



Village of Fox River Grove

ZONING BOARD OF APPEALS MARCH 19, 2014

CALL TO ORDER

Chairman Celske called the meeting to order at 7:09 p.m.

ROLL CALL

Dal Compo polled the members present: Zoning Board members Celske, Dufern, Karls, and Murren (came at 8:12 p.m.), Schneider and Weber. Also present was Derek Soderholm, Village Administrator, and Alison Dal Compo, Secretary. Member Rosch was absent.

Village President Nunamaker and Trustee Anderson were also in attendance.

APPROVAL OF THE JANUARY 15, 2014 MINUTES

A motion was made by Karls and seconded by Schneider to approve the minutes from the January 15, 2014 meeting as presented. A voice vote followed with all in favor. The motion carried.

APPROVAL OF THE FEBRUARY 19, 2014 MINUTES

A motion was made by Karls and seconded by Weber to approve the minutes from the February 19, 2014 meeting as presented. A voice vote followed with all in favor. The motion carried.

ZONING BOARD CASE 2014-01 SPECIAL USE PERMIT RINGERS SERVICES, INC 1005

ROUTE 22 —Chairman Celske recognized Eric Ringstrand of Ringers Landscape Services. Mr. Ringstrand presented the required green certified mail receipts and picture of the posting of notice. Also accepted was a 27 signature petition from neighboring property owners in opposition, a letter from Kathy Schiewe of 1011 North Road, and a letter from the Wright/Johnson family of 1048 Victoria.

Chairman Celske swore in all the witnesses present

Mr. Ringstrand explained that his business moved into the Grove about 3 years ago. Two and a half years ago he received approval for use of a tub grinder. There were dual businesses operating on the property, Bode Tree Care and Ringers. Ringers business grew by 50% in each of the subsequent years. His desire is to build fencing to shield equipment and materials. The larger tub grinder belonged to Bode Tree. He would like to utilize the front of the building for employee parking.

Chairman Celske asked if Mr. Ringstrand would find the condition of no further grinding on site to be acceptable; he was told yes. There would be trucks coming on and off the property between the times of 9 a.m. and 5 p.m. The mulch pile will soon be condensed to 600 yards or under. Mr. Ringstrand is asking for an 8, 10 or 12 foot fence, but feels that a 10 foot fence would be ideal. Chairman Celske asked what type of fencing would be used; he was told a shadow box, privacy type fence.

Mr. Ringstrand said that his normal business hours are from 7 a.m. until 5 p.m. He would like to use

Village President Robert Nunamaker

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

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the whole space behind the fencing for trucks, materials, condensing mulch piles and concrete bins. Administrator Soderholm reiterated that the agreement is for the mulch pile to be 600 yards maximum, but during the winter it would be kept at about 200 yards. Chairman Celske enumerated the approximate measurements of the piles to be 30 ft wide/30 ft length/20 ft high=600 yards, or 20 ft wide/20 feet length/6 feet high=200 yards. Mr. Ringstrand noted that it is in his business's best interest to have little or no mulch being stored.

RESIDENTS COMMENTS

Chairman Celske recognized the following residents and concerned parties:

Lance Powell of 1017 Victoria Woods. Mr. Powell wrote a letter to the Village in 2013 regarding the noise level at Ringers. He was glad to learn that there will be no further tub grinding on site. He complained that the business was in violation of their restrictions up until February of this year. He feels that their track record has been bad and nothing has been done about it. He asked what the penalty for non-compliance should be. Chairman Celske said that more specific information would be needed in such a case. Mr. Powell continued by saying that the tub grinding was performed outside of the acceptable hours, trucks were left in plain sight, and materials were stored outside.

Chairman Celske asked Mr. Powell how he felt about the conditions currently being proposed. Mr. Powell said that he was fine with them as long as they were actually in compliance. Chairman Celske noted that the ZBA is not in charge of compliance or enforcement. The ZBA can place conditions of the petition but that's as far as the jurisdiction goes. Member Schneider noted that the complaints Mr. Powell voiced will be in the minutes for the Village Board to review, and that he should attend that meeting as well.

Kurt Knuth, of Orthopedic Specialists, 1009/1010 Route 22. Mr. Knuth asked how far east the business plans to move their materials, and if they will take down more trees for this purpose. Mr. Ringstrand explained that what is currently cleared is as far as they intend to go.

Nancy Padilla, who read the letter from Kathy Schiewe in its entirety. Additionally, Mrs. Schiewe had noted that the mulch is being kept on a separate lot in the wetland area.

Terry Sroka of 1008 North St. He complained that since his home is only 100 yards away from the business location, he feels heavy vibrations from the tub grinding. He feels that the structural integrity of his home may have been compromised. The noise has been a complete nuisance and made it impossible for him to relax outside his home. He feels it is a disturbance to the health and safety of the community. Mr. Sroka said that he suffers from PTSD, and that the heavy equipment sounds have hurt his health and well being. He also claimed he was not notified of the petition made by Ringers two and a half years ago. He felt it would be best for such a company to move to an industrial park such as the one off Pepper Road.

Kathy Helman of 1002 Route 22. Mrs. Helman said that she couldn't believe how much noise was generated by the grinder and she is glad it will be gone.

Jim Corti, owner of the Ringers property. Mr. Corti said that he wasn't happy with the grinder situation either. However, since the grinder belongs to Bode and Bode has moved out, he doesn't see a problem any more. He would like to see a taller fence. He does see a problem with B & M. Mr. Ringstrand reiterated that the existing mulch will be ground down to 600 yards or less. All materials used on site are sustainable, such as gas, diesel and grease. Mr. Sroka asked if the materials are on dirt. He feels that inspections need to be done at the businesses at 22 and Doyle.

