

STATE OF ILLINOIS)
) SS.
COUNTY OF DU PAGE)

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

IN THE MATTER OF:)

To consider a conditional use for)
expansion of an existing recreational)
and social facility, a variation in corner)
side yard setback and a variation in)
corner side landscape yard setback.)

No. 4452-96

McGRATH
WHEATON UFW

Report of Proceedings
October 17, 1996
7:30 P.M.

REPORT OF PROCEEDINGS had and testimony
taken at the public hearing of the above-entitled
cause, before the DU PAGE COUNTY ZONING BOARD OF
APPEALS, held at the DuPage County Courthouse,
505 North County Farm Road, Wheaton, Illinois.

BOARD MEMBERS PRESENT:

MR. THOMAS MILLER, Chairman.
MR. DONALD CARROLL, Member.
MR. FRANK D. BERNARD, Member.
MR. HAROLD PLETCHER, Member.
MR. CLIFFORD ADAMS, Member.
MR. DALIP BAMMI, Secretary.

CCR

County Court Reporters, Inc.

County View Center, Suite 200
600 South County Farm Road
Wheaton, Illinois 60187
(708) 653-1622
FAX (708) 653-4119

Oak Brook Office
(708) 654-1121

Kane County Office
(708) 897-8852

1 CHAIRMAN MILLER: All right. We will call the
2 meeting to order.

3 Good evening, Ladies and Gentlemen. This
4 is a meeting of the Zoning Board of Appeals. We are
5 here tonight to hear Petition 4452-96. It was
6 published in the Daily Herald on October 1, 1996.

7 It's to consider, one, a conditional use
8 for expansion of an existing recreational and social
9 facility, Wheaton Veterans of Foreign Wars, Post 2164,
10 from 5,353 square feet and 10,367 square feet. Two,
11 variation in corner side yard setback along Papworth
12 Street from 30 feet to approximately 1 foot; and,
13 three, variation in the corner side yard landscape yard
14 setback from 12 feet to 1 foot along Papworth with the
15 VFW maintaining a new berm/grass and landscaped ROW
16 area, all while located in an R-4 single-family
17 Residence District on the property which is located on
18 the southeast corner of Geneva Road and Papworth
19 Street.

20 Our procedure is that first the
21 petitioner will make his presentation. After the
22 petitioner has finished his presentation, the Board and

1 Staff will ask questions. After those questions are
2 answered, we will then take statements from people in
3 the audience who want to speak either for or against or
4 just ask a question.

5 No decision is made this evening. On
6 November 7 at 7:30 p.m. in the County Board Room, we
7 hold our recommendation meeting at which time we take
8 up this case, along with other cases that we have heard
9 throughout the month, and make our recommendation.
10 That recommendation is then forwarded to the County
11 Board at the latter part of the month and they make
12 the final decision.

13 If any additional information is required
14 this evening or anyone wishes to supply any additional
15 information, it must be supplied to the Zoning Office
16 not later than 4:30 p.m. on October 25 in order to be
17 considered at our November 7 meeting. If it's found
18 that whatever is requested cannot be furnished by that
19 time, the petitioner may ask for a continuance. At
20 which time, that material will then have to be
21 furnished not later than November 22. We would then
22 continue that to our December 5 recommendation meeting

1 at the same location and time.

2 Is the petitioner here?

3 MR. MC GRATH: Yes, sir.

4 CHAIRMAN MILLER: Who is representing the
5 petitioner, Mr. William J. McGrath?

6 MR. MC GRATH: I am, sir. William J. McGrath. Do
7 you want to swear me in?

8 CHAIRMAN MILLER: Okay. How many are you going to
9 have testify, Mr. McGrath?

10 MR. MC GRATH: Everybody who is going to testify,
11 stand up.

12 CHAIRMAN MILLER: Okay. Will you gentlemen who are
13 going to testify please stand, raise your right hand
14 and be sworn in.

15

16 (The oath was thereupon
17 duly administered to the
18 witnesses by the notary.)

19

20 CHAIRMAN MILLER: Then as you speak, please state
21 your name and address for the record.

22 Do you have any exhibits, a plat of

1 survey? If so, we need to bring them up and have
2 Mr. Bammi mark those so that as you speak, you can
3 refer to those exhibits.

4 MR. JACOBSON: Yes.

5 CHAIRMAN MILLER: Would you bring the exhibits up,
6 the plat of survey, site plan and whatever you are
7 going to present as exhibits so that we can mark them
8 for the record.

9 Do you have a plat of survey for
10 Petitioner's Exhibit No. 1?

11 MR. MC GRATH: Yes, sir.

12 MR. CARROLL: They can mark them up there.

13 MR. BAMMI: Have it marked as Petitioner's Exhibit
14 1.

15 MR. MC GRATH: We can mark it.

16 MR. BAMMI: If you bring it here, I can do it. So
17 the Petitioner's Exhibit No. 1 will be the plat of
18 survey. Okay.

19 (Whereupon, the document was
20 marked Petitioner's Exhibit No. 1,
21 for identification.)

