

ZONING BOARD OF APPEALS
BARRINGTON HILLS, ILLINOIS

ZONING TEXT AMENDMENT)
(CONTINUED) ARTIFICIAL LIGHTING,)
EXTERIOR)
)
7 JENNIFER COURT)
FLOOR AREA RATIO - VARIANCE)
)
SUCH OTHER BUSINESS AS MAY BE)
PRESENTED)

REPORT OF PROCEEDINGS at the hearing of the
above-entitled cause before JONATHAN J. KNIGHT, Zoning
Board of Appeals Chairman, at Countryside School, 205
West County Line Road, Barrington Hills, Illinois, on
the 17th day of May, 2010, at the hour of 7:30 p.m.

ZONING BOARD OF APPEALS MEMBERS PRESENT:

MR. JONATHAN J. KNIGHT, Chairman
MR. JUDITH FREEMAN
MR. KURT ANDERSON
MS. KAREN ROSENE
MR. BYRON JOHNSON
MR. GEORGE MULLEN
MS. NANCY MASTERSON

ALSO PRESENT:

MR. ROBERT KOSIN, Director
MR. JOSEPH von MEIER, Village Attorney

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

ZONING BOARD OF APPEALS
BARRINGTON HILLS, ILLINOIS

ZONING TEXT AMENDMENT)
(CONTINUED) ARTIFICIAL LIGHTING,)
EXTERIOR)

7 JENNIFER COURT)
FLOOR AREA RATIO - VARIANCE)

SUCH OTHER BUSINESS AS MAY BE)
PRESENTED)

REPORT OF PROCEEDINGS at the hearing of the
above-entitled cause before JONATHAN J. KNIGHT, Zoning
Board of Appeals Chairman, at Countryside School, 205
West County Line Road, Barrington Hills, Illinois, on
the 17th day of May, 2010, at the hour of 7:30 p.m.

ZONING BOARD OF APPEALS MEMBERS PRESENT:

- MR. JONATHAN J. KNIGHT, Chairman
- MR. JUDITH FREEMAN
- MR. KURT ANDERSON
- MS. KAREN ROSENE
- MR. BYRON JOHNSON
- MR. GEORGE MULLEN
- MS. NANCY MASTERSON

ALSO PRESENT:

- MR. ROBERT KOSIN, Director
- MR. JOSEPH von MEIER, 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 KNIGHT: I'd like to call to order
4 this meeting of the Village of Barrington Hills Zoning
5 Board of Appeals, Monday, May 17th, 2010. This is our
6 regularly scheduled meeting. Could we have a roll
7 call please.

8 COURT REPORTER: Member Freeman.
9 MS. FREEMAN: Here.

10 COURT REPORTER: Member Anderson.
11 MR. ANDERSON: Here.

12 COURT REPORTER: Member Rosene.
13 MS. ROSENE: Here.

14 COURT REPORTER: Member Johnson.
15 MR. JOHNSON: Here.

16 COURT REPORTER: Member Mullen.
17 MR. MULLEN: Here.

18 COURT REPORTER: Member Masterson.
19 MS. MASTERSON: Here.

20 COURT REPORTER: Chairman Knight.
21 CHAIRMAN KNIGHT: Here.

22 Since there won't be any public
23 participation tonight, I don't believe there's any
24 need to swear anybody in unless we have questions of

I N D E X

	PAGE
1	
2	
3	ZONING TEXT AMENDMENT..... 6
4	7 JENNIFER COURT 4
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	

1 many individuals. The members of the Plan Commission
2 I don't think need to be sworn in.

3 7 JENNIFER COURT
4 FLOOR AREA RATIO - VARIANCE

5 CHAIRMAN KNIGHT: I'm going to go out of
6 order on the agenda. There is a request for variation
7 for the property at 7 Jennifer Court. Mr. Kosin,
8 would you introduce that.

9 MR. KOSIN: I don't know if the applicant is
10 here.

11 CHAIRMAN KNIGHT: Is the applicant here?

12 MR. HIXSON: We are here.

13 MR. KOSIN: The facts that we have that we
14 ordinarily present to you concerns the notice, and the
15 property was not posted in that regard. If it is the
16 direction of this board, we will cure that by the
17 meeting --

18 CHAIRMAN KNIGHT: That's a requirement of a
19 variance to post a sign on the property.

20 MS. ROSENE: I saw the sign yesterday.

21 CHAIRMAN KNIGHT: It has to be posted within
22 the statutory limitations. What is that again,
23 Mr. Kosin?

24 MR. KOSIN: It's 15 days in advance.

1 CHAIRMAN KNIGHT: Fifteen days.
 2 MR. KOSIN: So if it is the direction of
 3 this board, we will continue this with curing the
 4 notice.
 5 CHAIRMAN KNIGHT: What is the date of our
 6 next meeting?
 7 MR. KOSIN: I believe that's May the 21st --
 8 June 21st.
 9 CHAIRMAN KNIGHT: June 21st is the regularly
 10 scheduled meeting. I'll entertain a motion to.
 11 MR. JOHNSON: So moved.
 12 CHAIRMAN KNIGHT: Mr. Johnson made the
 13 motion to continue the matter of Jennifer Court to our
 14 June 21st and seconded by Mr. Mullen. All in favor?
 15 (Chorus of ayes.)
 16 CHAIRMAN KNIGHT: No nays. The matter is
 17 continued until June 21st.
 18 We are not treating anybody any differently.
 19 There are statutory requirements when you request a
 20 variance and that's just what the rules are. It
 21 happens. I'm sorry that you had to go through the
 22 time and effort but we'll hear your situation next
 23 month.
 24

1 ZONING TEXT AMENDMENT (CONTINUED)
 2 ARTIFICIAL LIGHTING, EXTERIOR
 3 CHAIRMAN KNIGHT: Moving on, the next matter
 4 is the zoning text amendment for artificial lighting.
 5 Just for recap on that issue, we've had, let's see,
 6 October, November, January, February, March, we've had
 7 five meetings on the topic. We have heard
 8 presentations from various people. We have opened the
 9 hearings to questions.
 10 There's some people I know that have said
 11 they didn't have an opportunity to speak but let me
 12 remind everyone what's involved in that process. We
 13 had one full meeting that we devoted to questions from
 14 the audience. At the first presentation we opened the
 15 floor to questions. At the previous meeting, we
 16 opened the floor to questions when the study on lights
 17 was given. One gentleman did come up and say, well,
 18 can I be heard and apparently voiced his opinion in a
 19 newspaper.
 20 The other thing that I want to add about
 21 that is that we are happy to hear, and that's part of
 22 our obligation in this type of a hearing is to hear
 23 what the public is thinking on an issue, but the other
 24 thing is it would be nonproductive for us to sit up

1 here and listen to 30 people come up and say the same
 2 thing. I will say that we were pretty lax in that.
 3 We heard a lot of similar comments from a lot of
 4 people but I felt that under the conditions, I let
 5 that go, you know, that's fine. So I don't believe
 6 there's anybody that can fairly say they weren't given
 7 an opportunity to speak before this board.
 8 This is a legislative hearing, unlike an
 9 administrative or quasi judicial hearing. The
 10 difference being that in a quasi judicial hearing or
 11 administrative hearing, there's an issue before this
 12 board that concerns a single piece of property. That
 13 could be a variance, a special use permit, what have
 14 you. The procedural rules under those types of
 15 hearings are very strict as far as taking testimony,
 16 what have you.
 17 On a legislative situation, it's a little
 18 different, and I'm sure you've noticed that we aren't
 19 quite as tight and it really is an opportunity for the
 20 public to speak their mind on an issue. We had lots
 21 of people speak about it and at this point in time we
 22 don't have a text amendment in front of us. What we
 23 have is a basis for discussion.
 24 The Plan Commission prepared a draft

1 amendment, if you will, which is the basis for our
 2 discussion. We've not had that discussion yet. We've
 3 listened to everybody talk. We haven't even discussed
 4 it yet and there are some people that are surprised to
 5 have heard that at this point. So that's why we've
 6 stopped the public testimony. We've heard what we
 7 have to hear. I think we are sensitive to the
 8 concerns of the community and this evening we are
 9 going to talk about the process.
 10 I will ask each one of the board members
 11 where they stand, what they feel as to what they have
 12 heard to this point and then we will look at the draft
 13 amendment to see what our board feels as far as what
 14 might be applicable to the situation and what might
 15 not be. So if you'll bear with us, I appreciate your
 16 cooperation. We are going to get started on that.
 17 Following questioning of the board members,
 18 we'll get to this and then we'll start the task of
 19 coming up with our choices. And I've stated before we
 20 have a number of options open to us as a board. We
 21 could reject this out of hand. We could amend what is
 22 here for recommendation to the board or we could draft
 23 something entirely different for recommendation to the
 24 board. So we have a lot of flexibility here.

1 The same flexibility that the Board of
2 Trustees, who are the elected officials, will have
3 once they receive our recommendation. We make a
4 recommendation to them. They are the elected
5 officials and they make the decisions. We only
6 recommend in this instance and at that time they'll
7 have the choice to accept it, reject it, amendment it,
8 whatever they want to do. So that's the process. And
9 every member of the public that wishes to speak, I'm
10 sure will be given that opportunity at the Board of
11 Trustees level. So this is not the last time that
12 somebody is going to hear from anybody that wants to
13 speak on the issue.

14 I'm going to start now -- I'll start with
15 Mr. Johnson. Member Johnson, do you have any comments
16 you'd like to make as to your observations and what
17 your feelings are?

18 MR. JOHNSON: Obviously, we've been through
19 this for several months so I've got some overall
20 conclusions that I've reached based upon what I've
21 heard and what I've read.

22 My overall conclusion is the current rules
23 that we have with respect to exterior lighting in the
24 village could be updated in order to be more

1 consistent with the other provisions of the code
2 dealing with what property owners may or may not do
3 with respect to their property. Particularly, such as
4 the rules dealing with home occupation, Section
5 5-3-4(D), Regulations for Specific Uses.

6 During the public hearings there was little,
7 if any, testimony presented that indicated there was
8 serious problems in the village with respect to
9 exterior lighting. In fact, it was reported that the
10 village engineer informed the Plan Commission that he
11 did not identify any light pollution in Barrington
12 Hills.

13 Many of the issues discussed through the
14 public hearings really came down to personal opinion.
15 Some residents like lights, some residents don't like
16 lights. So who is right?

17 There were certainly many comments during
18 the public hearings that indicated many residents do
19 not feel anyone has the right to impose their personal
20 opinions on other residents when it comes to how they
21 wish to use exterior lighting on their properties as
22 long as it don't also light up their neighbor's
23 properties and so forth.

24 There was substantial concern expressed

1 during the public hearings as to the perceived
2 negative impact the proposed rules would have on
3 security of the residents. There was also substantial
4 concern expressed as to the cost that would be
5 incurred in order to comply with these proposed rules.
6 Many of the residents testified that they had only
7 recently installed lighting that would be viewed as
8 non-compliant, based upon their understanding of the
9 proposed rules.

10 Numerous objections were raised during the
11 public hearings as to the nature of the proposed
12 rules, that is, that the Village would be dictating
13 mandatory restrictions on exterior lighting without
14 explaining what problem is going to be solved as a
15 result of the implementation of such requirements.

16 The proposed rules are very, very detailed
17 and would appear to be difficult, if not impossible,
18 to enforce. The proper term would probably be
19 administratively not feasible. One should be able to
20 read a set of rules and determine whether they are in
21 compliance. The exception might be the rules of the
22 IRS. I don't believe many residents are in the
23 position to tell you today whether they would be in
24 compliance with these rules if they were adopted by

1 the village trustees.

2 While the proponents of the proposal argue
3 that the Village's Comprehensive Plan required the
4 implementation of such requirements, that assertion
5 was questioned by many and in my opinion is in doubt.
6 The Plan appears to call for promoting the type of
7 lighting proposed to be required in the proposed rules
8 as opposed to requiring such lighting. For example,
9 if you look at page, if I have it here, 51 of the
10 Comprehensive Plan, you'll find that the issues
11 addressed are three major areas: Light trespass,
12 glare and urban sky glow. The question, are these
13 three areas currently an issue in Barrington Hills.
14 For example, quote, the Village should promote a
15 low-lit rural atmosphere where artificial light is
16 minimized and where the natural darkness is maximized.
17 My question would be, is promote the same as require.

18 It goes on to say, The International Dark
19 Sky Association provides a listing of recommended
20 light fixtures used in the illumination of residences,
21 landscaping, roadways and other elements of the built
22 environment. The Village should disseminate this
23 information to all residents of Barrington Hills.

24 Again, I would ask the question, should disseminate

1 result in requiring the use of such recommended light
2 fixtures by the Dark Sky Association.

3 As a result of the work performed by the
4 Plan Commission, and it was a lot of work, there
5 certainly is a substantial amount of information that
6 could be utilized by the Village informing interested
7 residents what types of lighting fixtures and
8 practices are available.

9 To me, an alternative would be to clean up
10 the current requirements and continue to require the
11 residents to maintain an environment free from light
12 trespass, light pollution and urban glow. However,
13 consistent with the code provisions like those found
14 in the home occupation rules, enforcement would have
15 to rely on common sense and would be handled on a
16 case-by-case basis as opposed to imposing very
17 specific requirements on all residents of the village,
18 regardless of whether they are part of any perceived
19 problem.

20 For example, in the home occupation rules,
21 it provides that the residents should be free from
22 nuisances, excessive noise, excessive light and
23 excessive traffic. However, the rules adopted by the
24 Village do not, for example, how one comes to

1 determine whether excessive noise is being generated
2 by home occupation. The assumption is we will know it
3 when we see it, and we do hear cases like that.

4 While you'll find some very specific
5 requirements in the home occupation rules, you'll also
6 find they are easy to monitor and, if necessary,
7 enforce. For example, there's a limitation in the
8 home occupation rules that you can only have two
9 nonfamily members as employees. There's no magic to
10 that number but it's there. Also, it's easy to
11 enforce. Also, no signs are allowed. Again, very
12 easy to monitor and enforce. To me, that's what we
13 need when we come to looking at the exterior lighting.

14 While I considered going through the 17-page
15 proposal page by page and marking it up into something
16 that I would support, recommending for consideration
17 to the village trustees, as an alternative I have
18 drafted a document that is free from inserts and
19 deletions and amounts to about one page and a half and
20 if this board is interested, I'd offer that as a
21 summary of where I am with respect to the proposal.

22 CHAIRMAN KNIGHT: I'd like you to hold that
23 until I hear the other comments as to the direction
24 people wish to take.

1 MR. JOHNSON: Okay.

2 CHAIRMAN KNIGHT: Member Masterson?

3 MS. MASTERSON: Well, I have a lot of the
4 same points, but I'm going to go ahead and read them,
5 my comments.

6 The Village of Barrington Hills' exterior
7 lighting ordinance proposed as a new chapter under
8 Title V has seven points as reasons to limit the
9 amount of light emitted from our properties in
10 Barrington Hills: Consistent with Comprehensive Plan;
11 promote health, safety, welfare of residents; value
12 the natural environment; detrimental effect to
13 wildlife; safety from glare for pedestrian cyclists
14 and motorists; clear set of guidelines to follow;
15 promote sound environmental policies.

16 All of these points are reasons for most of
17 us to live in Barrington Hills. However, many of our
18 residents have voiced concerns over the past six
19 months of testimony: Investments in lighting no
20 longer allowed to be used; safety concerns of reduced
21 lighting; restrictions a burden to follow; rights of
22 citizens violated; and how to police such an
23 ordinance.

