testified, the traffic
18 study was not based upon the traffic generated by the
19 future operations planned, and it's worthy of note
20 that the traffic counts were taken on Labor Day
21 weekend, on a Thursday and a Saturday, when the
22 Petitioner testified that the Monday and the Friday
23 were the busiest days. It's worthy of note to wonder
24 why that happened that they were taken on Thursday

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1 and Saturday of a holiday weekend when those are not
2 his busy days.

3 Finally, the facility that the
4 Petitioner plans to operate will produce air
5 pollution, noise pollution, negative traffic impacts,
6 and there's obviously an argument there's no public
7 need for this use. There is no local benefit. We
8 respectfully request that you deny the Petitioner's
9 petition. Thank you.

10 MR. DANIEL: Thank you again, everyone, for
11 the attention in July, tonight, the work you've done
12 to prepare, staff, I want to thank staff, and I think
13 there were some darts thrown at Civiltech that are
14 inappropriate. That comments about the Labor Day
15 study I think were inappropriate. The comments about
16 the interpretation of the zoning ordinance I think
17 were inappropriate.

18 When someone delivers a package of
19 uses such as we identified in that list and we say we
20 have a quarters, we have 30 employees, we have repair
21 crews that are in bays, we have a parts department,
22 and we have a lot of trucks and we are over-the-road
23 trucking, we're over-the-road trucking and logistics.
24 We look at the situation. We say we're spending 12

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1 million dollars. Let's think about this for a
2 minute. Should we always plan to be over-the-road
3 trucking or should be plan to have less-than-load
4 operations in the warehouse. There is no conspiracy
5 about that. Common sense says that if you're
6 spending this kind of money, you're going to make the
7 facility adaptable. So when the market changes and
8 less-than-load operations pick up, you can at least
9 do that adjacent to those docks in the building.

10 Outdoor storage, another tricky
11 situation with Counselor. I appreciate when somebody
12 gives credit to staff and they're exercising their
13 authority and doing what they do, and people actually
14 respect that and file an application in line with the
15 staff's review of the ordinance. I don't respect
16 when someone questions things and doesn't bring to
17 the table the law.

18 Storage, what is our storage
19 outside. There is no storage around the building.
20 All of our waste hauling, our waste is inside. Tires
21 are inside. We have trailers. There are a certain
22 number of trailers. In the summer, the box trailers
23 aren't as frequently used. Those will be in the
24 northernmost row in the westernmost spaces. In the

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1 winter, the flatbeds are not used as much. Those
2 then will go up to the north row in the westernmost
3 spaces. Look at the plan. The front lot line,
4 believe it or not, we agree on. I think staff agrees
5 that the front lot line is Sands Road. The side lot
6 lines go out at an angle, and you take the opposite
7 of the front lot line between the side lot lines and
8 guess where our storage is, the rest of it's parking.
9 Storage is to put away something without the intent
10 to bring it out. Our job is to keep the trucks on
11 the road. Our intent is have those trucks out every
12 day. That's parking, not storage. To say that we
13 have storage three sixty is a complete
14 misrepresentation.

15 To suggest that we have to request
16 special uses for each independent component of our
17 use and it's determined to be a freight terminal
18 overall, that is also incorrect. To suggest that it
19 would be illegal to impose LM -- ML-type regulations
20 in the northern 300 feet or whatever those two rows
21 of parking is, to suggest that would be illegal, that
22 is not possible, that is false. It's absolutely
23 false. You can adopt a PUD and say for this portion
24 of the property these are the regulations that you

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1 will follow, you know that.

2 On the standards, I think staff --

3 The staff memorandum, the staff testimony shows that
4 the comprehensive plan aligns with this. For
5 watershed management, we're doing a heck of a lot.
6 There's a lot of sheath on that property and there
7 was before the trees were removed pursuant to a
8 permit.

9 On the comprehensive plan side, the
10 use fits within the range of use even near
11 residential. This is truck parking. It's not a
12 heavy intense manufacturing use that you would find
13 in the county I2 or any ML elsewhere in Crystal Lake.
14 And it gives them certainty. It lets them know what
15 is there. You have standards, and I'm not going to
16 go through all of them, but I think in the narrative,
17 it's pretty clear that you've got consistent --

18 CHAIRMAN GREENMAN: Mark, we've been briefed,
19 so --

20 MR. DANIEL: Yeah, I'm not going to keep you
21 on that. I've represented municipalities. I've
22 represented developers, and I represented drivers.
23 These guys are smart. They've done a lot of work.
24 They've organized well. But I can tell you that what

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1 they present are questions that are answered in
2 drawings. You can't come in as an expert before a
3 panel of experts surrounded by the community and make
4 a recommendation and say you shouldn't approve this
5 because they did a study and I have a question that I
6 can't answer from it, because I haven't looked at it
7 as deeply as I should have. The stormwater on the
8 west side of the property, we have four or five times
9 that in excess capacity. Traffic, our lot is 20
10 percent full, if you look at all the county aerials,
11 the CMAP aerial most recently. Google Earth, which
12 someone said is antiquated. You still have an image
13 of trucks we have on the site.