22 MR. JACOBSON: We have an Exhibit 2.

1 MR. BAMMI: Petitioner's Exhibit No. 2 is the site
2 development plan.

3 (Whereupon, the document was
4 marked Petitioner's Exhibit No. 2,
5 for identification.)

6 CHAIRMAN MILLER: Is that the revised plan?

7 MR. DAILEY: Negative, sir. I was told to explain
8 what went wrong and then show you B.

9 MR. BAMMI: So shall we call it site plan --

10 MR. DAILEY: A.

11 MR. BAMMI: -- A?

12 MR. DAILEY: Yes, sir. So we don't get the Board
13 confused.

14 MR. BAMMI: Exhibit 3 is the proposed exterior
15 elevations.

16 (Whereupon, the document was
17 marked Petitioner's Exhibit No. 3,
18 for identification.)

19 MR. MC GRATH: Take them in the order of
20 presentation.

21 MR. JACOBSON: This is C.

22 MR. DAILEY: Is this is the revised plan?

1 MR. BAMMI: Petitioner's Exhibit No. 4 is --

2 MR. BERNARD: Wait a minute. He has got something
3 else on this side.

4 MR. DAILEY: This is C. It is in the order that we
5 started drawing this until the other day. This will be
6 Exhibit C, sir.

7 MR. BAMMI: Well, I am calling it Petitioner's
8 Exhibit No. 4.

9 (Whereupon, the document was
10 marked Petitioner's Exhibit No. 4,
11 for identification.)

12 MR. JACOBSON: That is the landscaping plan.

13 MR. BAMMI: Yes, that is the landscaping plan.

14 MR. JACOBSON: Exhibit 5 is the engineering site
15 plan.

16 MR. BAMMI: Exhibit No. 5 is your grading plan,
17 right?

18 MR. JACOBSON: Yes.

19 (Whereupon, the document was
20 marked Petitioner's Exhibit No. 5,
21 for identification.)

22 MR. DAILEY: Then we have --

1 MR. BAMMI: Petitioner's Exhibit No. 6 is site plan
2 B, which is the revised plan, right?

3 MR. DAILEY: Yes, sir.

4 MR. BAMMI: Thank you.

5 (Whereupon, the document was
6 marked Petitioner's Exhibit No. 6,
7 for identification.)

8 MR. JACOBSON: Last, but not least, the revised
9 grading plan.

10 MR. BAMMI: This is tied with --

11 MR. JACOBSON: Actually, it's not a revised. It's
12 an alternate detention pond plan. It's still site plan
13 A.

14 MR. BAMMI: Do you have any grading plan which is
15 tied with site plan B?

16 MR. DAILEY: No.

17 MR. JACOBSON: No.

18 MR. BAMMI: Okay. So this is Petitioner's Exhibit
19 No. 7, which is --

20 CHAIRMAN MILLER: A grading plan for site A.

21 MR. BAMMI: Okay. But your Exhibit No. 5 was also
22 a grading plan. What is the difference?

1 MR. JACOBSON: Well, this is an alternate detention
2 plan.

3 MR. BAMMI: Let's go back first to Exhibit No. 5,
4 which was the grading plan.

5 MR. JACOBSON: Yes.

6 MR. BAMMI: So Petitioner's Exhibit No. 7 is the
7 grading plan alternate?

8 MR. JACOBSON: An alternate for plan A.

9 MR. BAMMI: This is the alternate for plan A.
10 Okay. That is No. 7.

11 (Whereupon, the document was
12 marked Petitioner's Exhibit No. 7,
13 for identification.)

14 MR. JACOBSON: That's it.

15 MR. BAMMI: Seven exhibits.

16 MR. JACOBSON: Is that a County record?

17 MR. BAMMI: Thank you.

18 CHAIRMAN MILLER: Okay. Mr. McGrath, go ahead.

19 MR. MC GRATH: Yes. My name is William J. McGrath.
20 I am an attorney practicing at 529 West Roosevelt Road
21 in Wheaton, Illinois. I am also a life member of the
22 VFW Post.

1 When I first came out here, we found the
2 Post as it was. It was constructed sometime ago. It
3 consists of a barroom, some quarters upstairs and a
4 reception hall, which is used for Bingo and various
5 receptions. Throughout the years, I have heard various
6 plans to modernize this or add on to it or alter it,
7 but nothing has ever happened. Fortunately, now, we
8 have a very dynamic commander in the person of
9 Mr. Jackson.

10 Now, I thought we would make our
11 presentation in this fashion with your permission, sir.
12 We would have Commandant Jackson explain the motives
13 and the reasons why we are making our request. Then he
14 has assembled a group of specialists under the guidance
15 of Mr. Glenn Dailey of Paragon Group.

16 We have our architect here. We have our
17 land planner, in a sense, here. Each of these people,
18 we have our landscaping, water retention, all of those
19 here. We will present each of those specialists who
20 will address that phase of the development. Now,
21 whether you want to wait until the presentation is made
22 entirely and then address questions or address

1 questions to the experts as they speak, that, of
2 course, is up to you.

