

**Members Present**

Mr. Stauffenberg, Mr. Tripp, Mr. Bertrand, Mr. James, Mr. Martin, and Mr. Scholl.

**Members Absent**

Mr. Olthoff, Ms. Hertzberger, and Mr. Washington.

**In Attendance**

Mr. Kruse, Mr. Nicholos, Mr. Liehr, Mike Van Mill, Brian Billingsley, Donna Shehane, and Mike Lammey.

**1. Call to Order**

The meeting was called to order by the Chairman, Mr. Stauffenberg at 9:00 a.m.  
Quorum present.

**2. Public Comment**

John Fogarty was present to discuss Bridal Wood Pond.

Darvin Smith was present to discuss Bridal Wood Subdivision Pond.

Julia Winiecki was present to discuss the Homestar Bank zoning case.

**3. Approval of Minutes**

A motion was made by Mr. James and seconded by Mr. Bertrand to approve the minutes of the April 19, 2004 meeting. Motion carried.

**4. Subdivision**

Bridal Wood Meadows – Amendment to Lots 1 & 2 of the Final Plat

Mr. Billingsley said this case was tabled at the last meeting. He said Mr. Tyson is present representing the petitioner and he would like to share some information with the committee.

Mr. Tyson said at the last meeting, he was to meet with Mr. Smith and Mr. Howell to shoot elevations of the pond. The elevations were taken Monday morning prior to his meeting in the afternoon with both of them. The elevations that were shot verify that the pond in the rear is constructed according to design. It is lined with 4" stone and the culverts under the road are according to plan. The elevation of the spill way is higher than designed and his recommendation is that it should be lowered to 663.0 to comply with the intent of the original design.

Mr. Tripp asked how far it will be lowered. Mr. Tyson said it lowers it to an elevation of 663.0 (18 inches lower than now).

Mr. Stauffenberg asked if this will avoid water back up on Mr. Smith. Mr. Tyson said it will be lowered to carry the volume of water with a normal rainfall.

Mr. Scholl asked how long will it be to correct the situation. Mr. Tyson said approximately one day to correct the drainage issue of the pond.

Mr. Tripp asked if the owner has agreed to do this. Mr. Tyson said yes.

Mr. James asked if there is any consideration given to the liner.

Discussion was held regarding the guidelines for a recreational pond.

Mr. Knowles said he had the same concerns of his neighbor and if there is anything he can do, he would like to do it. He does not want to do anything that is not factually based. At this point, there is nothing planned to line the pond. He said in February 2003, he went to Mr. Bevis and Mr. Connor and they did not come up with the evidence that the pond was the problem. If overflow needs to be lowered, he will lower it. If the pond is causing contamination, he would want to take care of it if it were deemed to be the problem.

Mr. Howell said it needs to be determined who is responsible for drainage in the rural subdivisions.

Mr. Tripp said he is familiar with the pond and has never seen it green. He asked where the contaminations are coming from.

Mr. Scholl said the situation of the nitrates is not uncommon in rural areas. There is a nitrate problem in the Bonfield area. As far as e-coli, that is an indication that somewhere sewage is filtering into the aquifer and we need to track that major problem down. Drinking water for people is vital.

Mr. Tripp said an area not too far from there a person cut his water line off and used it as a drain for the basement.

Mr. Scholl said before anything is done, we should make sure that the buried wells were properly sealed.

Mr. James said it is evident that we are working on a lot of assumptions here and the Health Department should address it.

A motion was made by Mr. Scholl and seconded by Mr. James to table this issue until we have specifications that the pond is lowered and the unsealed wells is addressed and brought back before the committee.

Mr. Howell said you will be trying to find something that you do not know exists. If the wells are buried, the Health Department will not be able to find them. You have tied two issues together, which is the contamination of wells and the drainage issue. He said the drainage issue can be addressed. By tying the two issues together, you would be holding this project up without a due date for getting it done.

A motion was made by Mr. Scholl and seconded by Mr. James to amend the motion to table this until the drainage problem is corrected. Motion carried.

Motion carried.

## **5. Zoning**

### ZBA Case #03-09

The committee reviewed ZBA Case #03-09; a request for rezoning from A1-Agriculture District to R1-Single Family Residence District, on a parcel generally

situated in Section 08 of Limestone Township. The petitioner is Homestar Bank, property owner and applicant.