24 I do feel that our nation's use of energy is

1 excessive, but I have my doubts whether Barrington
2 Hills falls in that category. I do feel that we need
3 to continue to use our newsletters and website to
4 promote as little artificial out light -- outdoor
5 lighting as possible. We need to all work together to
6 come to a common ground on preserving the important
7 natural lighting of the skies.

8 CHAIRMAN KNIGHT: Do you have any follow-up
9 comments on, you know, what direction we might take as
10 far as looking at, you know, the draft amendment and
11 working with that or taking a different approach?

12 MS. MASTERSON: Well, that is so specific, I
13 wanted to just give you my overall comments because it
14 is so detailed that I question whether that is all
15 necessary until we go through it step by step.

16 CHAIRMAN KNIGHT: Thank you. Mr. Mullen?

17 MR. MULLEN: Well, actually, I was impressed
18 with the ordinance that was submitted and its
19 structure. It was very simple to understand,
20 definitions, procedures, residential, nonresidential.
21 So I took a little different tact than Byron did and
22 rather than start from scratch and do an ordinance, I
23 went through this ordinance page by page, took out,
24 scratched out what I didn't agree with, left in what I

1 agreed with and modified some of the things that I
 2 thought needed language changes.
 3 CHAIRMAN KNIGHT: So you would like to --
 4 MR. MULLEN: Well, I just saw Byron's
 5 ordinance right now and I think there's a lot of
 6 things that the other ordinance covers that this one
 7 doesn't, so I would probably need, you know, some time
 8 to go through his ordinance and compare it to the
 9 other one, since I spent all my time working on the
 10 proposed ordinance.
 11 CHAIRMAN KNIGHT: Okay.
 12 MR. JOHNSON: Can I make one comment? I
 13 showed George my page and a half tonight but the way I
 14 wrote that up, George, was not like -- obviously,
 15 people know I have no pride of authorship, but I just
 16 used that as a way of saying here is what I would
 17 support. It doesn't mean I wouldn't add to it but
 18 it's just a basis.
 19 MR. MULLEN: Okay. But if you want to add
 20 something, we need more time.
 21 MR. JOHNSON: Yeah, sure.
 22 MR. MULLEN: The other one I prepared
 23 tonight to go through that ordinance page by page,
 24 paragraph by paragraph and line by line.

1 CHAIRMAN KNIGHT: Okay. Member Rosene?
 2 MS. ROSENE: Well, I looked at the ordinance
 3 a lot and I did my own little primer. I don't think
 4 it's all that -- I don't think it's all that
 5 complicated. I think there are things that need to be
 6 explained and some things that need to be changed but
 7 I didn't really have a problem with it. I thought the
 8 impact study was very helpful. I wasn't here at the
 9 last meeting but I read it carefully and I think --
 10 like I see there's some adjustments to the wording to
 11 eliminate a couple of inconsistencies and errors, not
 12 very many of them, and I have questions about security
 13 lighting. I still don't quite understand what it is.
 14 I trust it is not exempt in the residential 10,000
 15 lumens; is that right?
 16 CHAIRMAN KNIGHT: I think when we get to
 17 specific questions, we can answer them rather than
 18 doing that now.
 19 MS. ROSENE: But the reason I mention that
 20 is I would like very much to have that defined in the
 21 definitions. I believe we need to grandfather some of
 22 the fixtures and hope that the residents will comply
 23 to the extent that they can. But I do find it simple.
 24 I think basically it says lighting shall be such that

1 there is no glare, trespass or excessive lighting and
 2 all three of those are defined.
 3 The specifics of it are easy. I think
 4 excessive lighting is a problem and Byron doesn't, but
 5 I read some of the -- I've talked to some people and
 6 there are plenty of letters in our -- in the
 7 correspondence that we got that indicate that people
 8 are displeased with it, and I look just in the last
 9 eight or nine years, I used to be able to watch the
 10 sun come up in the east and now there's simply sky
 11 glow all the time, all night, you know, in Barrington
 12 Hills.
 13 CHAIRMAN KNIGHT: You know, everybody, we
 14 listened to your comments and we are having a
 15 discussion on this board, so I would appreciate your
 16 cooperation and, you know, keeping it down.
 17 MS. ROSENE: I, too, went through and picked
 18 out what I thought were important things other than
 19 the definitions were the most important things to me
 20 and I would love to be able to share this with my
 21 fellow board members.
 22 CHAIRMAN KNIGHT: All right. Thank you.
 23 Member Freeman?
 24 MS. FREEMAN: You know, I think the good

1 news is I didn't really know what anybody was
 2 thinking, but I was kind of relieved because I do
 3 think there's a lot of common thinking going on at the
 4 table and, you know, my thought process was really
 5 around this threshold question, right, of the three
 6 choices, Jonathan, that you laid out to us at the
 7 outset which is we can accept the proposal, we can
 8 reject the proposal or we can seek to amend the
 9 proposal.
 10 And so my thought process was, well, that's
 11 our threshold question because two of those three
 12 answers lead to no further action on our part and one
 13 of them leads to further action. So I thought, well,
 14 I'm simple minded, let me start there and understand
 15 how my colleagues feel and then we'll determine where
 16 we go from there.
 17 So I went back to the very beginning of, you
 18 know, why would the Village go to the Plan Commission
 19 in the first place and ask them to draft this. And in
 20 understanding that, you know, my understanding is that
 21 the Village identified an inconsistency between the
 22 Comprehensive Plan and the current zoning ordinances
 23 and that was described by Dave Stieper when he came
 24 and spoke to us in October of 2009, which is like

1 seven months ago.
 2 So I did a little homework on that because
 3 that's a real foundational question for me, you know,
 4 is there a problem that needs to be solved and if
 5 there isn't a problem that needs to be solved, then
 6 maybe we shouldn't be investing this type of effort.
 7 So I went back and read pieces of the Duda
 8 disconnection because Dave mentioned that case. I
 9 read a piece of the Iatorolla and then I also went in
 10 and did some research on these LaSalle Factors because
 11 I didn't know what they were and so this was the first
 12 time I heard that.

13 And in reading through this information and
 14 in understanding what's in our Comprehensive Plan, and
 15 I will admit I hadn't read that before either, which
 16 is probably really bad as a zoning member not to have
 17 read it cover to cover, I'd only read pieces of it, I
 18 do believe that I understand now why the Village asked
 19 the Plan Commission to do this.

20 And as a resident and as someone who has
 21 looked at the zoning map that we had to approve in
 22 early 2010 and the fact that the 2005 map had hundreds
 23 of acres of village property on it that are now gone
 24 in 2010, you know, if we are not here to support -- if

1 zoning isn't here to support the Comprehensive Plan,
 2 then I don't know why I'm here and I don't know why
 3 the Zoning Board exists. So I have a pretty strong
 4 feeling here that there's a reason why the Plan
 5 Commission did what they did and that zoning must be
 6 consistent with the Comprehensive Plan.

7 When I went through and took notes on
 8 everyone's testimony, there are a lot of reasons to
 9 amend what's in this draft and a lot of very valid
 10 reasons to amend it. I understand people's concerns
 11 about safety. I understand people's concerns about
 12 economic investment. I understand people's concerns
 13 about restrictions of any kind, although, I do have
 14 to -- I do have to say that from a zoning perspective,
 15 and it's a very tough concept because we deal with it
 16 all the time, like on the variance that's going to be
 17 before us next month, everyone wants to feel like they
 18 can do whatever they want on their property and I
 19 actually had some very nice friends, you know, say I
 20 want to do whatever I want on my five acres and I said
 21 okay, well, when the guy next door to you wants to put
 22 in a Chinese restaurant, are you still going to feel
 23 that way. And that's why there's zoning. It's really
 24 not to protect your rights, it's actually to protect

1 your property values.
 2 So my concern is that people are very
 3 focused on they want to do whatever they want to do,
 4 not realizing the damage that can be done by others.
 5 And a couple of people made really good points about
 6 their rights and saying that most people will do the
 7 right thing, therefore, we don't need an ordinance. I
 8 absolutely agree. I think that it's ashame that
 9 90 percent of the people in the village have very
 10 low-key lighting that would be very close to complying
 11 with whatever we end up putting out and that we are
 12 all kind of managing the 10 percent factor. So that's
 13 a frustration but the zoning ordinance has to support
 14 the Comprehensive Plan or, you know, there will be a
 15 defect that eventually will come out and be harmful,
 16 and I don't want to find out ten years from now that
 17 we lost another piece of property because a
 18 developer's attorney was able to find a latent defect
 19 in our zoning. That's why we exist. So I can't
 20 accept the let's do nothing and hope that nothing bad
 21 happens type of approach.

22 Another comment someone made, restrictions
 23 on property use reduce property values. I did talk to
 24 two different real estate attorneys to talk about

1 zoning because zoning is a restriction on property
 2 use, that is its definition, and they were very clear
 3 that the purpose of zoning is to increase property
 4 values. And one cited unincorporated Palatine where
 5 because there was no zoning, there is a single-family
 6 home next door to a strip club and that's an extreme
 7 example but that's what happens when you have no
 8 zoning.

9 So just at a foundational level, I had a lot
 10 of difficulty accepting the argument that we can do
 11 nothing as a group and hope that nothing bad will
 12 happen as an outcome. So I would like to amend what's
 13 here. I think there are a lot of restrictions in here
 14 that are not necessary to preserve the integrity of
 15 the village and when I go back to the Comprehensive
 16 Plan and look at a rural equestrian village and what
 17 that really means, I think we can accomplish all of
 18 that and I'm really anxious to see what, George, it
 19 sounds like you spent a lot of time on this and Byron
 20 too, I'm anxious to see what people think.

21 But I walked into this meeting looking to
 22 amend what's here and try and make it something that
 23 people can live with and respect and ultimately feel
 24 like the Zoning Board has the best interests of the

1 integrity of the village's character at heart and we
2 will do our best to limit hardships.

3 CHAIRMAN KNIGHT: Thank you. Member
4 Anderson?

5 MR. ANDERSON: I guess my first comment is I
6 came into the -- under the board midway through the
7 process. But I have taken the time to read prior
8 testimony. I've gone through the Comprehensive Plan
9 as well as the proposed language of the lighting
10 ordinance and I found the ordinance to be a bit
11 onerous and I think as everybody has found it, it
12 doesn't factor in the capital investments that people
13 have made and all the other items that people have
14 raised in their testimony. I think there is a need
15 for some type of zoning ordinance. The proverbial
16 fence makes the best neighbors, same type of thing
17 here. If everybody knows what they are dealing with,
18 it can make things go a little bit easier within the
19 community.

20 I don't have a problem with any of my
21 neighbors in the Barrington area but I'm one of the
22 few that abut one of the other communities, East
23 Dundee to be exact, and there's a development back
24 there that has made it possible for me to read books

1 in my bedroom at night if I don't close my drapes and
2 I don't have my lights on. So it can be tough and so
3 I understand the need for some type of, if you will,
4 good neighbor policy.

5 I think I'm of the opinion that we do need
6 some type of ordinance. This might be a good start
7 but this one needs to be cut down and reworked and
8 that would be where I'm at.

9 CHAIRMAN KNIGHT: Thank you. I'm going to
10 ask Mr. Stieper a couple questions at this point that
11 I'm not sure has been asked and that is, you know, why
12 now has this become an issue with the Village as
13 opposed to two years ago and what are your, you know,
14 a little background on that? You probably said it
15 before, but.

16 MR. STIEPER: I think we've been working on
17 it for two years, but I think the impetus is, as it
18 was explained to us, was that 20 years ago or 30 years
19 ago, five acres was larger than five acres today. And
20 I say that as explained to us was the increase in size
21 of homes and then the trend of using outdoor
22 artificial lighting on residences has become more of a
23 popular item in Barrington Hills and so that as
24 explained to us was the reason why now would be a good

1 time to address this issue. And the fact that our --
2 that the community in this regard was incongruent with
3 our Comprehensive Plan and it was time to zone this
4 portion of our Comprehensive Plan.

5 Not everything in the Comprehensive Plan has
6 to be zoned. The Comprehensive Plan is suggestive,
7 sort of defines the philosophy of the town but
8 certainly the Comprehensive Plan is a zoning tool,
9 that's what its purpose is. And when conduct of the
10 community becomes incongruent with the Comprehensive
11 Plan, then villages like Barrington Hills feels the
12 need to do something and so that was the statement to
13 us that the conduct of the village was becoming
14 incongruent with what was in the Comprehensive Plan,
15 quite frankly, who we are, a countryside, not a
16 suburb, not a city and that lighting is important to
17 this town as noise, as five-acre zoning, as all of
18 those things which define a countryside.

19 And so lighting, that was the impetus which
20 was given to us as to why we should commence the
21 drafting of the lighting ordinance.

22 CHAIRMAN KNIGHT: When you put this
23 together, I assume that you took -- you did extensive
24 research from many sources and you took basically

1 about every component you could find to put in a draft
2 amendment, if you will, for discussion, at least
3 that's what it appears to be.

4 My question is, is there room for alteration
5 in your opinion to still reach the goals that have
6 been set forth relative to the Comprehensive Plan,
7 maybe addressing many of the concerns that we've heard
8 in these hearings?

9 MR. STIEPER: Twofold on that. Remember, we
10 were given a mandate, a defined issue as to what our
11 charge was. That is, draft an ordinance in
12 conformance with the Comprehensive Plan. We were
13 afforded no budget to do impact studies. We certainly
14 didn't go on people's property to find out, you know,
15 whether they would be in conformance or not with what
16 we were drafting. We did various visuals. So based
17 upon basically zero resources in terms of financing
18 but certainly drawing upon the talent of our
19 commission, which consists of two retired police
20 officers, an engineer, a couple lawyers, we did the
21 best job we could given the mandate that we had.

22 And I will tell you that we started from the
23 premise of, in our Comprehensive Plan, of minimal use
24 of artificial lighting focusing not on trespass

1 because trespass was never an issue and certainly even
2 though it's in the ordinance, it certainly is not the
3 focus of the ordinance. The ordinance relates to sky
4 glow and glare, as defined in the ordinance that we
5 prepared.

6 Barrington Hills is unique because of the
7 five-acre zoning. So some of the other zoning
8 ordinances out there were not really applicable to
9 what we were doing. I think probably the closest we
10 used, and we may have used it as a sort of a format, I
11 believe, is the Hamptons has a light ordinance and I
12 believe I think the concept of using lumens per
13 acreage is where we came up with that ordinance.

14 With regard to what's contained in the
15 ordinance, what we came to you with was basically
16 throwing everything into the bucket, you guys can sift
17 through. I will tell you that the proposal we have
18 before you is Draconian from the sense of it focuses
19 on minimal use of artificial lighting. And certainly
20 based upon a lot of the comment from the public and
21 certainly further review of the ordinance, certainly
22 there are certain proposals that I would even suggest
23 or amendments to what we put before you based upon
24 both public comment and from review and study from our

1 vantage point.

2 CHAIRMAN KNIGHT: Thank you. I think as we
3 go through this, we are going to call upon you again,
4 if we may.

5 Mr. Johnson, just before you give comment --

6 MR. JOHNSON: I was going to ask him a
7 question. You've got him all warmed up. You were
8 listening to my little comments as far as what I'm
9 interested in is this perception of the requirements
10 of the Comprehensive Plan, okay. You heard what I
11 said a little while ago. You weren't listening to me?