14 For our purposes we have as
15 evidenced from a recognized member of the appraisal
16 institute, who has been around 55 years doing this,
17 Harold Washington's former Economic Development
18 Director, who was the Head of Planning in DuPage
19 County for 25 years, one of the top engineering firms
20 and environmentalists, and actually somebody, who is
21 not Russian, like the e-mail said, but is Ukraine.
22 Interesting way that e-mail is worded, however it
23 came out, whoever sent it, but somebody who has
24 worked really well with his builder to do what's

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1 right. When they came to the hearing last time, he
2 was informed by Mr. Gottemoller that it was a
3 rubber-stamp process. This is a good project. Do
4 this, do that. The landscape plan is a thousand
5 times better. The building is rotated. The
6 neighbors have done a great job educating us. We
7 were criticized for this meeting. I told neighbors I
8 would not bring it up at the hearing and hold it
9 against them, but then they come and bring it up and
10 use it against me. We invited the neighbors to
11 communicate with us. We sent letters to the ones
12 that really mattered. We had a meeting at the
13 Holiday Inn --

14 CHAIRMAN GREENMAN: Please. Please. Please.
15 That is not -- That is not fair. Please wrap up.

16 MR. DANIEL: They criticized me for that, and
17 we've been open to their comments the whole time. A
18 lot of these changes were related to their input in
19 July. So they have done a good job, but I think we
20 have done everything to merit an approval or
21 recommendation in this case.

22 There are some details I think when
23 it comes to looking at these conditions that I think
24 Mr. Filippini might want some clarification on, and

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1 I'm available for that, if needed. Thank you.
2 CHAIRMAN GREENMAN: Thank you. With the
3 conclusion of the comments from interested parties,
4 as well as the Petitioner, I am officially closing
5 the public hearing.
6 At this time it is now going to be
7 Plan Commission. We're going to have a little bit of
8 discussion, and we're going to see if we can
9 entertain a motion and vote on the motion.
10 So with that, why don't you start,
11 Scott, you start us off.
12 COMMISSIONER SMITH: I guess I'll just -- I
13 don't need to go back through all of the evidence
14 looked what you. I guess if you allow me to indulge
15 a bit. I appreciate all the work that everybody has
16 put into this, the Petitioner and staff, the
17 Commissioners. I also appreciate the engaged
18 community. Crystal Lake is great, and I'm proud to
19 be up here.
20 I guess just with regard to the --
21 regarding the petition, so I'll go right through it.
22 I believe relative to the petition for rezoning, the
23 Petitioner's part provided enough evidence to support
24 the findings of fact relative to items F and G, but I

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1 did not feel that they provided enough evidence
2 relative to the rest of the criteria for rezoning.
3 And with regard to the criteria for
4 the special use permit and the PUD approval, I felt
5 that -- I felt that they provided enough evidence to
6 support all but numbers 1 and 2.
7 CHAIRMAN GREENMAN: Then Kathy?
8 COMMISSIONER REPHOLZ: I think if I was
9 breaking it down that the finding of fact by finding
10 of fact, my position is -- this one is real close to
11 Scott's.
12 COMMISSIONER TEETSOV: So in I'm looking at
13 this from the line of rezoning request, the property
14 in question was purchased with the knowledge that it
15 was uniquely divided, with two different zoning
16 classifications. Similarly, the residents -- The
17 residential properties were purchased with the
18 understanding that there was an ML designation.
19 Although the rezoning of this unique property is two
20 different classification could be framed an
21 opportunity for improvement or one with more control
22 from a city planning perspective, I do not see the
23 proposal as mutually beneficial opportunity from the
24 perspective of the residents.

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1 What also stuck out to me was there
2 are no other facilities like this one in the
3 surrounding communities that about these residential
4 areas, similar to one here. We heard those concerns
5 this evening. And I don't feel that Crystal Lake
6 wants to be the community that's the pioneer of this
7 endeavor. So therefore, I don't feel it meets the
8 finding of fact.
9 CHAIRMAN GREENMAN: Stacy?
10 COMMISSIONER MASON: And I just want to thank
11 the public, again, there has been so much time, work
12 and effort that's gone into this, and so I just want
13 to thank the Petitioner and also the public for
14 coming out today and taking the time in the early
15 morning to come up with a resolution.
16 So I just want to say thank you on
17 behalf of the Commissioners.
18 CHAIRMAN GREENMAN: Al?
19 COMMISSIONER SKLUZACEK: You know, I -- I --
20 I don't know if I can support the special use freight
21 terminal. I mean, I'm okay with everything that was
22 asked before for the special use permit.
23 CHAIRMAN GREENMAN: Bill?
24 VICE CHAIR GRONOW: Yeah. Like fellow

