

**MINUTES OF THE REGULAR MEETING OF THE
NEW LENOX BOARD OF TRUSTEES**

**New Lenox Village Hall
1 Veterans Parkway, New Lenox, Illinois
Monday, March 12, 2012**

#12-05

CALL TO ORDER

The Regular Meeting of the New Lenox Village Board of Trustees was called to order at 7:03p.m. by Mayor Timothy Baldermann in the Council Chambers of the New Lenox Village Hall.

ROLL CALL

Upon Roll Call by the Village Clerk, the following members of the corporate authorities answered "Here" or "Present":

Trustees Madsen, Dye, Smith, Butterfield, Tuminello and Mayor Baldermann

Absent: Trustee Bowden

QUORUM

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

OTHER OFFICIALS IN ATTENDANCE

Also in attendance were Village Administrator Kurt Carroll, Finance Director Kim Auchstetter, Village Clerk Laura Ruhl, Planning & Development Director Robin Ellis, Building & Zoning Administrator Warren Rendleman, Police Chief Bob Sterba, Public Works Superintendent Ken Brozovich, Village Engineer Will Nash, Economic Development Director Nancy Hoehn, Director of Operations Ron Sly, Assistant to the Administrator Carol Hennessy and Attorney Marty Shanahan

MAYOR

Will County States Attorney, James Glasgow

Mayor Baldermann asked the Board and the public to allow the Will County States Attorney, James Glasgow to speak at the beginning of the meeting.

Mr. Glasgow informed that March 24th will be the annual "Men that Cook" fundraiser for the Children's Advocacy Center. He gave a brief explanation about the Children's Advocacy Center.

Mr. Glasgow discussed the heroin epidemic in Will County.

PUBLIC HEARING – Amendment to Annexation Agreement – Calistoga – William Bolker

Mayor Baldermann re-opened the continued February 13, 2012 PUBLIC HEARING at 7:06p.m. Ms. Ruhl provided proof of notice and swore in the petitioner and interested parties.

Ms. Ellis explained the public hearing for this annexation has been continued a couple of times between the Village Board and the Plan Commission. Ms. Ellis gave a background of the 3-acre site on Calistoga Drive. She explained the property is between Speedway Gas Station and La Petite Academy in the Calistoga Plaza commercial planned unit development. Ms. Ellis reported that back in January the developer was before the Plan Commission with a plan that included a 74-unit apartment building that would be rented to senior citizens 62 and older. There was an underground parking garage and less than 1½ parking spaces per unit. She stated because of concerns from Staff and the Plan Commission as well as the public comments during the public hearing the Plan Commission continued the Public Hearing to allow the developer to come back with revised plan. Ms. Ellis reported at the next Public Hearing the plan was scaled down to 64 senior apartments, the underground parking garage had been removed because of cost consideration, and there were two parking spaces per unit. Staff had concerns with this plan because there were instances where the building was 10-feet from the parking lot. There were also concerns about the open space and the overall quality of life for the future residents. Once again, the Plan Commission continued to February 21st where they presented a new building plan. The building had formally been T-shaped so they basically took the off the extension to the east of the building and is now 50 units with 102 at grade parking spaces to comply with the two parking spaces per unit. She said, again the Plan Commission heard testimony from the public but ultimately the Plan Commission adopted the Findings of Fact for the P.U.D. and recommended approval of the development. Ms. Ellis stated that this Public Hearing is on the proposed annexation agreement. She said some of the highlights of the agreement are; limit the development to 50 units and the height of the building does comply with the underlying C3 District and it's also consistent with the maximum height allowed in surrounding residential districts. She said that Staffs recommending there be some additional language that would tighten up the age restriction to 62 years and older. She added that typically when the Board approves a P.U.D. there is a one time limit in which the developer has to come back and get a final P.U.D. Plat approved recognizing that there is a timing issue with applying for the tax credits and anticipating that the project may not receive that funding in the first application round. The developer is proposing that we allow the P.U.D. to be valid for an extended period of time similar to what was done for the Lodge at Bristol Meadows. She said the P.U.D. would remain valid unless the developer failed to obtain a building permit within three years. Ms. Ellis stated with respect to setbacks, the building does comply with all the underlying C-3 District setbacks for the front side and rear yards. Ms. Ellis said that Staff is recommending that in the amendment to the annexation agreement, as well as in the ordinance approving the Preliminary P.U.D. Plat, it be clear that the Village retains the final approval of the building elevations of all four sides at the time of final