12 MR. STIEPER: I heard what you said.

13 MR. JOHNSON: Do you have the Comprehensive
14 Plan in front of you?

15 MR. STIEPER: I have the Comprehensive Plan,
16 both the current and the 1993 Comprehensive Plan.

17 MR. JOHNSON: I'm sure all I've got is the
18 current one.

19 MR. STIEPER: 1978 Comprehensive Plan as
20 well.

21 MR. JOHNSON: I was quoting page 51, which
22 is the first paragraph says lighting, okay, and again
23 I'm trying to understand the quote, requirements of
24 the Comprehensive Plan, when I find words in here like

1 should disseminate this information and should
2 promote. Where does that say require? Am I missing
3 something?

4 MR. STIEPER: First of all, it says what it
5 says but that's cherry-picking. There are also
6 excerpts in the Comprehensive Plan, and I can point to
7 those, saying use of minimal artificial light. We can
8 go through the Comprehensive Plan with regard to --
9 but there's no doubt the question that you raise was
10 actually when this came before the Plan Commission
11 about educating the public about maybe that's the
12 approach we might take is certainly something we
13 debated before our commission. I think you'll find it
14 in the minutes as with regard to doing this.

15 Again, our mandate was to draft an
16 ordinance, not to conduct an educational campaign.
17 That's what our direction was. Certainly we had
18 discussion as to would that be an avenue to go but
19 again we take our directive from the board and so we
20 are not left to either set our agenda or to decide
21 what issue we are going to address. We are given
22 basically a directive and we follow that directive.

23 But with regard to the Comprehensive Plan, I
24 will say that throughout the Comprehensive Plan, it

1 talks about and in our interpretation is lighting is
2 referenced in various sections of the Comprehensive
3 Plan.

4 MR. JOHNSON: I find it on page --

5 MR. STIEPER: Specifically, let me take
6 page 19 of the Comprehensive Plan where it says
7 residents have selected a more remote countryside life
8 as an alternative to a more intense urban and suburban
9 life. Recognizing this, the Village supports a safe,
10 secure and functional nighttime environment free from
11 clutter, light trespass, light pollution and will
12 continue to take measures to maintain this community
13 feature. So you'll find that on page 19.

14 I could also point out excerpts like that
15 throughout the Comprehensive Plan. I understand on
16 page 51 you are pointing to with regard to educating
17 the community and maybe in the endgame that may be a
18 recommendation. That wasn't our mandate.

19 MR. JOHNSON: I understand. Because those
20 other sections talk about mitigating, consider
21 reasonable and creative means. By my comments, I
22 didn't say don't have any requirements as far as on
23 the village residents, it's just that I question the
24 extent, I guess, of the requirements.

1 MR. STIEPER: Let me say this, Barrington
 2 Hills, for instance, if you take No. 4 Fernwood, which
 3 it was submitted as part of your record as lighting on
 4 that house, so that's in the record, and one of the
 5 things we did, if you take, let's say, that house, for
 6 instance, you extrapolate that house over 2,000 houses
 7 in Barrington Hills or however many houses we have,
 8 and if everybody incorporated lighting in like No. 4
 9 Fernwood, it would change the character of this
 10 community. No longer could we call ourselves a
 11 countryside. I mean, we would be kidding ourselves.
 12 We would become a suburb.

13 One of the unique features, the niche of
 14 Barrington Hills is we define ourselves as a
 15 countryside. But not only do we define it, we live
 16 it. We have the open spaces. We have the five-acre
 17 zoning, the equestrian way of life, minimum noise and
 18 I would tie light into that same issue. And what we
 19 are seeing or what our Board of Trustees are seeing
 20 and thought should be zoned is the issue of lighting
 21 because we are losing that characteristic. And at
 22 what point of all these characteristics which define
 23 Barrington Hills, whether it be the ecology, the
 24 five-acre zoning, the equestrian life, the noise, the

1 light, as conduct chips away at this, at what point do
 2 you draw the line. Our village trustees decided it
 3 was time to draw the line on this lighting issue
 4 because the character was becoming inconsistent with
 5 not only our Comprehensive Plan but you just look out
 6 your window and you see it. Some of you people who
 7 have lived here for 30 years probably see a great
 8 difference in lighting what you saw 30, 20 years ago
 9 versus what you see today.

10 MR. JOHNSON: You always point to extremes I
 11 guess but I guess it still comes back to comparison of
 12 the home occupation rules with these proposed rules
 13 because I was on this board when we amended the home
 14 occupation rules, so there's a lot of subjective terms
 15 in those. But, again, you sort of know it when you
 16 see it. But you point out one house, okay. When you
 17 talk about urban glow, there's no urban glow generated
 18 in Barrington Hills. It's generated in Barrington.
 19 It's generated in Chicago. You could shut the lights
 20 off in Barrington Hills and not have any change as far
 21 as the sky.

22 MR. STIEPER: No, but the point here is the
 23 characteristic of Barrington Hills and that is we
 24 define ourselves as a countryside. Countryside. Part

1 of that, as defined in our Comprehensive Plan, looking
 2 out your window is minimal artificial lighting and so
 3 that is part of the characteristic and whether you
 4 want to talk about whether it's going to increase the
 5 additional glow in the sky or not, I don't know but
 6 certainly I know -- and you say, well, No. 4 Fernwood
 7 or any other house you say you could point out to any
 8 house, I'm saying close your eyes, take those houses
 9 because right now there's nothing to prevent from
 10 everybody from adopting the same lighting that's on
 11 No. 4 Fernwood. And I just use that because that's in
 12 the record, or any other house. And so if everybody
 13 adopted that type of lighting, we would have a
 14 different town than what we have today and I think
 15 that's the point, there's nothing to stop it.

16 When you talk about the home occupation
 17 nuisance, nuisance defined at law would have to be
 18 basically light trespass and if I'm on my contiguous
 19 property and it's preventing me from the quiet
 20 enjoyment of my property because of light trespass.
 21 Light trespass is not an issue in this ordinance, it's
 22 not an issue in this town, to be honest with you.
 23 We'd be kidding ourselves if we said it was.

24 The issue is the character of the town and

1 how light is changing that character and maybe overall
 2 it's acceptable, maybe not, but our charge was that is
 3 inconsistent with our Comprehensive Plan.

4 CHAIRMAN KNIGHT: Did you have a question?

5 MS. ROSENE: Under community character it
 6 said, "Objectives are to consider reasonable and
 7 creative means of protecting existing village
 8 character, including adopting light control standards
 9 to preserve the rural atmosphere." So it is right
 10 there.

11 CHAIRMAN KNIGHT: It's stated there. I have
 12 some comments of a general nature, things that I've
 13 observed, heard, that I think we should all consider
 14 as we go through this. I think one major area of
 15 concern is security lighting and how that might be
 16 addressed. Many questions have been asked, I know I
 17 asked a question there may be a psychological effect
 18 of lighting. Some people feel safe with lights on,
 19 others don't. I know that's kind of subjective but
 20 just the same, it's something that I think we have to
 21 consider recognizing.

22 Everybody's idea of security is a little
 23 different. You know, we heard comments from the
 24 statement that was read from our police department

1 that didn't get quite as specific, I think, as what we
 2 have before us, so that's just one area that I think
 3 we have to consider.
 4 The other concept that has been bandied
 5 about is light police. And, Mr. von Meier, I'm going
 6 to ask you to confirm what I'm about to say. A couple
 7 of things. The statement was made, well, gee, if we
 8 surveyed every house in the village, it would cost
 9 umpteen millions of dollars. Well, number one, that's
 10 not going to happen. Number two, the question was
 11 asked by one gentleman that at what point does the
 12 Village take action when they are looking at a
 13 violation of the Zoning Code. And it is typically,
 14 and I've not heard of other instances, when two
 15 neighbors can't settle their differences and there is
 16 an existing standard, that they can go to the Village
 17 with it to have the Village step in. But the Village
 18 has to have authority to correct a situation that has
 19 created the difficulty.
 20 A municipality, and correct me on this, is
 21 under no obligation to enforce zoning regulations. By
 22 that I mean, Village employees can be driving by a
 23 property that obviously is not in conformance but they
 24 are under no obligation to blow the whistle, call the

1 cops and bring them in and enforce that. That would
 2 be an impossible task that no municipality could
 3 afford and that's not the intent of this.
 4 If you look at the history, you know,
 5 unfortunately people aren't as neighborly maybe as
 6 they were at one point in time, and I see it. We've
 7 seen disputes between neighbors even from this board
 8 that have gone further perhaps than they should have
 9 because somebody has a bone to pick and they go after
 10 it. And one of the reasons that we have these
 11 regulations in zoning is twofold, you know,
 12 conformance to the Comprehensive Plan but also to give
 13 the Village the proper authority to mitigate the
 14 situation.
 15 We had a situation very similar to this when
 16 an individual had a property with more dogs than the
 17 property could accommodate and it was creating an
 18 issue with neighbors but our zoning regulations did
 19 not allow us to legally enforce that so that the
 20 neighbors weren't inconvenienced and can enjoy the use
 21 of their property. Unfortunately, that's the way it
 22 is. I agree it would be wonderful if neighbors could
 23 solve their problems but that's something we are going
 24 to have to deal with. Now, have I made a

1 misstatement. Mr. von Meier?
 2 MR. von MEIER: No.
 3 CHAIRMAN KNIGHT: All right. Thank you. A
 4 couple of other things that were said that light
 5 trespass is not an issue, glow and light pollution are
 6 and how do we address that. The idea of the cost of
 7 the present installations was mentioned and I don't
 8 think that's widespread but there certainly are
 9 property owners that have spent a great deal of money
 10 and did get building permits to do so or were in
 11 conformance to the existing laws at that time. I
 12 think that's something else that we have to consider.
 13 The survey that was done of the properties,
 14 I disagree with those that said it was a complete
 15 waste of time because what we learned was that taking
 16 a sampling of homes is how much light is given off by
 17 I think what was considered average-type homes, homes
 18 that maybe have a far greater level of light than
 19 others. In the least, that could be used
 20 educationally in the future to take those homes as an
 21 example because I don't think people go out of their
 22 way to create problems with their neighbors. Usually
 23 they do things because they don't have the information
 24 at hand. And the Village I think recognizes that they

1 have to do a better job of communicating what
 2 requirements are and providing assistance when a
 3 homeowner comes to the Village for a whole lot of
 4 things.
 5 I've had neighbors say, well, do I need a
 6 building permit to do this or that. Half the time I
 7 certainly don't know, so I call and find out. We have
 8 to do a better job of communicating what people can
 9 do.
 10 As far as setting standards of light, the
 11 other thing we have to consider is right now it's a
 12 nuisance. It doesn't have any teeth. It's very
 13 difficult to enforce a nuisance provision. You might
 14 as well not have it. Everybody says, well, you know,
 15 we can solve it ourselves without any regulations
 16 whatsoever. Well, unfortunately, it just doesn't
 17 work. Again, the idea is not to jam some wordage down
 18 anybody's throat in the village so it's some kind of
 19 a, again, I love this word, Draconian thing that is
 20 going to cause all sorts of problems. That is just
 21 absolutely not the case. If some choose to use that
 22 as an issue for reasons other than zoning that may be
 23 for political purposes, that's fine. I totally accept
 24 your right to do so. But it doesn't apply in this

1 situation to say things that really don't apply. It
 2 makes our job very difficult and as a matter of fact,
 3 it takes time to respond to it and I really don't want
 4 to do that anymore.

5 The other issue that we have to consider is
 6 landscape lighting. There are people that are
 7 concerned about they have gone to great expense to
 8 provide landscape lighting and I think we have to
 9 address that as to how that fits in this whole scheme
 10 of things. I want to read one thing that there is an
 11 organization called GrowingSensibly.org, which is in
 12 Illinois, and it deals with comprehensive plans and
 13 everything else. And I'm only going to read one line
 14 here that reinforces the point that's been made about
 15 conformance to the Comprehensive Plan. This is under
 16 zoning consistency: The comprehensive plans goals,
 17 policies and other guidelines consistent with the
 18 current zoning ordinance and recent rezoning
 19 decisions.

20 And Mr. Stieper is absolutely correct when
 21 he makes the statement that you can't cherry-pick those
 22 characteristics of the village without putting all at
 23 risk. So if we decided to say, hey, let's just forget
 24 about this lighting. Well, it's in there and we just

1 forget about it and maybe something else comes up
 2 that's in the Comprehensive Plan and we say, well,
 3 let's just forget about that, people are unhappy with
 4 it. Well, again, the whole process is going to start
 5 eroding. And as Mr. Stieper said, and we have been
 6 through it before, somebody that owns a bunch of
 7 property and sells it, a developer could come in and
 8 say, well, we have some pretty good lawyers that can
 9 make a case that you are not conforming to your
 10 Comprehensive Plan and then we are all in trouble
 11 because I think we all recognize it's wonderful to do
 12 what you want on your own property until your neighbor
 13 does something that you don't want him to do. And if
 14 we had no zoning, you know, God forbid where we'd be.

15 And, again, we are not trying to -- the
 16 thing that we have to consider here is, you know, we
 17 don't want to come up with something that's going to
 18 create a hardship for the village, that's not the
 19 intent. The intent is if somebody screws up and the
 20 neighbors can't solve the problem, who are you going
 21 to go to. You are going to go to the Village and they
 22 have the authority to solve the problem.

23 Does that sum it up, Mr. von Meier, from a
 24 legal point of view as a layman?

1 MR. von MEIER: Yes.

2 CHAIRMAN KNIGHT: All right. Where do you
 3 want to start? I get the sense that a few would like
 4 to not go through the draft but some have prepared it
 5 and I know that the Plan Commission went through it.

6 What I'd like to do is take the draft and
 7 let's just go section by section and rather than read
 8 every word or every paragraph. I would just like to
 9 ask a general question, does anybody have any issues
 10 with -- well, we'll start with the preamble and we'll
 11 go through that. Again, I think that's maybe the
 12 easiest way to refine and define. We might end up
 13 with a paragraph. I don't know where we are going to
 14 end up. Is everyone in agreement that maybe we should
 15 do that?

16 (Chorus of ayes.)

17 CHAIRMAN KNIGHT: Okay. Let's roll. We are
 18 going to start with the preamble, "An ordinance
 19 amending the municipal code." Are there any issues
 20 that anybody sees there that we should address that
 21 you had a problem with?

22 MR. MULLEN: None.

23 CHAIRMAN KNIGHT: Member Masterson?

24 MS. MASTERSON: I would just like to bring

1 up one thing, it's a concept and it might make all
 2 this easier. Is there any way we could grandfather
 3 what anybody has today and make that a part of
 4 everything in our minds that we are doing?

5 CHAIRMAN KNIGHT: I think we'll get to that
 6 because I think there is reference to that in the
 7 document and I don't want to go out of sequence but if
 8 that's a concept, it's in here and there will be an
 9 appropriate time for you to place it. That's just
 10 something that would be an issue with you that you
 11 should mention.

12 MS. MASTERSON: If there was a way to make
 13 it work for our residents.

14 CHAIRMAN KNIGHT: Well, that's what we are
 15 going to, you know, anybody that has a problem with
 16 any of this, now is the time. So, Mr. Johnson?

17 MR. JOHNSON: Whereas, it says, establishing
 18 a predetermined standard for outdoor illumination,
 19 what does that mean to you?

