



# Village of Fox River Grove

## **ZONING BOARD OF APPEALS JANUARY 15, 2014**

### **CALL TO ORDER**

Chairman Celske called the meeting to order at 7:05 p.m.

### **ROLL CALL**

Dal Compo polled the members present: Zoning Board members Celske, Dufern, Karls, Murren, Rosch, Schneider and Weber. Also present were Derek Soderholm, Village Administrator as staff to the Zoning Board, John Donahue, Village Attorney, and Alison Dal Compo, Secretary. Trustee Anderson was also in attendance.

### **APPROVAL OF THE MINUTES**

A motion was made by Karls and seconded by Rosch to approve the minutes from the August 28, 2013 meeting as presented. A voice vote followed with all in favor. The motion carried.

Chairman Celske swore in all the witnesses for all the cases on the agenda.

### **ZONING BOARD CASE 2013-08 SPECIAL USE PERMIT AND VARIANCE FOR NORGE SKI CLUB AND NATIONAL WIRELESS VENTURES, LLC TO ALLOW THE INSTALLATION OF A NEW MONOPOLE AND EQUIPMENT SHELTER**

—Chairman Celske recognized .Robert Stapleton, President of National Wireless and consultant for AT & T. Chairman Celske asked Mr. Stapleton for the green certified mail return cards required for notice of such a public hearing. Mr. Stapleton believed that they were sent out but did not have them. The Board reserved the right to see them prior to a final decision.

Mr. Stapleton explained that he was retained by AT & T to develop wireless locations. AT&T has a very aggressive plan to upgrade their systems. Currently, they are developing 350 new sites. There are many changes occurring with regard to land lines and wireless use.

Most homes now have between three and ten wireless devices. Our children are also being exposed to more wireless devices than ever before. For example, Lake Forest High School is moving to a lap top curriculum. Cell companies have had to adjust their way of doing business due to these changes. Cell tower heights are now being brought down to 90 or 150 feet depending on the terrain and other factors.

Norge has been a tourist related facility for many years. 911 calls have legalities attached to them; the carrier must be able to find the phone's location within seconds of calls. The Federal government is now asking carriers to harden their tower sites. They now have generators so even if there is a catastrophe the network would continue running. Over the next four years, over \$1 billion will be spent in these efforts.

The following details are proposed:

1)

**Village President** Robert Nunamaker

**Trustees** Thomas Anderson / Suzanne Blohm / Joanna Colletti / Steve Knar / Andrew Migdal / Michael Schiestel

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A 50' x 50' compound with a shelter, designed for additional users such as Sprint.

- 2) National Wireless has entered into a long term agreement with Norge for 25 years, and will be paying rent to Norge.
- 3) 140 foot tower proposed, which is below the overall height of the ski jump.

Chairman Celske explained that Norge is in a B3 zoning district. The special use is needed for a cell tower to be built at this location. The variance is needed since the Village ordinance limits structures to 75 feet. Attorney Donahue said the application has a section of variance and special use standards that will need to be adopted as part of the testimony.

Chairman Celske asked for questions from the members. Member Rosch noted that in the past, other cell carriers have mounted their antennas to the actual jump. Mr. Stapleton explained that they are proposing 12 antennas. It was decided by the ownership of Norge and AT&T to go with a stand alone, as otherwise it would have required a lot of redesigning. He noted that this design can allow up to three additional carriers.

Member Murren said he thought that B3 was zoned for "recreational" purposes. Attorney Donahue clarified that B3 is considered "commercial/recreational." Member Weber asked if an elevation view of what the area will look like was available. Mr. Stapleton said that a photo simulation could be prepared. He reiterated that the tower will not rise above the highest part of the jump.

Member Weber asked if there will be a beacon light on the tower. Mr. Stapleton explained that since the tower is less than 199 feet, the FAA does not require it. He further explained that they have received a sanction from the Historic Preservation Agency. They have also received permission from the American Tribal Council. The tower will also receive a call sign for the cell site, similar to WGN or WBBM.

Member Murren asked if the 199 feet is measured from the base of the tower. Mr. Stapleton said that the federal government looks at base elevation from above ground level. Member Karls asked if there will be lightning protection on the tower. Mr. Stapleton said yes, on the tower, the fence and the building. There are 12 foot long ground rods, and a megger device is used for detecting conductivity of the ground. Additionally, there is copper theft protection.

Member Karls further asked if there are audible alarms. She was told they are not audible, and there are overheating as well as extreme cold alarms. The footings are 28 feet, and the antennas are six or seven feet in diameter. They are anchor bolted into the ground and back filled with concrete. They are designed to withstand hurricane force winds, and did not fall with winds in excess of 175 mph. The tower, though, may twist and bend under such conditions. A monopole is desired, as the cabling is kept inside. The Rev G code (the latest revision of the TIA 222 Structural Standards for Antenna Supporting Structures and Antennas) requires taking into consideration radial wind speed, radial ice and other such factors.

Chairman Celske commented that Mr. Stapleton's company is very good at what they do. However, the company has probably not done something of this nature in this type of vista. This would need to be done in a way that doesn't detract from what people are used to seeing. From an aesthetic point of view, it is a vista that needs to be preserved. Mr. Stapleton said that his own mother said to him regarding this project, "don't mess up what is there!" Norge and National Wireless have been putting this plan together for a year, and Norge does not want the vista marred either. The ski jump will still be the predominant object in the view.

