

ZONING BOARD OF APPEALS  
BARRINGTON HILLS, ILLINOIS

TEXT AMENDMENT - LECOMPTE )  
SECTION 5-2-1, 5-3-4 )  
 )  
PUBLIC COMMENTS )  
 )  
TEXT AMENDMENT - ELDERS, RCBH )  
SECTION 5-2-1, 5-3-4, 5-5-2 )  
 )  
PUBLIC COMMENTS )

REPORT OF PROCEEDINGS at the  
hearing of the above-entitled cause before JUDITH  
FREEMAN, Zoning Board of Appeals Chairman, at  
Countryside Elementary School, 205 West County Line  
Road, Barrington Hills, Illinois, on the 21st day of  
July, 2014, at the hour of 7:30 p.m.

ZONING BOARD OF APPEALS MEMBERS PRESENT:

MS. JUDITH FREEMAN, Chairman  
MR. KURT ANDERSON  
MS. KAREN ROSENE  
MR. CLARK BENKENDORF  
MR. DAVID STIEPER  
MR. RICHARD CHAMBERS

ALSO PRESENT:

MR. ROBERT KOSIN, Director  
MS. MARY DICKSON, Village Attorney

Reported by: Cynthia L. Peesel, CSR  
CSR License No. 084-002656

1 (Whereupon, the following proceedings  
2 were held in open meeting.)

3 CHAIRMAN FREEMAN: We are going to start the  
4 meeting now, so if you could give us your attention.  
5 If you are still coming in, please sign in.

6 Can we have someone take the roll call.

7 MR. KOSIN: Yes, the court reporter. Did  
8 you get a mic?

9 COURT REPORTER: Member Benkendorf.

10 MR. BENKENDORF: Here.

11 COURT REPORTER: Member Anderson.

12 MR. ANDERSON: Here.

13 COURT REPORTER: Member Rosene.

14 MS. ROSENE: Here.

15 COURT REPORTER: Member Stieper.

16 MR. STIEPER: Here.

17 COURT REPORTER: Member Chambers.

18 MR. CHAMBERS: Here.

19 COURT REPORTER: Chairman Freeman.

20 CHAIRMAN FREEMAN: Here.

21 If anyone would like to speak tonight, we  
22 are going to be swearing people in. We'll give people  
23 who are still coming in a moment, but if you are in  
24 the room, if you could just -- can you not hear? If

1 people can stop talking, we'll try again.

2 We are going to give people a minute or two  
3 to come in before we swear in anyone who would like to  
4 speak tonight. In the meantime, I'll go through some  
5 administrative matters so that we can go ahead and get  
6 going.

7 The matters before us tonight are two public  
8 hearings.

9 Guys, if you are signing in, if you can be  
10 quiet. We've started.

11 We are hearing a text amendment submitted by  
12 Mr. LeCompte, and we are hearing a text amendment  
13 submitted by Mr. Elder and the Riding Club of  
14 Barrington Hills.

15 In terms of what's going to happen tonight,  
16 they are going to be heard in that order, and if you  
17 wish to speak tonight, when you signed in you can  
18 check a yes next to either one of those two matters so  
19 that your name will be called. There's a podium here  
20 that you can use. Please state your name and address  
21 before you start speaking so that we have a record of  
22 that. There's a three-minute limit on the time for  
23 you to speak. So you'll be getting a warning before  
24 your three minutes is up so that you'll know.

1           There is supposed to be a maximum of 30  
2 minutes of public comment at each meeting, but because  
3 this is a hearing, we'll accept your comments as long  
4 as you'd like to make them.

5           There are some rules here. If you are going  
6 to make comments, please address them to our board as  
7 a whole. Don't address them to anyone else in the  
8 audience and don't address them to any of us as  
9 individuals. We also can't engage in a conversation.  
10 I know sometimes it's productive in meetings for us to  
11 have a two-way dialogue with members of the community.  
12 That's not the format for this evening, so we will not  
13 be asking you questions and we won't be offering  
14 answers if you have a question. It's just not allowed  
15 as part of the hearing format.

16           It's going to be very important as well for  
17 everyone to just perhaps think about the fact that  
18 everyone here is your neighbor, and we live in a very  
19 small town, and so I would like to make sure that  
20 everyone does maintain proper decorum.

21           If you'd like to speak, you need to be  
22 recognized by this group and come to the podium and  
23 you need to be courteous and respectful and it's going  
24 to be very important that you don't speak about

1 individuals. If you have a problem with an  
2 individual, that's not a matter for the board, it's a  
3 matter for you and your neighbor.

4           Interestingly, they are holding summer  
5 school here, and they put up this sign over here that  
6 I thought they put up for us, so maybe we can all read  
7 the sign and just make sure we follow the sign and  
8 we'll be good to go.

9           So with that said, the first -- oh,  
10 actually, with that said, the clerk will swear in  
11 anyone who answered, if you checked yes to the do you  
12 want to speak box, you can stand up and you will get  
13 sworn in.

14                           (All sworn.)

15           CHAIRMAN FREEMAN: All right. Great. I  
16 know there are a couple of people still signing in, so  
17 before we get going -- and the presenter is not  
18 limited to three minutes, so I should be clear about  
19 that. They can present their amendment and take a  
20 longer period of time.

21           The reason that we are holding this public  
22 hearing is because we initiated a dialogue with the  
23 public back in May at the zoning board level. A lot  
24 of people came to that meeting. They wrote in

1 suggestions. We got 108 pages of commentary from the  
2 public about this topic. That discussion was  
3 continued in June and two proposals came forth from  
4 the community on how to address the discussion points  
5 that were occurring.

6 So this hearing is the culmination of that  
7 discussion over the last three months. So from a  
8 process perspective, we are here to listen to what you  
9 have to say, and when we are done listening to what  
10 you have to say, we, as a group, will have our own  
11 dialogue, and we'll debate the issue.

12 And we have three choices with respect to  
13 any matter that's put before us. We can recommend  
14 that that action be moved forward for a vote of the  
15 trustees of the village. We can reject the proposal  
16 and recommend that it not move forward or we can amend  
17 the proposal and recommend that an amended document be  
18 put forward to the trustees. That will happen in due  
19 course. That's our process. So I want to make sure  
20 you understand what's going to happen after the public  
21 hearing is over and we have our own time to debate  
22 what we've all heard.

23 With that, Mr. Kosin, we have our first  
24 person who is going to present. Did everybody get

1 sworn in?

2 MR. ANDERSON: Yes.

3 CHAIRMAN FREEMAN: So are there any  
4 administrative matters that you need to cover before  
5 that happens?

6 MR. KOSIN: Thank you, Madame Chairman. The  
7 process, again, to reiterate is the agenda has been  
8 circulated and the first item on that agenda is what  
9 is referred to as the LeCompte petition. And notice  
10 for that was posted as well as published in the  
11 general paper for that purpose.

12 So additionally, the applicant will be doing  
13 the presentation pursuant to specific sections of the  
14 zoning ordinance as they were enumerated. That  
15 concludes that part of the presentation.

16 MR. STIEPER: Mr. Kosin, what section of the  
17 code is that it is being recognized under?

18 MR. KOSIN: That would be 5-2-1 and 5-3-4 of  
19 the proposed amendment.

20 MR. STIEPER: I'm talking about the text  
21 amendment.

22 MR. KOSIN: Sorry, you were referring to  
23 this is a being introduced as a text amendment under  
24 5-10-6 is the process.

1 MR. STIEPER: Thank you.

2 CHAIRMAN FREEMAN: The first petitioner is  
3 Mr. LeCompte.

4 MR. STIEPER: I would ask the Chair before  
5 the petitioner begins to speak if I can be recognized,  
6 please. I have a legal inquiry of our attorney.

7 CHAIRMAN FREEMAN: You know, Mr. Stieper, if  
8 you have a legal inquiry, that's not really on our  
9 agenda. Is that something that we need to talk about  
10 here?

11 MR. STIEPER: Yeah, it's whether a resident  
12 has a right to bring a text amendment before the board  
13 in order to legislate on behalf of the entire village.  
14 I want an interpretation of 5-10-6(B) because I don't  
15 read it that way, and I'd like clarification from our  
16 counsel.

17 CHAIRMAN FREEMAN: Okay. Well, is counsel  
18 prepared to answer Mr. Stieper's question or does that  
19 require study?

20 MR. STIEPER: I would first like to bring my  
21 analysis forth before she answers, if I may.

22 CHAIRMAN FREEMAN: You know, I'm not going  
23 to entertain that in this agenda. If you want to  
24 entertain it after the public hearing is closed and we

1 actually move into our public meeting, that would be a  
2 fine agenda item for our public meeting.

3 MR. STIEPER: So is the Chair denying my  
4 request?

5 CHAIRMAN FREEMAN: Yes. You may proceed.

6 TEXT AMENDMENT - LECOMPTE

7 MR. LeCOMPTE: Thank you, Madame Chair.

8 First, as I said at the meeting last  
9 month --

10 MS. DICKSON: Would you please state your  
11 name and address.

12 MR. LeCOMPTE: Barry LeCompte, 350 Bateman  
13 Road.

14 I apologize to the members of the equestrian  
15 community because I think everybody knows that if it  
16 were not for the events at my farm, we wouldn't be  
17 here tonight.

18 Unfortunately, this thing has gone on for  
19 about six years through court hearing and court  
20 hearing, and as a result of those court hearings,  
21 there have been published opinions from the court that  
22 place every boarding facility in this village at risk,  
23 and that's the necessity for a text amendment at this  
24 time.

1           There's tremendous confusion over the home  
2 occupation clause and what it says relative to horse  
3 boarding. There's a notwithstanding clause there,  
4 which was obviously meant to obviate horse boarding  
5 from having to comply with all of the other sections  
6 of 5-3-4(D). Now, this has been inconsistently  
7 applied. The Village has been on multiple sides of  
8 that. The Village attorney, Mr. von Meier, a few  
9 years ago opined that all of those provisions applied  
10 and that many large barns were in violation.  
11 Mr. Stieper has also said that. However, even though  
12 the court implied that's the case, the Village website  
13 has come down and said that every other barn is fine.  
14 So there's a lot of confusion there and it's been  
15 inconsistently applied.

16           Back in 2010 after von Meier said what he  
17 did, the Village took no action against any other  
18 barn. The only action the Village has ever taken  
19 against any barn is myself; yet, it's admitted many  
20 barns, according to their attorney, are in violation.

21           So it comes down to 5-3-4(D). Now, the  
22 reason is if you analyze and look at all of the  
23 parameters in 5-3-4(D), it would be impossible for any  
24 horse boarding facility to be a home occupation. All

1 the activity has to be within a building. You  
2 couldn't have horses outside. You could have no more  
3 than four boarders on the property at any one time, no  
4 more than two employees. There's a .05 floor area  
5 ratio, which means to have a riding arena, you'd have  
6 to have about 40 acres of land. Couldn't store your  
7 hay in a separate building, even though the fire code  
8 would ask you to do that. So there are multiple  
9 reasons, but the biggest one is no outdoor activity.  
10 It has to be enclosed in a building.

11 So it's imperative that it be changed. The  
12 question is, how do we change it. What I had  
13 recommended the first time was put it in its own  
14 separate section. But after listening to the Riding  
15 Club, I think that their proposal made more sense  
16 depending on the agriculture, which actually makes  
17 more sense anyway. That's where I said it ought to be  
18 and what I thought it was back in 2008 when this whole  
19 thing started.

20 It's interesting that horse boarding is  
21 considered agricultural in the whole state as a result  
22 of the Second Circuit Court -- Second Appellate Court  
23 decision back in '76 in Tufty versus Keating  
24 (phonetic). But only in Barrington Hills is it not

1 considered agricultural.

2           So both of the amendments tonight that are  
3 going to be proposed take horse boarding out of home  
4 occupation, where it can't possibly exist, and put it  
5 under agriculture. Each amendment, and mine included,  
6 put some parameters down. And when we went through  
7 this a couple years ago, one of the biggest complaints  
8 I heard when we got here was unlimited boarding on  
9 five acres. Nobody wants that. And so my amendment  
10 addresses that by putting a limit on the number of  
11 horses. I'm not wedded to how many this ought to be,  
12 whether it be one per acre, two per acre. I made a  
13 suggestion that it be one per acre in pasture, two per  
14 acre in a stall; but I think the board can certainly  
15 amend that if they want to. But I think there has to  
16 be something down there so that people aren't afraid  
17 of someone going to move in next to them with 50  
18 horses on five acres.

19           Also, limit the hours of operation. That's  
20 already in 5-3-4(D)3(g). I've amended it a little  
21 bit, changed the hours to differentiate between  
22 outdoor activity and indoor activity, but those need  
23 to be -- hours need to be in there.

24           The other one there have been some

1 complaints about, you know, water runoff, surface  
2 water runoff, and manure contamination. Most of that  
3 is not really applicable to large parcels of land.  
4 You know, you do see water contamination with feedlots  
5 and so forth; but I think we do have to have good  
6 manure management policies. They are listed,  
7 University of Minnesota has one, University of New  
8 Hampshire. The Village has its own, although not as  
9 complete. So I put it in. We need manure management  
10 consistent with published policies.

11 My amendment also addresses objection to  
12 lighting; there couldn't be imposed on other people's  
13 property. It addresses excessive traffic and noise.

14 One thing it didn't do that it needs to do,  
15 and the publisher of the Barrington Hills Observer  
16 actually pointed this out, and I thanked him for that,  
17 the floor area ratio needs to be put in there. It was  
18 never the intent of myself, and I'm sure not the  
19 Riding Club either, that somebody can build any size  
20 barn on five acres. I had that in my initial  
21 proposal, and somehow inadvertently left out. It  
22 doesn't really apply to me anyway, but it does apply  
23 to some of the -- would apply to some of the smaller  
24 parcels, and that needs to be put in.

1           What I have suggested was some language, the  
2 board can do what they want, but said properties with  
3 boarding and training of horses shall be required to  
4 comply with the floor area ratio limitations as  
5 specific and provided for in Section 5-5-10, and is  
6 required of all of the properties of the Village.  
7 That's just a suggestion that the board can do.

8           Now, where does my amendment differ from the  
9 Riding Club's? Really, in three major ways. One is a  
10 clarification clause. It basically clarifies that  
11 horse boarding and training has always been legal in  
12 this village. There's a court decision that says  
13 horse boarding does not comport with the intent of the  
14 Village code. That's absolutely false, and we need to  
15 clarify that it does.

16           The next thing is a compliance clause. This  
17 is near and dear to my heart because six years ago  
18 when the Village issued me a cease and desist letter,  
19 which I might say came only two months after they just  
20 gave me an occupancy permit for my arena and all my  
21 new equestrian facilities, it never went through any  
22 protocol. It never went to the zoning enforcement  
23 officer. It never went to the ZBA. Two of my  
24 neighbors appeared at a public trustee meeting and

1 public comment, made some comments, and the next thing  
2 you know I'm given a cease and desist letter. The --  
3 no one from the Village ever came to my property.  
4 They never inspected the property. They never made  
5 any attempt to verify.