20 CHAIRMAN KNIGHT: Where are you?

21 MR. JOHNSON: I'm down on the sixth whereas.
 22 Does that mean dictating maximum?

23 CHAIRMAN KNIGHT: Establishing a
 24 predetermined, okay.

1 MR. JOHNSON: Is that, for example, maximum
 2 lumens on property, is that a predetermined standard?
 3 CHAIRMAN KNIGHT: In my estimation, I think
 4 it would be. Again, we are trying to establish a
 5 standard, and I don't know what that standard is at
 6 this point. It will be down the road but there might
 7 be a standard to be set that's so outrageous that if
 8 exceeded, it would conceivably create a problem, it
 9 would have to be addressed.
 10 MR. JOHNSON: I guess this just depends on
 11 where we end up because, for example, in my opinion,
 12 you get to floodlights, okay, the floodlights should
 13 go down; is that a predetermined standard?
 14 CHAIRMAN KNIGHT: Yeah, I would think so.
 15 MS. FREEMAN: I view the whole ordinance as
 16 a predetermined standard. I mean, if you just --
 17 that's why it's in the preamble. Maybe I just read it
 18 more broadly, but I view the whole thing as a set of
 19 standards that helps people understand up front
 20 guidelines to follow so when they are building a home
 21 or, you know, they are adding something to their
 22 property, they can look to these standards for
 23 guidance. I don't think --
 24 MR. JOHNSON: Would disseminating

1 information about various types of light fixtures,
 2 would that be involved with standards and a clear set
 3 of guidelines as opposed to requiring them?
 4 MR. MULLEN: Everything in the --
 5 CHAIRMAN KNIGHT: Why don't we take it when
 6 we get to it. I want to just deal with the language,
 7 get out of the way what we can and then get to the
 8 specifics when we will --
 9 MS. ROSENE: I had a thought. I'm wondering
 10 if it wouldn't be okay to take out references to the
 11 wildlife, is that possible somehow?
 12 MS. FREEMAN: I don't know what's in the
 13 Comprehensive Plan on that, so.
 14 MS. ROSENE: Well, it is in the
 15 Comprehensive Plan, so I'm not sure.
 16 MR. JOHNSON: We cover skunks and raccoons
 17 in the Comprehensive Plan?
 18 MS. ROSENE: I just think that the other --
 19 MR. STIEPER: Ecology.
 20 MS. FREEMAN: Can we use ecology? That's
 21 what's in the Plan, ecology?
 22 MS. MASTERSON: We can't go back and change
 23 the Comprehensive Plan.
 24 CHAIRMAN KNIGHT: That's just a statement.

1 MS. ROSENE: It seems a little lightweight
 2 compared to the gravity of some of the other.
 3 CHAIRMAN KNIGHT: But it just references the
 4 language in the Comprehensive Plan. I don't think
 5 it's a, you know, how are you going to determine if
 6 you caused the skunk to --
 7 MS. ROSENE: I'd just like to take that out.
 8 MR. JOHNSON: I'd take it out, too.
 9 MS. ROSENE: Whereas, excessive illumination
 10 can have a detrimental effect to wildlife.
 11 MR. JOHNSON: I hope it does. Well, skunks.
 12 CHAIRMAN KNIGHT: Let's move on.
 13 MS. ROSENE: And then also, "Whereas the
 14 Village wishes to promote sound environmental policies
 15 which will benefit residents and serve as a positive
 16 example to surrounding communities."
 17 CHAIRMAN KNIGHT: That's --
 18 MR. ANDERSON: I think the whereases have to
 19 be viewed as a touchstone, what are we looking to
 20 accomplish and what are, you know, what's our basis
 21 for thought. These are all very appropriate and yes,
 22 you know, some people may be offended that we even
 23 consider wildlife but, you know, we moved out to the
 24 country where wildlife existed long before we got here

1 so if we use that as a touchstone to think about as we
 2 go forward with our plan, I think it's appropriate in
 3 here.
 4 MS. ROSENE: What about --
 5 MR. STIEPER: I would also consider the
 6 house resolution as well, which came after the fact.
 7 MS. ROSENE: What about providing a positive
 8 example to surrounding --
 9 CHAIRMAN KNIGHT: Well, that's what we are
 10 trying to do is educate.
 11 MR. ANDERSON: I think that if you are a
 12 good neighbor, yes, you show positive actions towards
 13 that.
 14 MR. JOHNSON: We'll send a copy to Chicago,
 15 right?
 16 MR. MULLEN: Absolutely.
 17 CHAIRMAN KNIGHT: Next section, Section 1,
 18 Purpose. Anybody have any comments on Purpose?
 19 MR. MULLEN: Yes.
 20 MS. FREEMAN: I'm good with the table of
 21 contents, for what it's worth, so. We skipped the
 22 table of contents.
 23 MR. MULLEN: Table of contents was fine.
 24 CHAIRMAN KNIGHT: Did we --

1 MR. MULLEN: Do you have a comment on that?
 2 MS. FREEMAN: I do not.
 3 CHAIRMAN KNIGHT: I'm going to start from
 4 the far end and come around. Mr. Mullen, on Purpose,
 5 did you have --
 6 MR. MULLEN: Yes.
 7 CHAIRMAN KNIGHT: -- some comments. All
 8 right, please.
 9 MR. MULLEN: "The purpose of this ordinance
 10 is to encourage." Ordinances don't encourage,
 11 ordinances command. So I said take out the word
 12 encourage and put in control. There may be a better
 13 word but the ordinance is to control not to encourage.
 14 CHAIRMAN KNIGHT: Mr. von Meier, from a
 15 legal point of view, what is your response to that?
 16 MR. von MEIER: I think encourage would be
 17 fine, but I don't think changing it is a problem
 18 either.
 19 CHAIRMAN KNIGHT: I think, Mr. Mullen, let
 20 me just be the devil's advocate here a little bit.
 21 Again, when we look at enforcement practices, I think
 22 the zoning regulations do encourage and, you know,
 23 rather than to control, I think encourage is a more
 24 neighborly word if it doesn't have any --

1 MR. MULLEN: Maybe control is a bad word.
 2 CHAIRMAN KNIGHT: Well, the question is who
 3 is going to do it unless some neighbor complains about
 4 the other neighbor. And, again, generally, if we have
 5 a standard, I think that encourages people to conform.
 6 They certainly have the choice to not conform and I
 7 just feel the word encourage, if it doesn't have any
 8 legal meaning otherwise, I think it's a little
 9 friendly.
 10 MS. ROSENE: How about enforce?
 11 MR. MULLEN: Okay. I won't fight that.
 12 CHAIRMAN KNIGHT: Okay.
 13 MR. MULLEN: I also have a problem with
 14 light pollution when it's used with glare and light
 15 trespass. I thought that's what light pollution was.
 16 So change the light pollution to sky glow.
 17 CHAIRMAN KNIGHT: Well, that's the language
 18 that's been used that I've seen in numerous places.
 19 MR. MULLEN: What they say is light
 20 pollution includes sky glow, glare and light trespass.
 21 MS. ROSENE: And excessive lighting.
 22 CHAIRMAN KNIGHT: So you'd like to change
 23 that to what?
 24 MR. MULLEN: I want to take out light

1 pollution and put in sky glow.
 2 MS. FREEMAN: If I understand you, you are
 3 saying that light pollution is a broad category?
 4 MR. MULLEN: That includes light pollution.
 5 MS. FREEMAN: So maybe would it make sense
 6 to leave the words light pollution and then add which
 7 consists of and name the things so that if we refer
 8 to --
 9 MR. MULLEN: But we've already put that in
 10 the definitions.
 11 MS. FREEMAN: Oh, we did. Oh, thank you.
 12 Sorry. Thank you.
 13 MR. STIEPER: These are all defined terms,
 14 by the way.
 15 MS. FREEMAN: Then we should just use light
 16 pollution here. Yeah, we should just use the word
 17 light pollution here as long as we've defined it. I
 18 follow what George is saying.
 19 CHAIRMAN KNIGHT: So we'll just leave light
 20 pollution and take the other out because it's defined?
 21 MR. MULLEN: Right.
 22 MS. FREEMAN: That makes sense, yeah.
 23 CHAIRMAN KNIGHT: Continue.
 24 MR. MULLEN: Okay. I had a comment, it says

1 the, "Village authorities recognize." Are we
 2 considered village authorities?
 3 CHAIRMAN KNIGHT: We are not the
 4 authorities. We are the Zoning Board. The
 5 authorities are the elected officials and the
 6 administrative people that are the enforcement
 7 officers.
 8 MR. MULLEN: The police chief and the fire
 9 chief, okay. Then I have no more comments.
 10 CHAIRMAN KNIGHT: Mrs. Masterson, any
 11 comments of that section?
 12 MS. MASTERSON: No.
 13 CHAIRMAN KNIGHT: Mr. Johnson, Member
 14 Johnson?
 15 MR. JOHNSON: Getting into the detail then,
 16 "The need to define limits and protect residents from
 17 the trespass of excessive lighting." Since we've
 18 heard throughout this that there is no trespass in
 19 Barrington Hills, why do we have that sentence in
 20 there? There is no light trespass, right?
 21 MR. ANDERSON: Currently.
 22 MR. STIEPER: But the ordinance does state
 23 the light trespass.
 24 MR. JOHNSON: Well, it's a strawman. Who is

1 going to put up lights tonight?
 2 MS. MASTERSON: Tomorrow.
 3 MS. ROSENE: We should use the light
 4 pollution then.
 5 CHAIRMAN KNIGHT: Well, no, it just says
 6 because it doesn't exist today doesn't mean it can't
 7 exist tomorrow and --
 8 MR. MULLEN: I think when we start getting
 9 into the numbers, I'll show you where it might come
 10 into being.
 11 MR. JOHNSON: Well, again, we probably
 12 should work backwards and see what the detail is. The
 13 other one is, "The importance to all of astronomical
 14 observations and the enjoyment of the night sky." The
 15 last one.
 16 MR. MULLEN: Wait a minute, that's not you.
 17 That's the Village officials and I'm not going to
 18 speak for them.
 19 MR. JOHNSON: It says, Village recognize the
 20 importance to all. To all means me.
 21 MR. MULLEN: No, it doesn't say the village,
 22 the Village authorities recognize.
 23 CHAIRMAN KNIGHT: They recognize.
 24 MS. FREEMAN: We may not recognize.

1 MR. MULLEN: So if they don't recognize it
 2 when this gets to them, they can take it out.
 3 MR. JOHNSON: I guess I can't read English.
 4 Go ahead.
 5 CHAIRMAN KNIGHT: I understand that on the
 6 importance to all of astronomical observations, I
 7 think we are beyond that really. You know, you have
 8 to go to some desert if you are going to have
 9 astronomical observations. I think that's
 10 unrealistic. It might be important to some but, you
 11 know, what we are trying to do when you are looking at
 12 Purpose is to kind of keep what we have. And it would
 13 be wonderful if we had this but we aren't that dark,
 14 so do we want to excise that?
 15 MS. ROSENE: Excise what?
 16 MS. MASTERSON: No, I really appreciate
 17 that.
 18 CHAIRMAN KNIGHT: You want the astronomical
 19 stuff?
 20 MS. FREEMAN: Let the trustees take it out
 21 if they don't like it.
 22 MS. MASTERSON: The more intent we become,
 23 the easier this is.
 24 CHAIRMAN KNIGHT: Okay. We'll leave it in.

1 Definition -- oh, wait, wait, I'm sorry, we aren't
 2 done with the terms.
 3 MS. ROSENE: I would like to see the need to
 4 define limits and protect residents from the trespass
 5 of excessive and misdirected light from adjacent
 6 properties or to protect residents from light
 7 pollution, since it's already been defined from
 8 adjacent properties. I'm wondering if we couldn't put
 9 that first and then --
 10 CHAIRMAN KNIGHT: Why does it make any
 11 difference?
 12 MS. ROSENE: Because I think that's an
 13 important issue.
 14 CHAIRMAN KNIGHT: Well, but the order of the
 15 purpose in which they are listed does not denote any
 16 one that's more important than the other.
 17 MS. ROSENE: I understand that it's not
 18 weighted. On the other hand, the first one you read
 19 is --
 20 CHAIRMAN KNIGHT: Okay.
 21 MS. ROSENE: And then also it looks to me
 22 like the first and the last one are somewhat the same.
 23 The night sky is a resource --
 24 CHAIRMAN KNIGHT: Mr. Stieper, was there any

1 reasoning behind that?
 2 MR. STIEPER: Behind what?
 3 CHAIRMAN KNIGHT: The purpose, you know, the
 4 night sky is a natural resource and then the
 5 importance to all of astronomical observations, what
 6 have you?
 7 MR. STIEPER: Well, because not everybody
 8 deals with astronomy as a natural resource. I guess
 9 the ability to go out and look at the sky, you know,
 10 they are two different things subtly.
 11 CHAIRMAN KNIGHT: Are you satisfied?
 12 MS. ROSENE: Yes.
 13 CHAIRMAN KNIGHT: Member Freeman, on Purpose
 14 do you have any comments?
 15 MS. FREEMAN: No, nothing further.
 16 CHAIRMAN KNIGHT: Member Anderson?
 17 MR. ANDERSON: Nothing.
 18 CHAIRMAN KNIGHT: Definitions. We'll go
 19 from right to left this time. Mr. Anderson, any
 20 definitions that you have a question about? We have
 21 four pages. I don't want to go through them one by
 22 one but if there's an issue with any of them, just --
 23 MS. FREEMAN: Do you want me to ask a
 24 question while he reads so we don't have --

1 CHAIRMAN KNIGHT: Well, please, go ahead.
 2 MS. FREEMAN: I just have a question for
 3 you, Dave. I was trying to recall when we were going
 4 through, I thought there were two types of fixtures
 5 that were expressly prohibited and in the definitions
 6 I had found one for HID, but I thought there was a
 7 second one and I didn't catch it.
 8 MR. HENNELLY: Unshielded.
 9 MS. FREEMAN: Okay. There isn't a specific
 10 type of light, it's just unshielded?
 11 MR. HENNELLY: Right. The HID lighting.
 12 MS. FREEMAN: So the HID one is specifically
 13 prohibited?
 14 MR. HENNELLY: It's the shielded and
 15 unshielded are the two definitions of types of light
 16 fixtures.
 17 MS. FREEMAN: Okay. Thank you.
 18 MR. STIEPER: We didn't want to get into
 19 architectural designs. We basically used shielded and
 20 unshielded and there was some prohibited, prohibiting
 21 certain type of lighting, the HID lighting.
 22 MS. FREEMAN: That was the only one that was
 23 prohibited?
 24 MR. STIEPER: Right.

1 CHAIRMAN KNIGHT: Mr. Anderson, anything pop
 2 up yet?
 3 MR. ANDERSON: Nothing pops up.
 4 CHAIRMAN KNIGHT: Okay. Thank you. Member
 5 Freeman, on the definitions?
 6 MS. FREEMAN: That was my question.
 7 CHAIRMAN KNIGHT: Member Rosene?
 8 MS. ROSENE: I think I had mentioned that if
 9 we could have a definition of security lighting, that
 10 would be nice.
 11 MR. STIEPER: I believe it's defined in the
 12 other section but certainly I think that's even
 13 something we discussed and I may have even said it's
 14 something that should be included in the definition
 15 section. So certainly that's something that was
 16 debated between us and I think the decision was to put
 17 it under the exempt lighting, which in essence I
 18 believe is a definition which I think we should
 19 expound upon as we get there.
 20 MS. ROSENE: I think there are different
 21 kinds of lighting that could be deemed security
 22 lighting. I'm a little unsure exactly what it is.
 23 MR. STIEPER: Well, again, in the drafting
 24 this, we didn't want to get into architectural design

1 and defining what we use the term unshielded, shielded
 2 and then I think when you get into emergency lighting,
 3 it is really any lighting which is triggered by a
 4 motion sensor or some other remote and it could be any
 5 type of lighting as long as the lighting ceased within
 6 five minutes of the cessation of the perceived
 7 emergency or actual emergency.
 8 MR. HENNELLY: Security lighting is a
 9 purpose. It's not a design. It's a purpose lighting.
 10 MR. JOHNSON: The definitions are what they
 11 are. My problem is how they are going to be applied.
 12 CHAIRMAN KNIGHT: But the definitions are
 13 okay?
 14 MS. MASTERSON: Fine.
 15 MR. MULLEN: No. I don't agree with
 16 excessive lighting and I want to take out that
 17 "perform a visual task" because I have lighting that
 18 light up bushes that meet all the requirements,
 19 shielded fixture and the whole schmear. I'm not doing
 20 any visual task.
 21 CHAIRMAN KNIGHT: The present one reads,
 22 Excessive Lighting: Illuminance which exceeds the
 23 amount of light which is needed to perform a visual
 24 task.

