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VILLAGE BOARD

August 5, 2021

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Mr. Dylan Pauga
7330 Fairmount Avenue
Downers Grove, Illinois 60616

Re: July 29, 2021 FOIA Request

Dear Mr. Pauga:

I am pleased to help you with your July 29, 2021 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on July 29, 2021. You requested copies of the items indicated below:

"CDC Meeting transcripts on March 2nd 2021."

Your FOIA request is hereby granted in full.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,


Corey Williamsen
Freedom of Information Officer
Village of Bensenville

COMMUNITY DEVELOPMENT COMMISSION
VILLAGE OF BENSENVILLE

Planned Unit Development) Case #2021-02
Amendment with Code departures.) Keller, Inc.

March 2, 2021

6:30 p.m.

PROCEEDINGS HAD and testimony taken before the COMMUNITY DEVELOPMENT COMMISSION, taken at the Village of Bensenville, 12 South Center Street, Bensenville, Illinois, before LINDA M. CIOSEK, C.S.R. a Notary Public qualified and commissioned for the State of Illinois.

BOARD MEMBERS PRESENT:

MR. RONALD ROWE, Chairman.

MS. KAREN MARCOTTE, Commissioner.

MR. RAY KING, Commissioner.

MR. MARC WASOWICZ, Commissioner.

MR. LUKE CIULA, Commissioner.

MR. PETER MURPHY, Attorney for the Board.

STAFF PRESENT:

MS. KELSEY FAWELL, Village Planner.

MR. KURTIS POZSGAY, Sr. Village Planner.

1 MR. SCOTT VIGER, Director of Community
2 Development.

3 MR. COREY WILLIAMSEN, Deputy Village Clerk.

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Objector's Exhibit A 52

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Objector's Exhibit B 52

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1 MR. MURPHY: The next matter is CDC Case
2 #2021-02. There is a court reporter in
3 attendance, Ms. Linda Ciosek. Our comments are
4 being recorded pursuant to a manual-type recording
5 system. I would ask anybody who testifies to
6 refrain from shaking their head or nodding or
7 abbreviated language. It's also important that we
8 only talk once at a time. If we tend to over talk
9 each other, the court reporter then cannot hear or
10 transcribe what is being said.

11 With that being said, Mr.
12 Chairman, please continue.

13 MS. FAWELL: I believe we need to go back
14 and withdraw the previous case.

15 (Whereupon, another matter was
16 attended to before resuming
17 this petition.)

18 CHAIRMAN ROWE: At this time I entertain a
19 motion to open the public hearing for CDC Case
20 #2021-02 for a request by Keller, Inc., regarding
21 the property located at 111 to 125 West Grand
22 Avenue, requests a site plan review, Municipal

1 Code Section 10-3-2, Planned Unit Development
2 Amendment, Municipal Code Section 10-4-4.

3 Do I have a motion?

4 COMMISSIONER MARCOTTE: So motion.

5 COMMISSIONER KING: Second.

6 CHAIRMAN ROWE: Roll call.

7 MR. WILLIAMSEN: Rowe?

8 CHAIRMAN ROWE: Yes.

9 MR. WILLIAMSEN: Marcotte?

10 COMMISSIONER MARCOTTE: Yes.

11 MR. WILLIAMSEN: Ciula?

12 COMMISSIONER CIULA: Yes.

13 MR. WILLIAMSEN: King?

14 COMMISSIONER KING: Yes.

15 MR. WILLIAMSEN: Wasowicz?

16 COMMISSIONER WASOWICZ: Yes.

17 MR. WILLIAMSEN: That's five, the motion
18 carries, the public hearing is opened at 6:36 p.m.

19 CHAIRMAN ROWE: At this time I'd ask staff
20 for a brief introduction and summary.

21 MS. FAWELL: A legal notice was published
22 in the Bensenville Independent on Thursday,

1 February 11th, 2021. Village personnel posted a
2 notice of public hearing sign on the property
3 visible from the public way on Monday, February
4 8th, 2021. And then again on Monday, February
5 8th, 2021, Village personnel mailed from the
6 Bensenville Post Office via first class mail a
7 notice of public hearing to taxpayers of record
8 within 250 feet of the subject property.

9 So, the property is Grand
10 Subaru Dealership located on Grand Avenue at 125
11 West Grand. They're seeking approval of an
12 amendment to their existing Planned Unit
13 Development in order to construct a 9,915 square
14 foot private car wash and detailing building with
15 a 52-stall parking lot in the rear. This
16 improvement is being proposed on the parcel
17 directly to the east of the dealership, 111 West
18 Grand Avenue. Currently there is a former 5,000
19 square foot veterinary office. And cross access
20 between the proposed facility and Grand Subaru
21 will be provided as the car wash is only to be
22 utilized by Grand Subaru staff.

1 So, the original PUD was
2 granted in 2012 to allow for the construction of
3 an existing pole sign on the property, and then in
4 2015 an amendment to the PUD was approved for two
5 building additions, as well as an expansion of the
6 site with the addition of an 86-stall parking lot
7 to the west.

8 So they're requesting the PUD
9 amendment approval, and then in conjunction with
10 that, there is a number of code departures, which
11 I will go through those.

12 So, first and foremost, they're
13 requesting a departure from Motor Vehicle Sales
14 Light Pollution, Section 10-7-3.T.2. And so this
15 section of the code states that the illuminance of
16 any outdoor sales and display areas for motor
17 vehicle sales use shall not exceed 10 foot-candles
18 at any point on the lot.

19 And then, similarly, they're
20 requesting a departure from Section 10-9-8-C.1 for
21 Outdoor Lighting Illumination Standards, and so
22 this is a separate section of the Code which

1 requires that outdoor lighting shall not exceed 1
2 foot-candle at any point on the lot line for a lot
3 containing a non-residential use. So the plans
4 exceed both of those requirements, so they're
5 requesting departure.

6 One of our staff
7 recommendations is that the petitioner work with
8 staff in order to minimize lighting to the best
9 extent possible to minimize the impact on the
10 surrounding residential properties, and they will
11 coordinate with that and come up with a solution,
12 whether that be shields or baffles.

13 And then another code departure
14 is for Mechanical Equipment Location, Section
15 10-7-4.C.13.a. This requires that ground-mounted
16 mechanical equipment is only allowed in the rear
17 yard. The plans show it in the front yard, and
18 then there's also a requirement from the
19 screening, which requires a wall or fence, on
20 three sides of the equipment with a gate. So
21 they're requesting this as a departure because
22 it's in the front yard; however, we feel this is a

1 better location than in the rear yard which is
2 closer to the residential properties to the north
3 and to the east. And, we also recommend the
4 screening be approved because it's more
5 aesthetically pleasing off of Grand Avenue as
6 opposed to the fence.

7 And then they're also
8 requesting a departure from the Maximum Number of
9 Parking Spaces. And so they exceed parking
10 spaces, they're a car dealership. I think a car
11 dealership -- not I think, for a car dealership we
12 require 14 spaces, the Code states that no
13 development can exceed 125 percent of required
14 parking, so they do. Obviously we feel this is an
15 adequate departure to be requested, as a lot of
16 their outdoor space is sales display area and
17 storage. So it's not a retail use, it's not for
18 customer parking, it's for the storage of their
19 vehicles and the display.

20 They're also requesting a
21 departure from Pedestrian Circulation System, and
22 this section requires crosswalk connections to

10

1 buildings, a sidewalk in front of the building.
2 And the first time they submitted their plans we
3 did ask that they kind of beef this up a little
4 bit, which is why these plans on the agenda
5 include a striped crosswalk between the car wash
6 building and the dealership. We feel that's
7 adequate access for the staff. Again, it's not
8 going to be accessed by the public, so just for
9 Grand Subaru staff, so they won't be in this area.
10 So we feel that's adequate.

11 They're also requesting
12 departure from Tree Replacement Standards.
13 They're removing 9 trees from the site. With Code
14 replacement rates, they would have to replace or
15 provide 46 trees. Obviously the landscape doesn't
16 call for that, a car dealership parking lot, so
17 they're requesting a departure. So they will work
18 with staff for a fee in lieu, fee in lieu of
19 replacement for the trees.

20 They are also requesting a
21 departure from Parking Lot Landscaping. Again,
22 this is a car dealership parking lot, not a retail

1 use. The Code does not designate any differences
2 between a retail parking lot versus outdoor
3 storage sales display parking lot, so this section
4 of the Code requires landscape islands and also
5 requires tree canopy coverage. So, again, we feel
6 this is an adequate request for departure. We
7 focused more on the buffer yards of this
8 development to ensure screening for the
9 residential as opposed to aesthetics inside the
10 parking lot that won't be accessed by the public.

11 They're also requesting a
12 departure from the Buffer Yard Requirement, which
13 is the northern strip of the property, so what's
14 going to be in between that residential property,
15 or those residential properties and the commercial
16 development. However, they are requesting this
17 departure, but only because they are proposing a
18 different type of landscape pattern. It will
19 still meet the depth requirements of 10 feet, it
20 will be screened with a fence, and so what we are
21 proposing is a continuous line of arborvitae as
22 opposed to what Code requires is shrubs and then a

1 tree every 10 feet. And so that's not really the
2 best screening. We feel the arborvitae will be
3 better for the residential properties. And we
4 want that to run entirely east to west along the
5 entire parcel, and then also cover a portion that
6 buffers the multiple family. That's kind of in
7 that C-2 area to the east, northeast.

8 So we feel that these
9 departures will be adequately addressed in staff
10 recommendations to sort of hopefully minimize the
11 effects on the residential properties.

12 CHAIRMAN ROWE: Thank you. Is the
13 petitioner present?

14 MR. JOHNSON: Yes, sir.

15 CHAIRMAN ROWE: Step up to the podium and
16 state your name and address for the secretary,
17 please.

18 MR. JOHNSON: Sure. My name is Steve
19 Johnson, I'm the attorney for the petitioner Grand
20 Subaru. With me also is Nathan Laurent with
21 Keller. He worked -- his company worked directly
22 with your staff to come up with the

1 recommendations that are being made tonight. My
2 address is 311 South County Farm Road, Suite L, as
3 in Larry, Wheaton, Illinois, 60187.

4 CHAIRMAN ROWE: Would you raise your right
5 hand, please.

6 (Whereupon, the oath was duly
7 administered.)

8 CHAIRMAN ROWE: Explain what you want.

9 MR. JOHNSON: Sure. I can be really short,
10 because Ms. Fawell did an unbelievable job
11 explaining what it is we're trying to do.

