

**Village of Downers Grove
Stormwater and Flood Plain Oversight Committee
Wednesday October 9, 2002
7:00 PM**

**Downers Grove Public Works Facility
Main Conference Room
5101 Walnut Avenue
Downers Grove, Illinois**

Call to Order

Chairman Eckmann called the meeting to order at 7:00 PM.

Roll Call

Committee Members Present: Mr. William Bollenberg
 Mr. Perry Erhart
 Mr. Marc Lopata
 Mr. William Ponstein
 Mr. Donald Eckmann

Staff Members Present: Mr. Jonathan Hall, Stormwater Administrator
 Mr. Jack Bajor, Director of Public Works
 Ms. Kirsten Coulman, Recording Secretary

Visitors Present: Ms. Kay Whitlock, Christopher Burke & Assoc.
 Mr. Jerry Figliulo, Orchard Brook Homeowners
 Association
 Ms. Marilyn Gerloff, Resident
 Mr. Chris LaVoie, Resident

Approval of April 9, 2002 Minutes

The minutes from April 9,2002 were approved with changes. The changes to the minutes are made in italics and are as follows:

Page 1: Mr. Eckmann and Mr. Bajor discussed changes to the March 13, 2002 *minutes* prior to the meeting via telephone and wrote down the changes...

Page 3: Mr. Eckmann asked for *discussion*. *There being no discussion*, Mr. Eckmann asked for a vote.

Mr. Eckmann asked if anyone had any other comments regarding the April 9, 2002 minutes. There were no comments. Mr. Eckmann asked for a vote.

Mr. Lopata moved to accept the April 9, 2002 minutes as amended.

Mr. Ponstein seconded the motion.

All were in favor of accepting the April 9, 2002 minutes as modified.

Motion carried 5:0

Open Comments

Mr. Eckmann asked if any of the members of the audience had any comments for the Committee. There were none.

New Business

Orchard Brook Homeowners Association Variance – 1039 38th Street

Mr. Bajor introduced the new Stormwater Administrator, Jon Hall, to the Committee.

Mr. Hall referred to and read from the Memo in the packet regarding the variance request from the Orchard Brook Homeowners Association located at 1089 35th Street.

Attached to the memo is a grading plan, also in the packet.

Mr. Hall explained the options the Committee has to either grant or deny the variance to the Village of Downers Grove Council.

At this time, Mr. Perry Erhart recused himself from the Committee due to his interest in the variance. Mr. Erhart is on the board of the Orchard Brook Homeowners Association.

Mr. Eckmann had questions regarding elevations on the drawings.

Mr. Hall explained the where the flood elevations were written. Page one of the drawings shows the proposed shed, which is one foot above the base flood elevation. The Orchard Brook Homeowners Association cannot build the shed as shown or get a permit without this variance.

Mr. Erhart offered background information regarding the clubhouse. There has been a structure there for 30 years. In that time, to Mr. Erhart's knowledge, there have been at least two 100-year rains. There have never been any moisture problems. It is a storage garage for tractors and it is adjacent to the pool, which there have never been any flooding issues with the pool. It's not a heated unit. It is just an extension of a structure that has been there. The previous shed was removed.

Mr. Figliulo, Orchard Brook Homeowners Association, stated that the proposed addition is a replacement shed; in approximately the same location.

Mr. Eckmann recalled the reason for the ordinance being three feet was to protect residents from flooding.

Mr. Lopata asked why the Village's ordinance was three feet and the County's ordinance was one foot?

Mr. Eckmann answered that it was the experience of the DuPage County Stormwater Committee that the 100-year storm always gets exceeded. It was intended to apply to and protect people's homes.

Mr. Lopata asked if the Village of Downers Grove Ordinance of three feet should be changed to match that of the County's ordinance?

Mr. Eckmann would not be in favor of changing the ordinance to match County because he feels there will be a time when the three feet and the one-foot ordinances will not be adequate to protect homeowners from floods and catastrophes.

Mr. Bollenberg agreed with Chairman Eckmann about the inadequacies of the ordinances with time. He went on to comment that the Village of Downers Grove has a responsibility to all the people that would have a problem with flooding, however, if a number of people do have problems with flooding because the margin was cut too close, the Village gets the reputation of being a Village with a water problem. Property values will go down. Income in the Village goes down. Thus, it hurts the Village in the long run. It doesn't just apply to homes, but when a facility is used by 325 families and the word of mouth could be damaging if the building has problems that could not be resolved if the margin is cut too close. The whole Village could be adversely impacted.

Mr. Bollenberg looked over the documents that were submitted for the record. On page three of the submission, which is the addressing of the A - F requirements of the ordinance, what the impact is and why your situation falls within the variance portion of the ordinance. All the items were addressed. It appears the shed is not a part of the clubhouse and it's not another room of the clubhouse.

Mr. Erhart answered that it was, in fact, a separate building. There is access to the shed via stairs from the clubhouse.

Mr. Bollenberg commented that water from the shed could get into the building and people from the building can get into the shed.

Mr. Figliulo clarified that the water would be going around the other side. There is not a level floor.

Mr. Erhart commented that the water would come in through the pool entrance before it came in from anywhere else due to the elevation of the structure.

Mr. Bollenberg went on to verify the intentions of the Orchard Brook Homeowners Association and the contents of the shed, which are currently outside.

Mr. Bollenberg thanked the representatives from the Orchard Brook Homeowners Association for their clarification.