1 MR. MULLEN: Right. And I'm saying I've got
 2 lighting and I'm not performing a visual task, so I
 3 can't have the lighting even though it meets all the
 4 other requirements.
 5 CHAIRMAN KNIGHT: Would it exceed the amount
 6 of light that one needs to perform a visual task?
 7 MR. MULLEN: No. I just want it so when I
 8 look out, I see that beautiful bush. Am I not allowed
 9 to do that?
 10 MR. STIEPER: I think what this definition
 11 is saying is that where you use your light, that it's
 12 intended to achieve the purpose for which it's
 13 intended. So if the purpose of your light is to light
 14 your bush, assuming that it's a permitted activity,
 15 then that's what this means. You see --
 16 MR. MULLEN: Why don't we say that?
 17 MR. STIEPER: I think that's what it says.
 18 MR. JOHNSON: How would it be applied? All
 19 I got to say is the task I'm lighting up is what it
 20 does, I mean, it is what it is.
 21 MR. STIEPER: Because I think --
 22 MS. FREEMAN: Could we use the word purpose
 23 instead of task and then it might be more broad.
 24 George, to address your question about maybe the

1 purpose is to provide?
 2 CHAIRMAN KNIGHT: How about task or purpose.
 3 would that satisfy you?
 4 MR. MULLEN: Sure.
 5 MS. FREEMAN: Does that work?
 6 CHAIRMAN KNIGHT: Mr. Stieper, is that all
 7 right in your work?
 8 MR. STIEPER: Yeah, that's fine.
 9 MR. JOHNSON: I don't think he gets a vote,
 10 does he?
 11 CHAIRMAN KNIGHT: No, I'm just asking if --
 12 they looked at all this stuff.
 13 MR. STIEPER: I do have a comment with
 14 regard to the definition section. I think there needs
 15 to be a definition for doorway in here and I think the
 16 term doorway is used and that's not a defined term
 17 that should be. And I think just my recommendation is
 18 that doorway should be defined as any means to ingress
 19 or egress a residence. That would include a doorway
 20 or garage doorway.
 21 MR. MULLEN: What was this again, you wanted
 22 to define doorway?
 23 MR. STIEPER: I think you need a definition
 24 in here for doorway and I think it should include,

1 obviously, your traditional door and also your garage
 2 door and anything else you can come up with.
 3 CHAIRMAN KNIGHT: That was an oversight from
 4 the original draft, I take it?
 5 MR. STIEPER: Correct.
 6 MR. MULLEN: Have we got that definition
 7 down?
 8 CHAIRMAN KNIGHT: I believe it's been
 9 transcribed.
 10 MR. STIEPER: Do you want to go through
 11 typos in here or is that something we can assume would
 12 be taken care of, because there are a few that change
 13 the meaning of the words.
 14 CHAIRMAN KNIGHT: How many typos are there?
 15 MR. STIEPER: Well, there's one for glare.
 16 I think it should be, within the visual field rather
 17 than visual filed.
 18 CHAIRMAN KNIGHT: Say that again.
 19 MR. STIEPER: Under the definition of glare.
 20 CHAIRMAN KNIGHT: Read it as it should be
 21 read.
 22 MR. STIEPER: A visual disturbance produced
 23 by a distinct light source within the visual field
 24 that is sufficiently brighter than the level to which

1 the eyes are adapted.
 2 CHAIRMAN KNIGHT: So noted. Others?
 3 MS. MASTERSON: Could I ask a question about
 4 now that we are into this and it's going to take a
 5 long time, if we all agree on a change, no matter who
 6 brings it up and no matter how it's said --
 7 CHAIRMAN KNIGHT: We are moving on.
 8 MS. MASTERSON: But when we are all done,
 9 then can we say that that will be the proposed
 10 ordinance to go further or not go further or whatever,
 11 but we agree on the ordinance at that point then?
 12 CHAIRMAN KNIGHT: I think if we get to a
 13 point where we have a draft, and I can't tell you when
 14 we will reach that point, if everybody agrees that
 15 that's what they'd like to see, that's one thing and
 16 we can recommend vote or not. There might be others
 17 that --
 18 MS. MASTERSON: I mean, are we assuming that
 19 if we all agree on each of these items, that it's
 20 going to be all right?
 21 CHAIRMAN KNIGHT: I'm making the assumption
 22 that we are going through this draft language to see
 23 what's objectionable and what's not, what you'd like
 24 to see, what you wouldn't like to see and let's ask

1 that question at that time, do we take what we have
 2 and use that, do we redraft something that
 3 incorporates that. I don't know where we are going to
 4 be at that point, but I think I understand your
 5 question.
 6 MR. MULLEN: We have this thing retyped, get
 7 another draft of it and then read that and think about
 8 it and then we'll vote.
 9 MS. FREEMAN: Yes.
 10 CHAIRMAN KNIGHT: Anybody, any other issues
 11 with the definitions?
 12 MR. MULLEN: I have one on page --
 13 CHAIRMAN KNIGHT: Definitions still?
 14 MR. MULLEN: Yeah, three slash four, the
 15 last one.
 16 CHAIRMAN KNIGHT: UL Rating?
 17 MR. MULLEN: Yeah, Underwriters Laboratory,
 18 and I want to add "or any recognized testing
 19 laboratory" because there are other people who do that
 20 work other than Underwriters Laboratory.
 21 CHAIRMAN KNIGHT: Okay. All right. Others?
 22 That's it? There's one more page, four. We are good?
 23 MR. MULLEN: No comments.
 24 CHAIRMAN KNIGHT: Section 3, we only have

1 two pages. Applicability. Let's go from left to
 2 right. Mr. Mullen, anything in Section 3?
 3 MR. MULLEN: I just had one question on item
 4 D. This is section five.
 5 CHAIRMAN KNIGHT: Upwards lighting?
 6 MR. MULLEN: Neon lights.
 7 CHAIRMAN KNIGHT: Oh, that would be on
 8 page 2 of 2.
 9 MR. MULLEN: Two of 2, D, 5(d), "Neon
 10 lights, except as legally permitted." What does that
 11 mean?
 12 CHAIRMAN KNIGHT: That means if they are
 13 legally permitted, they can do it, otherwise they
 14 can't. And I'm not aware of neon lights being legally
 15 permitted at this point and I think that was likely
 16 language that was drafted somewhere else.
 17 MR. MULLEN: Somewhere else and just copied.
 18 CHAIRMAN KNIGHT: Mr. Kosin, I don't believe
 19 neon lights are allowed in the village, are they?
 20 MR. KOSIN: They could be considered a
 21 nuisance.
 22 MR. HENNELLY: We need a definition for it
 23 then. There's no definition on neon lights.
 24 MR. MULLEN: So what do we do with that? We

1 say it doesn't make any difference because they are
 2 not legally permitted?
 3 MR. HENNELLY: I'm just pointing out it says
 4 neon lights, but you have no definition for somebody
 5 to pick on you as to what is a neon light.
 6 MR. MULLEN: We know what neon lights are.
 7 MR. HENNELLY: I know what they are, you
 8 know what they are --
 9 MR. MULLEN: Everybody knows what they are
 10 except Byron.
 11 MS. FREEMAN: I don't know what legally
 12 permitted means because this ordinance is supposed to
 13 make that decision.
 14 CHAIRMAN KNIGHT: It's prohibited lighting,
 15 so you scratch out "except as legally permitted."
 16 MR. STIEPER: Mr. Chairman, if I can make a
 17 comment. Not necessarily if it's something under
 18 construction or whatever. I think that's where we
 19 were thinking if it's emergency lighting, a pothole or
 20 something defining.
 21 CHAIRMAN KNIGHT: Yeah, there might be,
 22 that's correct, there might be situations that could
 23 arise that it's legally permitted.
 24 MS. MASTERSON: Or if they change the

1 zoning.
 2 MR. STIEPER: We thought all of this out and
 3 this language was just not copied from somewhere else
 4 and we threw it in there. Everything was carefully
 5 thought out to the best of our ability and I think
 6 that was the thinking behind "except as legally
 7 permissible."
 8 CHAIRMAN KNIGHT: Sorry for the insult. Are
 9 you okay with that, Mr. Mullen?
 10 MR. MULLEN: Yeah.
 11 MS. MASTERSON: Here is one for you then.
 12 CHAIRMAN KNIGHT: Mr. Mullen, are you
 13 finished?
 14 MR. MULLEN: Yes.
 15 MS. MASTERSON: It says, "Since there are no
 16 legal requirements to light flags at night," I thought
 17 according to the national government that you could
 18 have a flag on the flagpole at night if and only if it
 19 was lit.
 20 MR. MULLEN: No, it's recommended. I don't
 21 think it's --
 22 MR. STIEPER: We looked at it. I think
 23 Mr. Mullen is correct, it's recommended but there's no
 24 mandate, otherwise we would have followed that federal

1 guideline. But I think in terms of illumination of
 2 flag lighting, I think there's been some testimony
 3 that 1800, was it lumens we have in there, may not be
 4 sufficient. So you may want to consider relaxing that
 5 somewhat.
 6 MR. JOHNSON: I'd take it out. I would
 7 recommend that you stop that sentence after "flag."
 8 MR. MULLEN: What number is this?
 9 MR. JOHNSON: 4(d).
 10 CHAIRMAN KNIGHT: Exempt lighting.
 11 MR. JOHNSON: "Upward lighting of flags in
 12 the form of a single ground-mounted, narrow cone
 13 spotlight located at the base of the pole which
 14 confines the illumination to the flag," period. I
 15 would strike the 1800 total, strike what Nancy just
 16 mentioned as far as whether we lit our flags or take
 17 them down, but I think if people want to light their
 18 flagpole, they can light their flagpole and no limit.
 19 MR. MULLEN: I'll buy that.
 20 MR. HENNELLY: No limit? If you put a
 21 25,000 lumen light on it, it will look like the church
 22 steeple.
 23 CHAIRMAN KNIGHT: You might have to have a
 24 reasonable limit.

1 MR. JOHNSON: We don't have a limit now. I
 2 don't see any flags that are lit in Barrington Hills
 3 that are offensive to me.
 4 CHAIRMAN KNIGHT: Spite flags.
 5 MR. HENNELLY: I'm just saying in the
 6 future.
 7 MR. JOHNSON: We'll cross that bridge when
 8 we come to it.
 9 MS. MASTERSON: Who said that?
 10 MR. JOHNSON: He died. One and two I assume
 11 here we are getting into grandfathering so I guess --
 12 CHAIRMAN KNIGHT: Well, let's talk about the
 13 lighting. How does the board feel about that?
 14 MR. MULLEN: About what?
 15 CHAIRMAN KNIGHT: Limiting lighting? I
 16 mean, allowing flagpoles to be lit unlimited or do you
 17 want to establish a limit?
 18 MR. MULLEN: I can establish a limit, 2500
 19 lumens.
 20 CHAIRMAN KNIGHT: Member Masterson, do you
 21 want to establish a limit on lighting your flag?
 22 MS. MASTERSON: Yes, but don't ask me how
 23 many lumens.
 24 MS. FREEMAN: I don't feel strongly about

1 it.
 2 MR. JOHNSON: I'll go to 500 watts, how is
 3 that?
 4 CHAIRMAN KNIGHT: Is that --
 5 MR. JOHNSON: That's a limit.
 6 CHAIRMAN KNIGHT: I don't want to be
 7 arbitrary or anything like that. Let's do something
 8 that's real. I don't know what that is.
 9 MR. JOHNSON: We had testimony, a guy has
 10 500 watts on his flagpole and he seemed pretty adamant
 11 about it.
 12 MR. STIEPER: My recommendation is you stay
 13 away from wattage.
 14 MR. ANDERSON: Efficiencies in light bulbs
 15 change.
 16 MR. JOHNSON: Convert it to lumens.
 17 CHAIRMAN KNIGHT: Why don't we just leave
 18 that open that we want to permit lighting on flags.
 19 MS. FREEMAN: We want to increase the --
 20 CHAIRMAN KNIGHT: Whatever an increased
 21 level is that would satisfy most.
 22 MR. JOHNSON: It would be 9,000 lumens.
 23 CHAIRMAN KNIGHT: We are going to wait until
 24 we have some suggestions as to what appropriate

1 lighting is or what might be a level of lighting that
 2 some might want to illuminate their flag and I don't
 3 know what that is.
 4 MR. MULLEN: How are we going to find that
 5 out? What's wrong with 1800?
 6 CHAIRMAN KNIGHT: Well, the Village is going
 7 to come up with a number, the staff. Mr. Kosin will
 8 ask the village engineers to come up with that, show
 9 us the difference.
 10 MR. ANDERSON: The other point that needs to
 11 be factored in on that is the height of the flag
 12 because as the flag moves away from the light source,
 13 the further away it is, the diminished the
 14 illumination of the light source, so it's going to
 15 have to be some type of a variable.
 16 MR. JOHNSON: Can't be more than a thousand
 17 feet high, okay.
 18 MR. ANDERSON: Fair enough.
 19 CHAIRMAN KNIGHT: Any other comments on
 20 these?
 21 MR. JOHNSON: 5(g).
 22 CHAIRMAN KNIGHT: 5(g) would be, "Lighting
 23 which is used to outline a building."
 24 MR. JOHNSON: So we are saying we cannot

1 have a light that reflects onto a house?
 2 MR. MULLEN: No, that illuminates the
 3 building.
 4 MS. FREEMAN: It outlines.
 5 MR. MULLEN: The outline of the building.
 6 CHAIRMAN KNIGHT: That would be like putting
 7 lights on every corner of your house.
 8 MS. FREEMAN: Do you have that, Byron?
 9 MR. JOHNSON: "Used to outline a building or
 10 a window."
 11 MR. MULLEN: You can outline the window in
 12 lights.
 13 CHAIRMAN KNIGHT: You can't under this.
 14 MR. MULLEN: Right.
 15 MR. JOHNSON: I haven't a clue what that
 16 says, but. I see a lot of lights that sort of reflect
 17 on a house which could light a window, could outline a
 18 window.
 19 MS. FREEMAN: They mean an outline, like an
 20 outline like at Christmas when people put lights up
 21 that go to all four corners of a window or a doorway.
 22 They are talking about creating an outline, a real
 23 specific line, not just shining a light.
 24 CHAIRMAN KNIGHT: Well, that raises the

1 question since holiday lighting is permitted, do you
 2 put unless otherwise legally permitted in here?
 3 MS. FREEMAN: Sure.
 4 CHAIRMAN KNIGHT: I mean.
 5 MR. MULLEN: But holiday lighting is exempt.
 6 CHAIRMAN KNIGHT: Holiday lighting is
 7 exempt.
 8 MS. FREEMAN: So they can do their outline.
 9 CHAIRMAN KNIGHT: Is the language, I don't
 10 know, notwithstanding language to the contrary,
 11 holiday lighting is exempt?
 12 MR. MULLEN: Yes.
 13 CHAIRMAN KNIGHT: You know --
 14 MR. MULLEN: So if you are going to outline
 15 that window at Christmastime, that's fine.
 16 CHAIRMAN KNIGHT: Do whatever you want.
 17 MR. MULLEN: But when the middle of January
 18 comes by, it better be gone.
 19 MR. STIEPER: Actually, holiday lighting is
 20 October 20th to January 31st.
 21 MR. MULLEN: Yeah, okay.
 22 MS. MASTERSON: It's very clear.
 23 MR. MULLEN: Well, by February 1st, it
 24 better be gone.