6           So what I've done is to put a compliance  
7 clause that sets forth a proposal for people to  
8 complain about a neighbor, and how that would be  
9 handled; and I think that would be a needed addition  
10 to our code.

11           The last thing is a retroactive clause, and  
12 I think this is very important. This, all this  
13 confusion started after publishing the home occupation  
14 regs back in June of 2006. Now, that notwithstanding  
15 clause predated that. It was in the previous one.  
16 But for some reason, everybody seems to be confused  
17 over this notwithstanding clause, so we need to go  
18 back to when this thing first came into being and  
19 correct that, and so I'm going to let my attorney,  
20 Yvonne, speak to that; but before I do, I wanted to  
21 just bring up a couple of other things.

22           There was a flyer that went out over the  
23 weekend. I'm not sure who wrote it, but  
24 unfortunately, they had some of their information

1 wrong. It said that as far as setbacks, building  
2 hours of operation, waste removal, that the Village  
3 would have no control, said only county and state  
4 rules apply. That's absolutely false. We are a home  
5 rule community. As a matter of fact, that's what  
6 happened to me with agriculture. I said the state law  
7 applied. They said no, the Village law on agriculture  
8 trumps it. So where this is addressed on the Village,  
9 the Village has the right to control that, not the  
10 state. And as far as bringing forth complaints, it  
11 says that you'll have limited rights to bring forth  
12 complaints, the Village will not be able to mediate or  
13 settle these issues. Totally false. Anybody can  
14 bring forth a complaint. That's what happened to me.  
15 And actually my amendment sets forth protocol for them  
16 to do that. So, you know, probably the person who  
17 wrote this was well meaning but, you know, they just  
18 got some confusion on the facts.

19           So with that, I'll turn it over to my  
20 attorney, Yvonne.

21           MS. OCRANT: Thank you for the opportunity  
22 to present today. Yvonne Ocrant, O-C-R-A-N-T,  
23 attorney from the law firm of Hinshaw and Culbertson.

24           Again, thank you for the opportunity to

1 present today. I am speaking today on a limited issue  
2 of the legal enforceability of the retroactive  
3 application of the two proposed amendments.  
4 Regardless of which amendment is accepted today or in  
5 any form, I just wanted to address the legal  
6 enforceability of the retroactive application of those  
7 proposed amendments.

8           As you all know, the Village of Barrington  
9 Hills does have the police power to amend its  
10 ordinance. It also has the power to amend the  
11 ordinance even after a violation has occurred.  
12 Further, the Village has the power to expressly  
13 provide a retroactive effective date for the ordinance  
14 amendment. If there was any confusion up to this date  
15 whether or not that was legally enforceable, I can  
16 stand here before you today to tell you I have done  
17 the research. It is Illinois law. Illinois law does  
18 provide case law supporting the legal enforceability  
19 of retro application of local municipality ordinances,  
20 and I will be providing with some citations in my  
21 material.

22           Municipal ordinances are governed under the  
23 same general rules of statutory interpretation as  
24 state legislation. If you need a case citation for

1 that, I offer you Morgan Place, Chicago, 975 N.E.2d  
2 187. That was the First District in 2012.

3 Illinois courts, just like in  
4 municipalities, examined the retroactive applicability  
5 of a statute amendment by first considering if the  
6 municipality has clearly indicated the temporal reach  
7 of the statute. That case is Berz, B-E-R-Z, versus  
8 City of Evanston, 997 N.E.2d 733, and that was decided  
9 in 2013. It's also supported by Consiglio (phonetic)  
10 versus Department of Financial Professional  
11 Regulations, 988 N.E.2d 1020, also in 2013. Both of  
12 these cases support the conclusion that if the  
13 legislature, in this case the municipality's,  
14 intention regarding the temporal reach of the statute  
15 is clear, meaning is articulated in the statute,  
16 itself, then there is no need to resort to rules of  
17 statutory interpretation. We don't need to leave it  
18 to the courts to decide whether it was this Village's  
19 decision to have the statute amendment apply  
20 retroactively. It affirmatively gives the permission  
21 of the ordinance to provide the retro application of  
22 the statute amendment. Illinois law is clear that the  
23 legislature's intent, or in this case the Village, as  
24 expressed in the municipal ordinance, must be given

1 effect by the court. The court does not have  
2 discretion whether or not to retroactively apply your  
3 amendment. It is within your discretion. Put it in  
4 the statute and the court is compelled. The law says  
5 it must enforce that temporal reach. And again,  
6 that's the Morgan Place case from the First District  
7 in 2012.

8           If the Village clearly expresses its  
9 temporal intent by stating that the text amendment,  
10 regardless of whichever form you accept in whichever  
11 form, it is effective, let's say, as of June 26, 2006,  
12 which is prior to the issuance of the cease and desist  
13 letter Mr. LeCompte had referenced and prior to the  
14 date the Village attorney publicly opined and thereby  
15 affirmed that all commercial boarding facilities in  
16 the Village are in violation of the ordinance, it does  
17 so with clear and enforceable police power to dictate  
18 the applicable date of the statutory amendment.

19           Now, the Village does not have the police  
20 power to selectively apply the current code to one and  
21 not all commercial boarding facilities in Barrington  
22 Hills. Such conduct is unconstitutional; namely, it  
23 violates the equal protection clause of the Fourteenth  
24 Amendment of the United States Constitution. In its

1 most basic analysis, a municipality cannot selectively  
2 enforce an ordinance against certain individuals or  
3 entities and not against -- and not against other  
4 individuals or entities. It must be equally enforced  
5 against all persons or entities committing the  
6 violation.

7           As Mr. LeCompte has already indicated, and  
8 I'm sure it's no news to the guests today as well as  
9 the board today, that the Oakwood Farms was the only  
10 commercial boarding facility receiving a cease and  
11 desist letter as being touted as in violation of the  
12 ordinance; and yet the Village attorney, himself,  
13 opined that, in fact, all commercial boarding  
14 facilities were in violation. Therefore, in effort to  
15 remedy any actual or perceived selective enforcement  
16 of your ordinance against Oakwood Farms, the Village  
17 must now exercise its police power and expressly  
18 provide a clear, unambiguous, nonarbitrary, which I've  
19 identified today why it is not arbitrary but actually  
20 necessary; and therefore, legally enforceable to more  
21 reach of the ordinance amendment dating back to  
22 June 26, 2006. Otherwise, the Village is  
23 constitutionally compelled to find each and every  
24 commercial boarding facility in the Village of

1 Barrington Hills in violation of the ordinance and  
2 subject to immediate closure.

3 This is not the intention of Oakwood Farms.  
4 This is not the intention of any supporter of either  
5 of the two proposed amendments, certainly not my  
6 intention here today or of this board.

7 Therefore, in conclusion, I'd like to  
8 reiterate and assure this board that the retroactive  
9 application of the ordinance amendment proposed by  
10 either Oakwood Farms or the Riding Club is legally  
11 enforceable under Illinois law, is constitutionally  
12 mandatory to remedy the Village's violation of the  
13 equal protection clause of the Fourteenth Amendment,  
14 and clearly tips the scale of equities in favor of the  
15 Village of Barrington Hills residents and those  
16 facilities who have dedicated countless hours of time  
17 and effort demonstrating to this board their support  
18 for the continuation of equine activities in this  
19 nationally recognized and longtime admired equestrian  
20 community that I personally and Oakwood Farms want to  
21 see continue to flourish for future generations.

22 Thank you.

23 CHAIRMAN FREEMAN: Mr. Kosin, there should  
24 be some sheets, the sign-in sheets.

1           Mr. LeCompte, does that conclude your  
2 remarks?

3           MR. LeCOMPTE: Yes, it does.

4           CHAIRMAN FREEMAN: All right. Let's figure  
5 this out together. Who came first. Kathy, starts  
6 with an L.

7           MS. LeCOMPTE: I gave all of my time to  
8 Yvonne. That's okay.

9           CHAIRMAN FREEMAN: Barry LeCompte. All  
10 right. Ross Friedman.

11           MR. FRIEDMAN: Good evening. Ross Friedman,  
12 2301 Crabtree, Algonquin.

13                    It's a little early for what I was  
14 originally thinking of saying, but I think one of the  
15 things I'd like to do, based on what we've heard so  
16 far, is kind of bring this back a little bit to the  
17 essence of how it all started and what it's all about.

18                    I've been on the Riding Club board, board my  
19 horse, two horses, actually, in Barrington Hills at  
20 Oakwood Farms. What's interesting, though, is I keep  
21 hearing and reading and seeing all kinds of things  
22 that is really the root of this whole affair that we  
23 have going on here, and that happens to be the  
24 perception of noise and traffic and out-of-towners and

1 whatever other words, terms you want to call it.

2 I've never seen any empirical data on this  
3 anywhere. Have there been studies done? Do we know  
4 about this? Can you quantify that these things are  
5 actually going on? This seems to be the only downside  
6 that I can find.

7 The other thing happens to be that comes up  
8 every now and then are the material handling practices  
9 of the waste generated by boarding. Whether it's  
10 commercial boarding or it's a privately-owned  
11 location, horses do what horses do, and we all clean  
12 up after them. What's interesting about it, though, I  
13 think when you look at it from a commercial standpoint  
14 or a boarding standpoint, whatever you want to term  
15 it, there tends to be a self-policing element that  
16 goes along with it because you have so many other  
17 people that are within that barn. Lots more eyes and  
18 ears. Lots more attention to be paid to things that  
19 may affect the community versus one owner who may have  
20 30 horses and he or she is the only owner of that  
21 property; no way to know what they are going to do  
22 exactly in terms of handling the waste, if that's an  
23 issue.

24 But back to what I was saying originally.

1 We do have the riding center across the street from  
2 Oakwood Farms. Apparently, that doesn't seem to be an  
3 issue at all. That hosts several large events during  
4 the course of the season, brings people from all over.  
5 There's no way to monitor who comes to the riding  
6 center, not that there's anything wrong with it.  
7 There isn't anything wrong with it, but there's no way  
8 to monitor that either. So my question is where  
9 really with all the accusations and allegations and  
10 innuendo, whatever term you'd like to use, where is  
11 the data? Where is it that says this is what's  
12 happening to the community, this is what's making the  
13 community, quote/unquote, deteriorate because of this.  
14 I haven't seen it. I can't find any studies. I can't  
15 find any data on it at all. I don't think the Village  
16 has ever undertaken any kind of study to be published  
17 that would suggest that.

18           Basically, at this stage of the game, that's  
19 pretty much what I have to say. One other thing,  
20 though, too, is that the Riding Club is -- this is not  
21 a Riding Club issue, and I don't think we should  
22 confuse this; meaning that everybody who is in the  
23 Riding Club is in favor of boarding versus not  
24 boarding. This isn't a Riding Club issue. This is

1 something else altogether, and I think we should make  
2 that clear. This is not concerning the Riding Club,  
3 and I think that issue gets confused from time to  
4 time, too, that all Riding Club members are against  
5 boarding or they are for boarding. Riding Club  
6 members are individuals. Sure, we all have our own  
7 opinions about how things should be handled, but they  
8 are two different things and you can't cast  
9 dispersions on a riding club as a whole.

10 So I just wanted to clarify a few of those  
11 points. Granted, we haven't got further into the  
12 evening. I'm sure some of this will come up, and I  
13 probably would have changed it a little bit, but I  
14 wanted to get that in at this point. Thank you.

15 CHAIRMAN FREEMAN: Sally Robinson.

16 MS. ROBINSON: Sally Robinson, 123 Deepwood  
17 Court.

18 I just want to say that I want to kill two  
19 birds with one stone, if possible, and support both  
20 amendments proposed tonight. I don't have time to  
21 stay, but I want to say that I want to support Oakwood  
22 Farms because I live opposite it; and when I bought my  
23 property two years ago, I had no idea that it would be  
24 anything other than a horse farm, and seeming that

1 they were extending the property, I just took that to  
2 be what it would be, and I wouldn't like to see the  
3 land divided and built on. That would cause me a lot  
4 of hassle. So I'd like it to stay as a boarding farm.  
5 And I also support the other text amendment that would  
6 protect any backyard small barn owners, like myself at  
7 the moment. I don't know what I can do with my barn,  
8 and I would like it cleared up so that I can do what  
9 is allowed and know what the ramifications are. Thank  
10 you.

11 CHAIRMAN FREEMAN: Thank you. Meredith  
12 Halas.

13 MS. HALAS: I'll pass for now.

14 CHAIRMAN FREEMAN: Austynne Newberg.

15 MS. NEWBERG: I'll pass. Thank you.

16 CHAIRMAN FREEMAN: All right. Martha  
17 Komachi.

18 MS. KOMACHI: Pass.

19 CHAIRMAN FREEMAN: Jan Goss.

20 MR. GOSS: My name is Jan Goss. I live  
21 361 South Bateman Circle.

22 I've been a resident for 20 years. I'm  
23 beginning to feel like I can speak. I remember last  
24 time I spoke, I think it was a different subject, and

1 they had to use a gavel, and I came up here to talk  
2 about -- I came up to -- I'm rarely not loud enough,  
3 it's usually the other way around.

4           Isn't this better than watching television.  
5 I mean, I used to watch House of Cards and Breaking  
6 Bad, but I found going to commission meetings and  
7 board of trustees meetings is a lot more exciting than  
8 what you are going to find on television these days.

9           I came up here, and I want to talk about  
10 civility; and I want to say how wonderful I think the  
11 equestrian community is. We are all wonderful. We  
12 have a lot of problems right now with this debate, but  
13 we shouldn't have because I think the Riding Club  
14 existed for 57 years; is that right? And how much of  
15 that time have we spent arguing about the right to  
16 board horses.

17           Now, I've only been here 20 years, but in my  
18 20 years, I only know of one case where it's been an  
19 issue there -- and I don't see where Mr. Drury is. I  
20 want to say that Mr. Drury and Mr. LeCompte have  
21 brought us to where we are, and they are having a  
22 match. You know, there's a word you use, but I'm  
23 trying to be nice. They are having a match, and I  
24 resent the fact that they are causing us to miss,

1 those of you who miss your favorite television  
2 program, to try to protect your property rights  
3 because they are having a match. We have -- there is  
4 no, there is no urgent need to take action. We should  
5 take no action at this time. That is the bottom line  
6 of my report. We should take no action because  
7 there's no need for action because nobody is going to  
8 have their barns closed except the one property which  
9 is being discussed, and it may not even be closed.  
10 And I'm not necessarily wanting it to be closed. I'm  
11 only saying all this rush to judgment is artificial,  
12 and it's too big boys, two big boys playing games.  
13 And it's a wonderful legal tactic that we just heard.  
14 A wonderful legal tactic. I was laughing almost out  
15 loud, but I was trying to be respectful. He's now  
16 threatening, in essence --

17 CHAIRMAN FREEMAN: You cannot, sir, you  
18 cannot speak about an individual.

19 MR. GOSS: This is all about individuals,  
20 Mrs. Freeman -- Miss Freeman. All about individuals.  
21 Two individuals.

22 CHAIRMAN FREEMAN: You're going to have to  
23 lower your voice, and you are going have to speak to  
24 us about the amendment.