P.U.D. Plat application. She said there are some provisions in the draft annexation agreement addressing the age restriction and the expectations that the Village has of the developer, and how the age restriction would be communicated and enforced. She added some of these provisions differ slightly from what was included in the Lodge of Bristol Meadows but Staff would like the two agreements to read the same because they are dealing with the same type of development. Ms. Ellis reported the original annexation agreement, because it did not consider any residential units, did not anticipate any impact fees coming out of this section of the property. Therefore, Staff suggests that all the typical impact fee requirements be placed on this development, even though it's going to be restricted to 62 and older, there are still impacts to the community and the Village has not in the past waived impact fees. She said the minimum square footage that is proposed for the units is 750 square feet for a one bedroom and 800 square feet for two bedrooms. She said because it's zoned commercial there is no underlying minimum dwelling size but comparing it to the R-6 which is our highest density, multi-family residents district, one bedroom units could be 700 square feet and two bedroom units in the R-6 District are to have 1,000 square feet so there is a minor deviation from what would be allowed in the R-6 District. Ms. Ellis added that because of who the units are tailored to, Staff suggests that the restriction be included in the annexation agreement so there is a definitive minimum dwelling size that's acceptable to the Board. She stated that Staff has not received a preliminary landscape plan that's been reviewed for compliance with the ordinance so language needs to be included in the agreement as well as in the ordinance approving the P.U.D. making it clear that we retain final approval of the landscape plan. Ms. Ellis concluded that the developer had included a request for a waiver of the transportation fee in consideration for the improvements that are already constructed along Laraway Road, Ms. Ellis asked for Board direction on this.

Mr. Bolker addressed the Board saying he has been in business in New Lenox for 54 years. He stated in his opinion there is an extreme need for senior housing in New Lenox. Mr. Bolker said he thinks the site is right for senior housing. He noted that the New Lenox Township wrote a letter supporting this senior housing. He said all units will be handicap accessible and the building will have a sprinkler system and a two hour fire rating in the walls and the ceilings. Mr. Bolker said Chuck Smith will be the architect and he is impressed with his work.

At this time Mayor Baldermann explained the next steps for the Public Hearing along with the first and second read policy.

Mr. Gail Truitt, 1985 Edgeview Drive.

Mr. Truitt started out by saying he is not against senior housing, but he believes this is just going to be built in the wrong location. Mr. Truitt shared his opinion by presenting a power point. He stated this development will benefit citizens of New Lenox by providing affordable housing for senior citizens, fill in an empty lot, provide jobs and provide some real estate taxes. Mr. Truitt went on to say this development will not benefit New Lenox because the building is in the wrong place, it's population is too dense, it fails to consider the impact on the nearby communities, it will stop further development nearby, it will lower home values nearby, it will drain local emergency services, if not managed

properly it will become an eyesore, non senior residents will be living there. Mr. Truitt discussed the meaning of “affordable housing”.

Mayor Baldermann said the Board doesn't necessarily agree with the information Mr. Truitt was giving.

Norma Cason, 2049 Water Chase Drive.