1 CHAIRMAN KNIGHT: All right. Are we good?
 2 Any other comments on applicability?
 3 MR. STIEPER: I do, Mr. Chairman.
 4 CHAIRMAN KNIGHT: Well, if do you have a
 5 comment, I'd certainly listen to it.
 6 MR. STIEPER: You may want to leave the door
 7 open, this was discussed in our commission, security
 8 lighting is not under exempt lighting right now, it's
 9 included in lighting subject to exception. If you are
 10 gearing towards exempting security lighting, you may
 11 want to include under exempt lighting security
 12 lighting. Just an option.
 13 MR. JOHNSON: That's a good point.
 14 CHAIRMAN KNIGHT: Well, we haven't gotten
 15 there yet but let's put a big star by that because I
 16 think --
 17 MR. MULLEN: This is an item under four?
 18 MS. FREEMAN: Right. Yes.
 19 CHAIRMAN KNIGHT: Well, the discussion of
 20 security lighting is coming later in the draft but
 21 what he's saying is that we may want to consider
 22 putting that under exempt lighting to satisfy the
 23 concerns of all that, you know, everybody seems to
 24 have a different definition of security lighting

1 depending on their personal circumstances. And I
 2 think that that's something that we want to address
 3 and maybe that's one way to do it is to --
 4 MR. MULLEN: I don't understand why that
 5 should be an argument. Security lighting is lighting
 6 used for -- it's on all the time for security.
 7 MR. STIEPER: That could be anything. Does
 8 that include tree lighting? Does that include, you
 9 know, that's where you fall in a trap where somebody
 10 says what is security lighting. Your security
 11 lighting may be different than my security lighting.
 12 So in terms of articulating a definition of security
 13 lighting, which we attempted to do here but that's
 14 what you are going to have to grapple with.
 15 Otherwise, basically, the exception will eat the
 16 entire ordinance because your residents are going to
 17 say everything is security lighting, that's why I have
 18 it.
 19 MR. MULLEN: Let's put down then an "H."
 20 After "H" we'll put a star and say what about security
 21 lighting.
 22 CHAIRMAN KNIGHT: Okay. Let's just leave it
 23 as a possibility to exempt it in some form with a
 24 proper definition. Any other comments on that

1 section?
 2 (No response.)
 3 CHAIRMAN KNIGHT: We are moving on? Member
 4 Freeman. Member Anderson, we are good?
 5 MS. FREEMAN: Yes.
 6 CHAIRMAN KNIGHT: General Lighting
 7 Standards. Let's take a five-minute break. We are
 8 midway through this thing. We have -- do we have
 9 until 10:30 tonight here?
 10 MR. KOSIN: Yes, 10:30.
 11 CHAIRMAN KNIGHT: Let's take a five-minute
 12 break. It's warm in here.
 13 (Short break.)
 14 CHAIRMAN KNIGHT: We are reconvening, it's
 15 now 9:24 p.m.
 16 We are at General Lighting Standards. This
 17 is probably where we are going to have lots of
 18 comments, right, Mr. Mullen?
 19 MR. MULLEN: Right. Well, I don't know, not
 20 a lot.
 21 CHAIRMAN KNIGHT: We only have one page
 22 here.
 23 MR. MULLEN: There's only one page.
 24 CHAIRMAN KNIGHT: We're starting from the

1 left this time. Mr. Mullen. Section 4. General
 2 Lighting Standards. do you have any issues there?
 3 MR. MULLEN: I do. Number 1(b), excessive
 4 energy consumption. Out. That's not the purview of
 5 Barrington Hills. If the federal government wants to
 6 mandate it, that's their job. not ours.
 7 CHAIRMAN KNIGHT: How does the board feel?
 8 MR. JOHNSON: I agree.
 9 MS. ROSENE: I don't.
 10 MS. MASTERSON: I don't.
 11 MR. JOHNSON: I do.
 12 CHAIRMAN KNIGHT: We are in general
 13 disagreement here, but I would say that rather than
 14 enforce somebody that chooses to use incandescent
 15 bulbs versus whatever else is handy, why couldn't we,
 16 through education, make people aware that that might
 17 be a desirable goal rather than have energy
 18 consumption as a requirement in the Zoning Code?
 19 Frankly, I don't think -- I think that's a wonderful
 20 goal, but I don't think that's contained in the
 21 Comprehensive Plan that that's something that you
 22 can't -- that doesn't affect the character of the
 23 neighborhood. If you are burning incandescent bulbs
 24 and your meter is going lickety split, I don't think

1 that has any bearing on the discussion. It's a
 2 desirable goal but I think we are getting --
 3 MR. MULLEN: Not in an ordinance.
 4 CHAIRMAN KNIGHT: I agree. I agree with
 5 that.
 6 MR. ANDERSON: The only comment would be it
 7 is referenced in the Comprehensive Plan. It would
 8 take me a few minutes to find it but there is the
 9 concept.
 10 CHAIRMAN KNIGHT: Of consumption?
 11 MR. ANDERSON: Yeah, of environmental
 12 impact, if you will.
 13 MS. FREEMAN: Would you like to verify,
 14 Mr. Stieper?
 15 MR. STIEPER: You'll find it in the Plan.
 16 MR. MULLEN: Tweaking the Comprehensive Plan
 17 is out of the question, right?
 18 CHAIRMAN KNIGHT: But whose environment is
 19 that going to impact?
 20 MR. MULLEN: You are talking about an
 21 environmental impact?
 22 MS. ROSENE: Yes.
 23 CHAIRMAN KNIGHT: In the village?
 24 MR. STIEPER: If you look at the

1 objectives --
 2 MR. MULLEN: That's the wattage police.
 3 MR. STIEPER: -- where we came up with the
 4 language, I'm indifferent but if you look at
 5 objectives under ecology on page 10, it speaks of
 6 encourage conservation.
 7 CHAIRMAN KNIGHT: Encourage conservation
 8 rather than mandate and that's the, I think, that's
 9 one of the issues that I would rather see under
 10 encouragement through village staff rather than
 11 mandate in a zoning regulation and I think we would
 12 still be consistent with the Comprehensive Plan if we
 13 did that. Is that a good enough compromise, Member
 14 Freeman, to bring you around?
 15 MS. FREEMAN: I don't feel strongly about
 16 it. I think George is making a good point. However,
 17 I think that in order for George's point to be
 18 effective, we'd probably have to go back to the
 19 Comprehensive Plan and reconsider, which is something
 20 that's just on a whole different path. So right now
 21 if this is in the Comprehensive Plan, I would assume
 22 that it should stay and then there's a reconsideration
 23 later on.
 24 CHAIRMAN KNIGHT: But it says encourage.

1 That's the word that --
 2 MS. FREEMAN: A lot of things say encourage
 3 in the Comprehensive Plan, so I don't want to discount
 4 it just because it says encourage. I mean, the whole
 5 plan is a vision statement, it's not a dictate.
 6 CHAIRMAN KNIGHT: Mr. von Meier, is there
 7 language in zoning regulations that use the language
 8 encourage rather than set a definite standard of
 9 performance?
 10 MR. von MEIER: Yes.
 11 CHAIRMAN KNIGHT: So there may be some
 12 things here that would allow us to remain consistent
 13 with the Comprehensive Plan by, under the lighting
 14 section, by making the statement that the Village
 15 encourages, you know, embracing appropriate
 16 consumption of electrical service, whatever, blah,
 17 blah, blah.
 18 MR. von MEIER: Let me just say I think the
 19 entire ordinance encourages energy conservation and I
 20 don't think you need to restate it in the ordinance.
 21 You know, it, of itself, does that.
 22 CHAIRMAN KNIGHT: Well, you know what --
 23 MS. MASTERSON: It's a standard, though.
 24 That's one of the standards.

1 CHAIRMAN KNIGHT: Well, how general is this
2 Section 4. General Lighting Standards that this is
3 what we are trying to accomplish?

4 MR. von MEIER: To tell you the truth, I
5 don't think you need Section 4. I think that the
6 Purpose section lays out very similar concepts --

7 MS. MASTERSON: That's fine with me.

8 MR. von MEIER: -- to Section 4.

9 MR. JOHNSON: Fine with me.

10 MS. ROSENE: The whole section is gone.

11 CHAIRMAN KNIGHT: What you are saying is
12 it's redundant?

13 MS. MASTERSON: Okay. Let's do it.

14 MR. MULLEN: Well, I had one comment that I
15 was adding and that says all lighting equipment
16 installed under this ordinance shall be rated by UL or
17 an equally recognized testing service for the intended
18 use.

19 MR. von MEIER: That sounds --

20 CHAIRMAN KNIGHT: Do we want to dump Section
21 4, let's just go around the table, if it's redundant?

22 MS. FREEMAN: Can we ask Mr. Stieper if
23 there's any reason we should reconsider?

24 CHAIRMAN KNIGHT: You can ask him.

1 MS. FREEMAN: Is there any reason we should
2 reconsider?

3 MR. STIEPER: Actually, this came up in our
4 discussion as well and I was one for tossing it.

5 CHAIRMAN KNIGHT: Everybody agree we toss
6 it?

7 MR. ANDERSON: Toss it.

8 MR. MULLEN: Where are we putting this UL
9 standard, Section 3?

10 CHAIRMAN KNIGHT: We have excised Section 4
11 from the draft document.

12 MR. MULLEN: Where is that in Section 3?

13 MR. HENNELLY: Section 3 are definitions.

14 MR. MULLEN: Oh, the definitions.

15 MR. HENNELLY: If it's not used anywhere,
16 why have a definition is what we were saying.

17 MS. ROSENE: Section 3 is applicability.

18 MR. MULLEN: But the definition only says UL
19 rating. It tells you what it is. It doesn't say that
20 all fixtures have to be rated. Then if we scrap
21 Section 4 and take this provision out, then we have to
22 put it back in in Section 5, which is Residential
23 Lighting Standards and Section 6, Nonresidential
24 Lighting Standards.

1 MR. ANDERSON: Section 4 does not reference
2 UL lighting.

3 MR. MULLEN: No. What I'm saying is in
4 General Lighting Standards, all lighting in the
5 village has to be UL approved or of a similar testing.
6 They can't put a non-approved fixture in.

7 CHAIRMAN KNIGHT: Are there lighting
8 fixtures that are not UL approved or by another
9 recognized body?

10 MR. MULLEN: Sure. Sure.

11 CHAIRMAN KNIGHT: Why? What would be a
12 reason that you wouldn't choose to use one of those?

13 MR. MULLEN: Because it might overheat, set
14 your house on fire. A UL approved fixture as intended
15 will not overheat.

16 CHAIRMAN KNIGHT: Well, okay, here is my
17 issue with that. I understand the concept, but I
18 think we are starting to tread, perhaps, into what
19 building codes do as opposed to zoning regulations and
20 I really don't want to start incorporating building
21 standards in the zoning regulations.

22 Mr. Stieper, was that a concern of yours?

23 MR. STIEPER: Absolutely. As a matter of
24 fact, you'll find here we purposely avoid getting into

1 architectural design and that was a deliberate intent
2 and took a lot of time in terms of our drafting to
3 avoid getting into the -- avoiding getting the
4 architectural design, which I think the UL rating and
5 mandating fixtures is getting into, and I personally
6 don't think you want to go down that road.

7 MR. MULLEN: I think you are correct. I
8 think we can handle that through the electrical code.
9 So Section 4 is out.

10 CHAIRMAN KNIGHT: Section 4, we are done
11 with that. That's gone. Let me just say we have
12 Section 5, Residential Lighting Standards; Section 6,
13 Nonresidential Standards; Section 7, Amortization,
14 which is dealing with grandfathering; and Section 8,
15 Procedures and Penalties. So that's what we have
16 left. You know, I might make a suggestion here, do we
17 take Nonresidential Standards out of sequence, you
18 know, how much nonresidential do we have in the
19 village? Did we cover that in our, Mr. Kosin, when we
20 established the zoning regulations for planned
21 business use?

22 MR. KOSIN: That's correct.

23 CHAIRMAN KNIGHT: We did. We had lighting
24 standards that dealt with --

1 MR. KOSIN: This goes to the question of
 2 what we would call institutional uses that are
 3 permitted as special uses in your residential
 4 district, which is like the facility we are sitting
 5 in. So you can't look to your standards in your
 6 business code when reviewing an application for an
 7 institutional use in a residential district. So the
 8 Plan Commission brought forward certain standards to
 9 give proposal to you that when you have an
 10 institutional use as a special use in the residential
 11 district, what are you going to give to the applicant
 12 for them to frame their submission when it comes to
 13 exterior lighting.

14 CHAIRMAN KNIGHT: Okay. We've heard few
 15 comments from the public about their concerns for
 16 nonresidential standards. Anybody want to comment on
 17 that or should we just go back and take it in
 18 sequence?

19 MR. MULLEN: If you want nonresidential, I
 20 got comments on that or we could take it in sequence.

21 CHAIRMAN KNIGHT: Let's take it in sequence.
 22 Section 5, Residential Lighting Standards, let's just
 23 plow through it. Any issue? We are going to start
 24 from right to left this time. Mr. Anderson?

1 MR. ANDERSON: I don't have all of my notes
 2 here but the -- I have some concerns about the
 3 calculations of maximum lumen output, you know, is
 4 10,000 the right number per acre.

5 CHAIRMAN KNIGHT: That's item number two.

6 MR. ANDERSON: Item number two. When we
 7 start getting down to the numbers in each of these
 8 sections, that's where I have a difficult time going
 9 along with a lot of these. There's also some
 10 inconsistencies when we start looking at 100 watt, is
 11 it 1800, is it, you know, what does a 100-watt light
 12 bulb generate as far as lumens. There's some
 13 inconsistencies that cause me concern.

14 CHAIRMAN KNIGHT: Let me ask our engineer on
 15 the study that you did, I have the notes in there on
 16 the results, but we had residences from total
 17 conformance to two that were pretty high as far as
 18 lumen output. What were those totals?

19 MR. PENN: The totals for those?

20 CHAIRMAN KNIGHT: Do you recall for those
 21 two?

22 MR. PENN: Well, I know the one was I think
 23 14,000.

24 MS. ROSENE: Per acre, right?

1 CHAIRMAN KNIGHT: Was that a per-acre item
 2 or was that --

3 MR. PENN: Yes, that was per acre. It
 4 was -- okay. So one I had 27,000 total, that's
 5 shielded and unshielded, and that was -- so that's
 6 about 5,500, a little less than 5,500 total lumens per
 7 acre. That was in one of the two that you are
 8 referring to. The other one was 72,000 total and that
 9 was 15,000 total lumens per acre.

10 MS. FREEMAN: Can I ask a clarifying
 11 question on the two properties in the study that had
 12 the high lumens per acre. My recollection is that if
 13 you looked at what caused that, there were some lights
 14 that might actually end up being prohibited. I think
 15 they were the ones that were really, really high and
 16 they have some type of fixture, I don't know if they
 17 call it moonlighting or what they call it.

18 MR. PENN: That's what the resident called
 19 it. But, yeah, what you are referring to in the 4
 20 Fernwood property, two-thirds of that 72,000, it was
 21 48,000 of those lumens were from a tree-mounted
 22 fixture and there was another 5,000 that was from an
 23 HID fixture that was mounted in the ground up into the
 24 tree.