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Charles Anderson of 1024 Victoria Dr. He stated that he and his family have had to endure noise from the grinder for the last 2 ½ years. Member Dufern asked if the Village had received complaints from community members in this regard. Administrator Soderholm is new to the Village and was not sure.

Mr. Ringstrand said that even though the larger tub grinder is gone, the existing mulch will have to be ground down one more time. Member Dufern observed that the compliance issues seemed to lie more with Bode than with Ringers. Mr. Ringstrand said that he is trying to address any remaining issues by the terms of the special use petition. He does not use any fertilizers, and only uses Roundup for weed control. They have a 100% organic product.

Member Dufern asked where vehicle maintenance is performed. He was told it is all done inside. He further asked how many yards of mulch the meeting room would hold, as a visual for those present. He was told about 300-400 yards.

Mr. Ringstrand noted that the Ringers property is zoned B-1 or B-2. Mr. Sroka asked what size vehicles will be coming onto the property. Mr. Ringstrand said there are semi trucks that typically hold 20 yards of material, but some may hold as much as 60 yards. Member Weber asked if the trucks stay on property, or just come and go. He was told they are mostly delivery trucks that come and go.

Member Weber noted that the mulch pile currently on the property is very tall. He was told after the final processing it will be about 1/3 the size. The 1,800 yards currently on property will get condensed to about 600 yards in the next month, weather permitting. Member Weber asked if the business moves out, if the area will be restored. He was told yes. Member Schneider asked about how much mulch is currently being stored by the water tower. He was told that there is probably about 200-300 yards there.

Mr. Knuth said that his main concern is the wetland area. It is controlled by the ACOE, MCCEPA, and the Village Engineer. A firm delineation of the borders of the wetland area needs to be determined. Chairman Celske recommended that the petitioner procure an environmental study at the petitioner's expense. The rep from the IEPA who came out recently should put something in writing and submit to the Village. Member Karls said that the petitioner's original application included an aerial photo done by Rolf Campbell and Associates. It doesn't note how much buckthorn was removed at the time.

The conditions set forth in the March 11, 2014 were considered one by one, as follows:

- 1) Employee parking in front of the building and fence area which would be visible from Route 22.
- 2) Occasional parking of trucks/trailers in front of the building/fence area when crews arrive late or due to equipment breakdown.
- 3) Installation of an 8'-12' fence, (Ringers is recommending a 10' fence) in place of the current 6' fence and also extending the fence further east.
- 4) Has agreed to consider installing a gate (if the Board desires) to provide a continuation from the current end of the fence to the west where it would connect to the building. Currently there is an access road/path to the property that remains open and allows visibility to the rear of the site.
- 5) Storage of materials would expand to all locations behind the fence, but limit the amount of materials and in some cases the location of the materials within the site.

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- a) Topsoil/Compost/Gravel/Sand/Concrete and Paver Debris/Plant Material holding area shall all be stored within concrete pylon storage bins and be no greater than 10'W x 10'L x 5'H in dimension.
 - b) Landscaping debris pile shall be no greater than 100 yards at any time and all grinding of the material will be conducted offsite.
 - c) Mulch pile will be stored only at the far southeast corner of the property and be limited to 600 yards or 30'W x 30'L x 20'H during the months of March-June. The mulch pile would be limited to 200 yards or 20'W x 20'L x 6"H in dimension during all other months.
- 6) All tub grinding will stop at the Route 22 location and will be conducted offsite.

The current SUP allows limited tub grinding of landscaping material on the site.

Member Karls stated that the larger tub grinder that will no longer be used was 500 horsepower; she asked what the one that will be in use is. She was told the smaller one is 250 horsepower. It is about as noisy as a concrete saw.

Chairman Celske observed that is appeared Ringers has learned what it means to be a good neighbor. The ZBA is giving the benefit of the doubt that this lesson will be continued. One of the roles of the ZBA is to help protect adjacent property owners. Mr. Sroka asked if the hours of operation could be moved to later on Saturdays. Chairman Celske explained that the subject area is zoned for business, and a landscape company may need to conduct business on Saturdays. Mr. Ringstrand added that he operates a seasonal business which is weather based.

Member Weber asked how many trucks would be coming in daily. He was told as many as four, but usually less.

A MOTION was made by Dufern and seconded by Murren to adopt the findings of fact with regard to the petition made by Ringers, Inc, subject to the six conditions set out in the 3/11/14 memo and a seventh condition--to contact the appropriate governmental entity with respect to location of natural landscaping required by the IEPA and to allow and recommend for approval the special use permit. A roll call vote was taken. Celske—yes, Dufern—yes, Karls—yes, Murren—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. Any in attendance who had further concerns were advised to attend the meeting on April 3rd of the Committee of the Whole.

Chairman Celske thanked Mr. Ringstrand for coming and commented that this forum was an appropriate way to address the situation.

Case 2014-01 was concluded at 8:22 p.m.

OTHER BUSINESS-

NEXT MEETING—(currently not known)

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ADJOURNMENT

A motion was made by Dufern and seconded by Murren to adjourn the meeting. All were in favor. The meeting adjourned at 8:23 p.m.

Daniel A. Celske, Chairman

Alison Dal Compo, Secretary

Date approved