Ms. Cason started out by saying she's a senior citizen and is not against senior living but is against the location of the proposed building. She explained that she lives about 200 feet from the proposed building. She said when her and her husband moved here from Chicago they did their homework finding out what was going in the surrounding land. She said Mr. Bolker told them where the proposed building's to be located there will be a bakery, a bank or dry cleaners, not a three story brick building. Ms. Cason went on to explain about the home and patio they had built which will now face the proposed brick building. She added that this will be a large building that's filled with seniors and have a parking lot that totally surrounds the building. She asked what would happen if a senior drove through the fence to the day care. Ms. Cason had a slide show she had presented to the Board. Ms. Cason talked about the area at the end of Calistoga Drive that has become a dumping ground.

Mayor Baldermann expressed his concern about the dumping situation and asked Ms. Cason if she had called the Village to complain. She said she had not called the Village. Mayor Baldermann asked the Staff to look into this situation and encouraged Ms. Cason and all residents to contact the Village if they have any complaints.

Cindy Staskiewicz, 2118 Viewside Drive.

Ms. Staskiewicz expressed her concern with the location of the building for health reasons. She said the proposed 50-unit senior housing building will have blocked access to life saving technology at Silver Cross Hospital because of the location of the trains.

Bill Walter, 1022 Grandview Drive.

He explained that he's heard nothing but negativity regarding the senior housing. He said the New Lenox Township has a waiting list for the existing senior housing. Mr. Walter added that in 2015 the New Lenox Township will have the means to build another senior housing building but Mr. Bolker has the means now. Mr. Walter expressed that he is in favor of the proposed senior housing.

Greg Hill, 2433 Reeves Road, Joliet.

Mr. Hill explained he is not a resident of New Lenox nor would he comment on the location of the building. He stated that this project would put people to work and generate tax revenue.

William Lytton, 2095 Edgeview.

Mr. Lytton explained that at this time his house is still being constructed. He said he's heard a lot of pros and cons regarding the building. He said there's a need for senior housing but is not happy with the location.

Sally Wirt, 1997 Edgeview Drive.

Ms. Wirt proceeded to give handouts to the Mayor, Trustees and Staff. Ms. Wirt explained why she didn't think this is the best location for this residential apartment. She argued that this use would not be permitted under the Village's code. The proposed density is over 500% above the surrounding living areas. Ms. Wirt discussed the zoning of the property, stating she was told that this was Commercial P.U.D.

Christin LaLonde, 2120 Calistoga Drive.

Ms. LaLonde explained that she works directly next door to the proposed building at the La Petite Academy. She expressed her concerns with the joint parking lot which will cause traffic, parking and safety concerns.

Ms. Ellis explained the reason the parking lots have to be joined is for Fire Truck routing, which was not able to be done completely in La Petite's parking lot the Fire District required the cross access.

Shawn O'Malley, Developer of Water Chase Subdivision.

Mr. O'Malley expressed his concern the impact this building will have on Water Chase Subdivision. He stated that not just the lots that are directly affected. He said this proposed development belongs on a bigger parcel next to the railroad tracks. He noted there needs to be outside walking paths. He said they have complied with the Village's requests when building their subdivision. Mr. O'Malley added this could potentially affect the pace of building in Water Chase Subdivision. He concluded that this building could detrimentally affect the land values in the subdivision.

Robert Buonadonna, 791 Wildwood Drive.

Mr. Buonadonna stated that he had come from a town where there was low income senior housing. He said the Mayor and Village Board have a very tough decision to make.

Greg Szelung, 2115 Water Chase Drive.

Mr. Szelung agreed with everyone who is opposing this project. He said he's not opposed to senior housing but is opposed to the location.

Greg Nichols, 2115 Water Chase Drive.

Mr. Nichols asked if there is such a need for senior housing in New Lenox then why is the New Lenox Township looking for residents to move into their building. Mr. Nichols talked about weeds and debris behind his lot.

Mayor Baldermann explained that Staff is very strict when it comes to weeds and the maintenance of vacant lots.

Joe Leddy, 2002 Edgeview Drive.

