

**PLAN COMMISSION  
VILLAGE OF DEERFIELD  
Minutes**

The Plan Commission of the Village of Deerfield called to order a Remote Public Hearing via Zoom at 7:30 P.M. on August 26, 2021.

Present were:           Larry Berg, Chairman  
                              Al Bromberg  
                              Jennifer Goldstone  
                              Bill Keefe  
                              Kenneth Stolman

Absent were:            Blake Schulman

Also present:           Jeff Ryckaert, Principal Planner  
                              Daniel Nakahara, Planner  
                              Andrew Lichterman, Assistant Village Manager/Director of Community  
                              Development

Chairman Berg reported that pursuant to amendments to the Illinois Open Meetings Act included in Public Act 101-0640, public bodies may hold virtual public meetings without a quorum physically present.

Chairman Berg stated that anyone wishing to share public comment on any matter concerning the Village may do so by submitting an email to [plancommissioncomment@deerfield.il.us](mailto:plancommissioncomment@deerfield.il.us) prior to the meeting. Emails received will be read aloud during Public Comment. Any emails received during the meeting will be read during the public comment before the end of the meeting. Chairman Berg asked that emailed response is limited to under 200 words to allow time for others to be heard and for the Plan Commission to progress through the public meeting agenda. In addition to written Public Comment, oral comments will also be permitted. Members of the public desiring to make an oral comment should click the “raise hand” button on Zoom or dial “\*9” if participating by phone to indicate you wish to speak.” Chairman Berg stated that the Plan Commission typically does not immediately respond to public comments or engage in open dialogue, but they will actively listen to comments.

In accordance with the Open Meetings Act, at least one representative from the Village was present at Village Hall and the virtual meeting was simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location. Pursuant to the Executive Order issued by the Governor, a limited number of people may gather at Village Hall for the meeting. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a first come, first-served basis. The Plan Commission will comply with all other requirements including public comment and posting the meeting agenda, which can be found on the Village website at [www.deerfield.il.us/agendacenter](http://www.deerfield.il.us/agendacenter).

**Public Comment on a Non-Agenda Item**

Mr. Ryckaert reported that there were no comments from the public on a non-agenda item received via email. Mr. Nakahara reported that there was no one requesting public comment on Zoom, and no one present at Village Hall for public comment.

## **PUBLIC HEARING**

### **1) Public Hearing on the Request for Approval of a Preliminary Plat of Resubdivision at 924 and 936 Westcliff Avenue**

Chairman Berg swore in all who plan to testify before the Commission.

Mr. Ryckaert reported that the legal notice for this matter was published in the Deerfield Review on August 5, 2021, and proof of certified mailing was received at Village Hall.

The petitioner Ted Kuczek addressed the Commission stating that he is the current property owner and resident at 924 Westcliff and recently acquired the property located at 936 Westcliff Lane. He is joined by project engineer Doug White. He stated that he intends to resubdivide these two parcels which currently exist as four lots; two at 924 Westcliff which are 65 feet wide by 130 feet deep, and two at 936 Westcliff, one at 70 feet wide by 130 feet deep and one at 65 feet wide by 130 feet deep. The house at 936 Westcliff is to be remodeled, and 20 feet of the south portion of 936 Westcliff property will be added to the 924 Westcliff property. This will turn two 65 foot wide lots on the 924 Westcliff Lane property into two 75 foot wide lots. It is Mr. Kuczek's intention for the reasonably foreseeable future to remain in his house at 924 Westcliff straddling the two 75 foot wide lots. 936 Westcliff is currently under contract, and he understands that the purchasers will be remodeling that home.

Chairman Berg confirmed that the new lots would conform to Village zoning requirements. Commissioner Goldstone confirmed that he has no plans to develop the two 75 foot wide lots now, but in the future this could become two homes on the two lots. Mr. Kuczek confirmed this and stated that the subdivision would provide more options including replacing his home with a larger ranch. He stated that his intention at this time is to remain in his current home.

Commissioner Stolman commented that there was considerable feedback from the neighbors and asked Mr. Kuczek if he had any conversations with them to discuss concerns. Mr. Kuczek stated that he understands their concerns but has not had any individual conversations about this due to a recent death in his family.

Commissioner Bromberg asked if there is a problem with rainwater on the property at this time. Mr. Kuczek replied that in a very rainy season the back of the yard does get moisture as it is lower back there. There are times it is difficult to mow there but there has never been any standing water.

