

VILLAGE OF DOWNERS GROVE
Stormwater and Flood Plain Oversight Committee Meeting
September 22, 2005, 6:45 p.m.

Downers Grove Public Works Facility
5101 Walnut Avenue, Downers Grove, Illinois

Call to Order

Mr. Beckman called the meeting to order at 6:45 p.m.. A roll call followed and a quorum was established.

Members Present: Messrs. Beckman, Bollenberg, Crilly, Gorman

Absent: Messrs. Nystrom, Ponstein and Chairman Eckmann

Staff Present: Jonathan Hall, P.E., Development Engineer/Stormwater Administrator; Mike Millette, P.E., Asst. Dir. of Public Works; and Ms. Sharon Connell, Recording Secretary.

Others Present: Felicia and Noel Michaels, 5427 Brookbank; Kevin and Sandy Harynek, 2216 Landmeier Rd., Elk Grove, Illinois; Kevin Bollinger, Bollinger Lach & Associates, 1010 Jamie Blvd., Oak Brook, IL, representing Kevin Harynek; Rich Steinbrecher, 141 S. Neltor Blvd., West Chicago, IL, representing Mr. and Mrs. Michaels; Lara Sup, CBBEL, 9575, W. Higgins Rd., Suite 600, Rosemont, IL; Timothy Owens, 1248 Maple Ave.; Robert Cloud 4444 Lee Ave.; Kevin Mysterdt, 4500 Lee Ave.; Brian Berg, 4935 Highland; Mariane Kritzler, 5436 Brookbank; Kent Conness, 1846 Grant Street; Richard Kus, 1852 Grant Street; Esther Wolt, 4245 Highland; and Frank Panek, 4440 Lee Avenue

Approval of May 26, 2005 Minutes (Open Workshop)

A change was noted on page 4 of the minutes, last paragraph, insert "investigated but not" after the words "to be" and before the word "recorded". **Minutes, with noted correction, were approved on motion by Mr. Crilly, seconded by Mr. Gorman. Roll call:**

Aye: Mr. Beckman, Mr. Bollenberg, Mr. Crilly, Mr. Gorman

Nays: None

MOTION CARRIED. VOTE: 4-0

Public Comments - None

New Business

A. Public Hearing - Petition 2005-01, Flood Plain Variance, Flood Protection Evaluation for Proposed Detached Garage, 5427 Brookbank Avenue. Mr. Bollenberg moved to open the public hearing on Petition No. 2005-01, seconded by Mr. Crilly. Motion carried by voice vote of 4-0.

Mr. John Hall, Stormwater Administrator, explained that Mr. and Mrs. Michaels, owners of the property at 5427 Brookbank were requesting a variance from Section 26-62.3 and 26-51.5 of the Downers Grove Stormwater and Flood Plain Ordinance. A reading of the two sections followed. Mr. Hall noted the area was considered a Localized Poor Drainage Area (LPDA) and the area was treated as a flood plain. Petitioners were seeking to construct a detached garage in their rear yard

with a minimum floor elevation of one foot above the base flood elevation in an LPDA. However, the ordinance section required that the floor elevation be three feet above the base flood elevation. After discussing the matter with DuPage County staff, staff stated the county concurred that the property would not require a county variance and the county would not oppose the request.

Staff's understanding was that a previous garage existed on the site but was demolished by the previous owners. Constructing a 3-foot garage floor above the base flood elevation would result in a very steep driveway approaching the garage. The established base flood elevation that was determined did not rely on storm sewers. It was based on the overland overflow point at Maple Avenue and did not rely on maintenance storm sewer inlets.

Petitioner, Mr. Rich Steinbrecher, with Steinbrecher Land Surveyors, and representing the Michaels, confirmed staff's explanation of the request and offered to answer any questions.

Discussion followed that the current location of the garage consisted of compacted gravel. Mr. Michaels provided an old plat depicting the location of the previous garage. Mr. Steinbrecher confirmed that the proposed garage was a standard 14' feet by 20' feet garage. Staff also noted that the LPDA on the members' aerials was not correct. Questions followed as to why the old garage was demolished, to which Mr. Michaels believed the previous owner was seeking a permit on it but did not get it. Mr. Hall had no history on the previous request.

A question was asked whether staff was fine with the contours for the backyards of Maplewood Place, specifically at 5402, 5406 and 5348, due to the berm's drop to the petitioner's backyard. Staff indicated a detention pond existed behind those addresses which drained to Maple Avenue.

