

# VILLAGE OF BARRINGTON HILLS

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## **Plan Commission NOTICE OF MEETING**



Monday, February 10, 2014 ~ 7:30 P.M.  
MacArthur Room - 112 Algonquin Road

### **AGENDA**

1. Organizational
  - 1.1 Call to Order
  - 1.2 Roll Call
2. Approval of Minutes
3. 109 Remington Court  
Vacation of the Drainage easement  
[Recommendation]
4. Public Comments
5. Trustee's Report
6. Adjournment

Vice-Chairman: Patrick Hennelly

Next Regular Meeting Monday, March 10, 2014.

**VILLAGE OF BARRINGTON HILLS  
PLAN COMMISSION MEETING  
February 10, 2014**

The regular meeting of the Village of Barrington Hills Plan Commission was called to order by Chairman Bosworth at 7:31 p.m.

Plan Commission Members Present: Patrick Hennelly, Vice Chairman

Daryl Adams  
Arnold Cernick  
Pamela Cools  
Kelly Mazeski  
Daniel Wolfgram  
Lou Anne Majewski

Absent: Kenneth Bosworth, Chairman  
Julie Joyce

**PREVIOUS MINUTES:**

Commissioner Majewski made the motion seconded by Commissioner Adams to accept the minutes as submitted. In the discussion on the minutes, Commissioner Adams had some changes that he read. Commissioner Hennelly agreed with these changes. Commissioner Majewski amended her motion to accept the changes as submitted, seconded by Commissioner Adams to approve the January 13, 2014 Minutes with the changes. Motion carried by voice vote. Commissioner Hennelly abstained.

**109 REMINGTON COURT, VACATION OF THE DRAINAGE EASEMENT:**

Mr. Kosin presented to the Commission three drawings. The site plan as submitted with the building permit, the second is where the pool was actually built and the third is the Plat of Vacation. The Village Engineer and the property owner were both in attendance.

The homeowner, James Gerage, explained that his property has challenges with elevations so his contractor decided to move the pool back to create a better balance, better drainage. The back of the pool where it was supposed to go, would be sticking out of the ground which would have made a dramatic hill. His pool company told him it is not unusual to make adjustments in the field.

Commissioner Adams questioned what the procedure is on inspections.

Mr. Kosin replied that before the pouring of the deck or foundation, the Village receives a Spotted Survey. During that phase, it was discovered that the pool was not in the proper location. The Village issued a Stop Work Order.

Commissioner Adams stated that was not what was said at the January meeting. It was his understanding that there was no inspection at the foundation stage before the concrete was

poured. It wasn't until after the pool was in, that it was discovered that the pool was in the wrong place.

Mr. Kosin replied that the Village does the Spotted Survey after the concrete is poured.

Commissioner Adams stated that before he could pour the concrete on his pool, he had to have an inspection checking the forms and location.

Mr. Gerage said he is having his pool company pulling all the inspections they made including the final. No one, at any time, said you cannot build it there because of the easement.

Commissioner Adams said the homeowner is entitled to trust the expertise of the pool company he hires. It's one thing to have a permit that complies, and then the homeowner says I'd like to move it here, the first thing the professional does is look at the site and sees an easement. At that point he should advise the homeowner that it is possible, but we have to get permission from the Village to do it. That is the time to talk about vacating this section of property.

Commissioner Mazeski stated that when you make adjustments to a plan that is permitted and approved, it is violating what is permitted and in this case, it creates a self created hardship.

Commissioner Adams stated that it is one thing to make an adjustment, but this pool has been moved considerably and he was looking for reasons why that happened. But now we are dealing with something that is in there and it's looking for forgiveness rather than asking for permission. Sometimes people will do that as an expedient thing, but it is not the right thing. Here it is a benign kind of thing because this is all on your property, but it could have caused a situation where there is a potential problem down the road from you, possible flooding on Bateman Road where it would have been a big problem for the Village.

Commissioner Adams stated that from a procedural standpoint, the Village Engineer should not have to be doing an engineering calculation to make sure this works. That is not what their office is hired to do under the building permit process. They are hired to review the work of someone else. If you had done this properly, you would have had your people calculate this.

Commissioner Mazeski asked wouldn't it make sense that if the Village finds out that something is in violation and we find it it's not in code and it needs a variance or some kind of approval, why doesn't it come to the Plan Commission to decide if there should be a Stop-Order.

This is something that should be considered. Commissioner Cools agreed and felt our inspectors don't go in as frequently as they should. The contractor violated the permit.

Commissioner Hennelly stated that the Commission's job now is to approve or deny this Vacation of Easement. Robert Kosin replied it is the Commission's recommendation to the Board of Trustees to approve or deny.

Commissioner Hennelly asked what body in the Village government is responsible and may need to implement changes to their procedures. Robert Kosin replied it would be the Building Department. Commissioner Adams asked if there will be a review of the procedures that

occurred on this job. Commissioner Mazeski asked if the Plan Commission will get a copy of the up-date on what the Building Department will change in these procedures. Robert Kosin replies they will.

Commissioner Mazeski asked if a homeowner violates something, especially if there are consequences of that violation, are there penalties or fines. Robert Kosin replied that the Village in itself does not levy a fine, that is up to the judiciary, meaning we would bring an action into a courtroom. The Statute limits the penalty to \$750.00.

Commissioner Cools stated that looking at the plans, the pool that was build it farther away than the one that plans were submitted and it's not twelve feet away from the home, it's fifty feet away. This is a huge blunder on the Building Department.

Commissioner Mazeski suggested that we put an article in our Newsletter stating that if you are going to build something, contact our Building Department.

Commissioner Hennelly asked for a motion of the recommendation of the Vacation of Easement as note.

Commissioner Majewski made to motion for the recommendation of the Vacation of the Easement and thanked the homeowner for attending. Commissioner Cernik seconded.  
Roll Call.

Ayes: 5 (Hennelly, Adams, Cernick, Wolfgram, Majewski)

Nays: 2 (Cools, Mazeski)

Absent: 2 (Bosworth, Joyce)

**PUBLIC COMMENTS:** No public comments.

**TRUSTEE'S REPORT:** Trustee Konicek reported the Village met with CMAP today to discuss moving forward with the Technical Assistance Grant process and review our application which proposed bike paths connecting Cook County and Kane County. We discussed a potential pathway using Penny Road and Spring Creek Road. CMAP will be making a Request for Proposal, trying to put the plan into place. We will be meeting with CMAP to coordinate those efforts to make sure that whatever ultimately gets done, it is in line with what the Village wants to happen.

**ADJOURNMENT:** Commissioner Majewski motioned to adjourn at 9:30 p.m. Commissioner Adams seconded. All present said Aye.

**Meeting Adjourned**

Respectfully submitted,

Lou Anne Majewski  
Recording Secretary