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1 Commissioners have said, I appreciate everything
2 about this process, about the community coming
3 together, Petitioner coming together, all of the work
4 that was put into it. They've certainly, done a lot.
5 A petition like this is loaded with a lot of
6 controversy and emotion for sure, and sometimes
7 that's really challenging for us, as a Commission, so
8 that we don't become sidetracked for what's in front
9 of us as a Planning and Zoning Commission, with our
10 sole responsibility be to recommend or not recommend
11 to the City Council. I believe it's important for us
12 to stay focused on the zoning aspects of this request
13 and also the associated planned unit development
14 special use.
15 That being said, after reviewing all
16 of the documentation that we've had, the review of
17 the last several days, months, and all of the
18 evidence that has been presented here tonight in
19 front of us and listening to all of this, I find
20 it -- I don't find that it meets enough of the
21 findings of fact in this situation, unfortunately,
22 and certainly not enough of the -- for a special use.
23 CHAIRMAN GREENMAN: You've heard some of the
24 comments. I'm going to -- Although I didn't request

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1 for you to kind of regurgitate some of things you've
2 heard, I'm going to do that. I get to as the
3 Chairperson.
4 So I want you to know that, I hope
5 that you understand that everyone takes this
6 seriously. The amount of residents that have been
7 engaged throughout this entire process over the
8 months is telling that -- that there is a lot of care
9 and a lot of commitment to the community.
10 That being said, the Petitioner came
11 before us many months ago, and they have come back,
12 and they've done many of the things that we've asked
13 them to do. People have different impressions in
14 terms of that interaction, but we did ask them to
15 reach out to the community and to the residents. We
16 did ask them to seriously think about the plan, and
17 everything that the Petitioner has come before us
18 this evening, costs money. There wasn't anything
19 that they did that didn't cost money. And it's
20 important for everyone to understand that there's no
21 good and bad in this process. It is a process that
22 we have to go through, and thankfully, we have this
23 process for everyone to be able to share their
24 thoughts, concerns, whether they're positive or not

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1 positive, and I want to commend everyone and a huge
2 thanks to the Petitioners, because you did listen to
3 us, and you took everything that we said seriously
4 and came back with some excellent, excellent
5 mitigations.
6 That being said, I'm not going to be
7 able to support your petition, and I will give you
8 just some specifics in terms of. For rezoning, I
9 could go through many of them, but I will highlight
10 A, E and H for you, and I don't think through the
11 testimony that I heard and all of the information
12 that we've got beforehand that you met, from my
13 perspective.
14 And the special use permit, I'll
15 just focus on one or two that I don't think, for me,
16 that I was satisfied in terms of the evidence that I
17 heard that you satisfied those.
18 So with that, I want to thank
19 Petitioner immensely. It was a lot of hard work, and
20 I know you spent a significant amount of money. And
21 this is not we do not want you in the community. We
22 do not want you to grow. I'm -- It's just not the
23 right location, from my perspective.
24 That being said, those are our

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1 comments and thoughts.
2 Based on that, I would take a
3 motion.
4 COMMISSIONER SCOTT: I would like to make a
5 motion to recommend denial of agenda item, 2023-36, a
6 request to rezone and grant the special use permit
7 and approval of preliminary and final planned unit
8 development at 7013 Sands Road.
9 CHAIRMAN GREENMAN: Okay. I just want to
10 make sure that you understand the motion that was
11 presented.
12 Petitioner?
13 MR. DANIEL: We understand.
14 CHAIRMAN GREENMAN: Thank you.
15 With that I've got a motion.
16 Do I have a second?
17 COMMISSIONER REPHOLZ: Second.
18 CHAIRMAN GREENMAN: I have a motion and a
19 second.
20 Any further discussion?
21 (No response.)
22 CHAIRMAN GREENMAN: Roll call, please.
23 MS. MAXWELL: Ms. Teetsov?
24 COMMISSIONER TEETSOV: Aye.

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1 MS. MAXWELL: Mr. Skluzacek?
2 COMMISSIONER SKLUZACEK: Yes.
3 MS. MAXWELL: Mr. Gronow?
4 VICE CHAIR GRONOW: Yes.
5 MS. MAXWELL: Ms. Mason?
6 COMMISSIONER MASON: Yes.
7 MS. MAXWELL: Ms. Repholz?
8 COMMISSIONER REPHOLZ: Yes.
9 MS. MAXWELL: Mr. Smith?
10 COMMISSIONER SMITH: Yes.
11 MS. MAXWELL: Mr. Greenman?
12 CHAIRMAN GREENMAN: Yes.
13 That's unanimous. The recommendation to deny
14 will go before City Council on what date?
15 MS. MAXWELL: February 6th.
16 CHAIRMAN GREENMAN: That you all very much.
17 We'll close the public hearing
18 meeting.
19 (The meeting concluded at 1:33 a.m.)
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23
24

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1 STATE OF ILLINOIS)
)
2 COUNTY OF COOK)
3

4 I, DEBORAH R. SANTI, Certified Shorthand
5 Reporter, of the State of Illinois, do hereby certify
6 that I reported in shorthand the proceedings had in
7 the aforesaid matter, and that the foregoing is a
8 true, complete and correct transcript of the
9 proceedings had as appears from the stenographic
10 notes so taken to the best of my ability.
11
12
13
14

15 DEBORAH R. SANTI, CSR
CSR # 084-004107
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