Mr. Michaels explained he had no water problems from the berm since he owned the home, but his neighbors indicated that since the berm was built, there were less flooding issues. Staff did not believe there would be any issues with overflow in that area.

Mr. Beckman open up the meeting to public comment on this petition. No comments received.

Mr. Gorman moved that the Stormwater & Flood Plain Oversight Committee recommend to the Village Council that the variance request be granted, based on staff's report and the showing of the uniqueness and the hardship in this case. Seconded by Mr. Bollenberg. Roll call:

Aye: Mr. Beckman, Mr. Bollenberg, Mr. Crilly, Mr. Gorman

Nays: None

MOTION CARRIED. VOTE: 4-0

Mr. Beckman clarified to the homeowners that their request has been recommended to the Village Council for their review and public comment.

B. Public Hearing - Petitioner 2005-02, Flood Plain Variance, Incremental compensatory Flood Plain Storage, 4400 block of Lee Avenue (2nd lot south of Ogden Ave. on west side of Lee Avenue). Mr. Bollenberg moved to open the public hearing on Petition 2005-02, seconded by Mr. Crilly. Motion carried by voice vote of 4-0.

Mr. Hall, discussed that property owner, Mr. Kevin Harynek, has requested a variance from Section 26-62.9 of the Downers Grove Stormwater and Flood Plain Ordinance. This request will not require a variance from the DuPage County Countywide Stormwater and Flood Plain Ordinance. Staff noted that both the Village's and County's ordinances read the same as it relates to compensatory

storage for any placement of fill, structures or materials above grade in a flood plain. Staff explained that Du Page County has interpreted the specific language in the ordinance to mean that all fill placed below the 10-year flood elevation shall be compensated by excavation below the 10-year flood elevation. All fill placed between the 10-year and the 100-year flood elevation shall be compensated by excavation in the same elevation range. In the case of riverine flood plains, the above policy ensured that similar flood flow characteristics were maintained and that properties at all elevations within the flood plain were protected from impact.

Staff discussed that the proposed structure was being planned within an LPDA and was not a regular flood plain on the FEMA or county map. The village regulated it as being on the flood plain. Because the subject flood area on Lee Avenue is an isolated flood plain, staff believes that providing all of the flood storage excavation below the 10-year flood elevation will provide for as much benefit to all property owners as dividing the flood storage excavation between the 0 to 10-year to 10 to 100-year zones. Staff requested that this committee review the request as to how it meets the requirements of Section 26-120.10.

If the request was granted, staff recommended that the committee require the petitioner to provide partial restoration of wetland and buffer areas as a condition of the stormwater management permit and that the petitioner remove any unauthorized fill deposited over a course of several years. In addition, another condition would include that the project provide 50% more excavation than fill in the flood-prone area.

Petitioner, Kevin Bollinger, with Bollinger, Lach & Associates, Oak Brook, Illinois, on behalf of his client, Mr. Harynek, concurred with staff's summary of the variance request. Mr. Bollinger explained that one single-family home with a three-car garage, would be developed on the 1.3-acre property. The LPDA would be filled in. The northwest corner of the site included the 100-year LPDA elevation at 733.24. The 10-year elevation was at 731.3 feet. Installing a simplified footprint of a home, the petitioner could not compensate for the flood area between the 10 and 100-year LPDA, which was why there was a variance being requested between the 0 to 10-year and 10-year to 100-year, to include all the excavation between the 0-year and 100-year LPDA. Mr. Bollinger confirmed wetlands did exist on the property and the petitioner was impacting some of the wetland buffer areas. His client intended to construct a single-family home, re-grade the remainder of the site, and beautify the area.

Mr. Gorman asked whether someone would be able to exit the house during a 100-year flood, wherein Mr. Bollinger indicated the street elevation was at 731 feet and the 100 year LPDA was at 733.24 feet and so the existing road was below that elevation.

Dialog followed on a proposed stone wall on the south side of the structure, wherein owner Mr. Kevin Harynek explained the 10-foot wall would be comprised of a natural stone consisting of pockets of top soil and plants that cascaded over it and would be on a natural slope. Mr. Crilly expressed concern about the wall being on a 10 foot drop. Mr. Bollinger offered to review the slope again.

Mr. Bollenberg expressed concern that the 10 ft. drop would impact a larger portion of the LPDA.

