

Approved
VILLAGE OF LAKE ZURICH
Tree Commission Special Meeting Minutes
June 3, 2008

A. Roll Call: Present Shawn Walkington Chairperson, Commissioner Kozub, Commissioner Scott Garrison, Commissioner Harper and Commissioner Froehde.

B. Ela Town Hall Development: Commissioner Walkington stated that this was a Special Meeting to review a Landscape plan for Ela Town Hall development. The developer had removed 85 trees that were marked for preservation, as well as 27 additional trees from the Knox Park property. According to the Exchange Rate in the Building and Zoning Code this would call for the planting of 281 additional trees. Commissioner Garrison asked Dan Peterson, Building and Zoning Director, for his comments. Dan stated that the developer had been notified of the violation and was asked to present a new plan to show replacement of the trees removed from the Preservation Plan. These new plans will need to be reviewed by the Tree Commission and the Village of Lake Zurich Landscape consultant. Commissioner Froehde stated that a plan was presented of trees to be *preserved*, but did not list trees to be *removed*. Therefore, there was never a tree survey submitted. Commissioner Froehde also stated that they were short of the required trees along the west parking lot and there should be for more trees added to the area. These trees should be in Islands and not along the perimeter of the parking lot.

Commissioner Garrison read a statement to the attendees. He agrees with the calculations by Dan Peterson and Shawn Walkington of the 281 replacement trees and that the revised Landscape Plan showing 71 additional trees is totally inadequate. He feels that the petitioners should have at least 112 trees on the revised plan. This would match the number of trees removed and he might be willing to make that compromise. He understands that there is not room for 281 additional trees on the property, but trees could be planted along the south end of the property as well as the retention area at the entrance to the property. He also feels that the parking lot requirements have not been met. Commissioner Garrison has been to the development and after walking the site believes trees could be planted on the Knox Park property. In addition it was noted that they have not properly installed fencing around the trees to be preserved. He feels that they have been negligent on the preservation of the trees and not properly notifying the Village Arborist on trees to be removed.

It was mentioned there were three things which were violated: 1) trees that were supposed to be preserved, 2) trees removed from adjacent property and 3) not installing protective fencing around trees to be preserved. Commissioner Harper commented that the Tree commission has been an arm of Tree City USA and has been in existence for 13 years.

Commissioner Garrison stated he can count on one hand the number of plans that have been reviewed that were approved on the first review. For whatever reason developers have not bothered to read the ordinance or have read the ordinance and taken what it reads in a very cavalier fashion and he takes umbrage about 1) the wood choppers ball that went on and 2) the inability to follow simple plans that a seventh grader with a little bit of biology could follow in terms of what the ordinance says and he added that if it sounds like there is steam coming from his ears there is. He was very upset with this item at large. He commented further that this is outrageous and the plans that he was given to review do not follow the diversity codes, and were not even close.

Commissioner Garrison said he thinks they definitely need to go back to the drawing board. Mary Kozub stated that she has also been out to the sight and actually googled some ideas to benefit the sight and her heart goes out to the neighbors of the development and she understands where they are coming from. She has also checked out the Botanic Gardens for information. She was out there today also and there are trees damaged by the contractors where sewer work is being done. She thinks that it is a beautiful piece of property and believes there is plenty of opportunity to make this property a jewel.

Jeff Pathman, the developer responded to comments. He said that never at anytime has he felt that our ordinances were not worth following. From the very beginning they have also felt like they could make this project something special. It was their intent to get rid of the stuff that was not appropriate. The engineering plan showed that the trees were along Knox Park. The Honeysuckle that is along the south property line was removed to clear out for nicer plantings. They also found that some of the trees were dead when they were able to get a better look at them. He thought that he was following the ordinances and did not know there was a separate tree ordinance and it wasn't his intent to violate the ordinance. Their only intent was to get rid of the quote "Junk" trees. Since all this has taken place he was aware of the Ordinance and they want this to be a jewel as well. He commented on the earlier statement about violation of Landscape islands and they were given a variation to allow parking along the football fields. Mr. Pathman related this would allow for people to watch from their cars during inclement weather. Mr. Pathman also added he will allow additional screening and they will be adding berms to the east side of the property. They have also allowed for more screening to the south. There were also trees removed along the southeast side of the property to create a berm to alleviate drainage issues. As soon as they realized that they had been in violation they went back to get it rectified. They think it is important to understand that none of this was done in lack of respect to our ordinance.

Mr. Pathman added they are not trying to cut corners they are only trying to create a park that everyone will be pleased with. Commissioner Harper asked if when they came up against this problem and they conferred with their Arborist they thought of consulting with the Village Arborist. He did and after the incident

occurred he has conferred with Shawn on several occasions. The area by the existing concession stand that they spoke of earlier was noted. There were trees that were in the way of the sewer line. Some of the trees had to be removed and others trimmed to allow for work to be done. Commissioner Garrison stated that that is not a problem and added the problem is trees that were removed from their Preservation Plan.