1           MR. GOSS: I'm speaking to you about the  
2 fact that two people have caused us to spend a lot of  
3 time, and they have people who are helping them.  
4 Okay. Number two. Number one point is we don't need  
5 to do this now, and it's a facade to say we have to  
6 act now. It is a joke. No one is going to have their  
7 barn closed. We have time. And do I think we should  
8 change things? Yes. I'm not opposed to commercial  
9 horse boarding. I am not opposed to it. I am for the  
10 Riding Club. I know the Riding Club people are some  
11 of the best citizens we have, but I have to stop  
12 talking now. I have plenty of things in writing,  
13 which I'm happy to share to you all, and I have shared  
14 some of it, and I have evolving. Please, please,  
15 don't let them railroad this through. Thank you very  
16 much.

17           CHAIRMAN FREEMAN: There's no applause this  
18 evening. It's just a hearing. Okay. Cathleen  
19 Asch-Goss.

20           MS. ASCH-GOSS: It's Cathleen Asch-Goss.

21           So I am speaking tonight on both amendments,  
22 but I'm speaking as an individual, as a horse lover,  
23 as a two-stall barn owner who's had horses boarded in  
24 my barn. So I am very supportive of the equestrian

1 nature and horse boarding.

2 I've also been an active participant in the  
3 Kalaway Cup, and we are very appreciative of many of  
4 the events that are sponsored by the Riding Club and  
5 other individuals here. So I want to leave the  
6 individuals out of this. I think that that's not the  
7 focus of my attention here.

8 My focus of attention is the outcome of the  
9 process that's gotten us to this point, and I, in that  
10 respect, I'm speaking as the president of the Bateman  
11 Circle Road Association where I have had to deal with  
12 a situation with excessive amounts of horses on a  
13 limited property. So the fact is that the Stallones  
14 had nine horses on five acres and it absolutely  
15 decimated the property. It reduced the house values  
16 on Bateman Circle. And so my focus here is that we  
17 need to find a way that allows horse boarding to  
18 proceed on a reasonable level; and that is my number  
19 one focus in my remarks here, so it covers both the  
20 text amendments. I'm in favor of boarding horses, but  
21 I want it to be done in a reasonable fashion, and the  
22 numbers that are currently proposed are not acceptable  
23 because I'd be happy to show people the results of the  
24 property that had those horses on it. So those are my

1       comments. Thank you.

2                   MS. DICKSON: Could you state your address  
3       please.

4                   MS. ASCH-GOSS: 361 South Bateman Circle.

5                   CHAIRMAN FREEMAN: Sal Falco.

6                   MR. FALCO: My name is Sal Falco, and the  
7       address is 360 Bateman Circle, Barrington Hills.

8                   I've been a resident of Barrington Hills for  
9       32 years and seen not too many changes come forth  
10      until this situation with the boarding of horses and  
11      commercial properties. I'm very concerned about the  
12      future of Barrington Hills because it's a beautiful  
13      community. We've all moved here because we love it,  
14      especially the horse people and those of us that don't  
15      have horses. I'm concerned, too, that this could get  
16      out of hand in time if we let certain things be  
17      permitted. When you have boarding of horses, in a  
18      degree, and it's not being monitored, anything can  
19      happen. We have seen at times possibly human nature  
20      of human beings to say, well, maybe I'll just have  
21      another extra horse or two or what's the difference.  
22      My concern is that we don't let this get out of hand.  
23      We must not do that.

24                   As far as commercial boarding goes, I don't

1 see how this community, which is a residential  
2 community, to have commercial boarding of horses. It  
3 doesn't make sense. The ability to have boarding of  
4 horses could get out of hand commercially and that's  
5 very scary to all of us. These people behind me, I'm  
6 sure, many of them, the majority of them, may be in  
7 not in favor of this, the amendments of this  
8 situation, and they feel as I do. I certainly hope  
9 that you'll take this into consideration and thank you  
10 for listening to my statement.

11 CHAIRMAN FREEMAN: Lou Flannery.

12 MS. FLANNERY: I am Louise Flannery. I have  
13 lived at 100 Brinker Road for almost 50 years.

14 Madame President and members of the board, I  
15 have been a member of the Riding Club for many years,  
16 and my property has been home to many horses; some  
17 ours, some boarded, and our pastures have been used  
18 for rehabbing horses from HARPS.

19 The boarding of horses in Barrington Hills  
20 has successfully been a tradition for decades and  
21 hopefully will continue to be. Keeping horse boarding  
22 under home occupation has worked in the past, so why  
23 change it. I feel sure that as long as the Village  
24 enforces the rules already in place, it will continue

1 to work.

2 I have seen many changes over the years in  
3 our village, some good, some not so good. I hope  
4 horse boarding under home occupation will not be one  
5 of them. Please, let us all work together to respect  
6 and protect this unique and wonderful place we are  
7 privileged to live in. Thank you.

8 CHAIRMAN FREEMAN: Dede Wamberg.

9 MS. WAMBERG: Hi. My name is Dede Wamberg.  
10 I live at 52 Brinker Road.

11 I liked what the one speaker said about a  
12 reasonable fashion for solving this problem. I'm not  
13 against horse boarding. I am against anything  
14 commercial use in this community. I'm here  
15 specifically to tell the people up there and behind me  
16 that this amendment strips residents of the right to  
17 bring forth complaints and concerns regarding  
18 operations and operators of commercial boarding barns.  
19 It gives the Village a limited oversight of horse  
20 boarding operations, its county and state rules such  
21 as setbacks, buildings, hours of operation, waste  
22 removal, density of animals. These are all county and  
23 state rules which will supersede anything you put on  
24 the books.

1           Agriculture to me means a small house and a  
2 big barn; and we all had -- all the farmers had small  
3 houses because they took care of the land.

4           I am afraid that I have an empty lot next to  
5 where I live and if commercial boarding is passed, as  
6 both of these amendments would do, I am afraid that I  
7 don't know what will end up there, with property  
8 values as they have been diminishing in our community.

9           We have protection under the home  
10 occupation. And I'm not an attorney. I don't trust  
11 that the promises that this will not -- all the  
12 amendments and all the provisions in the amendment  
13 will protect the Village of Barrington Hills and its  
14 residents. I urge you to please deliberate very  
15 slowly because everyone in this room does love  
16 Barrington Hills, and there's a lot of horse people.

17           I was at the last ZBA meeting and the idea  
18 of special use came up. Chairman Freeman, you said  
19 that special use is messy. Well, you know what,  
20 that's what this board is for is to take consideration  
21 of special things in our village and make sure that  
22 we're all protected; and ramming through two or one or  
23 even a combined of the two amendments is not the way  
24 to go to put our village, our residential village, at

1 risk with anything commercial.

2 So thank you very much, and I hope that your  
3 deliberations prove that you are looking out for the  
4 best of the people that live here in Barrington Hills.

5 CHAIRMAN FREEMAN: Anne Majewski.

6 MS. MAJEWSKI: Hello. My name is Anne  
7 Majewski. I live at 1048 Haegers Bend Road, and I've  
8 lived there for 24 years.

9 I love horses. If I had more time, help,  
10 and money, I'd love to have horses on my property.  
11 I've ridden horses at other people's homes in  
12 Barrington Hills, and one of who used to board horses.

13 I am a member of the board of health. I'm  
14 not speaking as the member of the board of health, but  
15 I'm using what I apply in the board of health to throw  
16 some things out to you as the ZBA.

17 My concern is that when we allow a house to  
18 be built, we look at the number of bedrooms and  
19 bathrooms and then determine how big the septic field  
20 should be. So I guess when I'm looking at the text  
21 amendment that differentiates between horses that are  
22 in a pasture, between horses who are in a stall, how  
23 do I know that the horses in the stall don't go out to  
24 go to the bathroom and may go out to the pasture for

1 some time. And that differentiation potentially as  
2 maybe I've read it, tells me that if horses are  
3 stalled, you can have pretty much an unlimited number  
4 of horses on an amount of acreage versus if that horse  
5 is just -- if there's one horse per acre.

6 Well, when we have a home, we don't ask if  
7 people are in that bedroom or if they are going to the  
8 bathroom at home or they are going somewhere else. So  
9 I guess I have a problem understanding why the  
10 difference is if it's in the stall, and I understand  
11 that you are going to take those shavings away,  
12 et cetera, but I have a bit of a problem looking at  
13 that specifically and potentially how many horses  
14 could be boarded on a much smaller aced property if  
15 someone said that they were all stalled. So that's  
16 all I wanted to say tonight.

17 CHAIRMAN FREEMAN: Diana Joseph.

18 MS. JOSEPH: Good evening. My name is Diana  
19 Joseph, and I live at 1 Hickory Lane.

20 Thank you all for the time and energy you  
21 are spending on this. I moved here eight years ago  
22 because it was the only community left where you could  
23 ride your horse down the street. What I hear tonight  
24 are people attempting to change the way this town has

1    been.  Then I say if you are going to do that, be  
2    honest and say you are doing what you are doing.  
3    Because this community has been allowing commercial  
4    boarding and horses for over 50 years.  That is the  
5    status quo.  If you want to change the status quo,  
6    then stand up and say that's what you are doing.

7                    I would be very sorry to see the last  
8    bastion disappear, and I'm getting the sense that  
9    that's where this is going.  Long Grove is gone.  
10   Mettawa is gone.  Wayne is gone.  Next to the barns,  
11   there are townhouses, and if that's what you people  
12   want, you are on the way there.  So I am sorry, sorry  
13   that this is happening.  I don't understand people's  
14   inability to talk to their neighbors about problems.

15                   I pay waste management to come and take my  
16   horse's manure away.  I'm sure there are people who  
17   don't.  There are also people who ride golf carts over  
18   people's property.  There are people who leave their  
19   houses in foreclosure.  This isn't just a problem of  
20   bad and good horse keeping.  This is a problem of  
21   civility and good and bad neighbors.  If you have an  
22   issue with someone, don't call your lawyer, walk  
23   across the street and try to have a conversation.  I  
24   think this town could really benefit from people

1 trying to be neighborly and civil again. Thank you  
2 very much.

3 CHAIRMAN FREEMAN: Jim O'Donnell.

4 MR. O'DONNELL: Jim O'Donnell, Ridgcroft  
5 Lane.

6 For purposes of disclosure, I am a member of  
7 the Riding Club. I would like to read my public  
8 submission so it's in the record both in writing and  
9 by my voice.

10 To raise an issue to the community regarding  
11 conflicts of interest, certain members of the ZBA who,  
12 not because they are members of the Riding Club, but  
13 their associations with certain leadership interests  
14 in the Riding Club and certain other entities that  
15 have a directed and special benefit to them or their  
16 constituency. They are Chairperson Freeman, Karen  
17 Rosene and Clark Benkendorf on this panel.

18 CHAIRMAN FREEMAN: You missed him.

19 MR. O'DONNELL: Oh, I'm sorry, Mr. Anderson,  
20 and you, too. I was thinking you were off this board.  
21 Maybe it was Freudian.

22 In any event, the ZBA member that benefits  
23 from this, either of these amendments, has a conflict  
24 of interest, and I think that that should be

1 recognized, and I think it should be considered, and I  
2 think that our Village counsel, attorney, should  
3 investigate this and advise both the ZBA and the board  
4 of trustees on this conflict of interest on certain  
5 members voting on entertaining these text amendments.

6 I would also like to comment that I heard  
7 our chairperson say that there were 109 pages of  
8 written comment, and there were only 50 released on  
9 the Village website.

10 I'd also like to comment that I don't think  
11 that while nonresidents of the village who do not pay  
12 taxes here, who do not own property here, have any  
13 business making public comments to this board and  
14 recommendations for changing our ordinances or our  
15 amendments. They certainly have a benefit. They have  
16 a pointed interest. I'm sure they are interested, but  
17 I don't think that we or you, as members of our board,  
18 should consider any of their comments. And  
19 statistically, if we look at the membership of the  
20 Riding Club, I calculate at least 27 to 30 percent are  
21 nonresident members. So why should we be changing the  
22 way we control our government here to satisfy so many  
23 of that membership when there are a number of  
24 residents who you will hear tonight that are concerned

1 about the changes that we fear will occur if either of  
2 these amendments are passed. I would echo --

3 CHAIRMAN FREEMAN: Sir, you are out of time.

4 MR. O'DONNELL: I'll finish my sentence.

5 CHAIRMAN FREEMAN: Yes.

6 MR. O'DONNELL: I would echo comments that  
7 we've heard is that the home occupation works. It  
8 ain't broke, don't fix it.

9 CHAIRMAN FREEMAN: Jeryl Olson.

10 MS. OLSON: I signed up in the wrong spot,  
11 sorry.

12 CHAIRMAN FREEMAN: Got it. Okay. Serge --  
13 gosh.

14 MR. UCETTA: I'm here.

15 CHAIRMAN FREEMAN: Thank you.

16 MR. UCETTA: Good evening. My name is  
17 Serge Uccetta, 208 Woodhaven Lane, here in the  
18 village.

19 And just for the record, I'm also president  
20 of the Woodhaven of Barrington Hills Homeowners  
21 Association, although, I'm speaking for myself and my  
22 family tonight; but I'll share what my perceived views  
23 of the other homeowners in our little subdivision are.

24 You've got a tough job reviewing the text

1 amendment changes that you've got before you.

2 Obviously, it's a significant and difficult issue to  
3 resolve, especially given the legal discussion earlier  
4 on retro actability, if that's the right word, of how  
5 this is applied. Nevertheless, the view that we have  
6 in our little subdivision, we are very supportive of  
7 the Riding Club. Our subdivision has riding trails  
8 bordering our, all of our homes, and we've been very  
9 supportive of that.

10 As many of you may know, when we built our  
11 house, we've been at the village for ten years, we  
12 knew this was an equestrian community when we came in.  
13 We are not horse owners or horse riders, but we are  
14 supportive of the equestrian community here. But we  
15 have to remember that Barrington Hills is growing with  
16 the whole area around it. We are becoming much more a  
17 suburb of Chicago than we are a rural, beautiful, you  
18 know, blue collar kind of place that I'm sure it used  
19 to be. And as such, we have to kind of see where  
20 things are going. Our sense is that the way this has  
21 been managed in the past with the old version of the  
22 amendment seemed reasonable. It seemed to allow for  
23 some flexibility among neighbors and people relative  
24 to how they maintain and keep horses and whether they

1 are going to board or not.

2 The issue really isn't horse boarding as a  
3 home business, it's the issue of will this grow and  
4 become a very large commercial enterprise, which is I  
5 think what concerns, in fact, probably scares a number  
6 of folks that it becomes too big and needs to be  
7 regulated or controlled or managed, and that's an  
8 issue for everyone, both those who want to do it and  
9 those who don't want to do it.

10 So I don't envy the job you have in trying  
11 to reconcile the issue. I would ask you to really  
12 think long and hard that the old version of the text  
13 amendment the way it was seemed to be working, with  
14 the exception of the current situation. And again,  
15 the sense of all of us in our little subdivision is  
16 that there probably isn't a need to go that far and  
17 legislate and regulate the commercialization aspect of  
18 it and losing the individual neighbor-to-neighbor  
19 control that it used to be. That's my comment. Thank  
20 you.