Mr. Leddy echoed the opinions that are against this project. He said Mr. O'Malley had a good point when he said if this building is built it will impede the growth of Water Chase Subdivision. Mr. Leddy said Mr. Bolker mentioned in the past the only reason why he is doing a government subsidized building is because he's upside down on the land and can't sell a property for more then he can build it for. In conclusion the location is bad.

Mike Sanfrantello, 670 Edgewater Ct.

Mr. Sanfrantello echoed the sentiments of the other residents. He suggested Mr. Bolker mirror what the developers of Water Chase are doing and partner up with local banks to give new lower rates for new mortgages.

Allan Majia, 1997 Edgeview Drive.

Mr. Majia stated this is not about income, it's about the location. He added the lot is too small for the building that Mr. Bolker wants to build. Mr. Majia said that seniors should have a nice park or a pond, but not cars and traffic. Mr. Majia made some suggestions for the parcel of land.

Mayor Baldermann asked for Trustee comments.

Trustee Tuminello asked if Mr. Bolker could comment on some of the concerns of the residents.

Mayor Baldermann stated that he won't deny Trustee Tuminello's request but does not want this to become a never ending debate. He said there were things that were said that Staff may disagree with from a factual basis. He added anyone that thinks this type of development doesn't belong in that area is entitled to their opinion. Mayor Baldermann asked Mr. Bolker to step up and take specific questions from the Board members.

Trustee Tuminello asked Staff for an aerial view of the entire parcel, not just the lot. He told Mr. Bolker the area needs to be cleaned up. Trustee Tuminello concluded that he would have to go back and review the residents concerns.

Mayor Baldermann thanked Ms. Ellis for a good job on this project. He asked Ms. Ellis to put together a summary for the Board. He said there were several things that were sited as far as federal and state guidelines, things the Board doesn't deal with on a regular basis.

Trustee Smith mentioned that when it comes to the design of the building it looks like an office building, it's not a residential design. He added it's a lot of building on a little lot. Trustee Smith addressed impact fees.

Mr. Bolker clarified that there is no federal money financing this project. He said they will be using private corporation tax credit money.

Mayor Baldermann said that Ms. Ellis's summary will clarify the residents concerns.

Mr. Bolker reminded Mayor Baldermann and the Village Board that they had approved a similar project with the same financing for Mark Kaup, The Lodge at Bristol Meadows. He said this is exactly the same program.

Trustee Dye commented that precedent is not the law but it's certainly a guide. She stated this project is different than Bristol Meadows because the part of The Lodge at Bristol Meadows that abutted to the houses matched the lot sizes of the surrounding property, so it's really different as far as the location. Trustee Dye went on to say for the record, the Village Board super scrutinizes any development that is going in an existing neighborhood realizing that the homes existed before the businesses. She also stated that Bristol Park did comply in the design but the financing was a different issue. Trustee Dye concluded that we must be sensitive to how the neighbors will be impacted and the effects that the government subsidies will have on them.

Trustee Butterfield stated that not only does he want the Board to understand the financing but he would like the public to understand it as well.

Mayor Baldermann stated that Ms. Ellis has done a good job communicating with the public through the Plan Commission meetings and emails. He reminded the Board that the residents have the opportunity to come and speak at the first read meeting and their concerns will be addressed. Mayor Baldermann wants the residents to understand not everything they read is fact. He said the newspapers do an excellent job of communicating but they can't control what is said after that. Mayor Baldermann stated that he had a read something that was written by a resident that concerned him. The resident said that he (Mayor Baldermann) told Mr. Bolker what he had to do to get this project approved or get zoning changed. Mayor Baldermann stated this is absolutely not true. He said Mr. Bolker had several variations of this project and as he was told before this project would get to the Board there were several changes that had to be made. He said that Mr. Bolker has complied with what Staff had said was necessary in order for it to come before the Board, which doesn't mean it's necessarily approved. Mayor Baldermann recognized the Village Staff for working closely with all new developers. He asked Ms. Ellis what are some of the permitted C-3 uses that could possibly go in the parcel that would be intrusive. Ms. Ellis answered gas stations, drive-through restaurants or even a three-story hotel. Mayor Baldermann addressed the public saying the Board and Staff are trying to work with everyone's concerns.

