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## Impacts

We are concerned about negative impacts if the Plat is not revised. These concerns are:

1. Safety of graded slopes (for neighborhood children and the maintainer), safety of intersections, and safety of pedestrians (especially children)
2. Impacts on the character of the existing neighborhood, specifically green parkways and set-backs
3. Preservation of existing trees and greater mitigation for destroyed trees
4. Conflicts with Village code

## Root cause

We believe these impacts can all be traced back to a single root cause: The Petitioner is trying to squeeze more lots onto the property than naturally fit.

For comparison, Banchory Woods<sup>i</sup> at Chicago and Lee is approximately the same size and has only nine lots, rather than eleven.

Petitioner's representative stated last Tuesday that the design of the subdivision was to meet the Village code and was being developed to the Village's standards. The Village code specifies only the *minimum* requirements. It does not compel the Petitioner to subdivide eleven lots. It does not compel the Petitioner to set aside such a minimum amount of land for the Drainage and Detention Easement area.

## Recommendation

There are many facts still in dispute, and Council should take the time to discover the truth.

If the Council feels pressured to decide the matter tonight, we ask that the Council either (a) reject the Plat as presented, or (b) amend it in the following three ways:

1. Combine lots 8 and 9 to enlarge the Drainage and Detention Easement area to provide sufficient space for the detention pond to be moved north and west, and for the steep slopes to be reduced
2. Remove the two right-of-way width exceptions for Brookbank and Carpenter
3. Direct the Village staff to take additional steps to provide more protection for the trees, rather than just authorizing the Village Forester to remove them

Following is more discussion of these three recommendations.

# 1. Drainage and Detention Easement

The proposed area designated as the Drainage and Detention Easement is just too small.

We trust the engineers, that enough water can be detained and released. But this detention pond has been forced into too small a footprint:

- On the south side of the basin, there is grading very close to the black walnuts – please keep in mind that engineering drawings show significant excavation *behind* and to the *south* of the wall, which will surely endanger those trees!
- On the east side of the basin, there is grading within the parkway – up to four feet of additional fill – complicating sidewalk placement on Carpenter
- The Village confirms that some of the slopes exceed the allowable maximum and will have to be re-engineered, and this will put *more* pressure on the Carpenter parkway and the black walnuts

At Banchory Woods, additional walls were added around the detention basin, which were not proposed in the grading plan submitted to the Village Council. We believe that the Banchory Woods experience should not be repeated here. Additional land is needed for the detention basin to be improved.

Instead, we recommend that you consider combining lots 8 and 9 to enlarge the Drainage and Detention Easement area – to provide sufficient space for the detention pond to be moved north and west, and for the steep slopes to be reduced

## 2. Right-of-way exceptions

The two remaining exceptions for Brookbank and Carpenter are harmful to the character of the neighborhood, because they:

- Narrow the green parkway by two feet, complicating tree preservation on Brookbank and sidewalk placement on Carpenter
- Put the property line two feet closer to the street – and therefore the base line for measuring the front set-backs would be two feet closer to the street

The compromise contained in this week’s proposal gives away Village land without getting anything in return. The Petitioner is only giving the Village “the sleeves out of his vest!”

- For any new home over 24 feet in height, Village code<sup>ii</sup> requires an increased set-back measured from the property line rather than the Building Line
- The 32-foot Building Line is meaningless for those homes
- Therefore, homes over 24 feet in height will end up two feet *closer* to the street than they would if the exception is denied -- in spite of the Building Line

The Petitioner never claimed any “practical difficulties or particular hardships” – in fact sworn testimony denies the need for them – and the Plan Commission made no findings of “practical difficulties or particular hardships.”

The requested exceptions do not provide any benefit whatsoever to the public, and should be rejected!

### **3. Trees**

Our concerns about trees are well-documented.

I would add two specific observations:

4. Page 1 of the Manager’s Report<sup>iii</sup> (last bullet) is lopsided, because it appears to endorse the total removal of trees without also spelling out the Village’s responsibility to protect them – even the black walnut in the parkway at Brookbank and Jefferson which was omitted from the Petitioner’s tree survey
5. Page 8 of the Subdivision Improvement Agreement<sup>iv</sup> appears to give away the property rights of Jim and Gail Mazer – is the Village assuming the liability?

### **Thank you.**

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<sup>i</sup> We recognize that Banchory Woods is zoned R1 while Nelson Meadow is zoned R3. Nonetheless we think the visual evidence is convincing, and Nelson Meadow will be a more serious burden on its neighborhood

<sup>ii</sup> 28-1110. Front Yard. (c) R-3 District: (1) General requirement. “Except as provided herein, buildings shall be setback at least thirty (30) feet. Buildings over twenty (20) feet in height shall be set back one (1) additional foot for each two feet of height over twenty (20) feet.”

<sup>iii</sup> “Village Forester approval of the removal of the trees in the Brookbank ROW.”

<sup>iv</sup> “The Developer shall not be liable for any damage to the trees so long as compliance with the tree preservation plan is adhered to.”