12 If you do look at the
13 departures that are requested, it may seem that
14 there are many, but they are grouped in very
15 sensible kinds of things that we need. What we
16 are trying to do as part of this development is to
17 join the two parcels of land to make them function
18 together appropriately for the Grand Subaru car
19 dealership, which has been a long time commercial
20 partner with the Village of Bensenville. And I
21 know I worked closely with the trustees and staff
22 in 2015 when we did the last work to expand the

1 dealership, I continued to work with them on some
2 other funding issues, and now we're here to
3 actually finalize what it is that Grand Subaru's
4 vision is for this property. We won't be coming
5 back and asking you for, you know, new changes.
6 This will be the last -- as far as we can see,
7 this is the last changes that we need. And Grand
8 Subaru purchased the adjoining lot, which is 111
9 West Grand Avenue, for the specific purpose of
10 building this car wash. The Village knew that as
11 part of our purchase that that was integral to us
12 purchasing that land. We wouldn't have purchased
13 it but for the fact that the Village would allow
14 us to put the car wash there.

15 In order to meet the needs of
16 the community, we worked very closely with staff
17 to come up with what we think are methods that
18 really address the concerns. I'm here today to be
19 able to answer a lot of the zoning concerns. If
20 you have specific questions about lighting or
21 things like that, Mr. Laurent is eminently more
22 qualified than I am to answer those questions.

1 And I also want to clarify
2 something in the summary provided by Miss Fawell.
3 It says it's a car wash and detailing facility.
4 In fact, it does say that on the plans, but I
5 think that it's truly a misnomer. There will not
6 be any detailing done at this facility. The six
7 spaces that are inside the building that you see
8 in the plan, those are places where washed cars
9 will sit overnight until they are delivered to
10 customers the next morning. All detailing for
11 Grand Subaru is done by an outside vendor, it's
12 not done on-site.

13 The other main issue I guess I
14 want to address is noise considerations, because
15 staff has made us aware that there is some concern
16 about the noise that may be generated by this new
17 car wash. And let me put up a couple of blow-ups.

18 CHAIRMAN ROWE: Can you move that over
19 because you're in the gentleman's face?

20 MR. JOHNSON: Sure, I'll do my best.

21 | CHAIRMAN ROWE: He moved.

22 MR. JOHNSON: So it's good?

1 CHAIRMAN ROWE: Yeah.

2 MR. JOHNSON: All right. What I have
3 before you is obvious to you, it's an overhead
4 photograph of the two parcels together and shows
5 the adjoining land uses that are around it.

6 Actually, all of this here that I'm going around,
7 the 111 property, the 125 property, and actually
8 these five apartments, are all in a zoned C-2
9 Commercial Area.

10 The car wash itself will be
11 situated approximately 60 feet, I believe, from
12 Grand Avenue, and the building itself is about 190
13 feet long, but what is of main interest to us that
14 we wanted to address was the blowers which are the
15 item that may generate noise and could cause
16 neighbors some reason to be hesitant about
17 agreeing to this change that we're looking to do
18 in this community.

19 CHAIRMAN ROWE: Correct.

20 MR. JOHNSON: I want to point out that the
21 blowers are going to be 30 feet from the north end
22 of this building. The building itself is made to

1 stage one car in the entrance with the door
2 closed, have a car or two going through the car
3 wash, then there's two spaces at the end, the
4 north end, for cars to sit and finish drying
5 before the door is opened and they exit.

15 Now, what's the noise of this
16 blower? The blower itself, if we were in the same
17 room with it, at 100 feet it would be 75 decibels,
18 if it were in the same room with us. Now, what's
19 the distance of where this is to the adjacent
20 property? We've got the apartments over here are
21 58 feet from the side of the building to this
22 property line, then you got more than 20 feet from

1 the property line to the building itself, and then
2 as I said before, you've got 30 feet from where
3 the blowers are to the north end of the building.

4 If you look at what is 75
5 decibels, it's the sound of a dishwasher; okay?
6 What we will have -- when the car and the doors
7 are closed and this thing is operating, we would
8 expect that the decibel level that could be
9 measured would be in the mid 50's decibels at
10 most. When the door is open, for those people by
11 the apartments, it should be in the 70's, or
12 possibly even lower than that. As a result, we
13 believe that because of the area where we are
14 located, and 80 decibels is what they measure city
15 traffic noise at, essentially our car wash
16 operation will meld in with the adjacent
17 environmental noise.

18 The other concern that was
19 raised to me was how this building looks. We
20 worked with staff on the original modifications to
21 the Grand Subaru Sales and Service Center. This
22 facility is designed to match that. So, on top of

1 the fact that we believe it looks very nice, its
2 construction has an added benefit of concealing
3 sound. This is a concrete pre-cast, not
4 wood-framed structure. Because of the nature of
5 this construction, sound will be kept inside the
6 building, and we think that's a good thing.

7 Other than that, I'm ready to
8 answer any questions that you have.

9 CHAIRMAN ROWE: Can you remove the signs?

10 MR. JOHNSON: Sure.

11 CHAIRMAN ROWE: Hold on a second. Before
12 we go any further, Mr. Keller, are you here?

13 MR. LAURENT: Yes, sir.

14 CHAIRMAN ROWE: Can you state your name and
15 address for the secretary, please.

16 MR. LAURENT: Nathan Laurent, Keller, Inc.
17 N109 W16415 Hawthorne Drive, Germantown,
18 Wisconsin.

19 CHAIRMAN ROWE: Raise your right hand,
20 please.

21 (Whereupon, the oath was duly
22 administered.)

1 CHAIRMAN ROWE: Okay, we're going to start
2 with questions on my left. Commissioner Wasowicz?

3 COMMISSIONER WASOWICZ: I'm not sure I have
4 one right now, but I might.

5 CHAIRMAN ROWE: Okay. Commissioner King?

6 COMMISSIONER KING: How many blowers total
7 do you have, sir?

8 MR. JOHNSON: I believe there are three,
9 but don't absolutely quote me on that, I can find
10 it definitively. I believe there are three.

11 COMMISSIONER KING: The unit of measure
12 used is 75 decibels?

13 MR. JOHNSON: Yes, sir.

14 COMMISSIONER KING: Is that with all three
15 running?

16 MR. JOHNSON: From the material I have,
17 yes. From the blower system, that's the EDT-125
18 Car Wash System, it measures at that distance 75
19 decibels at 100 feet.

20 COMMISSIONER KING: And will the doors be
21 closed at all the time they're being used?

22 MR. JOHNSON: It's anticipated that would

1 be the case because there is a reason to keep it
2 open, certainly when it's cooler. It's
3 conceivable in the summer they might want to keep
4 the one door open maybe to circulate air. But,
5 that being said, the design of this is made so the
6 car can be washed with the doors closed.

7 COMMISSIONER KING: That would attenuate a
8 lot more noise, that's all I'm saying, with the
9 door open.

10 MR. JOHNSON: Correct.

11 COMMISSIONER KING: I have additional, but
12 we'll get to them.

13 MS. FAWELL: Masks over the nose, please.
14 Thank you.

15 CHAIRMAN ROWE: None at this time. Ms.
16 Marcotte?

17 COMMISSIONER MARCOTTE: None at this time.

18 CHAIRMAN ROWE: Mr. --

19 COMMISSIONER CIULA: No at this time.

20 CHAIRMAN ROWE: On this building, are there
21 any windows?

22 MR. LAURENT: Yes, sir, there are some

1 windows on the east side of the building where the
2 drying area is for the cars.

3 CHAIRMAN ROWE: Okay. Now, my
4 understanding, and correct me if I'm wrong, but
5 the blowers are in the middle of the building?

6 MR. JOHNSON: Not the middle, it's more
7 than halfway, but they'll be 30 full feet.

8 CHAIRMAN ROWE: No, I'm talking about
9 between the east and the west.

10 MR. JOHNSON: Yes.

11 CHAIRMAN ROWE: They'll be in the middle of
12 the building?

13 MR. JOHNSON: It will be on the right-hand
14 side of the building.

15 MR. LAURENT: East hand side of the
16 building.

17 CHAIRMAN ROWE: And as stated, there will
18 be no public car wash?

19 MR. JOHNSON: That is correct.

20 CHAIRMAN ROWE: That's all I have.

21 Is there anyone in the audience
22 in attendance who would like to speak either in

1 support or to object to this petition?

2 MR. ROTHBART: Yes.

3 CHAIRMAN ROWE: Yes, sir. Step to the
4 podium, please. State your name and address for
5 the secretary.

6 MR. ROTHBART: My name is Jeff Rothbart, I
7 am from Real Estate Expert Witnesses. My address
8 is 1945 Techny Road, Suite 6, Northbrook,
9 Illinois, 60026. I am here this evening on behalf
10 of Mr. Pauga.

11 CHAIRMAN ROWE: Okay, raise your right
12 hand, please.

13 (Whereupon, the oath was duly
14 administered.)

15 MR. ROTHBART: Thank you for taking some
16 time this evening. We, Mr. Pauga and I, have
17 evaluated this proposal at length, and I think the
18 largest challenge Mr. Pauga and I have with the
19 proposal, as well as Staff's recommendations, that
20 Staff's recommendation and the proposal solely
21 look at the adjacent properties based on zoning
22 rather than use.

17 And the reason that we ask you
18 to evaluate this proposal contemporaneous with Mr.
19 Pauga's rezoning is that if this proposal and
20 Staff's recommendation was based off of actual
21 use, this building would not be in the location it
22 is in, it does not meet the setback requirements

1 for a residential district, it is only
2 20-something feet off of the property line where
3 if it was a residential district, it would have to
4 be 25 feet off the property line. Mr. Pauga and I
5 are of the belief that if the Subaru dealership
6 came to staff and said we want to put this car
7 wash on the northern end of the property adjacent
8 to the residential district, that Staff would come
9 back and say that's an inappropriate location for
10 the car wash near the residents, let's move it
11 away where it is less obnoxious to the people who
12 live here.

13 Because of the current
14 antiquated zoning of Mr. Pauga's parcel, he was
15 not afforded that same treatment. The residents
16 of Mr. Pauga's residence -- or Mr. Pauga's
17 apartment building, I'm sorry, are being treated
18 much differently than the residents to the north.
19 The residents to the north get wood fencing; Mr.
20 Pauga's does not get wood fencing. The residents
21 to the north get an arborvitae hedge, Mr. Pauga
22 does not get an arborvitae hedge.

1 The other considerations we
2 would ask you to consider are that this car wash
3 would only operate 9:00 to 5:00, while people in
4 the apartment buildings are outside at work and
5 they don't have to hear these noises while they
6 come home and relax at night. And we would also
7 ask all the lights in the parking lot on the east
8 side of the Grand Subaru parking lot be turned off
9 at 5:00 at night as to not create light pollution
10 into the immediately adjacent apartments.

11 But, we urge you here tonight
12 to look at use. Look at the use of the properties
13 that are adjacent, treat the residential uses to
14 the east and the north the same, not treat them
15 differently, they are all residential uses, and we
16 ask that you delay any vote on this matter until
17 Mr. Pauga can expeditiously come back with his
18 rezoning so that the proper setbacks for this
19 building of 25 feet can be realized off of the
20 eastern property line.