Mr. Lopata asked if the area floods, who pays for the loss?

Mr. Erhart answered that the Orchard Brook Homeowners Association pays for the loss.

Mr. Lopata asked if the Orchard Brook Homeowners Association had flood insurance for the building?

Mr. Erhart confirmed that the Orchard Brook Homeowners Association has flood insurance for the building. The insurance pays for any loss for that building.

Mr. Lopata asked if there were any costs associated with the review and is the petitioner paying those costs? In past meetings, the Committee talked about people applying for special variances and accepting the costs the Village has to pay. Are there any engineering reviews that have been done by outside consultants?

Mr. Hall answered that there have been review fees incurred by outside consultants. The Village of Downers Grove policy is currently to pass the fees on to the applicant. In addition, there is a \$350.00 variance fee to cover these proceedings.

Mr. Bollenberg asked if the area in question is a regulated wetland or just a floodplain?

Mr. Erhart answered that it was just a floodplain.

Mr. Eckmann asked if there were any further questions or comments. Being none, Mr. Eckmann is of the opinion, from the discussion, that a recommendation will be made to the Village Council to approve the variance of the ordinance be granted to Orchard Brook Homeowners Association for the construction of a shed at one-foot above the high water level.

Mr. Bollenberg moved that the variance, after review be forwarded to the Village Council with a recommendation, be granted.

Mr. Ponstein seconded the motion.

Mr. Eckmann asked for any further comments. There being none, a vote was taken and all were in favor.

Motion carried 4:0 (Mr. Erhart abstained from voting)

Old Business

Probation Status Report

Mr. Hall referred to the memo in the packet regarding the timeline of probation from November of 2001 to present. In addition to the memo is a copy of the letter Mr. Hall wrote to the DuPage County Stormwater Management Committee in June of 2002. Due to the current staffing and budget situations, the Village is experiencing some difficulties finishing up the last things to be done to end the probation period. Staff has been working very hard to come up with a solution to these problems. December would be the earliest that DuPage County would request us to act on the probation status.

There was discussion regarding the Village's five options, which are listed in the memo.

Mr. Bajor added that Chrys Rymas worked in the capacity of a review engineer, however, she has left the Village and is now working for a private consultant firm. The Village has successfully hired a new employee. She is a Purdue graduate who has been working for Patrick Engineering. Alicia Hightower will start working for the Village next week.

Ms. Marilyn Gerloff, 4241 Highland, stated she was curious as to when a decision would be made since December is just around the corner. As a resident of the Village, she strongly encouraged [Mr. Hall] to apply for full-waiver again. Hopefully, [Mr. Hall] will stick around and do what needs to be done.

Mr. Hall said he respected Ms. Gerloff's comments and it has certainly been a challenge since he's been here and it is his goal to have the best interests of the Village in mind.

Ms. Marilyn Gerloff, 4241 Highland, interrupted that it was not good for a resident to have partial waiver and to have to have double fees, double engineers and double everything and to have to wait six months to get everything built. It absolutely is the most negative thing that could happen to a resident in this town. She stated the Village needs to get the right people at the helm and get this

taken care of. These are residential opinions. Ms. Gerloff went on to add that she had attended a few of the past Village meetings and has a pretty good understanding of how the Village got into its present situation.

Mr. Eckmann thanked everyone for their comments and recommended to move on to the next item on the agenda.

Report on NPDES Phase II Progress/Timeline

Mr. Hall referred to the last memo in the packet. The memo outlines a timeline of events leading up to the due date of the permit. Attached to the memo is a sample copy of what the actual permit looks like. There is a typographical error on the timeline. It should read March 10, 2003.

Mr. Eckmann asked if there were any questions.

Mr. Erhart asked if there would be any potential problems with this permit or if in Mr. Hall's opinion, there were any areas of concern that needed to be addressed.

Mr. Hall responded that the positive side to the permit is that it allows the Village to phase in changes over a five-year period. Mr. Hall discussed the changes in detail as it related to costs to the Village as well as educating the public.

Mr. Eckmann asked if there were any other questions.

Mr. Erhart asked about the task force that was voted on in a previous Stormwater Committee meeting that was to be put together by the Village Council. Also, Mr. Erhart inquired about the status.

Mr. Bajor commented that Commissioner Tully has been a proponent of initiating a committee, however, the committee has not been actively approached.

Mr. Erhart asked for feedback at the next meeting regarding the task force.

Mr. Bajor stated he would work on a status report for the next meeting.

Mr. Eckmann added the topic of Retention Basins as an agenda item under the Old Business heading. There were no objections.

Retention Basins

Mr. Eckmann stated he was not in favor of retention basins with water based on the mosquito problems, specifically the death of a Westmont resident from the West Nile Virus. Mr. Eckmann was of the opinion that it would be worthwhile to have someone study the basins and determine whether or not it is true if mosquitoes can or cannot breed in moving water vs. standing water.

A discussion ensued regarding the mosquito abatement program for Downers Grove and whether mosquito larvae grow in aerated vs. in aerated ponds. Mr. Lopata confirmed that mosquito larvae do grow in aerated ponds and offered to cite sources. Mr. Hall explained that a program is in place in Downers Grove and is handled by the Code Enforcement Department. Also discussed were other types of areas where mosquitoes possibly breed.

Mr. Erhart made a motion to adjourn.

Mr. Lopata seconded the motion.

All were in favor to adjourn. **Motion carried 5:0**

Meeting adjourned 8:40 PM.