

ORIGINAL

Village of Gilberts  
Committee of the Whole  
Meeting Minutes  
July 28, 2009  
6:30 pm

APPROVED MINUTES

**ORDER OF BUSINESS**

**Call to Order**

President Zirk called the meeting to order at 6:30 p.m.

**Roll Call/Establish Quorum**

President Zirk directed Acting Clerk Meadows to call the roll. Roll call: Members present: Trustee Erbeck, Mierisch, Zambetti, Farrell, Garcia and President Zirk. Absent: Trustee Clark. Others present: Administrator Keller, Engineer Kanthack, Attorney Tappendorf, Chief Building Inspector Swedberg, Finance Director Blocker, Chief of Police Joswick and Acting Clerk Meadows. (See the attached list for members of the public present). President Zirk declared a quorum present.

**Tyler Creek Properties-John Luczynski**

President Zirk stated that Mr. Luczynski will be presenting a development plan on behalf of Tyler Creek Properties. President Zirk stated that over the past several months he has kept a list of comments that was brought to his attention and he will share the comments with Mr. Luczynski at the end of the presentation.

President Zirk reported that Trustee Clark is running a little late.

President Zirk stated Mr. Luczynski is here tonight to answer any questions the Board Members might have prior to going through the Plan Commission process. President Zirk encouraged the Board Members to be as honest as possible with Mr. Luczynski.

Trustee Clark arrived at 6:33 p.m.

Mr. Luczynski stated that the Board has a memo from November which is pretty clean. In addition, he reported that all the plans and reports required by the Village have been completed and the Preliminary plans are ready to go before the Plan Commission excluding any questions or comments that are brought before him tonight.

Mr. Luczynski stated that there are three property owners involved in the project. The first property owner is Par Development/Harris Bank Trust, who owns the piece which is commonly referred to as the Meyer Farm containing approximately 102 acres immediately north of Timber Trails. A portion of this site is contiguous with the Barancik Lift Station.

Mr. Luczynski went on to say the second owner is Ten Boy's LLC., who owns the piece of property which is commonly referred to as the Kelly Property and is approximately 188 acres west of the Meyer Farm and contiguous with the westerly portion of Timber Trails Unit 6.

Mr. Luczynski said that the third owner is HPI who owns the piece of land which is commonly known as the Damisch Farm lying north of Big Timer Road. The Damisch property south of Big Timber Road was annexed to the City of Elgin a couple of years ago.

The development of the properties provides for the extension of both sanitary sewer and water to the west of Timber Trails and planning for the entire service area south of I-90 has been taken into account. They have been able to reduce the number of lift stations from 5 or more which was shown in the system plan prepared when the NPDES permit was updated to a total of 2, with one being at the far west end of the service area and the likelihood of the parcel being developed is questionable.

Mr. Luczynski discussed the realignment of McCornack Road per KDOT's wishes. Mr. Luczynski went on to say that the new portion of McCornack Road becomes a boulevard section with a 14' wide landscape island and areas for parking in front of both the park and the townhome units which fronts onto the boulevard. The balance of McCornack Road is a rural cross-section improvement through the "natural area" near Tyler Creek.

Mr. Luczynski reported that the overall property had 647 units with 315 townhomes of which 138 townhomes are rear loaded.

Mr. Luczynski discussed the natural open space required for the NPDES permit in order to expand the wastewater treatment plant.

Mr. Luczynski discussed in length the parks and open spaces. He stated what Tyler Creek Properties has planned for is that each of the three properties complies with the required park acreage.

Mr. Luczynski stated that with respect to the HPI site there was some discussion that the 5.31 acre commercial site was unrealistic. Instead, they now have planned for 6 acres of park space.

Mr. Luczynski stated with respect to the Kelly park site it is designed to accommodate two full size soccer fields and a parking lot. In addition, there is 9.6 acres that are provided as part of the Sports complex.

This additional 9.6 acres is within the 100 year flood plain, the LOMR provided the full details and it is believed that most of the 9.6 acres are above both the 20 and 25 year storm event.

Mr. Luczynski discussed the funding of park improvements. The fee schedule depicts the money that would be allocated for improving the parks.

Mr. Luczynski noted that there have been a lot of questions concerning the improvements with McCornack Road. He stated the annexation agreement would mandate regardless of which development went first that all and any easements necessary to complete the road improvements would be acquired.

Mr. Luczynski reported that when Kane County reconstructed the McCornack Bridge they only reconstructed the deck and did not improve the substructure. Therefore, the bridge while it is not posted is not equipped to handle trucks, particularly fire trucks. Their goal is to negotiate with the County to use a portion of the impact fees to improve the Bridge.

Mr. Luczynski realizes that the Village would like the improvements and the road extended to Route 72 completed as quickly as possible. Mr. Luczynski suggested that the Village front fund the project and then draft a recapture agreement. In addition, Mr. Luczynski stated that the extension of McCornick Road to Route 72 is dependant on acquiring the Right-of-way.

Mr. Luczynski discussed the fee schedule, which is Exhibit I-1, and for the record a copy is attached. Mr. Luczynski reported that the fee schedule mirrors the schedule approved for the Neumann Home development except for the Sewer and Water Tap on fees. There was some discussion with respect to the expansion of the water and wastewater services and the PE that will be used by the three properties.

Mr. Luczynski stated with respect to Administrator Keller's memo dated December 15, 2008 that in order to develop they would need to obtain IEPA permits.

Mr. Luczynski discussed the residential product. They would prefer designing the product in a couple years. However, they could set design standards.

Mr. Luczynski stated that if the Village mandated the units contain sprinklers it would kill the project.