21 Thank you very much. I would
22 be happy to answer any questions if anyone has

1 any.

2 CHAIRMAN ROWE: We'll get -- does anybody
3 have any questions?

4 MS. FAWELL: Staff would just like to
5 interject for one second to note that one of our
6 conditions is requesting that the arborvitae hedge
7 be continued along that east property line in
8 between the multiple family units and the --

9 MR. ROTHBART: According to the landscape
10 plan that was presented by the petitioner, there
11 is basically no screening that is being provided
12 between this property and the property to the
13 east. The screening that staff has recommended to
14 the property to the north is severely and
15 materially better screening than is being offered
16 to the property to the east. They're both
17 residential districts, and in Mr. Pauga's opinion,
18 they should both be afforded the same treatment
19 under the Zoning Commission laws, and they should
20 receive the same screening if this building is not
21 moved because of the lack of setback from a
22 residential district.

1 MS. FAWELL: That is correct, they did not
2 have a landscape plan, so staff inserted that
3 condition as a recommendation to add that
4 condition. So those plans would be revised to
5 indicate that, if approved.

6 MR. ROTHBART: Would that be continuous
7 screening? Would that be a continuous arborvitae
8 hedge?

9 MS. FAWELL: Staff's recommendation is
10 along that entire north to south running of that
11 property line, but the recommendation is that it
12 would follow up to the multiple family.

13 MR. ROTHBART: Can we get the same -- is
14 the recommendation the same fence and the same
15 arborvitae hedge for both residential properties,
16 because that wasn't clear from staff's report?

17 MS. FAWELL: The recommendation is for the
18 arborvitae hedge. I believe Grand Subaru is
19 proposing a fence over there as well. That is a
20 condition that we could add on.

21 MR. ROTHBART: Is that a continuous wooden
22 fence, or is that a fence with wire fence that

1 sound is going to travel through?

2 MS. FAWELL: It would match the existing
3 black-coated chain link fence.

4 MR. ROTHBART: Can we get a better fence
5 that sound will not penetrate through, given how
6 close the washhouse is to the property line and to
7 the adjacent multi-family residential?

8 MS. FAWELL: Noted. We can discuss that.

9 MR. ROTHBART: Thank you very much.

10 MR. MURPHY: Just for the record, the
11 original application stated that the hours for the
12 business -- I don't think they were explained yet
13 -- are Monday through Thursday from 7:30 a.m. to
14 7:00 p.m., Friday 7:30 a.m. to 6:00 p.m., and for
15 the record, Saturday 8:00 a.m. to 4:00 p.m. My
16 understanding is that that's when the applicant
17 has requested the car wash to be run.

18 The second clarification I
19 would like to make to the CDD this evening is that
20 if this was a residential, the setback would be 25
21 feet. Sir, you are correct, currently the setback
22 is some 21.33 is my understanding from staff.

Finally, because this has come up, it's appropriate I would ask staff to comment on whether they considered that there was residences bordering the property when they made their representation.

6 MS. FAWELL: Yes, staff did consider the
7 apartment complex, which is why, again, we did the
8 screening recommendation on that. And we felt
9 that, again, the 25-foot setback is something
10 that's with a residentially-zoned property as
11 opposed to a residential use property.
12 So we did consider this property in terms of the
13 location of the mechanical equipment, as well as
14 screening.

15 CHAIRMAN ROWE: Thank you.

16 MR. MURPHY: Thank you, that's all I have.

17 MR. ROTHBART: I have one more comment.
18 This is, in my opinion, the location of this
19 washhouse is classic NIMBY, "not in my back yard".
20 The residents to the north don't want it in their
21 back yard; the dealership, whether they'll admit
22 it or not, doesn't want it connected to their

1 building because of noise pollution, and they are
2 putting it in Mr. Pauga's front yard because
3 that's the easiest place for them to put it and
4 ignore the setbacks and the current uses.

5 I encourage you to look at use,
6 not zoning, and make your decision based on
7 current use, not zoning. Thank you very much.

8 CHAIRMAN ROWE: Okay, thank you.

11 MR. PAUGA: My name is Matt Pauga,
12 P-a-u-g-a. My address is 6 Kensington Drive, and
13 it's North Barrington, Illinois.

14 CHAIRMAN ROWE: Raise your right hand,
15 please.

16 (Whereupon, the oath was duly
17 administered.)

18 MR. PAUGA: The attorney for the petitioner
19 did make a remark that they weren't going to buy
20 the property unless they could get it rezoned. Is
21 that some type of agreement, or did I
22 misunderstand what the petitioner's attorney

1 stated? And who that conversation took place
2 with?

3 MR. POZSGAY: I'm assuming -- and this is
4 Kurtis Pozsgay. I'm assuming what the attorney
5 meant, and he can clarify it, but they did check
6 with us to make sure that was an allowed use on a
7 commercial property. Car washes are allowed by
8 right.

9 MR. PAUGA: And who is the person that that
10 conversation took place with? The question is did
11 it ever take place?

12 MS. FAWELL: Yes. Before the project moved
13 forward, they reached out to us and said, "We're
14 looking to expand our dealership site with a car
15 wash." And part of the process for the CDC,
16 through the environmental processing, that is a
17 permitted use, as opposed to a special use,
18 because that would have been an additional
19 request.

20 MR. PAUGA: That could be interpreted a
21 couple different ways. How did you get aware of
22 that knowledge where you can speak very

1 specifically on the issue?

2 MS. FAWELL: About special uses?

3 MR. PAUGA: No, I'm talking about this
4 conversation that could have taken place regarding
5 before they purchased the veterinarian's lot,
6 which is the lot immediately east of the present
7 operation.

8 MS. FAWELL: We had multiple talks with the
9 petitioner about this development project for some
10 time now moving forward, so multiple times this
11 has been discussed.

12 MR. PAUGA: I don't want to belabor the
13 point. About two and-a-half weeks ago, in
14 preparation for the meeting, I did ask for very
15 specific information as far as the equipment that
16 was used and the car wash, which is a normal
17 request. And then I wanted to find out where I
18 could visit one of the properties that had that
19 equipment. I talked with the general manager, I
20 talked with the attorney, and I believe the
21 attorney is here this evening, and I talked with
22 the member of the -- Scott Viger. I'm still

1 waiting for that information. I had all set for
2 this meeting somebody -- I think it's called
3 Riverbank, Geneva, Illinois, to come through and
4 analyze it.

5 I don't think these people
6 still haven't told us the equipment. They're
7 acting as experts on sound. That should be a
8 disqualification. This issue is too important to
9 talk in generalities.

10 Now, my observation on this
11 operation, and because I wanted to be very
12 specific before you, I visited a couple of car
13 washes. The one was on North Avenue west of 83.
14 The sound that I heard sitting in my car as those
15 vehicles left the thing, it was probably about 20
16 foot, maybe 25 feet of easement, two lanes of
17 highway and a median. I heard the operation that
18 was taking place. People popped out of the car
19 wash, and they were doing another final operation
20 of drying.

21 The other one that I visited
22 was in winter time, which wasn't that far away,

1 maybe about six blocks. Out of the roof I was
2 seeing, because of the amount of moisture, it was
3 shown going through the roof and coming about 10
4 or 12 feet across, going in a northerly direction.
5 And my car was waiting. They had vents before the
6 car entered. The vent was shooting out air, not
7 as high as what you saw on the roof, but it
8 definitely was there.

9 People coming out -- and I
10 think you're looking at a major difference.
11 You're seeing an operation that's not only inside,
12 but it's operating outside. I think the attorney,
13 when he was describing the operation, at some
14 point the fact that it appears to be a continuous
15 operation, you have various vehicles that are
16 moving through, the doors have to be open. That
17 is when the sound takes place, not only from the
18 brushes hitting the car, but from the air dryers.
19 All of this was taking place.

20 The operation and the number of
21 amendments, how much are we going to give this
22 developer? I would think anybody that got the

1 Planned Unit Development, that would be
2 sufficient. You can do what you want pretty much.
3 And to come through and then try to negotiate on
4 all of these ten different items? You know
5 there's safety in there. I don't think they
6 realize when you go into a car lot and you have
7 that many cars, people are emotional and they're
8 not watching what they do if you don't have the
9 proper lighting, you are endangering their lives.

10 CHAIRMAN ROWE: Excuse me, let me interject
11 for a minute. One, the information is not
12 required by law that --

13 MR. PAUGA: The what?

14 CHAIRMAN ROWE: The information as to who
15 said what, why they say it, and where did they say
16 it, that's not required by law. So if you say you
17 never received it, that's possible, but again,
18 it's not required by our law to give you
19 information.

20 MR. PAUGA: You know, I would think that
21 would be the homework of the people sitting here
22 and receiving information and accepting somebody's

1 word that something is such and such, and they're
2 not experts. Neither am I.

3 CHAIRMAN ROWE: Okay. And all car washes
4 are not the same.

5 MR. PAUGA: That's the reason I wanted it
6 because that's a good objection that would be
7 raised, they're not all the same. I asked for the
8 name, I asked where I can see it. And I had an
9 expert that was going to be set up at a cost of
10 probably between 3 and \$5,000.00.

11 Are you going to accept his
12 word? It's not right. There's no analysis here.

13 CHAIRMAN ROWE: We're not raising our
14 voices here. We're not going to do that.

15 MR. PAUGA: That's normally the way I talk.
16 You can dismiss my emotion on the issue.

17 The idea of ten amendments, is
18 there something wrong with our requirements that a
19 petitioner can come in here, and then all of a
20 sudden we got to please him, he's got money in his
21 pocket. There isn't that much difference between
22 the real estate taxes. My taxes on that property

1 are about 65, and his is about 85. That isn't a
2 great difference, except when it comes to sales
3 taxes.

4 Now I don't think what you're
5 doing here tonight with all these exceptions, that
6 becomes a precedent. Anybody now can come in and
7 say, "You granted ten amendments, and now -- and
8 you granted a PUD, there must be something wrong
9 with our regulations." That's the way I would
10 interpret it.

11 CHAIRMAN ROWE: Well, again, people
12 interpret things differently, not -- it doesn't
13 mean the next person -- they're all done by
14 case-by-case, it's not done in a mass herd of
15 applications. This had to go through -- Kelsey,
16 it had to go through the Village, the engineers?

17 MS. FAWELL: Yes, all these departments
18 reviewed this request.

19 CHAIRMAN ROWE: So they've gone through
20 this and they looked at everything, and they're
21 okay with it?

22 MS. FAWELL: Yes. Our engineering approved

1 this twice. They revised the plans with
2 engineering to make sure they met all of our
3 requirements, which is why engineering has no
4 comments. And there is final stormwater comments
5 that need to be worked out, but those are minor
6 revisions to plans as opposed to anything that
7 would be changing.