A motion was made by Mr. Scholl and seconded by Mr. Martin to table ZBA Case #03-09. Motion carried.

ZBA Case #03-24

The committee reviewed ZBA Case #03-24; request for a variance to sections 4.06.A (lot division) and 4.09.A (ingress and egress) of the Kankakee County Zoning Ordinance, on a parcel generally situated in Section 20 of Salina Township. The petitioner is Harry Pfiffer, property owner and applicant.

Mr. Billingsley read a letter from David Bergdahl who asked that the case go back to the ZBA committee because it is their intention to amend their application.

A motion was made by Mr. Martin and seconded by Mr. Scholl to refer ZBA Case #03-24 back to the Zoning Board of Appeals. Motion carried.

ZBA Case #04-05

The committee reviewed ZBA Case #04-05; request for a Special Use Permit #6.03.T (propane sales & service) in an A1-Agriculture District, on a parcel generally situated in Section 6 of Manteno Township. The petitioners are George and Beverly Salzman, property owners and Hicksgas, applicant.

Mr. Billingsley gave an overview of the case. The ZBA recommended it be approved by a vote of 5 ayes to 0 nays.

Mr. James asked what the safety factor is and does it meet the requirements.

Mr. Martin said there are distances that you have to follow between tanks and he is sure they will go by the rules. It is controlled by the State Fire Marshal. He thinks we should require them to blacktop the road to the end of their property.

Mr. Mike McLeod from Hicksgas was present. He said the blacktop will be from the entrance pad off Route 45/52 to the east edge of the property line, which will take care of Mr. Martin's concern.

Mr. Billingsley provided the committee members with a list of conditions being recommended by the Planning Department for this special use permit (attached).

A motion was made by Mr. Tripp and seconded by Mr. Martin to approve ZBA Case #04-05 for a special use permit with the list of conditions supplied by the Planning Department (attached) with an amendment to condition #3 to insert the wording "from US 45/52 to the east property line."

Marlene Smith, nearby property owner said her property is listed with Rosenboom who feels it is a terrible thing to be near this property. She said this land will drain on her land.

Discussion was held about the piece of property being developed.

Mr. Scholl asked if there will be a fence. Mr. Mike McLeod (Hicksgas representative) said it will be enclosed with a fence that meets the requirements.

Mr. Billingsley asked what the height of the fence will be.

Mr. Mike McLeod (Hicksgas representative) said the fence will be 6-9 feet and will be of industrial/commercial grade.

Mr. Billingsley said the zoning ordinance states that the fence should be 6 feet tall.

A motion was made by Mr. Martin and seconded by Mr. Scholl to amend the motion to include in the conditions that the fence be allowed to be up to 9 feet tall. Motion carried.

Motion carried.

#### ZBA Case #04-04

The committee reviewed ZBA Case #04-04; request for Rezoning from R1-Single Family Residence District to C2-General Commercial District, A1-Agriculture District to R1-Single Family Residence District, and Special Use Permits 8.03.N.1 & 8.03.N.2 on a parcel generally situated in Section 6 of Bourbonnais Township. The petitioners are Linda Longtin, Leverne Longtin, and Municipal Bank Trust #1563, property owners and ENDOR, Inc., applicant.

Mr. Billingsley gave an overview of the case. The ZBA recommended it be approved by a vote of 6 ayes to 0 nays.

Mr. Martin said as we have read in the newspapers, various school districts are having problems financially. He said this development will have 270 units. He said we do not have any impact fees. He said we need to consider what is being affected by the subdivisions. He likes the idea that this development has sanitary sewers and city water. Another concern he has is the traffic on Route 45/52.

Mr. Van Mill said they are talking with other municipalities about the development of Route 45/52 and discussing access management so all three jurisdictions have a systematic approach for where the curb cuts will be. He said they are willing to give additional right-a-way. They are taking future traffic impacts into consideration with these developments.

Mr. Martin asked if they will blacktop. Mr. Van Mill said yes.

Mr. Stauffenberg said the road will have to be developed like the area by Tholen's.

Mr. Martin said 6000 road will be one of the most used roads going east/west.

Mr. Stauffenberg asked if we have a copy of the pre-annexation agreement.

Mr. Billingsley said yes.

Mr. Billingsley read off the special use permit conditions (attached).