Mr. Gorman asked staff whether prior issues ever existed with getting residents out of the area due to flooding conditions and did the petitioner have a capital improvement plan for addressing the depth of flooding on Lee Avenue. Asst. Dir. of Public Works, Mike Millette, explained that approximately a year and a half ago the Village installed a storm sewer on the west side of Lee which travels up to Ogden, turns and heads west on Ogden to the Lacey Creek. The project replaced a collapsed tile in the area and ever since the sewer has been in place, no pumping of the

field had occurred. To date, he has not heard of any rescue stories but understood the homes on the east side did experience structural floods in 1986 and 1987.

Per a question, the petitioner stated that a basement was proposed for the home and soil borings were taken and it was determined that the soil was safe for a basement.

Mr. Beckman opened up the meeting to public comment.

Mr. Omar Gredary (phonetic spelling), 8300 Lindeman Road, Burr Ridge, Illinois, who has property north of the lot under discussion, asked how far the proposed house existed from the property line, wherein Mr. Bollinger stated it was approximately 35 feet. Mr. Gredary also conveyed the flooding problems that occur with the ditch on the south side of his property and how it affects his neighbor to the west. Mr. Hall explained how the new storm sewer under Ogden was addressing the water issue in the area which originally dealt with an old collapsed clay pipe. Another issue was the fact that one of the properties had floor drains tied to the drain tile, which was no longer permitted. Mr. Hall also explained his understanding that a new outlet was going to be created for Mr. Gredary's detention area to the new storm sewer on Lee Avenue. Other details followed.

Mr. Richard Kus, 1852 Grant Street, commented on the poor condition of the site and its flooding. He thought the lot was unbuildable. He expressed concerns about the piles of fill being removed from the lot and whether it would help the lot and the nearby neighbors since their land flooded. Mr. Kus asked for the elevation of the in-take of the storm drain, wherein Mr. Millette explained the inlet pipe rim was 725.8 feet and the inlet was about a foot and one-half deep in the center. The pipe sizes were 15" inches and 18" inches, respectively.

Mr. Beckman asked staff whether the above water issues with the neighbors was around for a long period time or was something that had to be resolved by the installation of the new sewer. Mr. Hall indicated the installation of the storm sewer pipe created a reliable drainage system and flooding occurred less frequently. But one of the main issues was the fact that the pipe was not initially Village-installed and it crossed private property with no easement. So the village determined to go around the properties. In addition, Dir. Millette explained that the sewers were designed only to a 10-year storm frequency and the smaller, "nuisance" floods were controlled. Mr. Beckman confirmed that the design of system then was to mitigate a 10-year event but not a 50-year event, to which staff confirmed positively.

Resident, Mr. Kevin Mystedt, 4500 Lee Avenue, inquired as to how much Village pumping took place last year in the area, even after the storm sewer was installed. He expressed concern about the water fowl that would be displaced at the new property. Mr. Millette stated that while the sewer was being constructed, some rains occurred which still required pumping. However, since it was connected down at Lacey Creek, the area had not been pumped.

Mr. Richard Kus asked if the proposed house was connected to a sanitary sewer or septic, wherein Mr. Bollinger stated the petitioner was proposing to install a septic field.

Mr. Robert Cloud, 4444 Lee Avenue, who owns nearby property confirmed ownership of his other neighbors' property in relation to the proposed lot. He questioned what the impact was when a set of homes were built, believing that a negative impact occurred after hearing tonight's public comments. Of late, though, he noticed that water does not come onto his property but tends to travel to another property. Mr. Cloud confirmed that any work the petitioner does to his property, will require him to manage the water and not interrupt the village's installation. He drew attention to the fact that another drain tile has collapsed and needed to be addressed.

Mr. Hall acknowledged the issue.

Mr. Beckman asked whether the above drainage issues had any bearing on the requested variance, wherein Mr. Hall explained none of the issues related to the request other than the fact that the need for the variance could be used as a way to not allow the request. Staff was of the opinion that it may need to make a recommendation or require an easement back to the area in case other properties need to be protected.

Mr. Bollinger indicated a drain tile ran through the site and the owner was willing to repair the pipe if it was damaged. Owner, Mr. Haryneck stated he was out at his site years ago and his intent was to replace the pipe.

Mr. Beckman asked staff what assurance did the Village have that the owner would replace the pipe or that any subsequent property owner would follow suit. Mr. Millette stated there was no assurance, which was why staff was requesting an easement over the property.