3 First, I would like to present Mr. Robert
4 Jackson, our commandant of the Post.

5 MR. JACKSON: Okay. Thank you, Bill.

6 Robert D. Jackson, 647 Euclid, Glen
7 Ellyn, Illinois, 60137. Thank you for entertaining, or
8 letting us present our case tonight. I am the
9 commander of the Wheaton VFW. I have been the
10 commander for the last two years. We started on this
11 project approximately two years ago. It was my
12 feeling, and the officers of the Post and the Board of
13 Directors, that the place was becoming not very
14 picturesque and was overgrown and needed significant
15 cleanup on the outside, plus modernization; and that is
16 what this is about.

17 It's, frankly, an eyesore at this point.
18 We are committed to spend in the neighborhood of
19 \$30,000.00 just for landscaping alone to significantly
20 increase the outside, outward appearance. In addition
21 to the landscaping, what we want to do is increase the
22 hall size so that we can entertain some of the larger

1 functions that we have had to turn down in the past.

2 The Wheaton VFW, whether you know it or
3 not, donates in excess of \$35,000.00 a year to the
4 community. We do a lot of community activities. We
5 promote patriotism, historical types of programs. We
6 run a Voice of Democracy Scholarship Program every
7 year. We select a scholarship winner at the Post, give
8 them funds; and then they go to District. If they win
9 that, they get some funds and they go to State,
10 Nationals. Altogether, it's worth approximately
11 \$40,000.00 to the kid that wins the whole thing.

12 We promote, or we donate funds to all of
13 the local baseball teams in Wheaton and Winfield. We
14 donate funds to senior activities, including -- what
15 was the one that we are big on?

16 MR. CIRCELLI: Blind night.

17 MR. PALMA: Yes.

18 MR. JACKSON: We entertain blind night at the hall.
19 We bring in blind veterans from Hines Hospital.

20 MR. PALMA: And the Food Pantry.

21 MR. JACKSON: Yes. We donate in excess of
22 \$3,000.00 a year to the Food Pantry in the area.

1 Now, what we want to do is we want to
2 significantly upgrade the outward appearance of the
3 building and increase the size so that we can entertain
4 larger functions to pay for a lot of the other
5 functions, or the other programs that we want to
6 support in the community.

7 I want to, again, I want to thank you for
8 entertaining us tonight. At this point, we will start
9 the show with Mr. Glenn Dailey.

10 MR. DAILEY: Evening. My name is Glenn Dailey with
11 the architectural firm of Paragon Group I, Ltd. On
12 behalf of the VFW, the community and the commander, I
13 appreciate your time in listening to our plight
14 tonight.

15 Basically, I was asked to put together a
16 team to assist the VFW in upgrading their facilities.
17 It was classified when it first came into the
18 community, through the Zoning Department, it was
19 classified as a neighbor upgrade, a good-community type
20 thing. I pursued that concept.

21 As Mr. Bammi knows already, we have
22 concept B. I apologize to the Board. The drawings

1 that were submitted roughly four weeks ago was due to
2 all the individuals that want to help participate in
3 assisting the VFW through Milton County and all of that
4 by a lot of people who don't really know the laws.

5 Consequently, I will show you quickly A,
6 which is what you have right now. That was just a
7 first attempt because of the promises and everybody
8 trying to help with that type of organization. It did
9 not work.

10 MR. JACKSON: This one?

11 MR. DAILEY: No. It would be the first plan, I
12 believe, these gentlemen might have. That would be B.
13 That was the first one. That was submitted. Reviews
14 are being conducted by the County; and, basically,
15 there was going to be a letter from Milton Township to
16 assist us with this right-of-way.

17 One of the things that started this whole
18 issue was the flagpole. Besides, when you add on to
19 the facility itself, that introduces issues of the BOCA
20 Code and also the requirements of Zoning and the
21 parking lot situation, which made it grow bigger.
22 There was a direction by the VFW Building Committee to

1 try to keep as much green area as possible for a
2 baseball area for kids and also to try to accommodate
3 parking within the proximity for general use from
4 day-to-day. Then we had these special functions where
5 people had to park their cars. That is down in the
6 right corner. Even on concept B, those numbers are
7 there.

8 What happened after that was we had a
9 confrontation with regards to having lots of money
10 spent on title searches to rectify and correct the plat
11 of surveys. Mr. Bammi is now in possession of the
12 current plat of survey that shows who owns what as far
13 as the right-of-ways. There was a misunderstanding on
14 that and we had another design that hasn't even been
15 presented tonight.

16 With that, rolling into B, just for the
17 Board to see, is the exterior. No, the exterior
18 elevation. Sorry. This is item No. 3, as Mr. Bammi
19 calls it on his. We are trying to work with the
20 existing facility. Those of you who might have passed
21 by or go by this, we are trying to work with the
22 existing south elevation in cleaning up. We will use

1 either brick or stone and put a wing and that on it
2 where you have the entrance for the members and then we
3 have inside this facility two separate halls that would
4 be utilized.