Member Dufern asked if the surrounding vegetation is what is determining the height of the tower. Mr. Stapleton replied that originally the RF people were asking for 175 feet, but they brought the

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height down to 140 feet. Member Karls asked if the water tower would have been a suitable location; she was told no. She reiterated the fact that a photo of the plan is needed.

Member Weber asked if saying yes to this case would allow for others to do the same type of project. Chairman Celske said no, these are decided on a case by case basis.

Resident Judy Mascolito asked how many antennas are already on the ski jump area. Member Weber said at least six. Mrs. Mascolito further asked what will happen if the tower causes interference with her cell phone or other cellular devices. Mr. Stapleton explained that cell companies are obligated by FCC to correct any such issues within 30 days. AT&T operates under a certain band width, and other cell phones are operating under their own. Chairman Celske asked if this had been a problem. Mr. Stapleton said that they have towers on 162 schools with homes directly across the street, and have not had such problems. Attorney Donahue said that he knows of areas with three different cell carriers on the same water tower and had heard of no such issues.

Mrs. Mascolito pointed out that Norge will be receiving rent money for the cell tower, and Norge is a not for profit organization. Since they are using the community's landscape, of what benefit is this to the town? Mr. Stapleton explained that when you dial 911, for example, you expect it to connect immediately. Mrs. Mascolito then asked what benefit there is besides better cell reception. The community is paying a price for that with the interruption of the landscape. Mr. Stapleton explained that Norge would be receiving a revenue source that helps improve their facility—ultimately they are re-investing in their own resource.

Chairman Celske observed that everyone benefits from cell towers, and they have to be placed somewhere! The Board is just asking that it be done in as discreet a way as is possible.

Mrs. Mascolito said that she believes that even the ski jump never received the proper permits when it was first built. The ski jump or the towers could fall down and cause obvious safety issues. She is voicing her concern as a resident whose home is in the immediate vicinity. Chairman Celske asked if she received the certified mail notification of the meeting; she said she had not. Attorney Donahue will look into it.

Member Murren asked if land lines will be obsolete ten years down the line. Mr. Stapleton said that companies like his are bringing in fiber to convert the old copper infrastructure.

**A MOTION was made by Rosch and seconded by Murren to accept the findings of fact with regard to the petition made by National Wireless Ventures, LLC and Norge Ski Club to allow installation of a new monopole and equipment shelter and recommend for approval the special use permit and variance, conditional on the availability of the certified mail receipt cards. A roll call vote was taken. Celske—yes, Dufern—yes, Karls—yes, Murren—yes, Rosch, yes, Schneider—yes, Weber, no. Motion Carried.**

Chairman Celske explained that the Zoning Board only makes recommendations to the Village Board, who will have the final say. The application next goes to the Public Health and Safety Commission, who meet the first Tuesday of the month.

Case 2013-08 was concluded at 8:08 p.m.

**ZONING BOARD CASE 2013-09 TEXT AMENDMENT REGARDING MUNICIPAL FACILITIES AND USES** The following is an excerpt from the amendment: *“Notwithstanding any*

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*other provisions of this zoning ordinance to the contrary, all Village uses, buildings, structures, and facilities shall be permitted by right in all zoning districts in the Village, currently existing and hereafter created, and such Village uses, buildings, structures, and facilities shall be exempt from the otherwise applicable regulations of this ordinance.”*

Member Karls asked if anyone knew the genesis of this amendment. Chairman Celske and Attorney Donahue said no. She further asked if other villages have such an amendment; Attorney Donahue was not aware of any. She asked if she was correct in understanding that this amendment would basically give the Village free reign to erect any type of structure pretty much anywhere in town? Attorney Donahue said yes.

Chairman Celske said that at the root of this amendment, the question is should the Village be treated differently than a construction company, etc. Member Weber asked how the Zoning Board can then be expected to hold the residents accountable for doing whatever they want to do? Member Karls observed that this amendment seems detrimental to everyone.

Chairman Celske said that the job of the ZBA is to protect the rights of adjacent property owners. Member Rosch noted that this amendment seems hypocritical on the part of the Village. Chairman Celske reported that District #155 built bleachers on school property and claimed that they didn't have to comply with Village ordinance. They lost the case on appeal. Member Rosch said that if given this type of free reign, the Village could just claim that they have a duty to provide core services.

**A MOTION was made by Rosch and seconded by Dufern to DENY the approval of the text amendment regarding municipal facilities and uses. A roll call vote was taken. Celske—yes, Dufern—yes, Karls—yes, Murren—yes, Rosch--yes, Schneider—yes, Weber--yes. Motion Carried.**

Chairman Celske explained that the Zoning Board only makes recommendations to the Village Board, who will have the final say. The application next goes to the Public Health and Safety Commission, who meet the first Tuesday of the month.

Case 2013-09 was concluded at 8:20 p.m.

**OTHER BUSINESS-**

**NEXT MEETING—(currently not known)**

**ADJOURNMENT**

A motion was made by Murren and seconded by Karls to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:20 p.m.

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Daniel A. Celske, Chairman

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Alison Dal Compo, Secretary

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Date approved