21 CHAIRMAN FREEMAN: Brian M-U-C-H-E.

22 MR. MUCHE: I'm Brian Muche, 159 Helm Road.

23 The comment I'd like to make comes right off  
24 the Village website. Barrington Hills is promoted and

1     touted in the Village's own words as, "The Village of  
2     Barrington Hills, a unique rural equestrian community,  
3     an oasis of another time." And I'd like to think that  
4     a lot of those qualities are what we value here in  
5     Barrington Hills.

6             Being an equestrian community means having  
7     horses, riding horses, training horses, and boarding  
8     horses. For the community to enjoy, participate, and  
9     maintain equestrian activities in a safe and  
10    responsible way requires supporting equipment, care,  
11    maintenance, and accommodations. Now, accommodations,  
12    which are much different than those of other  
13    residential communities of greater population  
14    densities such as Barrington, Palatine, or Hoffman  
15    Estates.

16            Being a unique rural community means living  
17    in the country. Isn't that what rural is? We have a  
18    little slice of country here in Barrington Hills,  
19    which typically refers to a landscape that includes  
20    some agricultural activities, open areas, and forests.

21            Now, in promoting its tag line, a unique  
22    rural equestrian community, isn't the Village  
23    suggesting that land use and activities related to  
24    equine boarding and ownership in horse ownership is

1 celebrated and welcomed? Most equestrian communities  
2 in the United States regulate or classify equestrian  
3 activity and boarding as an agricultural activity.  
4 The Village of Barrington Hills, however, has chosen a  
5 different path outside of what is typical. The  
6 Village decided to classify and permit horse boarding  
7 and equine activity under home occupation zoning  
8 language.

9 Home occupation is a commercial  
10 classification allowing business activity within a  
11 residence. With home occupancy being a commercial  
12 zoning instrument, there is no doubt that it was the  
13 intent of the Village to allow commercial boarding.  
14 However, creating a highbred zoning code to try to  
15 expand home occupation to include horse boarding is  
16 not consistent with what other communities throughout  
17 the US have done. Allowing commercial horse boarding  
18 is an acceptable land use under agriculture and  
19 clearly addressing and permitting it is -- its  
20 practice under its own heading and zoning language is  
21 consistent with best practices in other communities.  
22 This also provides the best means for regulation and  
23 enforcement of acceptable equestrian activity.

24 I believe the community, to a large part,

1 has been misled. The current ambiguous home occupancy  
2 language does not provide adequate protection to  
3 Barrington Hills residents. In fact, the ambiguous  
4 language of the home occupancy code lends itself to  
5 varying and differing interpretations and general  
6 public uncertainty.

7 For the protection of property owners in the  
8 village and to maintain open space and increase our  
9 property values in the community, I would ask the  
10 Village to adopt the proposed amendment, which more  
11 closely aligns our zoning code with accepted  
12 agriculture zoning language by rural equestrian  
13 communities throughout the US. Thank you.

14 CHAIRMAN FREEMAN: George Hoffman.

15 MR. HOFFMAN: George Hoffman, 3 Spring Lane,  
16 Barrington Hills.

17 I guess I consider my wife and I relatively  
18 newcomers to Barrington Hills compared to some of the  
19 other people. We've only lived here about  
20 19-and-a-half years.

21 But I want to address, I want to reiterate a  
22 couple of points that have been made. The most  
23 important I think being that the current home  
24 occupation classification has been working just fine

1 with the exception, apparently, of one landowner. And  
2 to address the equal protection argument that was  
3 raised earlier, if, in fact, this one landowner is the  
4 only one who has been grieved, the solution is not to  
5 completely turn the home occupation zoning code into a  
6 commercial type of horse boarding operation that's  
7 contemplated, that individual has his individual  
8 rights. He can bring a lawsuit, which I understand  
9 has happened. There are conditional use permits  
10 available, at least the application for that; but the  
11 solution is not to change the whole Village to  
12 accommodate just one landowner.

13           Again, to reiterate what was earlier said,  
14 if it's not broke, don't fix it. Thank you.

15           CHAIRMAN FREEMAN: David Rousseau.

16           MR. RUSSO: David Rousseau, 11 Wood Creek.

17           Been a resident for 35 years of this  
18 community. I think most of the people in this room  
19 like horses, don't have an objection to horses. I  
20 don't really like when we hear the threats, oh, if you  
21 don't accept one of these, then horses are going to  
22 leave, we are going to subdivide or any of those  
23 threats. I don't think that that's an appropriate  
24 subject.

1           I think the subject is are you going to  
2           accept one of these two amendments or is there a third  
3           possibility, as some people suggested, you know, minor  
4           tweaking of the current policy, which to me happens to  
5           seem more appropriate.

6           In 2006 when, apparently, Mr. LeCompte was  
7           served by the Village, I think he truly was in -- not  
8           in agreement with the Village code; and I think that  
9           even though his attorneys come up with a wonderful way  
10          to get around it and backtrack, the truth is at the  
11          time he didn't. What she doesn't understand, not  
12          being a resident, is that this village has never been  
13          a witch-hunt village. We don't go around knocking on  
14          doors, checking your house to see what we can find  
15          that you are doing that's illegal. If there's a  
16          complaint, the Village sends an officer out and the  
17          officer acts appropriately.

18          So I have to believe that there was a  
19          complaint against Mr. LeCompte, that's why he must  
20          have gotten served by an officer. I've been to  
21          Mr. LeCompte's for polo games. I thought it was very  
22          nice. I don't have an objection to what he's doing.  
23          My concern is the expansion of what's going on and  
24          that's what I'm hearing. I'm hearing people saying

1 that, well, we are going to go commercial, and we are  
2 going to increase the number of horses and the number  
3 of barns and all of that talk. That's what concerns  
4 me because as a bridal path owner, I'm concerned that  
5 I don't -- I don't mind my neighbors riding down my  
6 path. I love it when I see my neighbors riding down  
7 the path. I love seeing a horse go through. I don't  
8 want to find out that it's a commercial operation  
9 that's charging to ride down my path, and that's my  
10 that's one of my concerns.

11 My other concern is I didn't realize that as  
12 many -- someone said many members of the Barrington  
13 Hills Riding Club may not be residents; and therefore,  
14 again, I'm concerned about people that are not  
15 residents coming down my path.

16 One of the big concerns I have about that,  
17 especially when if it comes commercialized, I spent  
18 over a decade as a chairman of the plan commission.  
19 One of the things that we did was every subdivision  
20 that came through there, we sat them down and  
21 explained to them why they needed to work with the  
22 Riding Club and why they needed to come up with an  
23 easement for horse trails. Doing that as the nature  
24 of the village and insisting that those communities

1 give an easement for horses makes me think that it's  
2 not appropriate for you to now turn around and say  
3 it's okay to open a business, charge people or charge  
4 for membership or charge for boarding and then ride  
5 those trails. I think that that's a conflict as far  
6 as the board is concerned that you are going to have  
7 to deal with.

8 I also think that you need to deal with the  
9 conflict of the fact that so many members are also  
10 Riding Club members. I can't imagine how you could  
11 fairly make a decision and not why you shouldn't have  
12 to recuse yourself, and that's nothing that's in any  
13 way particular. I like the horses. I like that we  
14 have a horse community. There is only one other --  
15 last time I looked, there's only one other horse  
16 community in this country that's set on five acres  
17 like ours. So I don't consider that a precedent that  
18 someone said earlier.

19 So I'd like to see us just work within what  
20 we have now, just tweak it a little bit. If you've  
21 got a problem with boarding, just fix it, fix that  
22 problem. Don't change the whole thing. That's how we  
23 got Obamacare.

24 CHAIRMAN FREEMAN: Bill Hannay.

1           MR. HANNAY: Well, it's kind of hard to top  
2 that last presentation. My name is Bill Hannay. I  
3 live at 591 Plumtree Road.

4           And I came to Barrington 26 years ago or so  
5 because of the Bassetts. I wasn't really into horses,  
6 but we really liked to go, you know, the Bassett  
7 Hounds. But I like horses. Some of my best friends  
8 are horses. But in considering all this, it does seem  
9 to me, first off, that we kind of moved away probably  
10 close to 50 years ago from the notion of this being an  
11 agricultural community. It's not an agricultural  
12 community. It's a residential community, which has a  
13 special history of equestrian activities. But to say  
14 that therefore you should treat equestrian activities  
15 as agricultural, doesn't make a lot of sense to me.  
16 It also opens up a risk, and as a lawyer, I'm  
17 concerned about probably the most important law. It's  
18 not the equal protection clause, it's the law of  
19 unintended consequences. And trying to change the  
20 existing structure of the code with a lot of changes  
21 is going to raise a lot of uncertainty, and I think we  
22 need to be extremely careful in that process. Thanks.

23           CHAIRMAN FREEMAN: Kim VanFossan.

24           MS. VANFOSSAN: Good evening. My name is

1 Kim VanFossan. I reside at 5 Bow Lane.

2 I'd like to say, first of all, to the board,  
3 you've heard this from me many times, I do love  
4 horses. I have boarded horses at the LeCompte's very  
5 early when they were first boarding. I have enjoyed  
6 sunny afternoons watching the Kalaway Cup because I'm  
7 a landowner and have been invited to the Kalaway Cup  
8 as a landowner.

9 With the presentation of the attorney early  
10 on today, I see that the baby has been -- the  
11 proverbial baby has been slashed in half. The real  
12 issue before us here tonight is not small-scale family  
13 horse boarding, because it is already legal. Our  
14 zoning cord permits it as a home occupation.

15 The elephant in the room is a particular  
16 large-scale horse boarding facility that infringes on  
17 residents rights because it cannot operate under the  
18 rules and regulations of the home occupation  
19 ordinance.

20 This commercial boarding operation, the  
21 largest in the village, was found guilty of violating  
22 the home occupation ordinance, violating his  
23 neighbors' rights to peace and privacy; first, by the  
24 zoning board of appeals, then by the circuit court,

1 and twice by the appellate court. His is one of the  
2 two text amendments being proposed tonight. These  
3 text amendments to our zoning code will exempt him  
4 from home occupation neighbor protections, and he will  
5 be right back in business.

6 The choices here tonight are not complex.  
7 We can choose to allow the ZBA to vote on these  
8 changes, and they will pass them. Of the six members  
9 on this board, four are intimately tied to the Riding  
10 Club. Among the seven board of trustees, five are  
11 Riding Club members. The cards are stacked against  
12 those of us who wish to keep Barrington Hills just the  
13 way it is. Stand up and voice your opposition to  
14 these changes. Let your voice be heard.

15 I would also like to advise the Riding Club  
16 and my neighbors that as a landowner on the network of  
17 the riding trails, that I am suspending riding  
18 privileges on my trail until such a time that a fair  
19 and unbiased committee can be appointed to study the  
20 horse boarding issue and produce a text amendment that  
21 can be palatable to all.

22 CHAIRMAN FREEMAN: Tom P-Y-R-A.

23 MR. PYRA: I'll pass.

24 CHAIRMAN FREEMAN: Oh, all right. Christine

1 Altenberger.

2 MS. ALTENBERGER: Pass.

3 CHAIRMAN FREEMAN: All right. Amy Murphy.

4 MS. MURPHY: Thank you. I have lived in  
5 Barrington Hills --

6 CHAIRMAN FREEMAN: Name and address, sorry.

7 MS. MURPHY: Name and address. Amy  
8 Barcroft-Murphy, and I've been in the Barrington  
9 area --

10 MR. STIEPER: Address please.

11 MS. MURPHY: 11 Moate, M-O-A-T-E, Lane. We  
12 have five properties in Barrington: 306 East Main  
13 Street, 312 East Main Street, 23340 Northwest Old  
14 Barrington Road, and in -- we have many properties in  
15 Barrington.

16 Anyway, my issue is I have been in  
17 Barrington many years. I moved to California. When I  
18 was in California, I was in college, and came back to  
19 Barrington to raise my children. And I am an  
20 equestrian. I'm a bicyclist. I'm a, you know, I do  
21 it all. But my poise is that I would like everyone to  
22 get together and get along and maybe get together with  
23 e-mails and like work it out so that we can all have a  
24 communal get-together so that it's not such a -- I see

1 this issue where people are not getting along. I  
2 mean, this is a -- it's almost like we need to put  
3 together a physician's issue and psychological issue  
4 to bring us all together as a community. And it's not  
5 about having -- it's not about having all of us not  
6 involved. It's being involved. So let's get involved  
7 and let's get together and let's get all our e-mails  
8 together. Let's get our stuff together. Let's decide  
9 what we want to do together all in one.

10 CHAIRMAN FREEMAN: I think you are out of  
11 time right now. Barbara Kemp.

12 MS. KEMP: I pass.

13 CHAIRMAN FREEMAN: Oh, all right. All  
14 right. Then we will close this hearing and open the  
15 next hearing.

16 MS. DICKSON: Mr. LeCompte has the  
17 opportunity to make any remarks he'd like to close the  
18 hearing.

19 CHAIRMAN FREEMAN: Oh, thank you. Okay.  
20 Mr. LeCompte, did you hear Mary Dickson? She said  
21 that you can make closing remarks before we close this  
22 hearing and open the next one.

23 MR. LeCOMPTE: Okay.

24 MR. STIEPER: Doesn't the board get an

1 opportunity to cross-examine Mr. LeCompte and ask him  
2 questions?

3 MS. DICKSON: If he -- once he completes his  
4 remarks, if the board has questions.

5 MR. LeCOMPTE: I don't really have a lot  
6 more to add. I've listened to the people who have  
7 complained or who have been on the other side of this  
8 issue, and I have empathy for those who think that  
9 somehow I or other equestrian facilities are going to  
10 have an avalanche of big commercial businesses moving  
11 into this village. That's not the case.

12 To put this in perspective, I wasn't  
13 specifically going to talk about my property, but half  
14 the people that came up here did. So we have, before  
15 we closed that barn down, we had 25 to 30 horses  
16 boarded there. Seems like a lot. We got 126 acres.  
17 Now, to put that in perspective, my neighbor,  
18 Mr. Drury's polo club, boarded horses there about ten  
19 years ago.

20 MR. DRURY: I thought we weren't going to  
21 talk about other people.

22 MR. LeCOMPTE: We have no more horses now  
23 than we did then. So the point is we are not anymore  
24 of a commercial facility than is Uulke Farm, Deerwood

1 Farm, Tudor Oaks or Horizon Farm, KC Farm. We have 25  
2 to 30 horses. We are not the biggest one in the  
3 village.

4 So what I would ask everybody to understand  
5 is we only want to do what we've been doing for the  
6 last 20 years. We don't want to change anything. The  
7 problem is despite what many people have said, the  
8 present home occupation code, when interpreted the way  
9 Mr. Stieper interprets it, does not allow horse  
10 boarding. All you got to do is read it. Nobody can  
11 comply with those things. So if we want to have horse  
12 boarding in the village, if we want to remain an  
13 equestrian village, we have to change it. And I think  
14 the most effective way to change it is put it into  
15 agriculture, where I thought it was five years ago.