5 We have an overhang canopy. With the
6 parking scenario, we are trying to instigate where
7 there would be like type of a valet parking, since
8 there is a lot of older people that come to these
9 facilities and these functions. So I had a concern
10 about that. That seemed to go big also for when they
11 have funerals and such, that type of environment, for
12 the morning when they come back to do the casket. It
13 is my understanding that they have a brigade of guys
14 that go out with the casket and everything due to an
15 individual that served his country. So that would be
16 the exterior elevation on the two sides.

17 Now, what you do, I believe, have in
18 front of you would be the concept that the County is
19 really starting to like and we like. There were
20 requests for expansion of the facility. There were
21 requests for some setback requirements. With this, we
22 have eliminated the last two and we would only be

1 asking a variance from the Appeal Board to look at
2 letting us expand the facility at this time. We are
3 within compliance, and I will let Mr. Bammi say that at
4 this time, because I believe they did do some
5 reviewing. This we do like a lot better.

6 I will now, at this time at least, turn
7 over the landscaping issue to Weber and Associates.
8 Gary couldn't make it. So he sent his point person who
9 has been working with the County on this. Robin, come
10 up and identify yourself, please.

11 Again, this design was around concept A;
12 but now that we have some more landscape and that, it
13 will be a matter of adjusting this drawing, also with
14 the site engineering. Okay. I will let Robin take
15 over.

16 MS. CALDWELL: Thank you. My name is Robin
17 Caldwell. I work with Gary R. Weber and Associates in
18 Wheaton. The address is 214 West Willow Avenue in
19 Wheaton, 60187.

20 As Glenn said, we are working, in this
21 plan, we are working with the first concept that we
22 had. So I just want to go through what our ideas were

1 and what we started with so you can get an idea of what
2 we would do. If it was to be revised, it would be very
3 similar.

4 On each side, well, on the south side of
5 the property, it is very fully screened and wooded as
6 it exists with a lot of underbrush, a lot of existing
7 trees. So that will pretty much stay. There will be a
8 detention pond here, which the engineer will clarify or
9 answer any questions on. But that would be the only
10 area that might be affected by the, where the plant
11 material would be affected in that area.

12 On all of the other sides, what we have
13 planned is a full screen, or what the County calls a
14 full screen. There is two alternatives for screens.
15 There is the partial screen and the full screen. So
16 this is the higher of the two and the more dense. So
17 you will get a better screen than you would in a
18 residential neighborhood, or at least as it's required
19 in this way.

20 So with this full screen, we have a lot
21 of different kinds of plant material, a wide variety of
22 flowering types of good fall color and of evergreen

1 color that you will be able to, not only will it have a
2 functional purpose; but it will also be attractive to
3 those around it and for those who use the facility.

4 To give you an example, on this, on the
5 west side, there is a separation between the parking
6 and the road. This is, of course, an important area
7 that you would want to have some kind of a buffer. So
8 that is especially dense. When you have cars and
9 headlights that are, that could be shining into
10 neighboring buildings, then we were, it was important
11 to us to put some lower shrubs in or shrubs that would
12 get to be about 4 to 5 feet, which would be just above
13 the height of the headlights. So that would block a
14 good portion of that light pollution that would
15 otherwise go into the neighboring properties.

16 As we get further away from the parking
17 lot area, we don't have as many lower shrubs; but we
18 have larger, denser material. All of the ornamental
19 trees are low branch. They are clump-formed, which
20 means they have at least three trunks. So they are
21 going to be dense and bushy. They will be like a bush,
22 but they will be much larger so that they will provide

1 much more screening than a shrub would. Also, we have
2 evergreen trees which, of course, would be green all
3 year round and have that screening capability and be
4 somewhat of a sound barrier also.

5 Over-story trees are the large circles
6 that you see scattered throughout; and, of course,
7 those would give you a canopy that would again give you
8 screening that would be even at another level. So we
9 have, we have looked at different levels and looked at
10 the different views that need to be blocked and the
11 things that would become a concern for the people who
12 are going to be living around this property; especially
13 concerns of people of a lot of entertainment going on
14 in the area or a lot of people using the area, a lot of
15 cars. So we tried to address those issues.

16 One other way we tried to address those
17 issues is right here immediately, there are residential
18 homes. So we went with a solid board wooden fence that
19 would be a solid screen. That would be 6 feet tall.
20 Then we went with larger trees, over-story trees, which
21 would canopy over that, and also some evergreens, which
22 would give you that screening all year round. Those

1 would also give you some height, too.

2 In addition, we utilize berms. We plan
3 to use some, do some grading to raise up these areas
4 even more. In this stretch here, there is a solid
5 continuous berm on this side here on the north and on
6 the west side across, all along the parking lot, and
7 then there is a berm here next to the building on the
8 west side, the southwest side.

9 That would again just increase the height
10 and do a little bit more of the screening like we have
11 tried to do with the plant material. The berms would
12 really just increase that a little bit more, as well as
13 give it a little bit more variety and interest to those
14 who are in the neighborhood driving by or stopping in
15 using the facility.