1 MS. FREEMAN: So what I was trying to
 2 understand, if we prohibited a HID fixture and we
 3 prohibited a tree-mounted fixture, I don't want to
 4 overstate the lumen problem, if you know what I mean,
 5 and then look at the residual and then say, well, wait
 6 a minute, was this person really out of conformance
 7 and is there room to relax the lumens further than you
 8 might think just by doing the basic math?

9 MR. PENN: Yeah, I mean, I think you are
 10 right on with what you are saying there. In some
 11 cases there were just some of the lights that put them
 12 so far out of compliance but if you removed those,
 13 then they are closer to being in compliance.

14 In the case of 4 Fernwood, if we removed
 15 those, they are still out of compliance with what was
 16 proposed but they are much closer.

17 CHAIRMAN KNIGHT: That's the concern we've
 18 all voiced is what might be an acceptable level
 19 because obviously if there's a level that everybody in
 20 the village exceeds, I don't think that's something
 21 that makes much sense and we can't be, you know,
 22 arbitrary and just setting a number, that creates an
 23 issue.

24 MR. PENN: In the report I pointed out in

1 some of the cases in the areas of the proposed rules
2 that five out of the seven houses that we looked at
3 were out of compliance. If the number was moved up
4 to, for instance, for the 1,000 lumens unshielded per
5 acre, if that was 3,000, then five of the residences,
6 you know, not counting these two --

7 MS. FREEMAN: Exactly, these two with the
8 ones that were prohibited anyway.

9 MR. PENN: I tried to point that out in the
10 report, not at all trying to say that that would be
11 acceptable visually in terms of the character of the
12 village, what you are shooting for, just that of the
13 houses that we looked at, if they were relaxed to this
14 certain level, then more of the houses would be in
15 compliance. Not making a judgment saying that would
16 be acceptable to you, just trying to give you an idea
17 about the numbers based on the houses that we looked
18 at.

19 CHAIRMAN KNIGHT: Well, somebody made the
20 statement that if you had, you know, 1200 homes in
21 Barrington Hills that were 72,000 lumens, it would be
22 a different community than what we have right now; is
23 that a fair statement?

24 MR. PENN: I can't really comment on that.

1 what we intended to do with the Section 5 was the
2 10,000 lumen, 1,000 unshielded, if you take into the
3 exceptions under Section 5 and what we allow, let's
4 say, at the gate point and then also on the residence,
5 really what we are addressing with the 10,000-per-acre
6 lumen, if you look at this thing and analyze it was
7 the amount of light between one's, let's say, gate and
8 their house and so if you look at it, because all the
9 exceptions allow you further lighting, let's say,
10 where your residence is or your gate is, so really the
11 10,000 lumen per acre, 1,000 unshielded really goes
12 after what the ordinance does between one's gate and
13 one's house. It's a base rating and I'll tell you
14 that standard is, I think, as I recall, that standard
15 is stringent. It's the equivalent in terms of
16 lighting --

17 MR. PENN: I'm trying to understand what you
18 are asking.

19 MR. STIEPER: They are trying to visualize
20 how much light is 10,000 lumens and I'm trying to
21 address the point that the ordinance in dealing with
22 that we allowed a lot of exception where the gate is
23 the perimeter of the property and then exceptions
24 where the residence stands, really that portion of the

1 I mean, I would -- sure, if everybody had --

2 CHAIRMAN KNIGHT: That would be a pretty
3 bright community. I'm just asking. I don't know the
4 answer.

5 MR. HENNELLY: Yeah, I don't either. They
6 are very large lots, I mean, so I can compare it to,
7 you know, other villages that have smaller lots but
8 have that number of lights, you know, they definitely
9 look bigger. How it would compare in Barrington Hills
10 where you have five-acre lots, I just don't know.

11 MS. ROSENE: I have a five-acre example that
12 I think was given by the Plan Commission, which I can
13 give to Kurt indicating how it would be well within
14 the 50,000 lumens for the five acres, since you
15 weren't there then. You said it's hard for you to
16 visualize.

17 MR. ANDERSON: No, I understand that. I'm
18 just trying to, whether it's a thousand and 10,000,
19 you know, 10,000 total and a thousand unshielded, I'm
20 trying to figure out if that's the appropriate line to
21 draw and I don't know if that's the case and that's
22 where I'm having some difficulties.

23 MR. STIEPER: If I can maybe just speak on
24 the issue he's talking about. I think if you look at

1 ordinance goes after the space in between and I think
2 what Commissioner Anderson is asking how much light is
3 10,000, right?

4 MR. ANDERSON: Well, I can kind of visualize
5 10,000 but just as an example, I look down to 3(a)(i)
6 and it says that, "Doorways: Unshielded residential
7 light fixtures located within five feet of a doorway
8 are permitted on the primary structure provided the
9 fixture is UL approved and lamped at no greater than
10 1800 lumens per doorway."

11 So I have, let's say I have five acres, I
12 have five doors on my house and I put 1800 lumens by
13 each door. I'm not in compliance.

14 MR. STIEPER: I think you are.

15 MR. ANDERSON: No.

16 MR. PENN: You are in compliance with each
17 individual doorway.

18 MR. ANDERSON: But as a total, I'm not in
19 compliance.

20 CHAIRMAN KNIGHT: Well, you get 50,000. You
21 have 10,000 per acre.

22 MR. PENN: But 1,000 unshielded.

23 MR. ANDERSON: But 1,000 unshielded.

24 MS. ROSENE: But that would be 5,000

1 unshielded.
 2 MR. ANDERSON: That would be 9,000
 3 unshielded. Now, if you have --
 4 MR. JOHNSON: That's 500 watts.
 5 MR. ANDERSON: That's five 100-watt bulbs or
 6 ten 50's. You've got two lights on each side of the
 7 door.
 8 MR. JOHNSON: You've probably got 200 watts
 9 on your door.
 10 MR. ANDERSON: Theoretically, you could.
 11 CHAIRMAN KNIGHT: Let me throw something
 12 else to confuse the issue even more. Doorways could
 13 be considered a security situation where you have
 14 lighting and you keep your doorways lit; is that an
 15 interpretation?
 16 MR. STIEPER: Are you asking me?
 17 CHAIRMAN KNIGHT: Yeah.
 18 MR. STIEPER: Except as we have defined
 19 security lighting under this ordinance is not
 20 lighting -- is only lighting which is triggered by
 21 motion sensor or some other device and it has to cease
 22 to be on within five minutes of the cessation of the
 23 emergency or perceived emergency.
 24 CHAIRMAN KNIGHT: But we have also heard

1 people say, you know, I don't have motion detectors,
 2 the dog barks and I turn on the lights.
 3 MR. STIEPER: That's correct, and I have
 4 that.
 5 MR. PENN: I can tell you when I did the
 6 evaluations, there were some residences that had
 7 multiple doorways and only had the front door, the
 8 main entrance to the house would be on normally. Even
 9 though they weren't on motion sensors, we did not
 10 count those other ones that were off. They were, the
 11 resident said basically they would turn it on if
 12 somebody came to that door or if they wanted to look
 13 out that particular door if they heard something over
 14 there. So I considered that security lighting, even
 15 though it wasn't on a motion sensor.
 16 MR. JOHNSON: You excluded security
 17 lighting, didn't you?
 18 MR. ANDERSON: So, yeah, therein is the
 19 problem that I'm starting to see on the numbers side
 20 here and that's where I've got some concern. I'm not
 21 saying that the numbers are unworkable but when I
 22 start just looking at what people have around their
 23 doors and the number of doors that are sitting out
 24 there, if you can allow 1800 per doorway, if you have

1 five doorways, there's no way you can comply with
 2 this. That runs into the problem.
 3 MR. JOHNSON: Are most of your lights
 4 unshielded?
 5 MR. ANDERSON: The ones next to the door,
 6 yes. We have one on each side of the door, probably
 7 60 watts in each, and then we have a can light above
 8 the door but right there I know that I'm not in
 9 compliance and I don't think our lighting is excessive
 10 by any means.
 11 MR. JOHNSON: I don't know about the rest of
 12 you but most of my lights are small lights, but they
 13 are all unshielded.
 14 MR. ANDERSON: The ones on the houses that
 15 are next to the doors all of a sudden start causing a
 16 problem using these numbers.
 17 MR. MULLEN: I think this is way, way too
 18 complicated. In fact, what I've got scratched out,
 19 we've got two restrictions. The first one is 10,000
 20 lumens per acre. I don't have a real problem with
 21 that but when you start getting to the individual
 22 fixtures, why do we need a double whammy. Take all
 23 the fixtures, unshielded, shielded, do whatever you
 24 want to but you can't exceed 10,000 lumens per acre.

1 You can't shine any light in your neighbor's yard.
 2 You can't create any glow, any glare and you are not
 3 going to create any sky glow. If you turn all the
 4 fixtures up in the air, you are not going to get any
 5 sky glow in Barrington Hills. We just simplify the
 6 whole section.
 7 MS. FREEMAN: George, to your point, one of
 8 the things that I had tried to think through in
 9 Section 5 was whether or not you could simplify this
 10 as well and I actually like section 3(b) because 3(b)
 11 kind of starts out by saying, okay, here are
 12 restrictions on what you absolutely can't do. You
 13 know, there's no lumens, there's no measuring, there's
 14 no anything, it's just don't do this, right. And in
 15 looking at the seven samples, one of the things that I
 16 had learned, I kind of got interested in was the fact
 17 that if you were to take out the things that 3(b)
 18 prohibits, these properties are really not all that
 19 far off from a reasonable standard.
 20 So then, you know, someone who might have a
 21 lot of fixtures with small wattage or might have too
 22 many lumens by their door or whatever the hang up is
 23 wouldn't have to go out and buy new fixtures because
 24 if you are really following 3(b), 3(a) and number two,

1 I would think you could definitely simplify. Because
2 when I look at what the problems were, it was all in
3 3(b). They are too tall, they are these moonlighting
4 things up in the trees creating 40,000 lumens and they
5 had the wrong mounting height on the freestanding.

6 MR. MULLEN: You would drive the building
7 department nuts going over all these, you know, how
8 many lumens is this light, total them all up and all
9 we are interested in is not shining our light in
10 somebody's bedroom window or in their eyes. So why
11 have all these added restrictions. And if you take
12 just our old friend Dr. Lecompte, he's got 130 acres
13 and 10,000 lumens per acre, we probably ought to put a
14 cap on that. If my math is correct, that's a
15 million-three-hundred-thousand lumens he could put
16 around his house, and I don't know how many acres are
17 in Horizon Farm. Do we know?

18 MR. JOHNSON: I think I would look at the
19 result. We get into these requirements but, I mean,
20 what I was going to propose was starting with the
21 floodlights. Floodlights create glare and I'd angle
22 them down, whether --

23 MR. MULLEN: Stop that. Stop that. Not
24 mine.

1 MR. JOHNSON: I would angle the floodlights
2 down so they are not glaring at people, certainly
3 whether it's 45 degrees or whatever but, again, I
4 would take out the requirements as far as what the
5 maximum are and look at the results.

6 If you are not creating light that goes over
7 to your neighbor's, again, I'm not going to argue
8 about the light trespass and stuff, but I'm worried
9 about the glare because I see spotlights in Barrington
10 Hills that do glare. But if you point them down a
11 sufficient degree, I think that would do away with the
12 glare.

13 MR. MULLEN: How about if I point them
14 inside my lot instead of outside?

15 MR. JOHNSON: Whatever, just so you don't
16 get the glare because I would take -- looking at
17 Section 5, I would look at one. One says, All
18 exterior lighting shall not cause trespass, shall
19 protect adjacent properties, roadways, waterways from
20 glare and excessive lighting.

21 Hard to argue with that. We all agree with
22 that. Then I would get into, I guess, the result.
23 Again, I would look at what the problems are. Other
24 than the floodlights, I mean, my little 25-watt bulbs

1 in my cute little fixtures on the doorways are not
2 causing the problem, okay. The spotlights are causing
3 the problem. Again, if you point them down where they
4 are supposed to go, I would think that would take care
5 of it.

6 I would exclude -- my exception would be
7 church steeples, flagpoles, holiday lighting. I would
8 talk about security lights. I would talk about
9 landscape lighting. I mean, for example, if we beat
10 around the bush in landscape lighting, I've not seen
11 landscape lighting that's bright. I've only seen two
12 or three examples of it; two of them are on Ridge Road
13 and I drive by the properties at night, they are not
14 bright. I would just have requirements -- what I did
15 in my draft shall be done in a manner that does not
16 result in any significant general sky glow and again
17 looking at the result.

18 CHAIRMAN KNIGHT: But you run into the
19 danger of being a little too subjective with that
20 interpretation without setting actual standards. How
21 do you accomplish that?

22 MR. JOHNSON: I'd still go into the result.
23 If you shoot a guy with a .45 or a .30 ought whatever,
24 if you kill them, that's a problem. But defining what

1 you use, I mean, that's getting into a subjective
2 exercise.

3 Also, I mean, Kurt brings up the point
4 what's so magic about 10,000. But one of the big
5 problems I got is this unshielded thing because,
6 again, I think most of the lights in Barrington Hills
7 aren't that big as far as wattage, but they are all
8 unshielded, at least I can't think of a -- I've got
9 lights underneath porches, I guess that's probably
10 shielded.

11 MR. MULLEN: Let me tell you one thing about
12 shielded versus unshielded. I looked at the price.
13 Do you know what the difference in price is?

14 MR. JOHNSON: We had testimony you couldn't
15 even buy a shielded light.

16 MR. MULLEN: You can buy them. I mean, you
17 got to order them. They don't carry them in stock and
18 guess why?

19 MR. JOHNSON: Expensive.

20 MR. MULLEN: They are \$100 more than an
21 unshielded fixture.

22 MR. JOHNSON: But I guess it comes down to
23 as far as, again, where I came out is obviously after
24 what I've said tonight is I would put in the rules

1 what the result can't be. Again, just like we do in
 2 home occupation, we don't define noise.
 3 CHAIRMAN KNIGHT: It's a performance
 4 standard is what you are getting at rather than going
 5 the other way.
 6 MS. FREEMAN: But just for -- just to be
 7 clear, my understanding of lumens that that is a
 8 result. The result is the light output and that's
 9 what we are measuring.
 10 MR. JOHNSON: But where is it going? Where
 11 is the light going? Is it shining on Nancy's property
 12 or?
 13 MS. FREEMAN: We have already established
 14 that there isn't light trespass, so I don't think that
 15 that's the case in any of these.
 16 MR. JOHNSON: Let's go down to glare then,
 17 is there glare? There is glare in certain areas.
 18 MR. MULLEN: If you can't see the filament,
 19 the bulb.
 20 MR. JOHNSON: Again, I don't think the glare
 21 is coming off spotlights. It's not coming off these
 22 unshielded lights that are on doorways, garage doors,
 23 barns. I mean, I drive around Barrington Hills,
 24 you'll see some spotlights that are going straight

1 out. I think the homeowner can get the same result by
 2 pointing them down. You don't have to have them going
 3 out this way because that produces glare. If you take
 4 away the glare, that's the biggest problem in
 5 Barrington Hills. It's not urban glow, that's coming
 6 from the people around us.
 7 MS. FREEMAN: Agree.
 8 MR. JOHNSON: The same thing I think with
 9 the landscaping lights --
 10 MR. MULLEN: You are talking about a
 11 reflector spotlight, right?
 12 MR. JOHNSON: I guess, yes, bright lights.
 13 CHAIRMAN KNIGHT: Like what I have in my
 14 backyard.
 15 MR. JOHNSON: I've got 11 spotlights.
 16 MR. STIEPER: Dr. Lecompte's property, if
 17 you drive by Dr. Lecompte's property, there's a great
 18 example. He has the side of a barn it's a great
 19 example because in there he has really some
 20 magnificent shielded lighting combined with some
 21 unshielded lighting. So you get a real side-by-side
 22 example of what shielded lighting does versus
 23 unshielded and what would be considered glow under the
 24 definition we have adopted. So you can drive by and

1 see his property and see juxtaposed right before your
 2 eyes the shielded versus the unshielded and you can
 3 see the difference.
 4 MR. MULLEN: That's the only house that I
 5 know of in the village that I've seen that might be
 6 classified as objectionable.
 7 MS. FREEMAN: You are thinking of -- that's
 8 a different house. You are talking about the one
 9 across the road?
 10 MR. MULLEN: The other side.
 11 MR. STIEPER: I'm talking about his barn.
 12 MR. MULLEN: This is Lecompte's barn?
 13 MR. STIEPER: Yes, just from lighting
 14 standpoint where he's got this great shielded lighting
 15 where the lighting is focused downward and is shielded
 16 and it's focused on, I guess, a subject matter, for
 17 lack of a better word, and then next to that he has
 18 some unshielded. So he's got a great example of what
 19 the shielded lighting is versus unshielded. That's a
 20 great example.
 21 MR. JOHNSON: There's a property right
 22 across from him.
 23 MS. FREEMAN: That property is owned by the
 24 park district.