8 MR. PAUGA: All right, I'll accept what
9 you're saying, it did go through rigors of some
10 type of review and inspection. How about how many
11 of you actually went down and talked with me? How
12 many of you talked with any of my tenants to find
13 out what they think of this? How about it? I
14 think your report is one-sided. Normally when a
15 report is given, you give both sides, and then you
16 give a decision. I've never seen a report where
17 everything is all in favor of a petitioner.
18 Everything is about why? Why didn't you think it
19 necessary to talk with any of my tenants? Is that
20 how you regard us?

21 And then I can give you the
22 name, the four recent Subaru dealerships that have

1 got attachments: Elgin, McHenry, the --

2 CHAIRMAN ROWE: Those are not the
3 properties in line here. We're talking about the
4 ones in Bensenville.

5 MR. PAUGA: That's right, and I really
6 wonder why we have to have it separated. The
7 buildings -- you don't even know when all the
8 doors are closed that the operation is there. The
9 operation is there, and you have to go around and
10 study it. This building 190 feet, 50 feet wide,
11 15 feet tall sticks out, and why would you push it
12 on your neighbor? Every one of you have a home
13 more than likely here. How would you like your
14 neighbor to be washing his car all the time, or
15 having a building that isn't this building? That
16 building is not the way it was presented, and not
17 the way it's going to be built. I have pictures
18 of buildings here that differ from that.

19 CHAIRMAN ROWE: Okay, sir, we're going to
20 postpone this now for you. You're making
21 accusations you can't clarify. You don't know
22 that.

1 MR. PAUGA: So go ahead and ask me. You
2 want to look at what was presented here?

3 CHAIRMAN ROWE: I'm not making any
4 accusations, this is just a body that we're going
5 to go through this. We're not going to -- I'm not
6 going to say he's right, I'm not going to say he's
7 wrong, but I'm going to say our Village employees
8 have gone through this site up and down the
9 ladder. Nate feels that it's okay. You can't
10 make the accusations against somebody just because
11 they want to put it next to -- what about when we
12 had the airplanes? Should we shut the airplanes
13 down?

14 MR. PAUGA: Did anybody from the Village
15 talk to any of my tenants?

16 MS. FAWELL: We did speak with you a couple
17 of times. I've met with you before.

18 MR. PAUGA: That wasn't the question.

19 MS. FAWELL: Your tenants personally
20 myself, I did not.

21 MR. PAUGA: That wasn't the question.

22 MS. FAWELL: I did not personally.

1 MR. PAUGA: Now, since we are on this
2 point, I have a survey from the tenants who you
3 never bothered to ask. Boy, that really is
4 something. But, anyway, this young lady you
5 recognize will give you the results of our survey
6 and her comments as manager where she has the
7 contact with the people. And if you would give
8 them the survey, the actual material, and we have
9 made copies for quite a number of people that are
10 here today.

11 I'm not through with my
12 testimony, but I figure it's relevant at this time
13 to bring this up.

14 CHAIRMAN ROWE: Okay.

15 MR. MURPHY: For the clarification of the
16 record, if we're going to submit documents I ask
17 it be marked as Exhibit A so that the court
18 reporter can keep a record and members of the
19 commission can see what we're talking about.
20 Thank you.

21 CHAIRMAN ROWE: State your name and
22 address.

1 MS. MEDRANO: My name is Chris Medrano,
2 M-e-d-r-a-n-o. I am located at 1131 South Center
3 Street in Bensenville, Illinois, 60106.

4 CHAIRMAN ROWE: Raise your right hand.

5 (Whereupon, the oath was duly
6 administered.)

7 MS. MEDRANO: The reason I'm here, I'm the
8 property manager for the Brook Forest Apartments
9 in Bensenville. I work for the --

10 CHAIRMAN ROWE: Can you come a little
11 closer to the microphone?

12 MS. MEDRANO: I'm sorry. I work for the
13 Paugas, and I'm here to represent them as well as
14 all the residents.

15 COMMISSIONER WASOWICZ: Here to represent
16 who?

17 CHAIRMAN ROWE: Can't hear you. Who are
18 you representing?

19 MR. MURPHY: Would you start again, please,
20 your name and who you represent, please.

21 THE COURT REPORTER: Excuse me, is it okay
22 for her to lower her mask just while she speaks

1 there?

2 CHAIRMAN ROWE: Yeah.

3 MS. MEDRANO: Because I have a double mask
4 on. Like I said before, I'm here to represent the
5 Pauga family, as well as the Brook Forest
6 Apartments. I was told about this car wash not
7 too long ago, and I was really concerned since I'm
8 the property manager and I'm the one that, you
9 know, rents the apartments out to the public.

10 With that being said, I was very concerned because
11 when people come to the apartment complex, the
12 first thing they tell me is, "Oh, my goodness, I
13 never knew this place existed, it's so beautiful
14 and so peaceful, and I love it. Because there's
15 water fountains, the courtyard is just so
16 beautiful. That being said, it brings a lot of
17 customers where otherwise they wouldn't see that
18 because of the little strip mall and because of
19 the Taco Bell on the side.

20 With that being said, I was
21 concerned, so we decided to do a survey so that
22 the tenants would also have a chance to voice

1 their concerns. I sent out -- I have 60
2 apartments that we have right now, and out of 60,
3 I got 52 responses to the survey. Everybody
4 pretty much is opposed to it. I would have to say
5 there was two of them that were indifferent.
6 Other than that, everybody was opposed to the
7 idea.

8 They have seven concerns, which
9 I'd like to run by you if it's okay. The first
10 one was that they do not feel that a car wash
11 should be near a residential area, it should be
12 more in a commercial area.

13 The second one was that people
14 think that, first, they should have been taken
15 into consideration, you should take the
16 consideration and the opinion of the population
17 before, you know, going forth with this idea. The
18 only reason being is because they live there, they
19 have to come home to their apartments, you know,
20 every day.

21 The noise level was another big
22 one, you know. In the summer when it's hot out,

1 they don't want to run their AC's, they're so
2 expensive, so what they do is they open their
3 windows. If they're on the west side and you have
4 a car wash right next door, all we're going to
5 hear is a lot of noise and a lot of going on, and
6 people just want to relax, they don't want to hear
7 it.

8 If you'd like to look at our
9 surveys, you will be able to see from their word.
10 I'm not making this up; they're not happy.

11 The other things that we're
12 worried about is the hours of operation, but you
13 just clarified that with me, so I would be able to
14 tell them that. But, regardless, there is
15 different people, different shifts, not everybody
16 works during the day, some people sleep during the
17 day and work nights. So with that being said,
18 that's another concern for us.

19 The other thing is the water
20 usage. Will there be sufficient water supply?
21 And, also, what I'm worried about is will you guys
22 use a reclaim system? I heard the reclaim system

1 is where it uses the same water over and over. So
2 I just looked into it because it concerns our
3 property, and I want to make sure all the
4 residents are happy.

5 The other thing, the appearance
6 and the cleanliness is also a big factor because
7 people, when looking for an apartment, they're
8 looking at the outdoors and we want to see, you
9 know, would this be a potential place I would like
10 to live. Would anybody want to live 40 feet from
11 a car wash? I don't think so. It just -- I'm
12 being real, and I understand when people are
13 saying all this.

14 The other thing is will this --
15 this is from myself, this isn't from the
16 residents. I'm just thinking will this new
17 operation affect my renting? I want to continue
18 doing what I like to do. I love being a manager,
19 and I just don't want people to look at the place
20 and say, "Oh, no, near a car wash? No, thank
21 you", and move ahead.

22 So, those are my concerns. I

1 was just hoping that the planning department would
2 take our valid points in consideration for the
3 sake of our community, and instead attach your car
4 wash to the present building that they have on the
5 other side by Chase Bank over on the other side.
6 It would be a better placement for everybody
7 that's involved. That's what I think.

8 We already have on one side
9 Taco Bell where they're open -- the drive-through
10 is open until 1:00 p.m. [sic] every night, and you
11 hear, "Welcome to Taco Bell, may I take your
12 order, please?"

13 In the front we have the
14 Marines who do their workouts, and they do it in a
15 loud tone, so the only place people can really
16 enjoy is the beautiful courtyard. They hear water
17 fountains, they hear each other speaking in the
18 gazebo, it's beautiful. With this car wash on the
19 side, it would just be horrible listening to
20 vacuums and blowers. I don't think it's a good
21 idea. That's just my, you know, what I feel.

22 CHAIRMAN ROWE: Okay, thank you.

1 MR. MURPHY: There's been a couple of
2 instances where there's been some sort of an
3 implication this isn't a democratic process, and
4 it is. I just wanted to clarify the Village Code
5 requires that this body takes recommendations from
6 staff, but we are deciding here tonight about this
7 issue, and that's why this is a public hearing
8 open to comments for everybody. So, this is the
9 democratic part of the process. The Village
10 considers testimony from whoever is here tonight,
11 and then makes a decision based on that. But it
12 wasn't -- there's no implication that the public
13 is not to be heard.

14 So I just wanted to clarify the
15 Village Code requires that the public be heard,
16 and this is the venue in which almost every
17 municipality I work for allows this to happen.

18 Thank you.

19 MS. FAWELL: And Staff would also like to
20 interject to remind at the beginning when we
21 opened this case, that we did follow State
22 statutes for notifying residents in the Village.

Again, we mailed notice to every property owner within 250 feet, as well as posting a sign on the property, and publishing in the local paper.

4 | Thank you.

5 MS. MEDRANO: I never received any notices,
6 and none of my residents did either.

7 MS. FAWELL: It's just to property owners.

8 MS. MEDRANO: Well, we didn't, and that's
9 why a lot of the residents have concerns, they are
10 not happy at all. And I'm just afraid I'm not
11 going to be able to rent as well as I used to due
12 to the fact that nobody wants to live near a car
13 wash, you know.

14 Is there any chance that they
15 could do it on the other side? I have no
16 objection to a car wash. I mean, it's just -- it
17 would be so much better for everybody involved.

18 MR. MURPHY: It might be easier if, after
19 all persons who want to testify testify this
20 evening, then we'll give the Subaru owner and the
21 attorney for him a chance to respond to everyone's
22 concerns, instead of back and forth. So if that's

1 acceptable, we'll save comments for Subaru until
2 the end.

3 MS. MEDRANO: Okay, thank you.

4 CHAIRMAN ROWE: Anybody else?

5 MR. PAUGA: Yes.

6 CHAIRMAN ROWE: We'll let somebody else go
7 first. Go ahead.

8 MS. FAWELL: Just a reminder for everyone
9 to please wear their masks. Thank you.

10 You have to put a mask on, sir.

11 CHAIRMAN ROWE: Name and address.

12 MR. DYLAN PAUGA: Dylan Pauga, and my
13 address is 7240 Winthrop Way in Downers Grove,
14 Illinois.

15 CHAIRMAN ROWE: Raise your right hand.

16 (Whereupon, the oath was duly
17 administered.)