16 So with that, I'll stop. If there are  
17 questions, I'll entertain them. The one thing I would  
18 like to ask Chairman Freeman, I thought at the  
19 beginning of the hearing you said that there was no,  
20 that you were there to listen and that there wasn't  
21 conversation back and forth.

22 CHAIRMAN FREEMAN: That was my  
23 understanding; but if you would like to correct me,  
24 Mrs. Dickson?

1 MS. DICKSON: During the public comment  
2 period, if any member of the board needs to ask a  
3 question for clarification to get a better  
4 understanding of any of the facts that were presented  
5 by either Mr. LeCompte or any of the members here in  
6 the audience who presented factual testimony, you are  
7 allowed to do that. It shouldn't necessarily devolve  
8 into a dialogue between just a couple of members, but  
9 it is a fact-finding time for you.

10 MR. STIEPER: Can you hear me?

11 MR. LeCOMPTE: Yeah.

12 MR. STIEPER: Mr. LeCompte, just so it's  
13 clear, your case had nothing to do with home  
14 occupation; is that correct?

15 MR. LeCOMPTE: I don't know what case you  
16 are talking about.

17 MR. STIEPER: Your lawsuit. Your lawsuit  
18 had nothing to do with home occupation?

19 MR. LeCOMPTE: Right now we are talking  
20 about my text amendment. I am -- I'm not going to go  
21 into any details about a lawsuit that's still going  
22 on. I am not going to talk about a lawsuit that's  
23 presently going on. That's not what I'm here for.

24 MR. STIEPER: You can answer whatever

1 questions you want. I have an opportunity to ask  
2 them.

3 MS. DICKSON: Mr. Stieper, I do have to say,  
4 Mr. Stieper, what is at issue tonight is the text  
5 amendment. And while the litigation has been  
6 mentioned, the litigation is not at issue. It is the  
7 text amendment that Mr. LeCompte has proposed.

8 MR. STIEPER: With all respect, counsel, one  
9 of the issues in his text amendment is the home  
10 occupation ordinance and the eradication of that  
11 ordinance. Mr. LeCompte had indicated one of the  
12 things is that the home occupation ordinance in this  
13 village has been inconsistently applied,  
14 quote/unquote.

15 My question to you is, just so we are clear,  
16 your case had nothing to do with the home occupation  
17 ordinance; is that correct?

18 MR. LeCOMPTE: I am not talking about the  
19 legal case. It is pending before the court, and I'm  
20 not going to talk about it.

21 MR. STIEPER: Give me an example where the  
22 home occupation ordinance has been inconsistently  
23 applied in this village.

24 MR. LeCOMPTE: Well, if you want an example

1 of that, go back to Mr. von Meier's testimony in May  
2 of 2010 when he said that many barns in this village  
3 were in violation because they couldn't comply with  
4 the home occupation ordinance.

5 MR. STIEPER: Where has it been  
6 inconsistently applied? Give me one property --

7 MR. LeCOMPTE: The village did nothing --

8 MR. STIEPER: Let me finish my question.  
9 You can get your answer. The question is, give me an  
10 example of one property owner where the home  
11 occupation ordinance has been inconsistently applied.

12 MR. LeCOMPTE: All of the large farms as big  
13 as mine have never been closed down because of  
14 violation of the home occupation, and they do the same  
15 thing I do. So it has been inconsistently applied.

16 MR. STIEPER: Because they don't fall under  
17 home occupation, that's the whole point.

18 CHAIRMAN FREEMAN: All right. Hold on.  
19 If -- David, if you have a question -- this is not  
20 okay. If you have a question, you can ask it, but  
21 this is not supposed to be a dialogue. This is  
22 supposed to be a public comment.

23 MR. STIEPER: It's clarifying the issue with  
24 regard to his testimony.

1           CHAIRMAN FREEMAN: David, David, I'm sorry  
2 you are going beyond the mandate of the evening.

3           MR. STIEPER: One of the other issues you  
4 raise is retroactivity, that we should somehow -- that  
5 Barrington Hills has always endorsed commercial horse  
6 boarding. What empirical data do you have to show  
7 that or where in the code do you have to show that  
8 Barrington Hills supports commercial boarding?

9           MR. LeCOMPTE: Horizon Farm, Tudor Oaks,  
10 Ulke Farm, Deerwood Farm, KC Farm. If I'm commercial  
11 horse boarding, so are they.

12          MR. STIEPER: So just so I understand, your  
13 evidence here is the mere fact that these boarding  
14 operations are in existence, therefore, it's endorsed  
15 by Barrington Hills. It's nowhere in our code; is  
16 that correct?

17          MS. DICKSON: You know, again,  
18 Mr. Stieper --

19          CHAIRMAN FREEMAN: We are going to have to  
20 stop this. This is not public comment anymore. When  
21 we have a public meeting, when we close the hearing  
22 and there's a public meeting, if you want to have a  
23 dialogue, that's fine. But this is a public hearing.

24          MS. DICKSON: The members have the

1 opportunity to ask questions, again, if it will  
2 elucidate information that helps you understand the  
3 facts. But, Mr. Stieper, it's not to be turned into  
4 an argument. If you want to ask a question, you get  
5 an answer. If you need enlargement, you can ask for  
6 that. But it's not meant to be argumentative with the  
7 person.

8 MR. STIEPER: I'm not trying. I'm just  
9 asking where the evidence, the empirical data with  
10 regard to what he's simply has come before this court  
11 and stated a conclusion --

12 MS. DICKSON: He's provided his answer.

13 MR. STIEPER: Have you met with anybody on  
14 this board since your appellate court case has been  
15 handed down on March 28, 2014?

16 MS. DICKSON: That question doesn't have  
17 anything to do with the pending text amendment.

18 MR. STIEPER: Have you ever met with any  
19 member of this board since March 28, 2014, with regard  
20 to commercial boarding or text amendment?

21 MR. LeCOMPTE: Let me say this. This is the  
22 United States of America. The last I looked, we have  
23 every right as a citizen to speak with our legislative  
24 representatives. We go to Washington. We call

1 people. We send e-mails. We text them. We write  
2 letters. I'm very concerned about what's going on in  
3 this village. Have I talked to my elected  
4 representatives and legislators about my concerns,  
5 absolutely. Just like I called one in Washington  
6 about the same thing.

7 MR. STIEPER: Who on this board have you  
8 talked to with regard to the text amendment --

9 MS. DICKSON: Mr. Stieper, again, the  
10 question has to relate to the text that's proposed.  
11 It's the text amendment. I appreciate your comments.

12 MR. STIEPER: There's questions of conflicts  
13 of interest.

14 CHAIRMAN FREEMAN: All right, guys, we are  
15 excusing Mr. LeCompte. Are you done making remarks?

16 MR. LeCOMPTE: I'm done. I'm just trying to  
17 answer.

18 CHAIRMAN FREEMAN: I'm closing this hearing.  
19 We'll open the next hearing.

20 MR. STIEPER: I haven't finished my  
21 questions.

22 CHAIRMAN FREEMAN: I don't care.

23 MR. STIEPER: I have more questions for  
24 Mr. LeCompte.

1           CHAIRMAN FREEMAN: You know, you can ask  
2           them in the public meeting section, but not in the  
3           public hearing section.

4                           TEXT AMENDMENT - ELDERS/RCBH

5           CHAIRMAN FREEMAN: All right. We are  
6           opening the public hearing on the proposed amendment  
7           by Jason Elders slash Riding Club of Barrington Hills.  
8           Is someone here to speak on behalf of -- all right.  
9           Mr. Thorson, you may have the floor.

10                   MR. THORSON: Hello. Thanks for having me  
11           in. My name is Andy Thorson, 100 Dunrovin Drive,  
12           Barrington Hills.

13                   Let me start off with a little background on  
14           myself. I grew up on a working farm a couple hours  
15           southwest of the village. We raised every type of  
16           livestock as well as growing corn and soy beans.

17                   After moving to Chicago and starting a  
18           family, we moved to Riverwoods, which is neighboring  
19           Bannockburn, which had a lot of bridle paths and barns  
20           in the village.

21                   We purchased two horses, boarded them in  
22           Bull Valley up in Mill Creek until we found out  
23           Barrington Hills was a little closer, we moved them  
24           here. Since we love the bridle paths here, the space,

1 the open space, we wanted, you know, to have our kids  
2 grow up like I did. We purchased a house here in  
3 Barrington Hills.

4 Just a little background from where I come  
5 from. I'm the vice-president of the Barrington Hills  
6 Riding Club. I would like to say that the Riding Club  
7 did not come up with this text amendment to adjudicate  
8 a neighbor-to-neighbor dispute, but to make sure that  
9 all other boarding facilities do not come under the  
10 same attack. We feel that these facilities are an  
11 integral part of maintaining the open spaces we all  
12 enjoy.

13 The Riding Club's position is that we can't  
14 and won't concern ourselves with the neighbor dispute  
15 regarding Oakwood Farm. Unfortunately, this dispute  
16 generated two appellate court rulings and that  
17 combined with the confusing actions of the past  
18 Village administration and their attorneys to create a  
19 very prejudicial situation for all boarding barns in  
20 Barrington Hills.

21 There is now a blueprint for successful  
22 suing and shutting down anyone that boards horses, and  
23 the Riding Club of Barrington Hills is concerned with  
24 that. The Riding Club text amendment was an opinion

1 formulated by our attorney, Mike Smolen (phonetic) on  
2 behalf of a leading municipal law firm.

3 The Riding Club has endorsed and submitted  
4 its text amendment as drafted that would allow many  
5 boarding facilities like Tudor Oaks, Shamrock Farm,  
6 Flying Dutchman, and many more that continue to  
7 operate and invest in their facilities without the  
8 fear of being shut down.

9 Our attorney recommended putting it under  
10 the agriculture provision of the code since 95 percent  
11 of the village is zoned R1 and agriculture is a  
12 permitted use in all R1 lots. That would not allow  
13 any nonagricultural commercial activities. This is a  
14 legitimate concern I think everyone shares. Let me  
15 repeat. Allowing the boarding of horses under  
16 agriculture does not open the doors to other  
17 commercial enterprises.

18 I think that petition is reasonable and  
19 captures the 99 percent of the barns are doing that  
20 haven't received any complaint. Most people who live  
21 in Barrington Hills, whether they have horses or not,  
22 would rather look at 175 acres of fenced pasture at  
23 Tudor Oaks than a couple of new subdivisions. That's  
24 one thing we wish would appreciate more that large

1 landowners have options.

2           The original HALO movement was really all  
3 about property rights, which most of us in Barrington  
4 Hills value highly. If you jeopardize a landowner's  
5 historical property rights to board horses, whether  
6 for residents or not, the highest and best use of a  
7 large property becomes subdivision and development.  
8 We lose the open space and change our community  
9 forever.

10           Some of these properties, like Tudor Oaks,  
11 are on the edge of the village and even higher density  
12 options than five-acre zoning if they disconnect.

13           The Club believes our code must  
14 unambiguously support the traditional use of these  
15 properties and encourage horse keeping versus  
16 development for those who would buy and maintain large  
17 open properties left in the village. While being fair  
18 for all residents, whether you own horses or not, most  
19 of us like the current look and feel of our community  
20 and don't want it to change because we failed to  
21 protect historically important equestrian property  
22 rights and uses that have existed in Barrington Hills  
23 since before the Riding Club was founded in 1937.

24           We must not allow a neighbor-to-neighbor

1 dispute put the entire community at risk. A  
2 significant component of this dispute has to do with  
3 the recovery of substantial attorney fees.  
4 Unfortunately, this motivation is causing undue  
5 political pressure and support for reasons that have  
6 nothing to do with horse boarding. Any change in the  
7 code may jeopardize this, regardless of how helpful or  
8 necessary changes might be for the greater community.

9           As our code stands, there currently is no  
10 limit to the number of horses that can be boarded on a  
11 property in the village. Our text amendment simply  
12 lists a recommended number of horses that can be  
13 boarded, which every current operation complies with.  
14 As I stated above this protects us as residents from  
15 seeing any change in the village. Under these  
16 limitations, property owners must still comply with  
17 all other Village code: Setbacks, hours of operation,  
18 floor area ratios.

19           By modifying the agricultural definition for  
20 the boarding of horses, this is not opening the door  
21 to commercial endeavors. As we saw in Drury versus  
22 ZBA, the courts deferred to what the Village defines  
23 as agriculture, and permits only what the Village  
24 defines as permitted. The modification of the

1 agriculture definition is a natural extension and  
2 acknowledges the role of horse boarding and the fabric  
3 of the community. Special use is impractical. It  
4 would require a parade of attorneys and public  
5 hearings. Furthermore, special use permits are not  
6 transferable and would seriously diminish property  
7 values to the extent that no one would choose to  
8 continue a boarding facility.

9           As for leaving the text under home  
10 occupation, the courts have already decided it is not  
11 allowed based on the current code. As our Village  
12 website states, quote, throughout the Village's  
13 existence, there have been pressure to have access to  
14 our open spaces; however, a dedicated group of  
15 individuals have resisted all efforts to break our  
16 five-acre zoning in large part because of the  
17 equestrian usage. The Riding Club of Barrington  
18 Hills, founded in 1937, has maintained a trail system  
19 throughout the village with the generosity of  
20 landowners who allow members to ride across their  
21 property, end quote.

22           I believe that the Riding Club has the  
23 responsibility to help protect these open spaces and  
24 one of a kind trail system that sits within the unique

1 village.

2 I have spoken with many residents about this  
3 issue before us and I hear one common theme. Among  
4 the residents for or against this amendment, our goal  
5 is exactly the same. First off, we like horses and  
6 open spaces within the village. Two, we'd love to see  
7 the village remain the same. With these two goals in  
8 mind, I think that is exactly what this text amendment  
9 will do, help maintain our deep rural equestrian roots  
10 with open spaces that we can all enjoy.

11 This text amendment will not open the door  
12 to other commercial endeavors, but will continue to  
13 allow what has been a great place for our residents to  
14 enjoy the peace and tranquility of open spaces within  
15 the village.

16 I'd like to make one other comment.  
17 According to the Riding Club, you know, we are a  
18 membership. To become a member you have to be  
19 sponsored into the membership by other members. You  
20 must either be a resident of Barrington Hills or board  
21 a horse or hacking distance to the trails of  
22 Barrington Hills. So just to make a clarification on  
23 what was said earlier. Thank you.

24 MR. KOSIN: Your name and address again.

1 MR. THORSON: Andrew Thorson, 100 Dunrovin  
2 Drive, Barrington Hills.

3 CHAIRMAN FREEMAN: Are there any of these  
4 that we need --

5 MS. DICKSON: For purposes of the record,  
6 Mr. Kosin should also provide testimony relative to  
7 publication and posting on this application.

8 CHAIRMAN FREEMAN: All right.

9 MR. KOSIN: Thank you. The notification for  
10 this public hearing appeared in the Daily Herald on  
11 July 5th. This petition, sometimes referred to as  
12 petition submitted by Jason Elder, and the notice was  
13 also posted both outside this meeting room as well as  
14 the Village Hall, and contact was accessible prior to  
15 the meeting. Thank you.