Mr. Stauffenberg asked if we enforce all these conditions. Mr. Billingsley said yes.

Mr. Whitten asked which school district this is in. Mr. Van Mill said Bourbonnais.

Mr. Scholl asked if they meet fire department specifications. Mr. Billingsley said they meet the Village of Bourbonnais regulations.

Mr. Scholl said he has talked to a school superintendent who told him that they are informed of proposed subdivisions. If the school district does not see anything negative with it, they do not respond. He said they do take it before the school board.

Mr. Billingsley said in the letter the office sends, it does state that if they do not respond by a specific date that the office assumes that they do not have any problems with it.

A motion was made by r. Scholl and seconded by Mr. Tripp to concur with the Zoning Board of Appeals and approve the rezoning and special use permit with the conditions outlined in the attached document. Motion carried.

## **6. Transportation**

### County Fair Bus Service

Mr. Lammey said they are waiting for a formal request in writing and will bring this issue back to committee.

Mr. Lammey said METRO's garage does not exist anymore due to the tornado. He said that one bus was damaged, but no service was missed the following day.

## **7. Solid Waste**

### 2003 Recycling Rate Presentation

Ms. Shehane gave a presentation on the Kankakee County Recycling Status for 2003 (presentation slides attached). She discussed ideas for the future, which included:

- Requiring waste haulers to report volumes/tonnages of waste collected, disposed, and recycled on an annual basis to the County.
- Tonnages/volumes must be reported separately.
- Begin discussions with haulers to implement new recycling programs.
- Work on waste hauler licensing conditions.
- In-house County recycling program.
- Explore recycling hauler program for school paper, providing guaranteed money back.
- Work with municipalities on their waste hauling/recycling contracts.
- Investigate steps other counties have taken to improve recycling rates.

Discussion was held regarding the new technologies and not having to separate the recyclables.

Mr. Scholl said it would be helpful to take a tour of the facility shown in the presentation.

Ms. Shehane said she plans to arrange a tour in the future.

## **8. Old/New Business**

### Stormwater Technical Advisory Committee

Mr. Van Mill said this was discussed at the last meeting; however, he would respectfully ask the committee to make a motion to:

- Create a Stormwater Technical Advisory Committee (STAC) and to give the responsibility of the development of the model ordinance to the STAC committee who will then forward their recommendation to the Regional Planning Commission.
- Authorize the County Board Chairman to appoint the membership to the STAC committee.

Mr. Billingsley said the list of members was given at the last meeting, but he needs to add J.R. Black and Jeremy Beck to the list.

Mr. Van Mill said they want the advisory committee to be voluntary and anybody interested they want involved; therefore, it would be more efficient to allow the County Board Chairman to appoint individuals ongoing. They are targeting membership from those in community development and other environmental agencies in the County.

A motion was made by Mr. Tripp and seconded by Mr. Scholl to recommend to:

- Create a Stormwater Technical Advisory Committee (STAC) and to give the responsibility of the development of the model ordinance to the STAC committee who will then forward their recommendation to the Regional Planning Commission.
- Authorize the County Board Chairman to appoint the membership to the STAC committee.

Motion carried.

Mr. Van Mill said since the tornadoes occurred; he has had several meetings with individuals and property owners that have experienced damage. The damage and ability to rebuild has created extreme hardships. It is as simple as paying for a building permit. He said he would like to discuss looking at waiving building permit fees to help them along. He will look at developing a policy that would be fair to the public and to those individuals who had damage from this disaster.

Mr. Van Mill said there is a workshop on May 27 at the Health Department on how to deal with issues coming up and the public.

Mr. Martin said at one time, they were told that Waste Management owed \$300,000 and asked if we have received that money.

Mr. Van Mill said no. His office just recently sent documentation to Waste Management on what is owed. This will be the first time that they got a bottom line number.

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Mr. Scholl thanked Mr. Van Mill and his department for coming to Bonfield to sort through alternatives to problems in the area.

**9. Executive Session – Pending Litigation – 5ILCS 120/2 (c) (11)**

None.

**10. Adjournment**

A motion was made by Mr. Bertrand and seconded by Mr. Martin to adjourn the meeting at 10:44 a.m. Motion carried.

Jim Stauffenberg, Chairman

Juanita M. Baker  
Administrator