Mr. Kent Conness, 1846 Grant Street, asked to explain the variance that was being requested, wherein Mr. Gorman explained the request in understandable terms. Mr. Conness asked the petitioner his definition of a wetland.

A discussion followed on that portion of the parcel as being designated as a wetland.

Mr. Frank Panek, 4440 Lee, opposed the petition based on the information and comments received tonight. Specifically, he had: 1) he had concerns about the stability of the site and there was less protection and regulation to the site. He bought the property knowing a detention pond existed. He planted vegetation there three times due to the flooding effects; 2) financial concerns about the excavation of the site and the financial relief being requested; and 3) concerns about equity, stating that the owner of the property knew what he was buying and knew the required regulations.

Mr. Richard Kus, 1852 Grant, has resided in his home for 27 years and noted the area being called a wetlands was grass when he moved into his home. It was his old neighbor's lawn.

Mr. Kent Conness, 1846 Grant, again, voiced his concerns about the 1.5 times increasing flood water detention capacity and asked for clarification of the septic field, to which staff could not respond to the septic field questions since it was not staff's purview.

To stay more focused on the request, Mr. Beckman polled the commissioners as to how to proceed forward. Mr. Bollenberg stated that the committee had options to make a motion. Mr. Gorman had concerns about the septic field and the requirements of the health department; the sump pump running continuously under high water conditions; and access out of the house during a 100-year flood. Regarding the variation being requested, he agreed with the engineering aspect of the project but there was no uniqueness to the variance or the parcel that should support the variation. Mr. Crilly had a difficult time separating the impact of the variance from the other issues being raised. Mr. Beckman had questions regarding the assurance that the modifications to the drain would fulfill the expectations of the Village in meeting the 10-year or more flood potential. Mr. Beckman read the four motion options available to the committee.

Mr. Hall confirmed that if the variance request was denied, the applicant was allowed to return with modifications to their proposal that would satisfy the concerns of the community and village staff.

Mr. Gorman made a motion that the Stormwater & Flood Plain Oversight Committee recommend to the Village Council that the variance request be denied due to a lack of uniqueness. Seconded by Mr. Bollenberg.

Mr. Hall explained that the Village's ordinance does allow a process for appeals and the applicant could appeal the variance through this committee. Mr. Hall recommended that a condition be added to the motion to add an easement over the existing clay drain tile on the site. Mr. Beckman, however, believed the discussion of that condition would be more appropriate after the committee took its vote and that the discussion take place with staff and the petitioner's engineering firm. **Roll call followed:**

Aye: Mr. Bollenberg, Mr. Crilly, Mr. Gorman, Mr. Beckman
Nay: None **MOTION TO DENY PASSED. VOTE: 4-0**

Old Business

A. Stormwater Master Plan Update - Mr. Millette reported that the scope of work by Clark Dietz, Inc. will include four to six meetings at the Village as well as update meetings. Of particular note was the four-hour Village tour taken by staff and representatives of Clark Dietz, Inc. To date, staff has received their draft product work plan and was reviewing. Copies of the document were available. Staff had some minor revisions in the document. Mr. Millette expects that representatives from Clark Dietz, Inc. will be making upcoming presentations to this committee.

For informational purposes, Mr. Millette handed out copies of an article entitled, "Rock Island Stormwater Utility Fee Upheld - A Drop by Drop Success Story", as printed from the Illinois Municipal Review.

Adjourn

Mr. Bollenberg made a motion to adjourn the meeting at 8:05 p.m. Seconded by Mr. Gorman.

Mr. Ester Wolt, 4245 Highland, discussed an issue regarding her son's property. Mr. Hall explained that Ms. Wolt did speak with staff regarding her son's property on Woodward. The son has a neighbor whose home was constructed slightly higher than his and has a retaining wall which exists on the property to direct water towards the road and away from her son's house. Ms. Wolt does not want the wall to exist. Staff and the Director of Public Works have looked at the wall as well as other engineers and have determined that there is no violation of the code. Apparently, Ms. Wolt met with Chairman Eckmann at one point. Staff determined that the next step will be to visit the site during a heavy rain to view any drainage issues. Mr. Beckman suggested that Ms. Wolt give her information to the recording secretary to make copies for the members. He thanked her for coming to the meeting.

Motion passed.

Respectfully submitted,
(as transcribed by tape)

/s/ Celeste K. Weilandt
Celeste K. Weilandt, Recording Secretary