Mayor Baldermann closed the PUBLIC HEARING at 8:51p.m.

Mayor Baldermann stated that Ms. Ellis will work on a summary report for the Board and will work with Mr. Bolker on language issues in the agreement. He explained to the public that the agendas are posted 48 hours before a meeting, and placed on the Village website.

Mr. Bolker concluded the building is large inside and holds a community room, dining room with a kitchen, coffee bar, wellness center, recreation room, library, exercise room and a card room.

CONSENT AGENDA

Motion to approve 2 items on Consent Agenda #12-05 as presented in packet was made by Trustee Madsen and seconded by Trustee Smith

Items up for approval:

- A - Request for Temporary Signs – New Lenox Chamber of Commerce
- B - Resolution #12-11 Rescinding Resolution #11-21 and Eliminating Further Charges on Vacant Properties

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Butterfield, Madsen, Smith, Dye, Tuminello and Mayor Baldermann
ABSTAIN:	<u>0</u>	
NAYS:	<u>0</u>	
ABSENT:	<u>1</u>	Trustee Bowden

The motion carried.

ORDER OF BUSINESS

Consideration for Approval of a Request for Temporary Use for Special Event – Tom Kelly’s
Consideration for Approval of an Ordinance #2242 Creating a Class SE Liquor License – Tom Kelly’s

Ms. Ellis reported that this is basically the same request as the previous years but this year the St. Patrick’s Day Event will only be on Friday and Saturday night.

Motion to approve the request was made by Trustee Tuminello and seconded by Trustee Smith. Upon voice vote the motion carried noting that Trustee Bowden is ABSENT.

Motion to approve the Class SE Liquor License was made by Trustee Smith and seconded by Trustee Dye

Upon roll call, the vote was:

AYES:	<u>6</u>	Trustees Tuminello, Butterfield, Smith Dye, Madsen, and Mayor Baldermann
NAYS:	<u>0</u>	

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration of an Ordinance Amending Chapter 106 of Village Code – Automobile Driving Instruction – 1st Read

Ms. Ellis reported that Staff received an inquiry from a driving school operator that wants to locate in the shopping center across from Lincoln-Way Central High School. In reviewing the ordinance driving schools are specifically listed only in the C-3 District. She explained that the shopping center is zoned C-1 so it was suggested that we consider a Text Amendment to allow driving schools as allowable Special Uses. She said this with the Special Use process we limit things that might have a negative impacts either on other businesses in a shopping center or in a residential area. Ms. Ellis noted this is just a Text Amendment so if the Village Board ultimately approves this at the second read meeting this particular operator would have to submit an application and have to go through the Public Hearing process for that specific location.

Trustee Smith asked Ms. Ellis if there is enough parking for this particular use.

Ms. Ellis said at most there would only be two vehicles. She reported the student driver is dropped off and drives themselves home.

Mayor Baldermann noted his concern with this particular parking lot, saying it isn't easy to get in and out of. He asked if we want brand new beginning drivers maneuvering in that lot.

Ms. Ellis reminded that this ordinance just gives someone the ability to apply for a driving school. She noted that she has not received an application so Staff has not done any kind of analysis on that location.

This first read ordinance will come back for second read.

Consideration of an Ordinance Amending Chapter 106 of Village Code – Alcoholic Beverages – 1st Read

Mayor Baldermann reported this ordinance has to do with having separate licenses for each establishment. Also, this ordinance will cap the fees for non-for-profit organizations.

No comments or questions.

This first read ordinance will come back for second read.