16 CHAIRMAN FREEMAN: Okay. Ken Johnson.

17 MR. JOHNSON: My name is Ken Johnson, and I  
18 live at 214 North Brockway Street in Palatine.

19 And I'm a boarder in Barrington Hills. My  
20 comments today are directed from some of the thoughts  
21 that were passed along this past week about  
22 eliminating nonresidents from the boarding facilities  
23 here in Barrington Hills.

24 I'm a Riding Club member and I have a Cook

1 County horse and rider's license for the forest  
2 preserve area. First and foremost, though, I want to  
3 thank all the people of Barrington Hills for giving me  
4 and others the opportunity to enjoy this area. I'm  
5 very grateful for that. I've had three horses over my  
6 span, and they have all been boarded here in  
7 Barrington Hills. And I've actually spent almost  
8 every day either riding or caring for them for the  
9 past 38 years.

10 All of the nonresidents who ride here, in my  
11 opinion, respect this community and know that it's a  
12 privilege to be here and not a right. In my opinion,  
13 the people who ride, whether they are residents or  
14 they are not, are the salt of the earth, and they love  
15 animals, and they love this wonderful area we call  
16 Barrington Hills. I hope anyone who is considering  
17 the elimination of nonresidents from the possibility  
18 of boarding in this beautiful area will realize that  
19 when it comes down to it, we truly are here the  
20 friends of Barrington Hills. Thank you.

21 CHAIRMAN FREEMAN: Ross Friedman.

22 MR. FRIEDMAN: You did hear from me earlier,  
23 it was early on in the proceeding. 2301 Crabtree  
24 Lane, Algonquin.

1                   Interestingly enough, there's been a lot of  
2 good points made both sides. I appreciate a lot of  
3 people's feelings and passion about a lot of different  
4 issues, but a couple quick things I wanted to say. It  
5 has to do with leading, kind of dovetailing into what  
6 Mr. Johnson just talked about was I live on land that  
7 once was Barrington Hills, which was de-annexed.  
8 However, I do, indeed, pay taxes to the Barrington  
9 Hills Park District and two other entities in  
10 Barrington. So I do have connections to the community  
11 in that regard. I see myself as an integral part of  
12 it.

13                   One other thing that was kind of an  
14 interesting point, too, the woman that had spoken just  
15 after I did before about a situation at the corner of  
16 Bateman, and I think that was, oh, I forgot, Deepwood,  
17 that's an aberration, and I was intimately involved in  
18 how we cleaned that up and found homes for those  
19 horses. That was a situation that was completely  
20 unusual. But what's interesting is she helped me make  
21 a point in my mind here that it doesn't matter whether  
22 it's commercial or it's privately owned, bad things  
23 can happen when people don't take care of their land  
24 and their horses. That is true.

1           What you do find with commercial boarding,  
2 horse boarding, where all these entities that we are  
3 talking about is you find good, even excellent  
4 stewardship of the land and the horses because of the  
5 passion. Anybody can throw horses on their property  
6 because they have the land to do it. Taking care of  
7 it is another issue, and I think you find that there's  
8 acceptable care being taken by those that are either  
9 clients of commercial boarding or those that are  
10 proprietors of commercial boarding. Anything can  
11 happen with horses, as we've seen, but I think  
12 basically changing the -- it seems like there's a lot  
13 of middle ground here that can be worked on. It sure  
14 sounds like it. It's not really a black-and-white  
15 issue, but I think there's a lot of room for  
16 compromise here that can be very, very, easily worked  
17 out. So I think that's the direction it should go,  
18 and I think this panel right here seems like they are  
19 fully capable of doing it, and I certainly heard a lot  
20 of good conversations both ways.

21           So anyway, I just -- those are just a couple  
22 more comments based on what was transpiring here the  
23 remainder of the evening. Thank you.

24           CHAIRMAN FREEMAN: Thank you. John Keady.

1 MR. KEADY: I'll pass.

2 CHAIRMAN FREEMAN: Sally Robinson.

3 (Inaudible)

4 CHAIRMAN FREEMAN: Oh, okay. Andrew  
5 Thorson.

6 MR. THORSON: No.

7 CHAIRMAN FREEMAN: All right. Cathleen  
8 Asch-Goss.

9 MS. ASCH-GOSS: Cathleen Asch-Goss,  
10 361 South Bateman Circle.

11 I have -- would just like to reiterate my  
12 point about I support horse boarding, but I would like  
13 to qualify it in terms of scale. So that's my number  
14 one point.

15 My other point, and this is a point of  
16 ignorance, I don't know the differential in taxing  
17 between an agricultural property and an R1 zone, but I  
18 would be gravely concerned if an individual spat  
19 precipitated a situation where the tax base of  
20 Barrington Hills was negatively impacted by a  
21 situation where -- we already have enough challenges  
22 with our taxes, so I would just like to put that on  
23 record. Thank you.

24 CHAIRMAN FREEMAN: Dede Wamberg.

1 MS. WAMBERG: Dede Wamberg, 52 Brinker Road.

2 I didn't realize, it was rather confusing  
3 when I came in, that there was so many sign-up sheets.  
4 So I'm here again, I'm sorry, because I'm taking up  
5 your time.

6 But 28 years ago when my family moved to  
7 Barrington Hills, this was a residential village,  
8 which was rural and equestrian friendly, and the  
9 impact of the last couple of years has made me wonder  
10 why we are always talking about equestrian rights  
11 instead of property rights, because we are a  
12 residential village. And I'm afraid that there's been  
13 a misconception on the part of the horse community  
14 that the last, the very last order by a judge was not  
15 published, and because it wasn't published, it can't  
16 be cited. And the courts have decided on two  
17 residents and their personal problems, and I want this  
18 village back. I want everyone to lay down their  
19 shovels and stop throwing the manure around and let's  
20 get this settled once and for all. And I put it upon  
21 you and the hard work that you have to do, whether you  
22 are perceived as having a conflict of interest, please  
23 look at this room and know that we want the best for  
24 Barrington Hills, and I don't think fast tracking any

1 kind of amendment right now is going to serve anybody.  
2 So please take that into consideration.

3 CHAIRMAN FREEMAN: Tibor Gomory.

4 MR. GOMORY: My name is Tibor Gomory, 10290  
5 Church, Barrington Hills.

6 My biggest concern is the number of horses  
7 that are allowed to keep on five acres. I'm living  
8 next to 13 horses which are kept about 80 feet from my  
9 house. In December, January, February, (Inaudible)  
10 pick up the manure. I made a little calculation, one  
11 horse probably generated about ten pounds of waste a  
12 day. That's 90 days. That's 900 pounds. I'm ending  
13 up 9,000 pounds of waste next to my house. That's  
14 four half ton. That's not going to get removed in  
15 spring because at that time, it's all trampled into  
16 the ground. Mind you, the ten horses are not spread  
17 out on five acres. It's just compressing to  
18 one-and-a-half, maybe one acre. I think it's  
19 unacceptable. If I have to build a septic system for  
20 three bathrooms, we are having three of us, I think  
21 one acre is not enough for ten horses. Thank you.

22 CHAIRMAN FREEMAN: Jennifer Rousseau.

23 MS. ROUSSEAU: I'm Jennifer Rousseau, 127  
24 Buckley Road, Barrington Hills.

1           I've been really interested to hear  
2           everybody's comments tonight. I'm really actually  
3           quite happy to hear that so many people are in support  
4           of horse boarding here in Barrington Hills.

5           I just want to clarify one thing. For a  
6           long time, yes, horse boarding was an acceptable  
7           practice under the home occupation code, and it's not  
8           that that code has changed. What has changed is that  
9           there is now published language, not unpublished  
10          language, but published language that states that  
11          horse boarding does not comport with the intent of the  
12          code. This becomes a bullet that any disgruntled  
13          resident can use in a, in legal action against a  
14          boarding operation, and there is no judge who will  
15          contradict that published language. And it puts all  
16          of our horse boarding operations that currently exist  
17          in this town at risk.

18          The Jason Elder text amendment has offered a  
19          solution. It was presented in good faith, and it was  
20          presented with due consideration of all residents  
21          rights. It does adhere to all current code concerning  
22          waste management, lighting, traffic, nuisance, number  
23          of horses, building size, and floor ratio.

24          It does seek to protect in perpetuity a

1 landowner's ability to board horses and thus protect  
2 large tracts of land from development by providing a  
3 viable alternative use.

4           It does provide a solution completely  
5 compatible with the Village of Barrington Hills  
6 Comprehensive Plan.

7           We cannot do nothing because things have  
8 changed. This has nothing to do specifically with the  
9 neighbor-to-neighbor dispute. This has to do with  
10 the -- some of the outcome of that dispute.

11           What the text amendment does not do is it  
12 does not open the door to all commercial enterprise.  
13 It is a very specific permissible use under  
14 agriculture.

15           It is impossible to open a gas station, a  
16 convenient store, or a dry cleaners under the guise of  
17 horse boarding. It just won't happen.

18           It does provide specific regulatory language  
19 addressing waste management, disposal, lighting, hours  
20 of operation, traffic, which are not superseded by  
21 county and state rules. It does not give county and  
22 state government responsibility over mediation and  
23 settling issues.

24           There is a problem. Horse boarding is at

1 risk, and it's important for all residents who  
2 purportedly support horse boarding understand we need  
3 a solution. Doing nothing is not a neutral approach.  
4 It supports the destruction of all existing and future  
5 horse boarding operations one lawsuit at a time.

6 And I would maintain that if the ZBA does  
7 not act to protect horse boarding in a much more  
8 specific way than it's currently protected, then they  
9 are not doing due diligence on behalf of their  
10 residents and on behalf of the Village of Barrington  
11 Hills. Thank you for your time.

12 CHAIRMAN FREEMAN: Diana Joseph.

13 MS. JOSEPH: Hi, again. I have a couple of  
14 comments about some of the things that have occurred  
15 as well as the amendment at issue. Diana Joseph, 1  
16 Hickory Lane, Barrington Hills.

17 We have rules and governance because we are  
18 a civilized society. When the people in charge of  
19 enforcing the rules break them, it brings shame to  
20 most of us. If you would like to live in an  
21 uncivilized society, there's plenty of places that  
22 will have you.

23 I'm embarrassed also that we haven't  
24 entertained comments about conflicts of interest in

1 the people that serve us. The people up here are from  
2 our community. They are you and they are me. If you  
3 don't like their composition, you should move.

4 CHAIRMAN FREEMAN: Ma'am, you should turn  
5 towards us.

6 MS. JOSEPH: I appreciate the efforts and  
7 the time of everybody on the board, whether your views  
8 go along with mine or not. This is a thankless job.  
9 You spend a lot of your time and energy, and I am very  
10 grateful, as I'm sure everybody in this room is, for  
11 the amount of time you spend trying to do the right  
12 thing. The composition of the board represents the  
13 composition of our community.

14 I also want to remind everybody that  
15 commercial boarding has existed here in Barrington  
16 Hills for over 50 years. This is not a new issue.  
17 Has there been an influx of large barns? No, there  
18 hasn't. In fact, you will see over time that the  
19 large barns will become less and the people that have  
20 horses will become less because our taxes are high and  
21 horses are very expensive. And if you don't like the  
22 mess that the horses make, then maybe we should just  
23 open up for development, have lots of noise, and our  
24 taxes might even go down. But I don't think that

1 those are the goals of most of the people in this  
2 room.

3 Commercial boarding has been here for 50  
4 years. Commercial boarding is not, even when there  
5 was no unclarity, increasing in our town, nor do I  
6 think it will. I do think there should be  
7 protections, and I think people should know what they  
8 are entitled to do.

9 So boarding horses is an inherently  
10 unprofitable venture, and I think everybody really  
11 wants to spend time thinking about what happens to  
12 Barrington Hills when we don't have the big open  
13 spaces and when they are taken over by developers; and  
14 our taxes might go down, but I don't think most of us  
15 would want to live here. I think that the amendment,  
16 as proposed, is a good one and a fair one, and I hope  
17 that the board will consider it in its judgment.  
18 Thank you.

19 CHAIRMAN FREEMAN: Jim O'Donnell.

20 MR. O'DONNELL: Mr. Anderson and members of  
21 the board. I'm not going to repeat anything I said  
22 before. I do want to react, if you will, to the  
23 discussion related to this amendment that is silent on  
24 the necessity or the inclusion of small or five-acre

1 properties, which is the majority of the land use of  
2 the village, excluding large acreages, in that there's  
3 ten boarded horses allowed on those five acres.  
4 That's why I've got a horse in this race. That scares  
5 me as a resident. I like horses but not that much.

6 Then I hear that we got to save the big  
7 barns. Well, if you want to save the big barns, save  
8 them, but don't force ten horses plus your own on the  
9 property next to mine. It's wrong. It's dangerous.  
10 It's unsanitary. It's ugly and it's visible. Home  
11 occupation is invisible. I'm sorry I raised my voice,  
12 but this does make me angry.

13 So let's segregate that. If you are going  
14 to talk about this amendment, segregate. The boarding  
15 at those five-acre properties is not in any risk.  
16 It's been going on. We have clarity. We have  
17 clearness. We have "unconfusion". The Village has  
18 stated it's not a violation. It is allowed.

19 I heard a statement that said this board  
20 represents the composition of this village. I'm not  
21 the sharpest tack in the box, but I think with 400  
22 Riding Club members, and I'm one, and I'm counting my  
23 wife, one membership per household, 200 resident  
24 members in the directory versus 4,000 residents, does

1 this board represent the composition of this  
2 community? No. You know what represents the  
3 composition of the community, the community.

4 I plead, I besiege you, don't shove this  
5 down our throats. Let us have a vote. Let us have a  
6 referendum. That way you'll hear from the community,  
7 just as we voted last year. We removed some people  
8 from office and elected other people in. There's lots  
9 of controversy. Let the people vote on it and then  
10 they'll get what they ask for. Thank you.

11 MR. KOSIN: Please state your address and  
12 your name.

13 MR. O'DONNELL: Ridgcroft Lane.

14 MR. ANDERSON: Excuse me, I have a quick  
15 question for you. You were addressing me, so I figure  
16 I can talk to you directly as well.

17 You indicated that the density issue raised  
18 here is too high. What is proper density for horses  
19 on five acres in your opinion?

20 MR. O'DONNELL: I don't know.

21 MR. ANDERSON: Fair enough.

22 CHAIRMAN FREEMAN: All right. William  
23 Adair.

24 MR. ADAIR: Good evening. Thank you for the

1 opportunity for speaking. My name is William Adair.  
2 I'm at 100 Berron Lane.

3 Linda and I have lived here for the last 13  
4 years, and when we came here with the intention of  
5 having horses. We've had horses that were boarded  
6 when we lived outside of this community, and when we  
7 came we had the fortune of being able to board them on  
8 our own land. Not too long after we came here, we  
9 became members of the Riding Club, and one of the  
10 things that I began to understand was the issue of the  
11 tension around boarding horses here and horses on your  
12 property versus horses in boarding facilities.