Mr. Luczynski went on to say that neighboring communities do not require sprinklers and in fact both West Dundee and Huntley have gone away from the previously required sprinklers. They would however use the same building codes that were used in Town Center which required party walls in the multi-family units.

Mr. Luczynski discussed the density of the townhomes. The townhomes are 58' apart garage to garage. This is the same standard used in Town Center.

Mr. Luczynski addressed the concern with respect to the access to the Par property. He stated that it is adequate for a secondary entrance.

There was some discussion with respect to Mr. Luczynski meeting with individual board members. Mr. Luczynski apologized and will follow the proper procedures.

Trustee Erbeck stated that he is concerned with the egress out of the Par property. Trustee Erbeck stated that Mr. Luczynski had informed him that the two dead ends that go to the Barancik property at some point would be developed and there is an emergency access road. Trustee Erbeck asked if it would be possible to construct a road on the north side. Trustee Erbeck is concerned that a lot of people will use the emergency access road as a short cut. Mr. Luczynski stated that the emergency access road will be closed to the general public, it is meant to be used only in event of an emergency. Mr. Luczynski will look into this matter.

Trustee Erbeck asked Mr. Luczynski what is planned for the existing two houses on the hill which are not included in the current development. Mr. Luczynski stated that they have not made contact with those property owners. Trustee Erbeck inquired about a third parcel. Mr. Luczynski stated that HPI had approached the property owner and they were not interested in selling. Mr. Luczynski stated that their development does not touch the parcels in question.

Trustee Erbeck asked Mr. Luczynski if it was their intention not to pave McCornack Road going north. Mr. Luczynski reported what was requested last year is that they would place 2 1/2 inches of asphalt along existing McCornack Road. Mr. Luczynski stated that they would do that when they constructed that section of McCornack Road. Trustee Erbeck asked what is planned he understands that they can not do anything until they acquire the right-of-way. However, is Tyler Creek Properties looking for the Village to pay for the improvements until the three developers proceed to develop that area? Mr. Luczynski stated that he had estimated the cost of the improvements and which ever developer develops first will be required to construct the Blvd. portion of McCornack Road all in one phase.

The rural posting is in the Par property and if the right-of-ways are acquired Par would fund it. However, the Village would fund the improvements from the transition fees and recapture the amount with interest back. Trustee Erbeck wondered why the Village would be funding the road improvements instead of the developers. Mr. Luczynski stated the improvements at that time would have no value to the developers. If they had to fund the project upfront it would kill the project.

There was some discussion with respect to transition fees. Mr. Luczynski stated that no developer could fund everything.

Trustee Clark inquired about the width of the right-of-way along the rural section of McCornack. Mr. Luczynski will have to check on the width. Trustee Clark would like to see the right-of-ways consistent on both the Boulevard section and the rural section.

Trustee Mierisch expressed her concern with respect to the revised plan being very similar to the original plan. Mr. Luczynski stated he was never directed to provide a full set of changes to the plan.

Trustee Mierisch expressed her concerns with the Village taking responsibility for constructing the Water Treatment system and waiting on a recapture. In the past the developers built the Water and Wastewater Treatment plants. Mr. Luczynski stated that this practice is the norm because most municipalities are trying to get out of the practice of having developers own the plants. Mr. Luczynski stated that most of the time Villages' fund the construction of Water and Wastewater Treatment Plants with grants or loans. Mr. Luczynski reported that the tap on fees paid by the three property owners will pay for the construction of the treatment plants. Trustee Mierisch thanked Mr. Luczynski for his explanation; however she is worried about the timely of the development and the Village being at risk for the cost associated with the construction of the treatment plants. Mr. Luczynski stated that if the Village did not expand the treatment plants they would not be able to support the potential commercial properties. Mr. Luczynski recommends the Village fund the construction of the treatment plants with IEPA loans or stimulus funds.

Trustee Mierisch expressed concerns with the lack of commercial. She noted that this area is where the Village will experience a large amount of traffic and this is where commercial should be located. Mr. Luczynski stated that the commercial corridor is located at the intersection of Route 72 and Big Timber. There was some discussion with respect to traffic patterns. Mr. Luczynski stated that Route 72 is where the Village has the highest amount of traffic, and that is where the majority of the commercial should be placed.

President Zirk recommended that the Trustee finish asking their question and when they run out of time at the Committee of the Whole Meeting they could amend the Village of the Board Agenda and continue the presentation.

Trustee Zambetti stated he would like to see the parks developed up front. Mr. Luczynski stated they can do that. They need the Village to approve or provide a plan and a timeline. For example, what the Village wants in the first year, second year and so on. Mr. Luczynski stated he had provided the Parks Committee with park plans for Town Center and never heard back from them. Trustee Zambetti asked if Tyler Creek Properties would develop the plan or the park. Mr. Luczynski stated they could do both.

There was some discussion with respect to the municipal fee created to develop park space in Town Center.

Trustee Zambetti expressed concerns with fronting the money for the construction of the Water and Wastewater Treatment Plants. Mr. Luczynski stated that the Village could utilize a loan program offered by the IEPA. Mr. Luczynski went on to say that Tyler Creek Properties is giving the Village 3 million dollars to incubate the process. In addition, if the Village was to be awarded an IEPA loans and continued to receive the tap on fees the Village stands to make over one million dollars in profit.

**A motion was made by Trustee Erbeck and seconded by Trustee Clark to adjourn the Committee of the Whole Meeting.** Roll call: Vote: 6-ayes: (Trustee Clark, Mierisch, Zambetti, Farrell, Garcia and Erbeck). 0-nays, 0-abstained. Motion carried. The meeting adjourned at 7:27 p.m.

Respectful submitted,

Debra Meadows

**SIGN IN SHEET**  
(Please Print)

VBM

07/28/09

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