18 MR. PAUGA: I don't know how you guys are
19 handling the distribution of paperwork, but I do
20 have copies of the survey. I would like -- if you
21 guys would like to take them, I can give them to
22 you. How do you guys want to handle this?

1 MR. MURPHY: If you could label them as
2 Exhibit A for this hearing's purposes, the court
3 reporter should get them, and then probably give
4 them to Corey, and he'll distribute them to us.

5 MR. DYLAN PAUGA: Do you want me to do that
6 right now?

7 MR. MURPHY: You can if you like.

8 (Whereupon, the document was
9 marked Exhibit A for
10 identification.)

11 MR. DYLAN PAUGA: Then I've got Exhibit B
12 for identification.

13 (Whereupon, the document was
14 marked Exhibit B for
15 identification.)

16 MR. DYLAN PAUGA: Exhibit A is the survey
17 that we conducted with the residents informing
18 them.

19 CHAIRMAN ROWE: Can you raise the mic up a
20 little bit?

21 MR. DYLAN PAUGA: She's short, I'm tall.
22 Exhibit A was the survey we distributed to the

1 residents informing them what was going to be
2 built nearby. And then Exhibit B is just some
3 pictures that I took of car washes and my
4 experience from being around car washes and just
5 exploring this more now that this is going on.

6 You know, when you go to a car
7 wash and the doors are closed, sometimes they honk
8 to get the cars into the car wash. I think that
9 that should be taken into consideration, because
10 it would be like someone honking in your back
11 window of your house.

12 As they exit, if there's cars
13 in the way, they will continue to honk as well. I
14 think honking this close to apartments, these are
15 bedrooms that they'll be honking next to, I think
16 that's inappropriate as well. And then, of
17 course, as cars pile up outside and they dry and
18 work, there is shouting, people moving, and stuff
19 going on. So I think that can be distracting to
20 some of the residents that are back in that area.

21 So, then my opinion, the noise
22 pollution created entering and exiting out of the

1 car wash has no place next to a residential area
2 where people are entitled to peaceful enjoyment of
3 their home. Our current and future residents will
4 be affected by the noise of the Grand Subaru car
5 wash if it's constructed this close.

6 That's all I got.

7 CHAIRMAN ROWE: Okay. Anybody else? Go
8 ahead and make it short, though.

9 MR. PAUGA: I'd like to have a rendering of
10 the car wash. Can we put that on the easel?

11 MR. LAURENT: The rendering is on Sheet A.

12 MS. FAWELL: I believe this is updated,
13 correct. Mr. Johnson, it looks like the colors --

14 MR. PAUGA: I want to show everybody the
15 picture that was presented to me and was more
16 closely to the original. It is kind of devoid of
17 a lot of detail. As you can see, the side that is
18 affected by the apartments that I own there, it's
19 almost windowless. It's almost ugly. But that's
20 been the person's own -- as to the way he looks at
21 things. This is what was presented to you and to
22 me, and now we're seeing this. How come you're

1 not showing this side?

2 MR. JOHNSON: I don't know if I should
3 answer that.

4 MR. MURPHY: Excuse me, point of order.

5 We're going to allow the Subaru team to respond
6 after.

7 MR. PAUGA: No one can deny the aesthetics
8 that goes into a residential area, the impacts
9 that it has on people. This is how it's going to
10 look, not like that.

11 CHAIRMAN ROWE: You don't know that, sir.

12 MR. PAUGA: Now also what's rather
13 interesting about this proposal and the way it was
14 written up, it was stated that there are no
15 exceptions. It's very similar to the other
16 developments that are on west of us. There's
17 three or four other car dealers.

18 CHAIRMAN ROWE: Can you go by the podium,
19 please.

20 MR. PAUGA: In the report that was given,
21 but I think everybody can see how this picture
22 glorifies it. It's really not a true depiction.

1 The idea with the other car dealers, they are
2 different. And you're going to ask, "Well, the
3 report says that they're all similar." They're
4 all similar except in one material way: They're
5 altogether. They have all of the sales and retail
6 and the car wash in one building. As I was
7 stating, the other newer car washes all have that
8 feature because the cities demand. They don't
9 like the thing spread out.

10 Our operation here is
11 separated, and it is a bad, bad planning figure,
12 because it's close to other things, especially at
13 our residential. That's why this is bad. And
14 it's different.

15 And I'm going to ask this basic
16 question: This report, is that a legal opinion?
17 Is it a planner's report? Is it someone's value
18 judgment? Exactly what is the report that you
19 have given to these people that are sitting here?

20 MS. FAWELL: This is the staff report
21 compiled of numerous department comments,
22 professionals who work at the Village.

1 MR. PAUGA: And you feel as though it's a
2 cross-section of what a lot of people feel? You
3 don't have any obligation to talk with any of my
4 residents? You don't have any obligation --

5 MR. MURPHY: Just as a point of order, this
6 has already been discussed. I would like to move
7 on to a new point, if you have any new points to
8 make, sir.

9 MR. PAUGA: Well, I would like some type of
10 reply on what we're talking about with this
11 building. You can't come into a meeting here and
12 be deceptive. You can write up a report --

13 MR. VIGER: Mr. Chairman?

14 CHAIRMAN ROWE: Yes?

15 MR. VIGER: Mr. Chairman, if I might, Scott
16 Viger, Director of Community Development, Village
17 of Bensenville. The plans Mr. Pauga has been
18 presented were -- these were in the staff
19 application that was submitted. It was reviewed,
20 it was presented to Mr. Pauga, it's been Xeroxed
21 and photocopied, and the colors are a little
22 washed out, if you will. And I think that we had

1 conversations both with Mr. Pauga to that effect,
2 also with representatives of Grand Subaru to that
3 effect.

4 The Staff report -- 40 years in
5 this business, the Staff report, as Ms. Fawell
6 says is, in fact, a compilation of professional
7 staff at the village. The Village has met and
8 exceeded our statutory requirements for public
9 participation and notification of this meeting.
10 And, quite frankly, we take exception to the

12 MS. FAWELL: I would also like to add that
13 in the Staff report in the planning comments we
14 did express concerns with the facade rendering and
15 did request them to be updated, which is a
16 condition of approval that they work with Staff to
17 provide a different facade. So, no, this is not
18 the rendering. Should that condition be
19 recommended for approval to the Board and they
20 approve it, then this rendering will not be what
21 is finalized in final approval for this project.

22 CHAIRMAN ROWE: Okay. Do you guys want to

1 comment?

2 MS. FAWELL: Well, we have online comments
3 that we would like to go through.

4 CHAIRMAN ROWE: Okay.

5 MS. FAWELL: We have a question from Mr.
6 Eric Pauga in the Zoom chat, and he would like to
7 ask of Keller when you do decide to -- when you do
8 respond to everyone, he would like to know how
9 many cars will this car wash service per year.
10 And then Keller can address that, Keller/johnson
11 can address that.

12 And then we have also have a
13 You-Tube video that was submitted by a resident of
14 a single-family home which abuts this property.

15 COMMISSIONER WASOWICZ: What is that?

16 MS. FAWELL: It's a recorded video for
17 public comment.

18 (Whereupon, a You-Tube video
19 was played by the Village.)

20 MR. SABINO: I live at 1075 South Center
21 Street. The house on the left at the
22 south end of Center Street, right next

1 to what used to be the field behind
2 the animal hospital. This is how
3 the street looked the first 11 years
4 I lived there. It was overgrown, the
5 fence was damaged, and there was a
6 lot of garbage that needed to be
7 cleaned up. So six years ago I spent
8 over \$200.00 on mulch rows and fixed
9 it all up. This is how it looked
10 when I was done and how it's looked
11 every summer since. My point being,
12 we care about how our neighborhood
13 looks.

14 Looking at this, you can see
15 that privacy fence has maintained the
16 character of the neighborhood, is
17 maintained for a residential
18 neighborhood, a couple of the goals
19 of the Village of Bensenville Zoning
20 Ordinance. I can't say it was the
21 same for my neighbor across the street.
22 he was basically looking at the back

1 of the Grand Subaru car lot. The
2 only thing separating his side yard
3 from the parking lot was a six-foot
4 chain link fence, which in no way
5 maintains the character of the
6 neighborhood. It's as if his house
7 was plopped in the parking lot. My
8 front yard will be in a similar
9 spot if this proceeds.

10 Prior to this summer, there
11 was about a 50-foot buffer between
12 his property line and the car parking
13 lot for water retention, and maybe
14 because someone thought it was necessary
15 to maintain a decent buffer between the
16 car lot and the residential homes. Now
17 the car parking lot is expanded to just
18 six feet from his property line. It may
19 be a plus for Grand Subaru, and it may
20 be a plus for Bensenville getting more
21 tax revenue from them, but it is
22 certainly not a plus for the residents

1 bordering Grand Subaru. In looking at
2 this, how could you possibly claim
3 that the privacy and the character
4 of the neighborhood have been
5 maintained?

6 The Village Zoning Ordinance
7 says that one of its primary goals
8 is to protect the Village's quality
9 of life and character of its
10 neighborhoods by ensuring that
11 development is compatible and cohesive.
12 And then they allow a car dealership
13 to basically build right up to
14 this property and don't require
15 the dealership provide a decent
16 privacy fence and a tree line or
17 something to give the residents a
18 reasonable aesthetic location?

19 To me, this is a sad
20 blending between R-2 Single Unit
21 Dwelling District and the C-2
22 Commercial District. No one stood

1 up for the people living in the
2 residential district. The Village
3 should have required Subaru to do
4 a much better job than this, or the
5 Village should have done it themselves
6 since they are also reaping the
7 benefits of Subaru's expansion.

8 My neighbor's wife, she
9 works the night shift, she has to
10 sleep during the day, and she has
11 trouble because those alarms are going
12 off all day long. He has spoke with
13 Grand Subaru and they have just
14 ignored his requests to not use the
15 alarms.

16 So back to my house, if
17 you look from the side of my house
18 to the fence that borders what would
19 be Grand Subaru's new lot, it's 22
20 feet from my house to the fence. And
21 the plan is, I believe, a six-foot
22 patch of grass, and then the parking

1 lot, which means that cars are going
2 to be as close as 28 feet from my
3 house. This is going to be basically
4 identical to my neighbor's house that
5 I just showed you. To put that in
6 perspective, the front of my house to
7 the curb is 46 feet, so the cars in
8 the Grand Subaru lot will be much
9 closer than that. How is that
10 acceptable? And, of course, I'm
11 thinking about those car alarms
12 going off, about the beeping, the
13 screeching, the yelling, all of that
14 noise is going to be right on my
15 doorstep.