13 It's interesting that while I was on the  
14 board of the Riding Club, and then later as the  
15 president of the Riding Club, the position of the  
16 Riding Club was to not have an increased regulation on  
17 horse boarding, not to put limits on it, not to have  
18 it "americized", (phonetic) if you will. And at that  
19 point, there were many people in the community who  
20 spoke against that, I mean, who wanted it rather, who  
21 wanted that kind of a limitation placed for the  
22 future. They are saying now it's been reversed.  
23 Riding Club has the position believing that this kind  
24 of specification within the zoning regulations will

1 protect the future of this community. And I think  
2 that's really what this is about. I really appreciate  
3 the passion from people here and it looks like  
4 everybody wants horses here, and I think that's great.  
5 The first thing we need to answer then is, is it at  
6 risk at this time given the recent (inaudible). I  
7 believe it is. Others here may not believe it is. I  
8 do believe it is. If it is at risk, given the legal  
9 environment, then I think we need to act. Now, if we  
10 need to act, how would we act about that? And I think  
11 putting, putting clarity on this so that people who  
12 are owners and can have -- want to have property and  
13 board commercially on their property, provide them  
14 security to do that for the long-term future.

15           One of the things that has been my own kind  
16 of personal journey about this is that when you look  
17 at the community and how will it be maintained as an  
18 equestrian community, fewer and fewer people move into  
19 this community and want to board horses on their own  
20 property. The only way that we will maintain an  
21 equestrian community is to allow for commercial  
22 boarding to support the presence of horses for those  
23 who do not wish to board on their own property. I  
24 think whatever combination of the elements of these

1 suggested zoning board -- zoning amendments that you  
2 choose, I think it's the right time, and I think the  
3 elements that are addressed in pretty much of them,  
4 all of them universally, with some variation, are  
5 important elements which will protect the long-term  
6 equestrian nature of the community. And thank you for  
7 the opportunity to speak.

8 CHAIRMAN FREEMAN: John Pappas.

9 MR. PAPPAS: Good evening, friends, Romans,  
10 and countrymen, please lend me your ear.

11 CHAIRMAN FREEMAN: Name and address.

12 MR. PAPPAS: My name is John Pappas, 23 West  
13 County Line Road.

14 I moved in just after the dinosaurs left. I  
15 would like to clarify a few things. I know that Dave  
16 Stieper knows this. The selective enforcement  
17 argument derived from the case of Yick Wo versus  
18 Hopkins in 1896. In about 1920, the Supreme Court  
19 stopped using the equal protection clause to challenge  
20 people for selective -- governments for selective  
21 enforcement. So that doesn't exist.

22 The second thing I'd like to say is if you  
23 go to the Village website -- isn't that right,  
24 Mr. Stieper?

1           MR. STIEPER: I'm just a member. I don't  
2 give legal opinions. I could be sued on those.

3           MR. PAPPAS: Okay. I'll defend you.

4           The other thing I'd like to say is if you go  
5 to the Village website about pollution caused by  
6 manure, the board of public health already studied  
7 this, and they came to the conclusion that the cause  
8 of spoiling of our ground water, you need to have  
9 about 100 animals on one acre. I hear you back there.  
10 You booed me the last time I said it, but why don't  
11 you go to the Village website. I invite you to do  
12 that, and you'll see the Department of Public Health  
13 came to that conclusion. Your department of public  
14 health. Our department of public health.

15           The last thing I'd like to say is -- two  
16 things. We really need clarity. I have a boarding  
17 facility, and I'm not comfortable with home  
18 occupation. I'm really not. I don't want to be  
19 sniped at by somebody that doesn't like me, which  
20 there are a lot of people.

21           The second thing that dismayed me was, it  
22 sounded like my ex-wife is here: If you don't agree  
23 with me, you can't ride on my property. Thank you.

24           CHAIRMAN FREEMAN: Jeryl Olson.

1 MS. OLSON: Jeryl Olson. I'm at 13 Wood  
2 Creek Road.

3 I've been a resident for 20 years. I'm a  
4 member of the Riding Club, and I was one of the people  
5 that worked with Jason Elder and counsel for the  
6 Riding Club of Barrington Hills in putting together  
7 their proposed text amendment. And a couple things I  
8 wanted to clarify.

9 I think you should note that there are  
10 actually two names on that proposed text amendment.  
11 It's both Riding Club of Barrington Hills and  
12 individually, Jason Elder. And we did that purposely  
13 because we anticipated that someone might have a  
14 problem with the Riding Club submitting something. I  
15 think, quite frankly, that the Riding Club does have a  
16 property interest in Barrington Hills, has standing  
17 under 5-10-6(B); but in any event, Jason Elder's name  
18 is on it individually and it's submitted individually  
19 also.

20 Couple things that -- Mr. Smolen wasn't able  
21 to be here today -- but I wanted to raise. He's  
22 counsel for the Riding Club and drafted this the text  
23 amendment. There was a concern apparently raised to  
24 him about whether Mr. Elder's address was required on

1 the submittal. He said it was not. He spoke with the  
2 clerk about it and determined that it wasn't necessary  
3 to have his personal address on there.

4 Another issue was raised as to whether or  
5 not a plat needed to be recorded when we were  
6 submitting the proposal, and he determined and we  
7 believe that no plat was necessary, and that under the  
8 circumstances given the text amendment applies to a  
9 huge portion of Barrington Hills, it would be  
10 unrealistic to have plat, plats, provided for every  
11 property in Barrington Hills that were affected by the  
12 text amendment.

13 Finally, I'd like to address a couple of  
14 issues that I heard during the -- during other  
15 testimony and comments that came up today. The Riding  
16 Club proposal does address many of the concerns that  
17 people raised today, the hours of operation, waste  
18 management, lighting, traffic, number of horses,  
19 porta-potties, the building and floor area ratio; and  
20 importantly, someone raised the issue of livery, but  
21 the Riding Club proposal specifically ask that livery  
22 not be allowed in Barrington Hills. So if you'll read  
23 the text amendments proposed by the Riding Club and by  
24 Jason, I think you'll see that they address almost all

1 of the issues that were raised tonight. And it was  
2 specifically the intent in putting these together to  
3 try and anticipate concerns that people would have and  
4 to put forth something that would be acceptable to the  
5 community, not hard and fast, anticipating that you  
6 guys would have the right to be able to make changes  
7 if you wanted to make them. But to put something out  
8 there that we felt would be reasonable, enforceable,  
9 and would work for the community. Thank you.

10 CHAIRMAN FREEMAN: John Cox.

11 MR. COX: Pass.

12 CHAIRMAN FREEMAN: Darcy Cox.

13 MS. COX: Pass.

14 CHAIRMAN FREEMAN: Catherine Keady.

15 MS. KEADY: Good evening. My name is  
16 Catherine Keady. I live at 47 Lakeview Lane,  
17 Barrington Hills.

18 My biggest mistake when I moved to  
19 Barrington Hills from the city was I live on a lake  
20 with no trails, and I'm a big horse person. I have a  
21 horse, and I wish to God I had bought on a trail  
22 instead of a lake.

23 Andy Thorson touched upon the history of the  
24 RCBH. You know, we are steeped deep in tradition and

1 history throughout many properties in Barrington  
2 Hills. I have a horse and it's been suggested that if  
3 we could get rid of maybe these big barns, that you  
4 just call your neighbor and just say, hey, you have an  
5 extra stall, can I put my horse on your property.  
6 That's clearly a person that doesn't understand  
7 horses. Horses are not like dogs. They are a prey  
8 animal that require someone to be on the premises at  
9 all times. They usually have a special feed. They  
10 have medication. They need to be trained. There are  
11 many disciplines to riding. They need an arena, which  
12 most backyard places do not have that have a two- to  
13 four-stall barn.

14           The other thing is, you know, a person, a  
15 friend of mine said to me, you know, nobody takes care  
16 of your horse like you do. Well, I don't have a barn  
17 on my property, but I have been fortunate to find a  
18 boarding facility that is knowledgeable, has  
19 expertise, and is loving and caring in regards to my  
20 horse, and that is essential in this community.

21           We, you know -- and it's also been said, you  
22 know, that 20, 30 percent of the RCBH members belong  
23 outside this community. We are a private club. We  
24 are not any different than the Country Club of

1 Barrington Hills. A lot of their members don't belong  
2 or don't live, I should say, in Barrington Hills, but  
3 these people support. As a riding club, we mow the  
4 heritage trails bridal paths in Barrington Hills and  
5 the forest preserve and a lot of these people ride in  
6 the forest preserves. We insure them. We do a lot of  
7 good things. We do a lot of philanthropic things  
8 throughout our community also. And I think we have a  
9 lot of common ground, the two oppositions. You know,  
10 we both want the wide open spaces. And people say  
11 well, I love seeing the horses, but, you know, they  
12 can't just be a few. Nobody can operate a barn with  
13 just a few horses. You don't do it for profit, but,  
14 you know, we all want the number of horses to be --

15 CHAIRMAN FREEMAN: You are out of time.

16 MS. KEADY: Sorry. I didn't see that sign.  
17 Anyway, I would just like to have you listen again to  
18 what Jennifer Rousseau said and vote for this text  
19 amendment by the Riding Club. We can't let it go. We  
20 are at risk. Thank you.

21 CHAIRMAN FREEMAN: Jack Reich.

22 MR. REICH: Jack Reich, 110 Brinker Road.

23 I'm actually a little disappointed that  
24 those that proposed the text amendment tonight -- are

1 you ready, Miss Freeman?

2 CHAIRMAN FREEMAN: Yes, I'm listening.

3 MR. REICH: I'm disappointed tonight that  
4 those that proposed the text amendment didn't explain  
5 some of the reasons why they suggested certain pieces.  
6 And I actually came here tonight hoping to learn a  
7 little bit about why they were proposing certain  
8 things; for instance, the two-plus horses per acre and  
9 one per box stall is something that concerns me also  
10 greatly. And as a person, and my wife, who  
11 experienced a very traumatic situation where there was  
12 abuse of horses and the number of horses next to us  
13 during a very difficult variance process when one of  
14 the members of the board actually said that the people  
15 didn't achieve the requirements of the variance but  
16 still voted for it, concerns me that what's been  
17 recommended tonight may be something that is very  
18 problematic to the village.

19 The second thing I'd like to address is the  
20 issue of process and communication. I'm very  
21 disappointed with chairperson and the members of the  
22 ZBA who chose to only follow the strict guidelines of  
23 the LMA and publish in a very small way on the agenda  
24 that there was a public hearing going to take place on

1 the website and in the classified ads. We know that  
2 in 2012 this was a very big issue for the community,  
3 and we would have hoped that there would have been a  
4 lot of time and notice, maybe in the newsletter,  
5 getting people involved in order to get the whole  
6 community involved in this process; and unfortunately,  
7 I don't believe that there was good communication on  
8 this.

9           Also, relative to the conflicts issues, I  
10 heard at the board of trustees meeting a couple of  
11 board of trustees meetings past that the counsel for  
12 the Village at the time, I believe it was -- I don't  
13 know if he was selected at the time, but Mr. Bond  
14 recommended that this issue not be listened to at this  
15 point, and that it be delayed for purposes or concern  
16 that it may influence the outcome of the litigation  
17 that's before us. And given all the issues that are  
18 involved with that litigation, it does appear to be a  
19 rush of judgment by the potentially conflicted members  
20 of the board at this particular hearing tonight.

21           And then finally, like everybody else that's  
22 spoken tonight, I, too, favor commercial boarding and  
23 love the equestrian community that's involved in the  
24 village; however, I don't want Barrington Hills to

1 become a commercial destination point for the  
2 surrounding areas, and I believe that the current text  
3 amendments before us are going to create Barrington  
4 Hills as a commercial destination place for people  
5 that are outside of Barrington Hills. Thank you.

6 MR. ANDERSON: Mr. Reich, one question.  
7 Again, you mentioned your concern about density. Do  
8 you have a number in mind that might be appropriate?

9 MR. REICH: If you look at some of the other  
10 villages, you hear about things like one per acre or  
11 one per grazeable acre seems to be more reasonable.

12 MR. ANDERSON: Thank you.

13 CHAIRMAN FREEMAN: Serge Uccetta.

14 MR. UCETTA: Pass.

15 CHAIRMAN FREEMAN: Brian Muche.

16 MR. MUCHE: Brian Muche, 159 Helm Road.

17 I think this is an excellent opportunity for  
18 the board to clarify its position as it relates to  
19 commercial boarding. I mentioned in my earlier  
20 comments how this would be an opportunity to bring the  
21 village consistent with other equestrian communities  
22 across the country. To bring it a little closer to  
23 home, the Illinois Department of Revenue publication  
24 122 just published July 2014, this month, in its

1 definition of land use defines horse boarding and  
2 training facilities: The boarding and training of  
3 horses regardless of the use for which the horses are  
4 being raised is generally considered to meet the  
5 keeping, raising, and feeding provisions of a farm  
6 definition pertaining to livestock.

7 Now, if this is the Department of Revenue  
8 saying that it's a farm definition, that sounds like  
9 agriculture to me. It certainly doesn't sound like  
10 home occupancy.

11 If you also look, I have another publication  
12 here from Lake County as far as what they describe  
13 agricultural uses in their zoning requirements. Now,  
14 again, this is for unincorporated Lake County, but in  
15 many respects, portions of Barrington Hills is much  
16 more -- has some characteristics to an unincorporated  
17 area versus a highly densely populated area.

18 Agriculture is defined in Lake County as the  
19 raising or keeping of livestock. Now, this is me  
20 paraphrasing, including horses and incidental  
21 structures for carrying out the above. A farm animal  
22 is defined as any animal customarily raised on farms  
23 rather than in residential areas, including horses.

24 So it's -- I think this would really be an

1 opportunity not only to be consistent with what other  
2 equestrian communities across the country are doing,  
3 but what also are happening in our neighboring areas.  
4 They have the same feeling on equestrian activity that  
5 it is agriculture.

6           If you look at McHenry County zoning  
7 ordinances, same thing there. You are looking at they  
8 have the state districts in this publication that I'm  
9 looking at. The zoning ordinances provide state  
10 districts for single-family dwellings, which are  
11 intended to be used as transitions between dense  
12 development and adjacent to existing municipalities  
13 and surrounding countryside. Agricultural purposes  
14 are allowed in the state districts. These are five  
15 acres and less districts. Over the keeping of farm  
16 animals must be in compliance with McHenry County  
17 animal control ordinance as well as McHenry County  
18 zoning ordinance.

19           Now, what's important is if we take this out  
20 of home occupancy and have it under its own  
21 classification, we can better regulate it so that you  
22 don't have to worry so you can put in provisions so  
23 that runoff can be addressed, setbacks from property  
24 lines so that we don't have these residents dealing

1 with horses right on their property lines. All of  
2 this can be addressed if we put it where it should be,  
3 which is consistent. Why do we need to be mavericks  
4 and try to shoehorn this into home occupancy. Let's  
5 put it where everyone else is putting it in  
6 agriculture. Thank you.