Consideration for Approval of a Resolution #12-12 Demanding Payment of a Certain Letter of Credit – Sanctuary Pointe

Mr. Nash reported that he has not received a new letter of credit for Sanctuary Pointe so action is needed to approve the resolution.

Motion to approve the Resolution was made by Trustee Dye and seconded by Trustee Butterfield.

Upon roll call, the vote was:

AYES: 6 Trustees Tuminello, Butterfield, Smith
Dye, Madsen, and Mayor Baldermann

NAYS: 0

ABSENT: 1 Trustee Bowden

The motion carried.

Consideration for Approval of a Resolution Demanding Payment of a Certain Letter of Credit – Steeple Run

Mr. Nash reported that he had received the letter of credit after the Board packet was distributed. So action does not need to be taken for this resolution.

REPORTS AND COMMUNICATIONS FROM VILLAGE OFFICIALS

MAYOR

Mayor Baldermann reported that at 7:12p.m. in the Village Commons the Girl Scouts celebrated their 100th Anniversary.

Mayor Baldermann asked Ms. Hennessy to report on the Village Clean Up Day.

Ms. Hennessy reported that the Village will hold it's first annual Clean Up Day to be held on Saturday, May 5th at 9:00a.m. at the Village Hall. We invited various organizations, families and individuals to come out and clean up various parkways, roadways as well as Hickory Creek. This information is on our website, Facebook and Channel 6.

Mayor Baldermann reported that he was approached by a young girl in town to hold a memorial in the Commons area on June 24th. This will be for New Lenox students that have lost their lives at an early age. More information to come.

Mayor Baldermann reported on the Triple Play Concert Series and the Country in the Commons Concert.

Mayor Baldermann stated that he has noticed an unbelievable amount of train horns blowing at all hours. He said we are in the process of going through the Quiet Zones. He added Will Nash, Village Engineer, is working with Canadian National and the Federal Railroad Administration.

VILLAGE ATTORNEY

Attorney Shanahan noted that he would be participating in the “Men that Cook” fundraiser.

VILLAGE ADMINISTRATOR

Village Clerk Ruhl gave a brief report on the upcoming early voting for the Primary Election to be held on March 20, 2012.

PAYROLL & DISBURSEMENTS

Trustee Butterfield made the motion to approve bi-monthly disbursements in the amount of \$455,949.43. In addition to this disbursement approval is needed for biweekly payroll in the amount of \$291,113.06, as well as a monthly payroll with the total amount of \$6,225.00, both paid on March 9, 2012.

Trustee Madsen seconded the motion.

Upon roll call, the vote was:

AYES: **6** Trustees Tuminello, Butterfield, Smith
Dye, Madsen, and Mayor Baldermann

NAYS: **0**

ABSENT: **1** Trustee Bowden

The motion carried.

QUESTIONS AND/OR COMMENTS FROM THE FLOOR

None

TRUSTEE COMMENTS

Trustee Tuminello

Trustee Tuminello congratulated Austin Rudsinski and his family. Austin took third place in the state for wrestling.

Trustee Madsen

Trustee Madsen reminded residents to early vote.

Trustee Butterfield

Trustee Butterfield asked Ms. Auchstetter if the property tax rebate checks were sent. She said the rebate checks were sent out and being cashed.

Trustee Dye

Trustee Dye reminded the public to come to the New Lenox Chamber Expo on Saturday at Lincoln-Way Central.

Trustee Bowden

Absent

Trustee Smith

Trustee Smith reported the Metra surveillance cameras are up and working.

EXECUTIVE SESSION

None

ADJOURNMENT

Motion to adjourn the meeting made by Trustee Smith and seconded by Trustee Dye.
Upon voice vote, the motion carried. The Regular Meeting of the Village of New Lenox
Board of Trustees held on March 12, 2012 adjourned at 9:13 p.m.

Laura Ruhl, Village Clerk

APPROVED