16 So I'm just going to do a
17 walk-up. There's a porter setting off
18 an alarm trying to find the car. This
19 is the sound we get to hear all day
20 every day. So we get a lot of that,
21 along with a lot of beeping and other
22 stuff.

1 There is no question
2 this change is going to decrease
3 our quality of life, and it's going
4 to decrease my property value. I
5 guess the most I can hope for is
6 that Bensenville and Grand Subaru
7 will do what they can to improve
8 this connection between the commercial
9 district and the residential district,
10 both for me and my neighbors, and my
11 neighbors in the apartment building
12 as well.

13 To me, the best way that that
14 can happen is by putting a quality
15 privacy fence, almost like something
16 they have on the expressways, that
17 would shield not only the noise, but
18 the look and the noise. It would have
19 to be at least 8 feet tall, maybe
20 10 feet tall, and it would have to
21 be a solid fence, something --
22 especially at the end of Devon Street

1 if the plows are thinking they're
2 going to be able to pile up the
3 snow up against the fence, because
4 some fences just cannot handle that,
5 that weight. As a matter of fact,
6 they damaged the fence this year
7 because we had a lot of snow. They
8 pushed it up against it and bent
9 the fence back again. So, that
10 would be helpful.

11 And, of course, Grand Subaru
12 needs to stop this practice of
13 setting off alarms as a method of
14 finding a car. I'm sure they can
15 figure out another way, such as
16 identifying all the spots and having
17 some kind of database where somebody
18 could easily look it up and see where
19 the car is, as opposed to setting off
20 the alarm. If they continue to do
21 that, then something's going to have
22 to be done about that.

1 I also have concerns about
2 flooding. I've lived here for 17
3 years, and I've never had a flooding
4 issue. I hope that this has been
5 designed properly to account for the
6 loss of the big field behind me and
7 the animal hospital.

8 On the positive side, I
9 guess I will say I am at least pleased
10 they chose to put the car wash as far
11 south as they go could, and that the
12 blowers on the car wash will be facing
13 the south, so hopefully the noise
14 won't be too bad. That remains to be
15 seen.

16 (Whereupon, the YouTube video
17 was stopped.)

18 CHAIRMAN ROWE: For the record, the Board
19 has just viewed a video that was submitted to the
20 Board online. I would ask Staff to comment who
21 sent that video?

22 MS. FAWELL: Mike Sabino.

1 MR. MURPHY: And he's a neighbor of the
2 Subaru dealership?

3 MS. FAWELL: Yes. I believe his address is
4 185 South Center, but I can double check right
5 now, but he lives in the single-family home right
6 there at the end of Center abutting the Subaru
7 dealership.

8 MR. MURPHY: For the record, the members of
9 the commission, as well as the audience, was able
10 to view that video.

11 CHAIRMAN ROWE: Okay. Do you want to go
12 ahead and respond, Grand Subaru?

13 MR. JOHNSON: First, the technical, and
14 then we'll get into the specifics. Technical,
15 we're going to move to strike from the record all
16 the opinion testimony offered without a legal
17 basis for same by Mr. Pauga, Miss Medrano, Dylan
18 Pauga and Mr. Sabino's video, but that's the
19 technical part.

20 MR. MURPHY: If I can comment, your
21 objection is noted. This is not a formal
22 procedure, this isn't a court of law, but the

1 Commission is directed to give it whatever weight
2 it wishes to, given the nature of the evidence
3 that was submitted and whether or not it was, for
4 instance, hearsay or any of the other objections.
5 It goes to the weight of the evidence, not whether
6 or not we'll consider it. We will consider all
7 evidence tonight.

8 MR. JOHNSON: Next, I did have a more than
9 an hour long conversation with Mr. Matthew Pauga
10 last week, and I went through a number -- I
11 answered every question he asked of me. The one
12 that I couldn't answer for him was, is there an
13 identical car wash somewhere else that I can go
14 look at. And the answer I told him is I'm not
15 aware of one, that there isn't one that's
16 identical. And common sense would suggest they
17 are all different, so you've got to -- you have to
18 look at what the specs are of the individual car
19 wash and speak to that.

20 The big issue here for Grand
21 Subaru is that we don't believe any pause is
22 necessary. All the appropriate procedures were

1 followed, all the appropriate notices were given,
2 all of the appropriate data was submitted to the
3 Village staff. Village staff came back to Grand
4 Subaru, asked them for greater detail, or to
5 clarify or change things, Grand Subaru did that,
6 and tonight we're here to have a vote on this and
7 then be able to move forward.

70

17 Other than that, to just
18 confirm, the car wash design being used is the
19 Sonny's, S-o-n-n-y's, 125 EDT. And if the Village
20 requires or wants us to provide the specifications
21 on decibel noises or that type of information, we
22 would be happy to submit that later. But suffice

1 it to say, every effort has been made by Grand
2 Subaru to be good neighbors, and we want to
3 continue, as we always have, to work with Staff.
4 We will do so to make this something that the
5 entire village can be proud of.

6 I don't know, Mr. Laurent, if
7 you have anything additional.

8 MS. MEDRANO: When I stated about the
9 courtyard, the noise and stuff, I don't know if
10 you heard me well, but I also said that people
11 living in the apartments on the west side, when
12 they're going to bed and they want to -- they
13 don't want to use the air-conditioner, it's hot in
14 the summer and they want to open their windows,
15 they won't be able to because of the noise.

16 MR. JOHNSON: Well, my response to that,
17 respectfully, the ambient noise from Grand Avenue
18 and York Road, which are also right there, is
19 louder than the noise from this car wash is going
20 to be. And they live in an area -- Grand Subaru
21 is in the Grand Avenue Commercial Corridor. It is
22 something that the village has set as an area that

1 it wants to develop for commercial businesses to
2 bring business into the city for the Village of
3 Bensenville. And Grand Subaru is working to be a
4 tremendous partner doing that, not only paying
5 property taxes, but providing an extremely high
6 amount of sales taxes. And also, people don't
7 know because we don't really publicize it, Grand
8 Subaru contributes 70 to \$100,000.00 every year as
9 part of the Share the Love Campaign to Bensenville
10 charities. So we are a great corporate partner.
11 We have no intent on making something that doesn't
12 look pleasant or that doesn't match the
13 appropriate decor of a car dealership, and for
14 that part we believe we've met or exceed all the
15 requirements the Village has asked of us, and we
16 ask for our variances to be approved.

17 MS. MEDRANO: The strip mall and all the
18 stores on the side, they cover the traffic, that's
19 the beauty of that apartment because you don't
20 hear all that noise from the street. That little
21 strip small is facing the street, so it's
22 covering, it's not like a loud place, it's

1 beautiful. Not to think that on the other side,
2 you know, where people are sleeping, it's
3 summertime, they don't want to waste money on AC
4 units, they want to open up their windows. What
5 are they going to hear? We hear beeping. Mike
6 summed it up very well, he's one of our neighbors,
7 and he summed it up perfectly. That's exactly
8 what's going on. Right now today it was all the
9 ComEd trucks. There's always something going on
10 at Subaru. I'm not putting down Subaru, more
11 power to them, they're doing wonderfully. I'm
12 just here to represent the people that live there,
13 and I want to make sure people are happy.

14 CHAIRMAN ROWE: Yes, sir?

15 MR. PAUGA: I wanted to put this issue to
16 rest. That was the reason I went through the
17 Village; I went through the attorney, we had a
18 conversation on this very issue; and the general
19 manager.

20 CHAIRMAN ROWE: You have to wear a mask.

21 MR. PAUGA: I was trying to keep an open
22 mind. I was trying to settle the issue before

1 meeting here and wasting a lot of people's time.
2 I think this matter has to be done in some fashion
3 other than an attorney getting up here and
4 talking. In fact, he was wrong when he said the
5 doors are closed when the operation is going.
6 That's not true. Every car wash that I've seen,
7 those doors were open, even the operation of the
8 next car coming in, and their operation, the doors
9 are open all the time. They don't close the door.
10 The vehicle goes in, rather unusual, it's a
11 U-shape, the other door is outside, it goes right
12 in, the operation is taking place, the door is
13 open during the entire process. What more do I
14 have to do to impress upon the group? I was
15 keeping an open mind. I was spending about 3 to
16 \$5,000.00 on this. That's general talk. You're
17 going to affect the lives of 60 residents in that
18 building with a noise factor. This is serious,
19 and I'd consider it.

20 MR. MEDRANO: I thank everybody --

21 CHAIRMAN ROWE: First of all, state your
22 name and the address.

1 MR. MEDRANO: My name is Carlos Medrano,
2 and I am living on the property. I think
3 everybody --

4 CHAIRMAN ROWE: Would you raise your right
5 hand.

6 (Whereupon, the oath was duly
7 administered.)

18 And how he say going to be far
19 away and this, this, and that, but I bet they are
20 going to come with music plus the noise. You're
21 not going to coming without music. They don't
22 think about music when you say we are going to do

1 this, this and that, but he don't talking about
2 the noise plus the music. And people got to go
3 and work in the factory at night, and I don't
4 think it's safe for the people who can't sleep.

5 CHAIRMAN ROWE: Are you talking about the
6 music from the car wash?

7 MR. MEDRANO: It's what they -- when they
8 move the cars one way or to another you can hear
9 the noise or the music inside the cars when they
10 moving the cars. On music.

11 CHAIRMAN ROWE: On the radio?

12 MR. MEDRANO: Yes, that's all.

13 CHAIRMAN ROWE: Okay, we're ready to move
14 on. Thank you.

15 MR. JOHNSON: Thank you.

16 CHAIRMAN ROWE: Do we have any questions
17 from the commissioners?

18 Commissioner Wasowicz, or
19 Staff?

20 COMMISSIONER WASOWICZ: I've sat on this
21 Board for about three years, and this is -- I've
22 seen really one controversial case, but I think

1 this is right up there with me. I think what we
2 run into when we have commercially zoned areas
3 that are close to multiple residential areas and
4 multi-purpose areas. I was talking to
5 Commissioner King in between here, we live under
6 the threat of 747 {inaudible} airlines you can
7 talk about noise, we know about noise. I don't
8 like it either, not a lot we can do about it. But
9 I am sensitive to the noise issues.

10 I also see that this property
11 -- and, by the way, I am familiar with this
12 property because I'm a retired medical
13 representative, and I used to call on the practice
14 on the front of this property years ago when it
15 was actually a doctor's office, not veterinarian.
16 And I think I understand, Matt, about your point
17 about the shaded tree area that's there now, which
18 is something that's very nice for your residents
19 to be buffered from, as well as this gentleman and
20 the other neighbors, and that will be gone now
21 because that's where they're going to put the
22 structure. Right --

1 MR. POZSGAY: Turn your mic on.

2 COMMISSIONER WASOWICZ: I've always been
3 told I got a loud voice. I'm sensitive to the
4 things that are being discussed here, trust me,
5 and we're here just to discuss the zoning
6 variances, that's the scope. We're not getting
7 out of the scope, we're just here to talk about
8 the variances that the business is requesting.