1 MR. JOHNSON: What's all the spotlights out
 2 there?
 3 MS. FREEMAN: They are going to fix it
 4 because Jean is here and now she knows.
 5 MS. MADDRELL: Oh, I already know.
 6 MS. FREEMAN: Jean promised to fix it.
 7 MS. MADDRELL: We rent that property and
 8 this man thought he had permission to do whatever he
 9 wanted on it and so he's coming before our board
 10 because they're having him take down --
 11 MR. JOHNSON: There's another property that
 12 has a lot of spotlights. Again, if their property --
 13 CHAIRMAN KNIGHT: Let's get back to the
 14 issue. How do we establish standards that would allow
 15 the Village to enforce a problem of excessive lighting
 16 that is creating an issue with a neighbor --
 17 MS. FREEMAN: You know --
 18 CHAIRMAN KNIGHT: -- that's reasonable?
 19 MS. FREEMAN: -- I think that this is drawn
 20 the way it's drawn for a reason, which is that if you
 21 want to measure the outcome, it's going to be too
 22 judgmental and that's why they used lumens. I think
 23 that we should decide what we all think is reasonable
 24 and what we absolutely agree on and, you know, I'm

1 looking at 3(b) and 4 and 5 and 6, actually and 7 and
2 I think if you leave 2 and 3 to determine after you've
3 decided what you agree on with the rest of these,
4 because these are absolutes. The other things aren't
5 absolutes. Then you can go back to this and say okay,
6 wait a minute, 18 lumens in a doorway is not enough,
7 you know, now that we know what these other
8 limitations are, now we know whether or not we are
9 comfortable relaxing all of these lumen restrictions.
10 That's kind of -- at least that's how I organized it
11 in my mind, for what it's worth.

12 MR. STIEPER: That's how we drafted. She's
13 right. That's exactly right. You start from, at
14 least we did the same logical process of what the
15 absolutes and then work your way back.

16 CHAIRMAN KNIGHT: Well, then where are you
17 in your thought process on this thing?

18 MS. FREEMAN: Well, I mean, I skipped two
19 and 3(a) because I got a little fuzzy on the lumens.
20 But on the height, you know, if you look at 3(b),
21 right, 3(b)(1) was the height of the eave, which
22 looked very reasonable and then 3(b)(2) has the
23 15 feet, which, again, I know that was based upon
24 other standards and I thought was also very

1 reasonable.

2 CHAIRMAN KNIGHT: You didn't see anything
3 over 15 feet in your --

4 MR. PENN: Just in the trees.

5 MS. FREEMAN: I do think people, at least at
6 the last public hearing, have misread this because
7 they were all confused about lights on gates and
8 fences. They don't understand that you are not going
9 to put a light on a fence, you are going to put it on
10 the piece of concrete or the brick that is a pillar
11 but not this actual gate. So there were all these
12 comments where people were very concerned about
13 3(b)(2) but it's because they have misread it. So I
14 think we can clarify that.

15 CHAIRMAN KNIGHT: Mr. Stieper, did you have
16 a comment on that, that misinterpretation?

17 MR. STIEPER: She's exactly correct.

18 There's also a typo in there. It should be, shall be
19 no more than three times the mounting height, but
20 that's exactly right. We figured nobody is going to
21 put lights on their fences and that (b)(2) does not
22 relate to gate lighting, which I know a lot of people
23 were referring to this section as basically
24 exclusionary.

1 MR. JOHNSON: Can you give an example of
2 what kind of light would be in (b)(2)? What's a
3 typical light we are talking about regulating there?

4 MS. FREEMAN: Basically what they are
5 saying, Byron, is they have a setback for a
6 freestanding light fixture. So if you want to put a
7 light on a pole, they don't want that light on a pole
8 next to your property line, right, so they are giving
9 you a setback of three times the mounting height but
10 if you have a gate with pillars where you want to put
11 lights up, you don't have the setback. They are
12 saying don't worry about a setback because that would
13 be -- that would defeat the purpose of having the
14 lights at the end of your property at your gate.

15 MR. JOHNSON: But any light like that also
16 cannot cause light trespass.

17 MR. STIEPER: This isn't about light
18 trespass, you are right.

19 MR. JOHNSON: Can't cross the property line.
20 So give me an example.

21 MR. MULLEN: But you are trespassing on the
22 roadway.

23 MR. JOHNSON: Do we have lights like that in
24 Barrington Hills? What's an example of a light like

1 that that we are trying to regulate in (b)(2)?

2 MS. FREEMAN: I actually know of one, and I
3 don't want to say whose it is, but I actually do when
4 I read this I instantly thought of this person's light
5 because it's near the edge of their property. I think
6 it's there for security.

7 CHAIRMAN KNIGHT: I saw the same residence.

8 MS. FREEMAN: It's on a pole.

9 MR. JOHNSON: So like a yard light?

10 MS. FREEMAN: I guess. It faces down but
11 the pole is a good 30 feet high. I mean, it's a tall
12 pole and it's near their property line and it's there
13 I think to illuminate that side of the property. It's
14 not obnoxious but under this they are saying, hey, you
15 got to put something like that closer to your house
16 and not close to your neighbor's house is all they are
17 trying to do.

18 MR. STIEPER: Also, this wasn't drafted in
19 mind of saying, gee, what already exists in Barrington
20 Hills. We are also trying to be proactive. How
21 people can cleverly try to get around the ordinance
22 and do other things, for example, for instance, I can
23 take my light out of the trees but I'll put some big
24 sticks with some big lights next to my trees and so we

1 try to sort of envision how creative people might want
 2 to circumvent this either by being creative or spite.
 3 quite frankly.
 4 MR. JOHNSON: What you are saying, this
 5 problem does not currently exist?
 6 MS. FREEMAN: It actually does.
 7 MR. JOHNSON: One light?
 8 MS. FREEMAN: Well, one observation, but I'm
 9 not sure why that matters, though. Byron. Why do you
 10 care?
 11 MR. JOHNSON: Because, again, I'm looking
 12 for the problems being fixed. If the problem isn't
 13 here, I'll know it's a problem when I see it. But
 14 until I see it, I'm not going to put in a bunch of
 15 rules that applies to everybody in Barrington Hills,
 16 it doesn't make sense.
 17 MS. FREEMAN: But, Byron, if you've got
 18 somebody with tree lights that create 48,000 lumens
 19 and they move them to a pole, I mean.
 20 MR. JOHNSON: Do we have that example?
 21 MS. FREEMAN: Well, no, because we haven't
 22 passed the ordinance yet.
 23 MR. JOHNSON: Do we have people with 48,000
 24 lumens in their trees?

1 MS. FREEMAN: Yeah, this guy right here.
 2 He's in Appendix B.
 3 MR. STIEPER: You have people who do, yes.
 4 MS. FREEMAN: He's only one of them. So I
 5 didn't even understand your kind of evil person
 6 scenario where the person would go and move them.
 7 MS. MASTERSON: We don't want to redo this
 8 either every time another situation. We have got to
 9 prevent the problems that might be here.
 10 MS. FREEMAN: Which is why I think this
 11 number two should stay because --
 12 MS. MASTERSON: What do we care.
 13 MS. FREEMAN: Right. So all of B made sense
 14 to me. And then I thought number C should stay.
 15 CHAIRMAN KNIGHT: That should be three
 16 triple I's on page two.
 17 MS. FREEMAN: Yeah, that was the vegetation,
 18 the tree.
 19 MR. JOHNSON: You are saying no tree
 20 lighting whatsoever?
 21 MR. STIEPER: No lighting affixed to any
 22 vegetation whatsoever. I think we can take the fauna
 23 out of there. I didn't envision people lighting up
 24 the deer as well, but.

1 MR. JOHNSON: My idea on illuminating the
 2 trees, it's okay as long as it does not result in sky
 3 glow, okay. Again, on Ridge Road I see at least two
 4 examples of it. I don't see -- it's offensive to some
 5 people but not to me. So to me it's just a personal
 6 preference and to outlaw anything in a tree to me is
 7 just overreaction to people who don't like tree
 8 lights.
 9 MR. STIEPER: I think you have to change
 10 your Comprehensive Plan.
 11 MR. JOHNSON: Change it then.
 12 MR. STIEPER: Don't tell me. I'm just
 13 saying we drafted it -- remember, we were charged with
 14 drafting something in accordance with the
 15 Comprehensive Plan. I think you'll see in the
 16 Comprehensive Plan direct reference to vegetation
 17 lighting, if I'm not mistaken.
 18 MR. MULLEN: The Comprehensive Plan says we
 19 prohibit lighting in trees?
 20 MR. STIEPER: Just give me a second here.
 21 Under section, I believe it's on page 19 of
 22 Comprehensive Plan under lighting. Light pollution is
 23 a broad term typically associated with three major
 24 areas of potential concern. These include light

1 trespass, glare, urban sky glow. A few of the more
 2 minor but related problems consist of confusion by
 3 light sources, adverse aesthetic effects caused by
 4 clutter and abundant landscape tree uplighting, energy
 5 waste and general annoyance. All these problems can
 6 have an adverse effect not only to the general public,
 7 animals and vegetation but also on the safety of
 8 driving and motorists.
 9 That's where we hit that issue specifically
 10 in this ordinance based upon the Comprehensive Plan
 11 language and we relied upon that language. You might
 12 have a different interpretation. That's what we came
 13 up with.
 14 MR. MULLEN: I think I asked that question
 15 and I wrote, you know, I had a bunch of questions and
 16 every time I asked you guys a question and you gave me
 17 a answer, I wrote it down but on that question I
 18 didn't have anything written down and I don't know if
 19 I didn't understand it or if you didn't answer it or
 20 what.
 21 CHAIRMAN KNIGHT: What you just quoted is
 22 the first paragraph under lighting and that's, again,
 23 it says -- I don't see where it says in this statement
 24 that if somebody wants to light a tree, that it would

1 be prohibited. It says all of these problems can have
2 adverse side effects, not only in the general public,
3 animals and vegetation but also can affect the safety
4 of driving motorists.

5 MR. STIEPER: In response, the Comprehensive
6 Plan is not a, I mean, is a philosophy and the
7 philosophy of the Comprehensive Plan as drafted using
8 that language, also, using other language about
9 minimum use of artificial light, basically unnecessary
10 lighting. In our deliberation we deemed that type of
11 lighting, based upon our Comprehensive Plan, our
12 philosophy, not under only that section but under the
13 general philosophy of use of minimal artificial light
14 and using light where only deemed necessary as being
15 basically unnecessary lighting.

16 MR. JOHNSON: What's minimal to you?

17 CHAIRMAN KNIGHT: Let's --

18 MR. STIEPER: What we were trying to do,
19 Byron, I'm sorry, Commissioner Johnson, is take the
20 philosophy we were charged with taking something which
21 was rather, for lack of a better word, subjective and
22 try to create objective criterion and say where is it
23 to us. Well, that's what our committee came up.
24 That's what we determined as unessential.

1 CHAIRMAN KNIGHT: Just one comment. Whether
2 you put a fixture on a bush or a tree or a pole or the
3 side of your house, if the effect is still not
4 injurious to the overall glow and the output of the
5 acreage, is it objectionable?

6 MR. JOHNSON: Not to me.

7 MR. MULLEN: The answer is no.

8 MS. FREEMAN: So that's a very good point.
9 So let me ask the question then on the height issue we
10 are looking at a mounting height of 15 feet with
11 lighting that is facing down. I mean, can you have
12 the same description for vegetation then as long as
13 it's facing down and it's not higher than 15 feet it's
14 no more detrimental than something that's on a piece
15 of vegetation?

16 MR. JOHNSON: What if it faces up? Why
17 can't it face up?

18 MR. MULLEN: I think the general thing here
19 is that the tree, that the light is lighting the tree
20 that it's mounted on.

21 MS. FREEMAN: Then you are going to have
22 light like 60 feet in the air instead of --

23 MR. MULLEN: You don't want the light
24 60 feet in the air because when the lamp burns out,

1 how are you going to replace it?

2 MS. FREEMAN: I mean, the light, not the
3 fixture.

4 MR. MULLEN: Yeah, sure, it could be up
5 60 feet. You could have the light mounted on one tree
6 shining on another one but there is nothing wrong with
7 mounting a light on a tree but that's what this says,
8 no lighting or fixture mounting assembly shall be
9 affixed, attached, installed, mounted or placed on
10 exterior vegetation. It doesn't say where it's
11 shining. You can't mount a lighting fixture on a
12 tree.

13 CHAIRMAN KNIGHT: Somebody may wish to.

14 MR. MULLEN: I looked into that. I called
15 Knupper's Nursery and said what's wrong with this.
16 She said I can't think of anything, landscapers do it
17 all the time. So I called two arborists who said they
18 didn't know of any reason unless it was a very small
19 tree and you put a very big mounting hole in it, you
20 might kill the tree or at least you'd weaken it so
21 when the wind blew and the leaves were on the tree, it
22 would break off. So I also called the Morton
23 Arboretum and talked to one of their arborists and
24 they said no, landscape people do it all the time. So

1 I called a guy who advertises landscape lighting and I
2 said what's wrong with putting a light on a tree and
3 he said if you use the mounting system that the
4 manufacturer provides, there's nothing wrong with it.
5 And I said you mean the people who make these lights
6 make a mounting bracket that's specifically for trees
7 and he said, oh, yeah we use them all the time. So I
8 said out.

9 CHAIRMAN KNIGHT: Well, again, if the output
10 isn't objectionable, then why should it be prohibited,
11 that's the question. You know, whether it's on a tree
12 or again on the post next to your house or on the
13 front door, wherever it is, why would it be
14 objectionable if you want to put something on a plant
15 or a tree? I don't see it and I don't see it
16 expressly stated in the Comprehensive Plan that too
17 much light might have a negative effect on flora and
18 all this other stuff but where you mount the fixture,
19 I don't think that makes any difference.

20 MR. MULLEN: This woman at the Morton
21 Arboretum did tell me if you are going to light your
22 tree, it should not be on all night because the tree
23 needs to rest, can't take the light.

24 CHAIRMAN KNIGHT: Well, that's a fact too