7 CHAIRMAN FREEMAN: George Hoffman. Did he  
8 leave? All right. Matt Yeterian.

9 MR. YETERIAN: My name is Matt Yeterian. I  
10 reside at 13 Deepwood Road.

11 By now I'm sure all of the obscene and  
12 recent mailer was sent to residents of Barrington  
13 Hills. I'm sure you also noticed it was filled with  
14 misleading copy intended to scare those who may be  
15 unfamiliar with the real issues. If I were to believe  
16 everything in that mailer, I, too, would have grave  
17 concerns about the proposed text amendment. I would  
18 hope that otherwise intelligent members of our  
19 community would not be so easily misled by a few.

20 My confidence lies with the members of the  
21 ZBA and the Village board of trustees to draft a text  
22 amendment that protects the approximately 20  
23 large-scale horse boarding barns have peacefully  
24 operated for decades in Barrington Hills. The

1 undeniable fact is that a recent court decision  
2 clearly puts these barns at risk each day that you  
3 delay the adoption of a text amendment.

4 The courts have decided that our home  
5 occupation ordinance regarding horse boarding is  
6 broken. It needs to be fixed. I encourage you to  
7 adopt the proposed text amendment as submitted by the  
8 Riding Club. Thank you so much.

9 CHAIRMAN FREEMAN: David Russo.

10 MR. RUSSO: David Russo, 11 Wood Creek Road.

11 I certainly I like what the Riding Club had  
12 to say when the Riding Club said that their  
13 suggestions were to keep this village looking the same  
14 as it is, has been all these years. And that was  
15 always the modus operandi of the plan commission was  
16 to keep the village looking the same, and that's what  
17 I think your job should be is to make it look the  
18 same. And I don't know whether you accept one  
19 amendment or the other amendment, I would like when  
20 you are done for it not to have changed.

21 One of my concerns is being -- I think all  
22 of us like it being a horse community. It seems like  
23 people are throwing around whether it's commercial or  
24 noncommercial. I'm rather offended by the horse

1 community's comments about and if you don't accept it,  
2 we are going to subdivide and we are going to have --  
3 it's going to look like Buffalo Grove. I don't think  
4 it's true. I think it's BS when they bring it up, and  
5 I think they have a lot of nerve throwing it out  
6 there. We all want it to look the same as it has  
7 been. We all like horses. It's a matter of how can  
8 you achieve that, whether it's their amendment or your  
9 own amendment, it's how you come up with a Village  
10 code that will allow basically what we've been doing  
11 all these years, but not change it. If you change it,  
12 I can tell you as a trail owner, I will certainly  
13 contact my neighbors and discuss how that change  
14 affects us. I think that would be a big mistake in  
15 the Riding Club if they put something in front of you  
16 that's going to upset the bridal path owners, and many  
17 of them are my neighbors. I love when the horse goes  
18 by. I just don't want hundreds going by, and I don't  
19 think that's the case, but the alarmists want to bring  
20 that up.

21           So I'm just saying when we are all done, I  
22 hope the community looks the same. Thank you.

23           CHAIRMAN FREEMAN: Bill Hannay. Did he  
24 leave? No, he's still here.

1 MR. HANNAY: Bill Hannay, 591 Plumtree Road.

2 I was struck by a theme that appears several  
3 times in remarks of those who are in favor of these  
4 text amendments, which is that the mitigation that has  
5 taken place has resulted in court opinions that have  
6 placed boarding operations under the home ordinance,  
7 home occupation ordinance, in jeopardy.

8 I, I've read those opinions. I don't  
9 purpose to be an expert on them. But I don't take  
10 that away from them. And because that seems to be  
11 such a critical part of the justification for doing  
12 something that if you don't do something to fix what  
13 these cases have decided, that people are going to  
14 have their operation in jeopardy. I think if you have  
15 not already done so, that you should get an opinion of  
16 counsel as to whether or not these court opinions  
17 have, in fact, decimated the ability of people in this  
18 community to do horse boarding under the home  
19 occupation ordinance. And so I would urge that on you  
20 as a, as an important step in your deliberations.

21 Thank you.

22 CHAIRMAN FREEMAN: Thank you. Jean  
23 Maddrell.

24 MS. MADDRELL: I'm Jean Maddrell, 10 Ashbury

1 Lane.

2           Fortunately for everybody here tonight, I  
3 took seriously that you had listed we could only speak  
4 one minute, so I have a very short comment. That was  
5 on the website that we could speak one minute.

6           This evening you, the ZBA, will be  
7 considering two text amendments. Your discussion of  
8 these text amendments should focus on what would be  
9 the best zoning of commercial horse boarding for the  
10 entire Village of Barrington Hills. The following is  
11 a brief summary of the text amendments as written and  
12 recorded this morning by the Barrington Hills  
13 Observer. And I do want to say yes, both these text  
14 amendments take care of operating hours and boards,  
15 but listen to how they take care of them, and this is  
16 a quote. As previously discussed, both horse boarding  
17 proposals call for expanding operating hours. That's  
18 not really taking care of operating hours. They  
19 changed them, and this is my part, from 8:00 a.m.,  
20 when the workers could arrive, to 6:00 a.m. I don't  
21 think that's favorable for the neighbors.

22           There's no limit to the number of employees  
23 or customers present on properties during those hours.  
24 Reduced protections for many Village code regulations

1 through reclassifying boarding properties from  
2 residential to agricultural use and allowing for as  
3 many as three horses per acre on boarding properties  
4 in residential neighborhoods. Needless to say, if  
5 approved, these text amendments could dramatically  
6 change the way we live in Barrington Hills and alter  
7 the rural residential open spaces most consider  
8 synonymous with our village, end quote.

9           Please do what is best for the entire  
10 Village of Barrington Hills when voting on these text  
11 amendments. I urge you turn them both down. I've  
12 asked you before at meetings, I think you need to form  
13 a committee of equestrian residents and non-equestrian  
14 residents and have a compromise of what would be best  
15 for commercial horse boarding in this village. Thank  
16 you.

17           CHAIRMAN FREEMAN: Barbara Kemp. Okay.  
18 Linda Fox.

19           MS. FOX: Hi, Linda Fox, 365 Bateman Road.  
20 I'm just going to speak really quickly in favor of the  
21 Riding Club amendment. I encourage you guys to vote  
22 for it as it's proposed.

23           One thing I did want to address, I wasn't  
24 really planning on speaking, but I wanted to express

1 my support of everyone on the zoning board's ability  
2 to consider this ordinance or this text amendment.  
3 None of you guys are commercial boarders and don't  
4 stand to profit anymore than any other resident of the  
5 community. So I'm not sure why anyone who owns a  
6 horse is unable to consider an amendment that  
7 addresses horses, and so I just want to support you  
8 guys voting on this. Thanks.

9 CHAIRMAN FREEMAN: At this time, the  
10 applicant, so that's you, Andy, has an opportunity to  
11 make closing remarks, if you would like.

12 MR. THORSON: I'm okay.

13 CHAIRMAN FREEMAN: You don't have any.  
14 Okay. So that provides an opportunity for people here  
15 on the ZBA to ask questions, if you have a clarifying  
16 question.

17 MR. CHAMBERS: One question I have.

18 CHAIRMAN FREEMAN: Is your question for  
19 Andy, just to make sure?

20 MR. CHAMBERS: Yeah.

21 CHAIRMAN FREEMAN: Andy, do you want to come  
22 up here and state your name and address one more time.

23 MR. THORSON: Andrew Thorson, 100 Dunrovin  
24 Drive.

1           MR. CHAMBERS: Section five under your  
2 proposal for boarding, breeding, riding of horses,  
3 section five talks about two horses per acre plus one  
4 horse for each box stall.

5           MR. THORSON: Yes.

6           MR. CHAMBERS: How many box stalls?

7           MR. THORSON: That would -- one thing I was  
8 just going to bring up when I wanted to raise my hand  
9 to speak. We would consider the floor area ratio to  
10 take precedence on that as well. So if you take -- is  
11 it .01? So if you take your house residence square  
12 footage and if you go to build a barn, I mean, that's  
13 the max. So I've got a 36 by 48 barn on my property,  
14 and I have four stalls and mine is six-and-a-half  
15 acres so.

16           MR. CHAMBERS: Shouldn't the ordinance be a  
17 little bit more specific?

18           MR. THORSON: Yeah, that's what I'm saying.  
19 You guys can change this ordinance or text amendment  
20 as you wish. And so we would be open to including the  
21 floor area ratio in there.

22           CHAIRMAN FREEMAN: Okay.

23           MR. THORSON: Anything else?

24           CHAIRMAN FREEMAN: All right. Thank you.

1 Mr. Kosin, if I understand, if I close the public  
2 hearing then on the Elder slash Riding Club  
3 amendment -- oddly, you told me they were going to  
4 kick us out at 10:00 o'clock. So is that still the  
5 case?

6 MR. KOSIN: 10:30 is the --

7 CHAIRMAN FREEMAN: So they are not going to  
8 kick us out at 10:00. We have 30 more minutes?

9 MR. KOSIN: That's the announcement 10:00 to  
10 10:30.

11 CHAIRMAN FREEMAN: Okay. Because we are  
12 done with the public comment sheets. So if I close  
13 the public hearing on that, then we go into the public  
14 meeting. And if I go back to my agenda, I think the  
15 agenda actually has, because every public meeting has  
16 public comment as part of the public meeting, so we  
17 can take public comment, which means that you don't  
18 have to comment on an amendment, but this is regular  
19 public comment. It's not about an amendment. So if  
20 anyone wants to speak, they can come up and be sworn  
21 in. I can offer that up.

22 MS. DICKSON: They don't have to be sworn in  
23 if it's just a statement.

24 CHAIRMAN FREEMAN: Oh, okay. So they don't

1 have to be. Okay. So does anyone want to engage in  
2 public comment at this time? Okay. All right.

3 So then we open discussion on the horse  
4 boarding text amendments, which means that public  
5 comment is closed. It's a big crowd, so I just want  
6 to be really clear you are no longer part of the  
7 discussion. That being the case, we as a group can --  
8 we need a comfort break for Member Anderson.

9 MR. ANDERSON: Thanks for telling the  
10 audience, Judy.

11 CHAIRMAN FREEMAN: We have to have our own  
12 humor here. Does anyone else need to break?

13 (Short break.)

14 CHAIRMAN FREEMAN: The suggestion has been  
15 made by Mr. Kosin and Mrs. Dickson that we actually  
16 defer our discussion until the next meeting because  
17 it's ten after ten. However, just from a ZBA member  
18 perspective, there are two other matters that  
19 Mr. Kosin would like to get on the docket. So the  
20 suggestion was that we agree on a date to have a  
21 special meeting in between this evening and the August  
22 meeting so that those two matters on the docket, one  
23 is a setback variance and the other is a an appeal of  
24 the zoning violation, that we can make sure that we

1 have a quorum if we have a special meeting. Okay.

2 So in terms of dates, I just want to make  
3 sure I can poll people to figure out if -- when is the  
4 date of our next regular meeting, Bob?

5 MR. KOSIN: The next regular meeting is  
6 August 18th.

7 CHAIRMAN FREEMAN: Okay. So just because  
8 this is so much fun and we want to meet as often as  
9 possible, what about, I guess, the first week of  
10 August? What is the Monday, the first Monday in  
11 August?

12 MS. DICKSON: The 4th.

13 CHAIRMAN FREEMAN: The 4th. What can people  
14 do on August 4th? Is that a no? Bob, can you publish  
15 by then for the two matters? Can you publish by  
16 August 4th or do we need more time?

17 MS. DICKSON: No.

18 CHAIRMAN FREEMAN: What do you --

19 MS. DICKSON: For the variation, we could  
20 not see -- if you are trying to accommodate both the  
21 variation and the appeal, you would have to have it --

22 CHAIRMAN FREEMAN: What's the first date,  
23 the 11th or?

24 MS. DICKSON: I don't think you could fit in

1 a special meeting before the 18th.

2 CHAIRMAN FREEMAN: Oh, okay. So we have to  
3 have it after the 18th. We could do that.

4 MS. DICKSON: You'd have to count like 18  
5 days out, 19 days out.

6 CHAIRMAN FREEMAN: Okay. That's fine.

7 MS. DICKSON: Mr. Kosin --

8 CHAIRMAN FREEMAN: Can we do it on the 25th,  
9 the special meeting?

10 MS. DICKSON: What Mr. Kosin is suggesting  
11 is if you are going to have a special meeting, he said  
12 historically you had it the Wednesday after that  
13 Monday because that's the quickest.

14 CHAIRMAN FREEMAN: Yeah, but we all got  
15 really kind of -- we were all a little taxed by that.  
16 Not that this isn't fun, but that was taxing. What  
17 about Monday the 25th?

18 MS. DICKSON: That's a board meeting.

19 CHAIRMAN FREEMAN: Oh. All right. Then  
20 what about Wednesday the 27th?

21 MS. DICKSON: Wednesday the 27th.

22 CHAIRMAN FREEMAN: Would that work from a  
23 noticing perspective then? What about people's  
24 schedules? That's August 27th is what I'm suggesting.

1 Oh. Okay. Any conflict?

2 MR. ANDERSON: No.

3 CHAIRMAN FREEMAN: Karen? Dick? David, you  
4 are all right?

5 MR. STIEPER: Yeah.

6 CHAIRMAN FREEMAN: Mr. Kosin, can we try for  
7 the 27th then?

8 MR. KOSIN: Yes, we can.

9 CHAIRMAN FREEMAN: So you can send out a  
10 note to everybody so that --

11 MR. KOSIN: Right.

12 CHAIRMAN FREEMAN: Okay. So with that said,  
13 then we are going to adjourn this meeting. Do I need  
14 to do anything else?

15 MS. DICKSON: Do you want to make clear that  
16 the meeting on the 18th is going to be only the  
17 discussion.

18 CHAIRMAN FREEMAN: The regularly scheduled  
19 August meeting will cover this issue.

20 MS. DICKSON: It will be the continuation.

21 CHAIRMAN FREEMAN: Then the 27th will cover  
22 the two other matters. Yeah. Yeah. Okay.

23 MS. DICKSON: Is there a motion to adjourn?

24 CHAIRMAN FREEMAN: Yeah.

1 MR. ANDERSON: Motion to adjourn.

2 MR. BENKENDORF: Second.

3 CHAIRMAN FREEMAN: We are adjourned at

4 10:10.

5 (WHICH WAS AND IS ALL OF THE  
6 MATTERS PRESENTED AT SAID MEETING.)

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF C O O K )  
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5 I, CYNTHIA L. PEESEL, Certified  
6 Shorthand Reporter and Notary Public doing business in  
7 the City of Chicago, County of Cook, and State of  
8 Illinois, state that I reported in machine shorthand  
9 the matters presented at the public meeting of the  
10 Barrington Hills Zoning Board of Appeals on the 21st  
11 day of July, 2014, and that the foregoing is a true  
12 and correct transcript of my shorthand notes so taken  
13 as aforesaid, and contains all the matters presented  
14 at said meeting, to the best of my knowledge and  
15 ability.

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Cynthia L. Peesel, CSR  
License No. 084-002656  
July 29, 2014

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