16 That's all I have.

17 CHAIRMAN MILLER: Thank you.

18 MS. CALDWELL: Thank you.

19 MR. MC GRATH: I had originally planned to
20 overwhelm you with the credentials of our expert
21 witnesses with their curriculum vitae and resumes; but
22 suffice it to say that all of them have good

1 credentials. They have the necessary backgrounds.
2 More important than that, they have worked their way
3 up. For example, Mr. Dailey started as a draftsman.
4 Now he is president of his architectural firm.

5 The next expert I would like to introduce
6 is Mr. David Jacobson, who is in charge of the water
7 layout and retention. He is a professional engineer
8 credited in some 12 states, a member of the BOCA
9 Committee and he is presently serving for the City of
10 West Chicago in their Zoning and Planning Board.

11 Mr. Jacobson.

12 MR. JACOBSON: Good evening. My name is Dave
13 Jacobson. I am a civil and structural engineer. I
14 have my own firm, David L. Jacobson and Associates, at
15 1443 West Schaumburg Road in Schaumburg. I will
16 correct the counselor. It's not the Zoning Board I
17 serve on. I am the Chairman of the Building Code Board
18 of Appeals for West Chicago.

19 When I got involved in this particular
20 site, I was given some directives. A prime directive
21 was, "Comply with all of the requirements of the DuPage
22 County Drainage Ordinance and try and save money."

1 Now, these two items don't necessarily work together.

2 Now, going for the first one, because my
3 priority is to do it right, this particular site drains
4 typically from the northeast corner to the southwest
5 corner. The natural flow of water is either down
6 through the ditch along the roadway or straight across
7 and there is a slight, I would even call it a stream
8 that runs through this area here. The final discharge
9 point for all of the stormwater is a storm sewer at the
10 southwest corner.

11 Now, the size of this detention pond is
12 made based on the DuPage County ordinances using a TR55
13 computer run as if none of this existed. This is all
14 new paving, all new buildings. I believe the ordinance
15 allows us to take a credit for existing structures,
16 which would require a lot less of a detention pond; and
17 I have another exhibit to show that.

18 Where the problem comes in with doing the
19 very small pond, is that we are not completely certain
20 that there is capacity in this storm sewer to carry
21 everything away, even in accordance with the drainage
22 ordinance. So we are willing to go to a compromised

1 position. I don't think we need one this large. They
2 are willing to do it, if that is what the Board decides
3 that has to be done. But I think we can get away with
4 as little as this.

5 Now, this has not been submitted. This
6 pond is approximately one-quarter the size in the plan.
7 It is only 2 feet deep. This pond that has been
8 submitted is up to 7 feet deep. Construction of this
9 will wipe out all of the green. So there are some
10 items to consider besides the letter of the law as far
11 as the required detention and what is really needed out
12 there.

13 As far as the revised plan, plan B, the
14 amount of paving that is required for the two stalls
15 with one aisle, even though it's longer, is actually
16 less than we have shown on here. These areas are
17 unaffected by that change. With that being less area,
18 we don't even need this much in detention. But if the
19 Board wills it, we would leave this. So there is a lot
20 of final engineering that has to be done.

21 We don't expect, you know, "Yeah, that is
22 what we want right now." We will sit with the County

1 engineers, all of the Township engineers that are
2 involved, and come up with a method to provide proper
3 detention for this site that will not affect in any
4 way, shape, manner or form any of the neighbors
5 upstream or downstream.

6 That's all I have to offer.

7 CHAIRMAN MILLER: Okay. Thank you.

8 MR. MC GRATH: At this time, I would like to
9 introduce these exhibits into evidence and that would
10 conclude our initial presentation.

11 CHAIRMAN MILLER: Okay. We will go to the Staff.

12 Mr. Bammi, do you want to ask some
13 questions?

14 MR. BAMMI: Thank you, Mr. Chairman.

15 May I start with you, since we have the
16 grading plan up there.

17 MR. JACOBSON: Sure.

18 MR. BAMMI: I think at this point it's my feeling
19 that the site plan A, which is your Exhibit 2, really
20 should be, is not under consideration. I mean, you
21 have submitted this just to have it as a point of
22 reference, but really what the Board needs to deal with

1 is your Petitioner's Exhibit No. 6, which is site plan
2 B.

3 MR. JACOBSON: Correct.

4 MR. BAMMI: Therefore, we would require that you
5 provide us with a grading plan which is tied directly
6 to the site plan B.

7 MR. JACOBSON: Okay.

8 MR. BAMMI: I understand what you are saying, that
9 there may not be that much difference in calculations,
10 and so on and so forth; but we still need to have the
11 finished grades and what the detention pond will look
12 like and so on and so forth.

13 MR. JACOBSON: I understand that.

14 MR. BAMMI: Our senior drainage engineer, Bob
15 McGowan, reviewed the material that was sent to him.
16 It was really tied to site plan A --

17 MR. JACOBSON: Yes.

18 MR. BAMMI: -- and he had some concerns with that
19 grading plan. So I would encourage you to talk to him,
20 if you have not already done so.