9 CHAIRMAN ROWE: Correct.

10 COMMISSIONER WASOWICZ: Yeah, I've got a
11 lot of things I could get into, but I would
12 probably rather not. I'm kind of deliberating
13 while I'm listening, and I just got those thoughts
14 out, so I'll turn it over to Commissioner King if
15 he has anything.

16 MR. MURPHY: Just for the record, again,
17 the public comment section of this hearing is
18 over. This is the point of the hearing where the
19 commissioners will discuss among themselves their
20 feelings and then vote, so there will be no more
21 public comment. We're not going to engage in
22 bickering between the commissioners and the public

1 at this point. So public comment is over, and
2 we'll continue on with the commissioners'
3 comments. Thank you.

4 CHAIRMAN ROWE: Commissioner King?

5 COMMISSIONER KING: I have several
6 different points to mention --

7 MR. PAUGA: I think something has come up
8 here that I would like to comment on it.

9 CHAIRMAN ROWE: The question and answer
10 period is over.

11 MR. PAUGA: He made a comment, we have to
12 have the ability to question him; isn't that
13 correct?

14 CHAIRMAN ROWE: Not after it's been closed.

15 MR. PAUGA: He made a comment after
16 everything was finished. If he didn't, I would
17 agree with your decision. He made a comment about
18 -- he used the word variances, and it's the word
19 amendment. And the fact that some of those issues
20 are very material because there's safety involved.
21 You're foregoing some safety issues that he
22 raised.

1 COMMISSIONER WASOWICZ: I'm sorry, sir, are
2 you addressing me?

3 MR. PAUGA: Yes.

4 COMMISSIONER WASOWICZ: I don't believe
5 that's what I said, sir. All I said is we're here
6 to talk about only within the scope of variances
7 that are being requested by the business. That's
8 all I said.

9 MR. PAUGA: You brought the subject up.

10 COMMISSIONER WASOWICZ:: It doesn't go
11 beyond that.

12 MR. PAUGA: You were the last person to
13 speak on it.

14 MS. FAWELL: Staff would like to interject.
15 The correct word is code departure. It's neither
16 an amendment or variances in this case. But,
17 regardless, you meant code departure, which is
18 very similar to that of a variation.

19 COMMISSIONER WASOWICZ: Yes.

20 MS. FAWELL: A deviation from the code.

21 MR. MURPHY: Is that the comment you wanted
22 to make then, sir?

1 MR. PAUGA: I'm sorry, I didn't hear you.

2 MR. MURPHY: That was the comment you
3 wanted to make?

4 MR. PAUGA: About the safety issue
5 regarding some of the things that the group is
6 going to vote on, they were amendments, and I
7 think I was just correcting him. I thought he
8 said variances. Could you read it? Maybe I
9 misread it.

10 MS. FAWELL: Code departures.

11 COMMISSIONER WASOWICZ:: I know I didn't
12 use the word amendment, that's for sure.

13 MR. MURPHY: We'll take your comment for
14 what it's worth. We know we're dealing with code
15 departures.

16 MR. PAUGA: Did he use the word variances,
17 no or yes? Okay, that's it.

18 COMMISSIONER KING: This is a civilian
19 Board to approve and review things. This Board is
20 very sympathetic to the needs of our residents and
21 our businesses. I find great pride with what
22 Commissioner Wasowicz said about the sound at

1 O'Hare. I've only lived here for seven years
2 before the latest runway was opened. Everything
3 changed. And sound and having people have the
4 ability to safely sleep after working a long, hard
5 shift is very important.

6 From what I've heard, Subaru
7 wants to be a good neighbor and good company and
8 good partner. And I would -- my final comment is
9 I would suggest you do not bring up the noise
10 issue with the United States Marine Corps
11 recruiter. Thank you.

12 | CHAIRMAN ROWE: Commissioner Marcotte?

13 | COMMISSIONER MARCOTTE: No questions.

14 CHAIRMAN ROWE: Commissioner Ciula?

15 COMMISSIONER CIULA: I have no comments.

16 | CHAIRMAN ROWE: Okay, no comment.

17 I think now I'm going to go to
18 Staff recommendations.

19 MS. FAWELL: Mike Sabino, who supplied the
20 online video, lives at 1075 South Center Street.
21 I would like to correct the address.

22 | CHAIRMAN ROWE: 1075?

1 MS. FAWELL: Yes.

2 CHAIRMAN ROWE: Thank you.

3 MS. FAWELL: Staff recommends the approval
4 of the findings of fact; and therefore, the
5 approval of the site plan review.

6 Staff recommends the approval
7 of the findings of fact; and therefore, the
8 approval of the Planned Unit Development at 111 to
9 125 West Grand Subaru with the following
10 conditions:

11 1, proposed project shall be in
12 accordance with submitted plans from Keller, Inc.
13 dated January 28th, 2021, except as amended by the
14 following conditions:

15 2, the car wash is only to be
16 utilized by Grand Subaru employees, and shall not
17 be open to the public.

18 3, car was shall only be
19 operated during the service hours of the
20 dealership.

21 4, Grand Subaru, LLC, shall, to
22 the best extent possible, reduce noise to mitigate

1 adverse impacts on surrounding residential
2 properties.

3 5, fencing on both parcels
4 shall be of like kind as black vinyl coated chain
5 link.

6 6, petitioner shall coordinate
7 with CED Staff and submit final facade renderings
8 to be approved by the Zoning Administrator.

9 7, petitioner shall coordinate
10 with CED staff to determine an appropriate tree
11 replacement agreement, final approval subject to
12 Zoning Administrator.

13 8, parking lot perimeter
14 landscape on Grand Avenue shall be compatible with
15 existing landscape design on Grand Subaru's
16 dealership to the west.

17 9, proposed arborvitae
18 screening on 111 West Grand Avenue property shall
19 be erected along the northern buffer yard on
20 existing dealership property located at 125 West
21 Grand Avenue.

22 10, a 10-foot utility easement

1 for the water main shall be dedicated along the
2 northern portion of 111 West Grand Avenue, similar
3 to existing water main easement on existing
4 dealership property.

5 11, increased landscape
6 screening shall be provided on eastern property
7 line where the site abuts multiple -- sorry, where
8 the site abuts existing multiple-unit residential
9 dwelling property.

10 12, proposed ground-mounted
11 mechanical equipment shall be screened with
12 landscape elements in accordance with the
13 submitted landscape plan dated January 28th, 2021.

14 13, petitioner shall, to the
15 best extent possible, minimize lighting impact on
16 surrounding residential properties and coordinate
17 adequate solutions with Village staff.

18 And, 14, a final landscape plan
19 shall be submitted and approved by Zoning
20 Administrator prior to building permit approval
21 for the project.

22 CHAIRMAN ROWE: Can we put in the staff

1 recommendation for the -- that Subaru consider a
2 different type of fence, rather than the chain
3 link fence, or is that not --

4 MS. FAWELL: If you guys would like to put
5 that on the conditions.

6 CHAIRMAN ROWE: Yes, precisely. What would
7 we do there?

8 MR. MURPHY: There needs to be a motion to
9 amend the Staff recommendation to include a
10 different type of fence, and you can describe the
11 fence as you might.

12 CHAIRMAN ROWE: Okay. Could I have a
13 motion to amend the Staff report to include sort
14 of a sound barrier fence; wood, whatever. I mean,
15 we can ask them if they would be willing to do
16 whatever we recommend.

17 MS. FAWELL: If you would like to keep it
18 solid, or you guys vote on material as well.

19 CHAIRMAN ROWE: Could I have a motion?

20 COMMISSIONER KING: Motion.

21 MS. MARCOTTE: Second.

22 CHAIRMAN ROWE: Any questions?

1 (No response.)

2 CHAIRMAN ROWE: Roll call, please.

3 MR. WILLIAMSEN: Rowe?

4 CHAIRMAN ROWE: Yes.

5 MR. WILLIAMSEN: Wasowicz?

6 COMMISSIONER WASOWICZ: We are voting on --

7 CHAIRMAN ROWE: We're asking about a sound
8 barrier.

9 COMMISSIONER WASOWICZ: Yes.

10 MR. WILLIAMSEN: King?

11 COMMISSIONER KING: Yes.

12 MR. WILLIAMSEN: Marcotte?

13 COMMISSIONER MARCOTTE: Yes.

14 MR. WILLIAMSEN: Ciula?

15 COMMISSIONER CIULA: Yes.

16 MR. WILLIAMSEN: That's five, the motion
17 carries.

18 CHAIRMAN ROWE: Okay.

19 MR. LAURENT: I just wanted to make sure
20 there was already an amendment to include
21 arborvitae screening densely across the entire
22 north property line, so I guess our opinion would

1 be is that adding that, going with that amendment
2 that would be approved adding a secondary fence, I
3 don't think you're going to see any difference in
4 sound. We're going to be providing arborvitae
5 across the whole property, north line now. I
6 would really want clarification on the fence
7 because there's a lot of existing fence that we'll
8 now be adding landscaping to, so is this --

9 COMMISSIONER MARCOTTE: That's what we're
10 voting on right now. One of the changes in the
11 variance the Village read, I thought it had said
12 chain-link fence. We wanted better sound proof
13 for the residents that's not chain link.

14 MR. LAURENT: But there's a lot of existing
15 fence as well, so are we voting on changing the
16 chain link fence that's existing on the property
17 to wood fence as well, or are we talking about
18 just new fencing?

19 COMMISSIONER MARCOTTE: I'm sure Staff will
20 cover that with you.

21 MS. FAWELL: Yeah, if you guys would like
22 to put a condition on the existing fence, as well

1 as the proposed, you guys can recommend that
2 condition.

3 COMMISSIONER MARCOTTE: Well, wouldn't they
4 be removing the fence if there was a chain link?

5 MS. FAWELL: There is an existing chain
6 link on the property around the entire dealership
7 site, and so that's requested for a new fence on
8 the proposed car wash site to match that existing
9 fence. So he's just asking for clarification on
10 existing as well as proposed.

11 CHAIRMAN ROWE: I would --

12 COMMISSIONER MARCOTTE: That's --

13 CHAIRMAN ROWE: I would like it in the
14 recommendations.

15 COMMISSIONER MARCOTTE: To the whole thing.

16 CHAIRMAN ROWE: At this point, but that's
17 something that staff can work out with you.

18 MR. LAURENT: It would really, from our
19 standpoint, be either or other, because I truly
20 feel I have a lot of knowledge of this. The
21 arborvitae, Techny arborvitae, when grown to a
22 substantial height, will do much more for sound

1 than the addition of a hard fence, because a hard
2 fence is only going to be six feet here, so the
3 arborvitae are going to do much more for sound
4 than anything else. The fence is for security.
5 Grand Subaru is more than willing to go above and
6 beyond in adding the dense arborvitae screening
7 for sound, for aesthetics, for everything else.
8 The fence is there for security for the neighbors
9 and for Grand Subaru.