Director Peterson clarified that they requested credits for trees for keeping the Honeysuckle. They were given a credit of 25 trees for saving the Honeysuckle. Commissioner Harper said that there are 2 broad issues here that we need to bring to light one is the short term issue, another is when he was talking to John Schweda a time ago. It was mentioned that John used to be able to go out and go hunting. He said that Lake Zurich was losing it's rural ness and that is something they need to keep in mind. What we would like to see in years to come is that we have not lost that. Commissioner Garrison asked them to comment on the area to the south that is opening and planting there. Mr. Pathman related that the area was to be used as a garden area. Bill said they were looking into putting raised beds and walking paths in that area.

Bob Montez said when they asked about the area to the south and they were told nothing was going to be touched. Jeff said the trees were removed from this area to create the berm to allow for proper drainage. Bob said years ago they were promised it would just be used to expand the park and now they are putting a building up. Commissioner Froehde asked if Mr. Pathman is interested in following our ordinances then why they haven't got proper spacing between trees. The ordinance clearly states what needs to be done and they have not followed it. Commissioner Froehde did not wish for a comment. Mary asked to hear comments from the residents.

Janine Fabsik of 1185 Cedar Creek Drive stated that before the construction they had no view of the park and with the removal of all the trees they can see the park. She would like to have a better understanding of what the landscape plan will be. Jeff Pathman said that a berm is being added along the west side of the property and landscaping will be planted on the berm. John Schweda asked if that we were suggesting that some of the plantings might be used in other areas of the park to meet their requirements. Scott Garrison said that that is an option if that can get them to the 112 trees that were removed. He does not believe that there is enough room to plant 281 trees on the property. A resident asked how many additional trees had been added to the revised Landscape plan. Commissioner Garrison stated that there are 71 new trees on the revised plan. Jeff Pathman pointed out that the new trees were 4 inch diameter trees and questioned is the same to put in 112 trees as compared to 112 honeysuckle bushes that were removed. Arborist Walkington stated that they requested a credit for the honeysuckle that is why they were to be preserved. Jeff asked if we would like them to come back with a plan having 112 additional trees. Scott said he would like to see that and that the plan must show more diversity. Commissioner Kozub

also stated that the majority of additional trees should be planted to provide screening along the east side for the residents and the rest could be placed west side of the property.

Jim Tarbet of 1195 Cedar Creek Dr believed that the biggest issue was the screening along the East side of the property. He added that approximately 14 years ago there was supposed to be trees planted along the west side of the property. None of those trees were planted. Bob Montez of 1115 Cedar Creek Dr stated that his main concern was the drainage off their property to his. Another issue was the noise coming from the parks. Now that the trees have been moved he can see and hear everything that goes on in the parks. He would rather see the plantings done along the east side for screening and not used along the east side. Jeff Pathman stated that any promises that they have made have been kept. He stated that the area along the west was always slated to have the trees removed and a berm installed. He added that if a promise was made fifteen years ago and wasn't kept that now he has to fulfill that promise, it is not fair. He would like the opportunity to come back with a revised plan adding 113 trees and make things right. Mary asked if there are plans for additional development in the future. Bill said there are discussions for park improvements; a park committee has been formed to discuss improvements to all Ela owned parks.

Orlando Stratman of 845 Pheasant Ridge Dr stated his interest as a resident is the way they came off with such righteous indignation in responding to residents comments and that if they had followed the ordinances in the first place none of this would have happened. He does not understand how he can say the plans that his guys were following were different then the ones given to the Tree Commission. There should not be multiple sets of plans they all should all be the same. Al asked if the Knox Park property was actually L shaped. Jeff said that that was correct. Jim Johnson stated that we have two governmental agencies and we are all in this together and what we all want to have is a building we can all be proud of. Also that we should not pass blame but come to a compromise so that we can move forward. Mary that just because they are a governmental agency that does not give them carte blanche to violate ordinances and should not let them off the hook. She is all for intergovernmental agreements but it gets to the point where she is kind of past that.

Dominic Martely added that he now can see through the park and all the way to Rt 22. His frustration is not being able to get answers on what is going to be done and does not know what plans or who to trust. He stated the numbers don't matter to him as long as it replaces what was there. Al Froehde said we have heard all the comments and problems and he proposes that with these comments we would be open to a revised submission. The submission should focus on the areas to the east and south any extra trees could be used to the west. Jeff asked who should he submit the plans too. Dan said the plans should go to him and he will get them out to Shawn and the Tree Commission. Ken Fabsik asked what assurances they have that the ordinance will be followed and how long until the plantings will occur.

Jeff said the planting will occur before the end of the year. Tony asked that we could have these plans for our next meeting and that he would attend. Dan wanted to make it clear that after the recommendations have been made by the Tree Commission it will go to the board for approval. Al would also like to get proof of the approval of the parking lot variance that was given by the Planning Committee.

Commissioner Kozub made a motion to have these plans to meet Village Ordinance, meet the screening promised and meet or exceed proposed 112 additional trees. All were in favor.

Commissioner Harper moved to adjourn, and Commissioner Kozub seconded the motion. All were in favor.

The meeting concluded at 8:30 p.m.

Submitted by: Shawn Walkinton, Arborist