21 MR. JACOBSON: We tried to make contact today and I
22 guess he was out of the office.

1 MR. BAMMI: Okay. I would encourage you to do
2 that. Because I think it's very important that the
3 drainage issue be addressed in its totality. I think
4 all of you are aware that drainage is a big concern in
5 DuPage County.

6 MR. JACOBSON: Yes.

7 MR. BAMMI: We not only want to make sure that
8 there is no negative impact to the surrounding area.
9 We also want to make sure that if there is potential to
10 improve a situation, then we would like to see that
11 happen.

12 MR. JACOBSON: Absolutely.

13 MR. BAMMI: So I think there needs to be a meeting
14 of the minds as to the amount of detention. Like I
15 said, here are some concerns and those concerns need to
16 be answered.

17 Also, it's my understanding that there
18 may be some wetlands on the south side of the property.
19 Again, I emphasize the words, "may be." If you are
20 planning to have the detention ponds on the south,
21 which makes logical sense because that is the low
22 point, it may require that you may have to do a wetland

1 assessment just to be sure that we are not affecting
2 any wetlands.

3 MR. JACOBSON: I don't believe anything showed up
4 on the inventory.

5 MR. BAMMI: Okay. So a wetlands assessment has
6 already been done, you are saying?

7 MR. JACOBSON: No.

8 MR. BAMMI: Okay.

9 MR. JACOBSON: An assessment hasn't been done, but
10 we looked at the map and there was nothing there.

11 MR. BAMMI: Right. As you know, though --

12 MR. JACOBSON: I know that doesn't always mean that
13 it's not there.

14 MR. BAMMI: That's right. The wetland maps, as you
15 know, are quite out of date --

16 MR. JACOBSON: Yes.

17 MR. BAMMI: -- and sometimes maybe asks for a part
18 of 300 feet before something shows up. So it's just an
19 observation on the part of our Staff.

20 MR. JACOBSON: Yes.

21 MR. BAMMI: So I think it would be -- I am not
22 asking for a delineation. I am only saying that you

1 ought to do an assessment. If in the assessment it
2 shows that there is wetlands, then you obviously have
3 to go to the next step, which is delineation.

4 MR. JACOBSON: Then we have to work around it.

5 MR. BAMMI: Yes. Right.

6 MR. JACOBSON: Okay.

7 MR. BAMMI: Okay. That is all I have for you.

8 Thank you. Clearly, I think the plan B is a lot more
9 desirable than the plan A.

10 MR. JACOBSON: Thank you, sir.

11 MR. BAMMI: And I think plan B, if I understand you
12 correctly at this point, you as petitioners are
13 withdrawing your requests for condition numbers two and
14 three.

15 MR. DAILEY: Yes, sir.

16 MR. BAMMI: So the only thing before this Board
17 remains the conditional use for the expansion of the
18 existing facility?

19 MR. DAILEY: Yes, sir.

20 MR. BAMMI: Is that correct, counselor?

21 MR. MC GRATH: Yes, that's correct.

22 MR. BAMMI: I would point out, however, that the

1 entryway on Papworth you show some sort of a signage in
2 the middle. Is that correct?

3 MR. DAILEY: What's that, sir?

4 MR. BAMMI: The second one, closer to the building.
5 You can look at your site plan.

6 MR. DAILEY: Yes. What I did, sir, in the
7 redesign, they have currently a second floor area that
8 was up here that we are terminating. It will be just
9 utilized for storage of war, of memorabilia and such.
10 We are taking that sign, or a newer sign, per the sign
11 ordinance of the County and I was looking at putting a
12 low-level sign at that point. So the VFW, if a new VFW
13 member came from out of town, they can see that sign, a
14 low-grade sign.

15 MR. BAMMI: That's well and good. The problem I
16 have, and I think that the Township will have, is that
17 you are putting a sign in the right-of-way.

18 MR. DAILEY: Yes, sir. Again, that was with the
19 who owns the right-of-way.

20 MR. BAMMI: Yes. I think you need to make sure
21 that your signage is outside the right-of-way.

22 MR. DAILEY: Yes, sir. Now that we know who owns

1 the property.

2 MR. BAMMI: You need to put the sign on your
3 property. Then, since you are not requesting a
4 variation from a sign ordinance, then it has to comply
5 with all the sign requirements.

6 MR. DAILEY: Yes, sir.

7 MR. BAMMI: If there is any change in the
8 elevation -- is there any change in the elevation based
9 on plan B?

10 MR. DAILEY: On the building itself?

11 MR. BAMMI: Yes.

12 MR. DAILEY: No, sir.

13 MR. BAMMI: Okay.

14 MR. DAILEY: This is locked in.

15 MR. BAMMI: Now, the landscape plan. We need to
16 have one which ties in with plan B specifically. Even
17 though in concept you said it's going to be this and
18 that, we need to have that drawing which very clearly
19 spells out where the berms are, what kind of berms we
20 are talking about, what slopes they are going to have
21 and so on and so forth.