10 CHAIRMAN ROWE: Okay. And the sound
11 barrier that they're offering now is sufficient?

12 MS. FAWELL: Our requirements for fencing
13 is they're not higher than six feet for commercial
14 properties. I can't speak to how well a certain
15 material will, you know, minimize noise.

16 MR. MURPHY: What's the Staff
17 recommendation, to add this to the entire property
18 or just --

19 MS. FAWELL: No, it was just to ensure that
20 the fences were compatible with the existing
21 fence, not to create distance between the two.

22 MR. MURPHY: Then the question becomes

1 whether or not the Board would ask that the entire
2 property be surrounded by the natural plantings;
3 is that correct?

4 MS. FAWELL: Yes, yes. Staff is
5 recommending that the arborvitae be continued.
6 Right now the plan shows that it's just proposed
7 on that car wash side and the northern portion, so
8 our condition is recommending that gets continued
9 west along the property line, and then again --

10 MR. MURPHY: North?

11 MS. FAWELL: Yeah. Well, a little bit kind
12 of following that southeast area by the
13 multiple-unit apartment buildings.

14 CHAIRMAN ROWE: Yes.

15 MR. PAUGA: Why is it being treated on just
16 one portion of the lot and not the entire? Isn't
17 there equal treatment?

18 MR. MURPHY: Pardon?

19 MR. PAUGA: The application of a fence
20 should be on all sides, not just on one side,
21 unless there's a good reason why you're denying
22 one portion of the fence.

1 MS. FAWELL: Right now we're talking about
2 the entirety of the fence, the proposed as well as
3 existing.

4 MR. PAUGA: That fence I think is more
5 revealing than concealing. I was there yesterday
6 looking at it and I was shaking my head. We
7 should be telling the developer what we want, not
8 asking him.

9 MS. FAWELL: Okay, noted. For now we're
10 going to continue with commissioner comment.

11 CHAIRMAN ROWE: Commissioner Marcotte, any?

12 COMMISSIONER MARCOTTE: I'm good.

13 COMMISSIONER CIULA: Nothing.

14 CHAIRMAN ROWE: We would be recommending
15 that the fence be put in as a question mark, but
16 if they would go all the way around with the --
17 what is it?

18 MS. FAWELL: I believe you made a motion to
19 upgrade the fence from a chain link to a solid
20 material.

21 CHAIRMAN ROWE: Correct.

22 COMMISSIONER MARCOTTE: But he recommended

1 for a better kind of sound proofing material
2 instead of a bouncing.

3 MR. LAURENT: Is that the Techny
4 arborviates proposed for screening on the northern
5 property line, which is one of the Staff
6 recommendations, is already recommended to run
7 across the entire north property line, along the
8 northeast corner as it borders the multi-family,
9 and then south along the east property line. What
10 I am telling you, that is going to do more for
11 sound and visual screening as they grow to full
12 length than a wooden fence. Right now we have
13 proposed a light fence, a chain link with vinyl
14 coating six feet high that meets the code, and it
15 also addresses the security concerns. So the
16 arborvitaes that's in here is addressing, in my
17 opinion, the sound and the visual screening better
18 than a wood fence is going to do. I think it's
19 pretty laborious to ask him to go and replace
20 thousands of feet of fencing with a wood fence
21 that has to be maintained. A chain link has a
22 long life. It's for security. Once these

1 arborvitaes grow, that's going to be your
2 screening for sound and visual.

3 MR. MURPHY: Can I ask a technical
4 question. We're talking about Techny arborvitaes.
5 Could you explain what brand or type of planting
6 that is?

7 MR. LAURENT: It's a shrub, they're planted
8 about 30 to 42 inches tall. They are very dense.
9 Usually you plant them anywhere from 48 inches to
10 5 feet apart. They can grow up to 18 feet, 15
11 feet tall. So they grow very tall, they're very
12 dense, they do really well with salt, it's a very
13 good plant for an area like this that's going to
14 withstand soils here, they don't have big root
15 systems, it doesn't affect any adjacent
16 properties, houses, where you talk about pine
17 trees and things like that. So, there's a lot of
18 thought put behind all this, it wasn't all thrown
19 together. The plantings are specific to provide
20 the (inaudible) and also trees are going to last a
21 long time. They're going to be there for a time
22 to come. -- (inaudible) does have a wide body,

1 and I think that's the big feature with that type
2 of plant. (Inaudible) -- would be the opposite.

3 CHAIRMAN ROWE: Is this going to run north
4 and south along the fence?

5 MR. LAURENT: So the fence is running from
6 the north -- the new fence is going from the new
7 northeast property corner site. We would propose
8 to run the arborvitae screen from that northeast
9 property corner down south to the building

10 MR. MURPHY: And in planting the
11 arborvitae, are they going to be on your property
12 with the fence, so to speak, behind it, or between
13 that and the neighboring property?

14 MR. LAURENT: The fence would be on the
15 neighbor's -- on the Grand Subaru property line at
16 all times, but it would be on the neighbor's side
17 of the plantings.

18 MR. MURPHY: You would have the plantings
19 on your property, then the fence, and then the
20 neighbor's property?

21 MR. LAURENT: That's correct.

22 CHAIRMAN ROWE: Okay, thank you. You're

1 maintaining that?

2 MR. LAURENT: Pardon?

3 CHAIRMAN ROWE: You will maintain that;
4 correct?

5 MR. LAURENT: That's correct, yes.

6 CHAIRMAN ROWE: Okay. Can we have a motion
7 to close the public hearing for CDC Case No.
8 2021-02?

9 COMMISSIONER MARCOTTE: So moved.

10 COMMISSIONER KING: Second.

11 CHAIRMAN ROWE: Any discussion?

12 (No response.)

13 CHAIRMAN ROWE: Roll call, please.

14 MR. WILLIAMSEN: Rowe?

15 CHAIRMAN ROWE: Yes.

16 MR. WILLIAMSEN: Ciula?

17 COMMISSIONER CIULA: Yes.

18 MR. WILLIAMSEN: Marcotte?

19 COMMISSIONER MARCOTTE: Yes.

20 MR. WILLIAMSEN: King?

21 COMMISSIONER KING: Yes.

22 MR. WILLIAMSEN: Wasowicz?

1 COMMISSIONER WASOWICZ: Yes.

2 MR. WILLIAMSEN: That's five, the motion
3 carries, the public hearing is closed at 8:14 p.m.

4 CHAIRMAN ROWE: Okay.

5 Do I have a combined motion to
6 adopt and accept the findings of facts as
7 presented in the Staff report and by the
8 petitioner, and to recommend approval with Staff
9 conditions of the site plan review, Municipal Code
10 Section 10-3-02.

11 Do I have a motion?

12 COMMISSIONER KING: Motion.

13 COMMISSIONER MARCOTTE: Second.

14 CHAIRMAN ROWE: Any questions, discussion?

15 (No response.)

16 MR. WILLIAMSEN: Rowe?

17 CHAIRMAN ROWE: Yes.

18 MR. WILLIAMSEN: Marcotte?

19 COMMISSIONER MARCOTTE: Yes.

20 MR. WILLIAMSEN: Ciula?

21 COMMISSIONER CIULA: Yes.

22 MR. WILLIAMSEN: King?

1 COMMISSIONER KING: Yes.

2 MR. WILLIAMSEN: Wasowicz?

3 COMMISSIONER WASOWICZ: Abstain.

4 MR. WILLIAMSEN: That's 4 ayes and 1
5 abstain, the motion carries.

6 MR. MURPHY: For the record as well, this
7 is the recommendation of the Board which has been
8 approved -- by the Commission rather. That
9 recommendation is reduced to writing, and it's
10 eventually presented before the Village Board
11 which ultimately votes on whether to accept or not
12 to accept the recommendations of the Community
13 Development Commission.

14 That's all I have. Thank you.

15 CHAIRMAN ROWE: Do I have a combined motion
16 to adopt and accept the findings of facts as
17 indicated and proposed by the petitioner, and to
18 recommend approval with Staff conditions of
19 Planned Unit Development Amendment, Municipal Code
20 Section 10-4-4.

21 Do I have a motion?

22 COMMISSIONER MARCOTTE: So moved.

1 COMMISSIONER KING: Second.

2 CHAIRMAN ROWE: Any discussion?

3 (No response.)

4 CHAIRMAN ROWE: Roll call, please.

5 MR. WILLIAMSEN: Rowe?

6 CHAIRMAN ROWE: Yes.

7 MR. WILLIAMSEN: Marcotte?

8 COMMISSIONER MARCOTTE: Yes.

9 MR. WILLIAMSEN: Ciula?

10 COMMISSIONER CIULA: Yes.

11 MR. WILLIAMSEN: King?

12 COMMISSIONER KING: Yes.

13 MR. WILLIAMSEN: Wasowicz?

14 COMMISSIONER WASOWICZ: Abstain.

15 MR. WILLIAMSEN: That's 4 ayes and 1

16 abstain, the motion carries.

17 MS. FAWELL: So thank you to the public for
18 participating. We appreciate your input. As you
19 know, this is a citizen-recommending body, as was
20 just said, so this recommendation will be
21 forwarded on to the Village Board of Trustees no
22 earlier than March 23rd, 2021. Please keep an eye

1 out on the Village website for that specific date,
2 as we will be anticipating some minor amendments
3 to the plans before they appear in front of the
4 Village Board.

5 And that meeting will be here
6 at the village hall on a Tuesday as well, and the
7 petitioner must be present at that meeting.

8 | Thank you.

9 CHAIRMAN ROWE: What's the date?

10 MS. FAWELL: We have not confirmed a date
11 yet, it will be no earlier than March 23rd.

12 | CHAIRMAN ROWE: Okay, thank you.

13 (Which were all the proceedings
14 had and testimony taken in the
15 above-entitled cause.)

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF DU PAGE)
4 I, LINDA M. CIOSEK, C.S.R. No.
5 084-2892, duly qualified and commissioned for the
6 State of Illinois, County of DuPage, do hereby
7 certify that subject to the usual terms and
8 conditions of County Court Reporters, Inc., Linda
9 Ciosek reported in shorthand the proceedings had
10 and testimony taken at the public hearing of the
11 above-entitled cause, and that the foregoing
12 transcript is a true, correct and complete report
13 of the testimony so taken at the time and place
hereinabove set forth.

14

15

16

17

18 CERTIFIED SHORTHAND REPORTER

19

20 My Commission Expires:
21 July 3, 2022.

22

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