22 I do appreciate the fact that you are

1 putting berms and landscaping. Especially, I am
2 concerned about the parking area and the car lights
3 facing the homes. So I would hope that these berms are
4 high enough to buffer that --

5 MS. CALDWELL: Yes.

6 MR. BAMMI: -- in addition to having landscaping to
7 provide further relief. So I would like you to really
8 take that into consideration, given the fact that now
9 we do have more of a setback than the plan A.

10 MS. CALDWELL: Right.

11 MR. BAMMI: It's my understanding from the Township
12 Highway Commissioner that there are some utilities
13 along the right-of-way and the berms can't be put on
14 that area. So you really, again, have to devise the
15 berms on your property. As I said, you need to get it
16 to certain heights so that we can be sure you don't see
17 the cars as you are going on Papworth, as well as the
18 lights are completely buffered so that there is no
19 negative impact to the surrounding residential
20 neighborhood.

21 MS. CALDWELL: All right.

22 MR. BAMMI: If you need to discuss anything further

1 regarding landscaping, you know, feel free to call our
2 staff. Have you been in touch with them yet?

3 MS. CALDWELL: Yes, I have been talking to Tom
4 Sliwa.

5 MR. BAMMI: Tom Sliwa.

6 MS. CALDWELL: Yes.

7 MR. BAMMI: That's fine. That's good.

8 We do have a requirement that there be 10
9 percent landscaping in the parking area. Have you met
10 that requirement?

11 MS. CALDWELL: Yes, I believe so.

12 MR. BAMMI: Okay. In the parking area?

13 MS. CALDWELL: Right.

14 MR. DAILEY: Well, since I jerked it around, sir, I
15 was still going with 10 spaces and then a soft space,
16 10 spaces.

17 MR. BAMMI: Okay.

18 MR. DAILEY: It is the same thing. Instead of
19 being at a 60, it's now at a 90. So it's pretty much
20 the same thing.

21 MR. BAMMI: Okay. Area wise I am talking about.

22 MR. DAILEY: Yes.

1 MR. BAMMI: It has to be 10 percent of the paved
2 area with the parking. Again, the concept would be
3 that you provide a little break. I think it's a plus
4 for your own design. You know, I appreciate the
5 commander's position that you are really trying to
6 upgrade the facility, make it look nicer, and so on and
7 so forth, which is definitely a plus for the
8 neighborhood.

9 MR. JACKSON: Right.

10 MR. BAMMI: Can you share with us your concept
11 about lighting on the building, in the parking lot or
12 anywhere else on the site?

13 MR. DAILEY: All right. Basically, other than once
14 we place the signage, appropriate signage on our
15 property, now that we know where it is, it's going to
16 be a low-level sign there. At the entrances and that,
17 we are utilizing, we have overhangs, as you can see,
18 for vehicle access at this end. Where we have the
19 entrances, this one here is a controlled entrance for
20 members only of the VFW. That we have under canopy
21 lighting there.

22 So, basically, it will be a washed down

1 effect. There will be no lights, bulbs or whatever on
2 the exterior of the building to blind people and that.
3 This will be all, you light up the entrance way and
4 that is what brings you in, on the building itself.

5 Underneath here, under the canopy after
6 talking with the fire marshal regarding his concerns
7 about sprinkler systems and that, we will have
8 down-lighting there. Again, it is washing down. So
9 you have, for the lack of better words, if you have
10 seen any space movies where the light comes down, it
11 will be like that. So there is no highlighting of the
12 facility at this time. They stand along the entrances
13 for night operations.

14 The lighting in the parking lot, which
15 will be hard, unless you look at your plans yourself,
16 gentleman, we have, at the entrance, we are looking at
17 box light assemblies. That will be washing down. In
18 the area, we will keep our foot candles on our property
19 and we are looking at proposing one at this end and one
20 at this end. Pretty much, this parking area here will
21 be utilized for day-to-day operations. There are no,
22 any kind of special events, or whatever, that it is

1 utilized for.

2 One of the things that I have learned
3 through the military is that it's better to have
4 shadows, versus a lot of lighting. I only put another
5 light assembly at this end at this time, as far as
6 showing entrance and egress here where there might be
7 vehicles. Across here, we are just going to have maybe
8 low lighting on the ground for walking, but I wasn't
9 going to have any 20 foot type poles in this zone here.
10 I was going to try to keep it dark.

11 Again, we were talking, when people come
12 here for events, we will utilize the valet parking so
13 they don't have to worry about their cars. Again, we
14 are entertaining older people. We are trying to make
15 it pleasant for them to want to come to this operation.
16 I don't want them hiking for three days with canteens
17 and water packs. So that was that idea there.

18 So, basically, a minimal amount of
19 lighting at the point of egress, entrance at the
20 daytime operations with the lighting primarily under
21 canopies to accent entrance ways.

22 MR. BAMMI: I think what, what we like to see is

1 whatever lighting you plan to do in whatever format is
2 shown on the plan, on your plan B.

3 MR. DAILEY: Yes, sir.

4 MR. BAMMI: And also a lighting plan which will
5 assure that the, that the candle power at your property
6 line does not exceed our ordinance requirements.

7 MR. DAILEY: Right.

8 MR. BAMMI: So if you can provide those.

9 MR. DAILEY: We will get that done.

10 MR. BAMMI: But I think it's critical that you have
11 a clear understanding of what is being put there.
12 Because if the ordinance is approved by the County
13 Board, then these become the exhibits.

14 MR. DAILEY: Yes. Yes.

15 MR. BAMMI: So it's important that we show
16 everything, even the heights and the elevations,
17 whatever you need to indicate.

18 MR. DAILEY: Right.

19 MR. BAMMI: Okay.

20 MR. DAILEY: For the residents, I just didn't want
21 to light this thing up like a ballpark.

22 MR. BAMMI: Well, I think that is our concern. We

1 want to make sure that there is no spill-over effect
2 from the lighting on to neighboring properties. We
3 also want to make sure that there is no glare issue,
4 whether connected with your signage or the lighting
5 that you may have in the parking lot or any of the
6 security lighting or whatever you may have.

7 MR. DAILEY: Yes, sir.

8 MR. BAMMI: Mr. Chairman, those are all the
9 questions I have at this point.

10 CHAIRMAN MILLER: Okay. Thank you, Mr. Bammi.

11 I have a couple of questions.

12 Mr. Jackson, you mentioned that you have functions
13 there. What do you mean by functions?

14 MR. JACKSON: We hold Bingo once a week on
15 Wednesday nights. We have weddings, receptions, blind
16 night. Thanksgiving dinner we serve to all the
17 veterans and their families that don't have a place to
18 go. Same thing with Christmas.

19 Let me see. We have Las Vegas nights
20 four times a year. We have a lot of birthday parties,
21 receptions, you know, that type of thing for relatively
22 small crowds of 100 to less than 100. You know, 100 is

1 about the maximum you can get in the hall.

2 What we would like to do is we have
3 turned away a lot of 250 person parties and that type
4 of thing and that is what we would like to get into.

5 CHAIRMAN MILLER: In other words, you will lease
6 the hall for any private party, any person who wants to
7 have a party at your facility?

8 MR. JACKSON: Right.

9 CHAIRMAN MILLER: What generally are your operating
10 hours there?

11 MR. JACKSON: From noon to midnight.

12 CHAIRMAN MILLER: Regardless of the function, you
13 close at 12 o'clock?

14 MR. JACKSON: No, sometimes we close, I think we
15 have a 1 o'clock liquor license.

16 CHAIRMAN MILLER: Does that go during the week, on
17 weekdays?

18 MR. JACKSON: Yes.

19 CHAIRMAN MILLER: Or is that just on Saturdays and
20 Sundays?

21 MR. JACKSON: Weekdays we close at midnights.
22 Friday night, maybe Saturday is the only time we stay

1 open after 1:00. Sunday we close at 7:00. Is it
2 8 o'clock? We close at 8 o'clock in the evening.

3 CHAIRMAN MILLER: I see. Mr. Jacobson has already
4 explained the retention. You are showing, I don't know
5 whether Ms. Caldwell wants to answer this, but you are
6 showing berms in the road right-of-way along
7 Papworth -- and I can't tell up here along Darling --
8 but have you gotten permission from the Township Road
9 Commissioner to put berms and plantings in the road
10 right-of-way?

11 MR. JACKSON: All right. Let me explain that, if I
12 may. We had the, we had the Highway Commissioner's
13 assistants out there. He would not come out himself.
14 We explained to them that the ditch is very
15 unpresentable at this time. Something needs to be done
16 with it.

17 Now, we were willing to take care of the
18 east side of that ditch and slightly slope up, you
19 know, where we had berms and then prepare where, you
20 know, where the berms rolled and then plant on top of
21 those berms. He insisted that, you know, the
22 right-of-way is the right-of-way and he is not going to

1 sign anything.

2 There is a manhole cover sticking up this
3 high in that ditch. If somebody goes off the road
4 there, you know, the Township is liable for that. We
5 were willing to correct that situation. With all of
6 that, the Highway Commissioner, you know, insisted that
7 he wanted to work with us, but he will not go along
8 with that, with plan A. Therefore, we had to go to
9 plan B.

10 CHAIRMAN MILLER: The reason I ask that is because
11 I know that most of the township road commissioners
12 don't permit berms and plantings in the road
13 right-of-way. If somebody runs off the road and runs
14 into a tree or runs off the road and runs into a berm
15 and flips over, they are liable.

16 MR. JACKSON: Well, he needs to, the Highway
17 Commissioner needs to look at the right-of-way that he
18 has along Papworth at this point and, you know, locate
19 the trees on the south end of the property and either
20 remove them or, you know, make some sort of compromise
21 with us so that we can maintain it.

22 CHAIRMAN MILLER: All right. Would you propose