Commissioner Bromberg stated that if there is a time in the future when there is a request for the current home to be torn down and build two homes that the property, that the plans would have to be engineered to make sure the rainwater situation does not get any worse for any neighboring properties. Mr. Ryckaert stated that any plans cannot adversely impact the neighborhood with stormwater. The Village has a storm water ordinance that does not allow for an increase in storm water runoff, so storm water engineering plans would have to be addressed for any future plans for the property. Mr. Kuczek asked if this would apply to the remodel of the home at 936 Westcliff. Mr. Ryckaert stated that per the building permit, if they are going to add an addition then they have to address the storm water drainage and these plans must be part of submitted to the Village. Commissioner Goldstone confirmed that this is part of the permit process. Mr. Ryckaert replied that as part of the proposed subdivision, engineering plans are submitted. If 924 Westcliff were to be redeveloped into two homes in the

future, the engineering plans would have to be modified for the new homes on the parcels. Also, if there is an addition at 936 Westcliff, it must address the storm water. In other words, there will be engineering with the proposed subdivision, but it will need to be modified for a new home on the lots, or if there is an addition to the existing home on the property.

Chairman Berg opened public comment on this matter.

Mary Ann D'Onofrio of 330 Margate Terrace addressed the Commission. She stated that she is familiar with the drainage problems at Westcliff and Margate. She asked the Commission to deny this request until a proper storm sewer system can be installed on Margate Terrace. The water from Westcliff runs into Margate Terrace which has undersized sewers for all of the new construction homes there. Until this can be fixed any further subdivision should not be allowed as we cannot keep overbuilding and dividing properties without fixing known issues. She stated that it has been documented by the Village that there is an undersized sewer for the storm water there and she requests that this request be denied until the storm sewer on Margate Terrace can be replaced. She stated that she presented the Village's drainage study documenting the storm sewer system on Margate and the connection to Oxford. The flooding problem is well documented, and she has also talked to the Public Works Department. She added that she has build a berm and flood wall on her property to protect her home as the water at the intersection billows up around the inlet and her property gets a lot of water.

Mr. Nakahara stated that Mrs. D'Onofrio also submitted public comment through email that will be entered into the record. Mr. Nakahara read aloud other public comment emails received.

#### Public Comment Email #1

"I would like to voice my deep concerns regarding the proposed changes to the current zoning protections on 924 and 936 Westcliff Lane as requested by Mr. Ted Kuczek.

By definition, zoning restrictions are put in place to "prevent new development from interfering with existing uses and/or to preserve the character of a community." By granting Mr. Kuczek his request to put three houses on a piece of land that has for years held two, the village is violating the protections set forth in current zoning regulations as they relate to that location. The only parties that benefit are clearly Mr. Kuczek, the developers and the Village through increased tax revenue. These are short term monetary only gains which will at some point be greatly offset by the considerable environmental damage, exponential stress on the current sewer system and most importantly, the negative impact this decision would have on those living adjacent to this proposed block of houses. The Planning Commission must weigh all of these factors equally when debating this issue.

For the past several years construction of massive homes on plots of land never intended to deal with such structures has been allowed with no restrictions on maintaining adequate green space to absorb run-off from the structure. You need only to look to the city of Houston to see what this lack of oversight has resulted in- massive flooding and damage in the billions of dollars. I have lived in this area for over two decades and witnessed the streets flooding after heavy downpours because the sewer system cannot keep up. Water has risen to the middle of my front and back lawns due to continued substitution of grass for cement. This is the new norm, and the Planning Commission must recognize and adapt to the human and monetary costs associated with overdevelopment. The proposed zoning change is the definition of overdevelopment.

We are in a "Code Red" of climate crisis with no indication of a reversal. Our children and grandchildren will be left with a dystopian environment of oppressive heat and massive downpours that was brought about by our "excesses." By continuing to eliminate even more greenspace and cutting down tree after tree to make room for oversized houses the Village only exacerbates this problem. The Planning Commission should and must modify its thinking towards future development in Deerfield to try to mitigate and mend the effects of new construction has on our environment. We cannot think and act like we did twenty years ago.

Granting this exemption to Mr. Kuczek is reckless and a thumbing of the nose to the neighbors behind his current residence who will deal with flooded yards, basements and a deterioration in their quality of life that the loss of shade and privacy these three new homes would result in. These people have rights and for too long, developer's needs and wants have overshadowed the needs and wants of current homeowners. Mr. Kuczek has already built a large new home in a different county with acreage and orchards. He will enjoy a wonderful quality of life free from the fear of flooding and invasion of privacy not to mention a very fat bank account that came on the backs of his former neighbors.

This proposal is born of pure greed. It does nothing to better Westcliff Lane and Margate Terrace- in fact, it destroys the current leafy, spacious aesthetic of the street. That corner will look like a dense city landscape if Mr. Kuczek's wish is granted.

I hope the Planning Commission looks past the immediate tax boost and acts in the best interests of the environment and the current residents of this neighborhood.

Thank you for your time.

Regards,  
Lauretta M. Reising  
924 Oxford Road"

Public Comment Email #2

"We have lived at 905 Oxford Road since 1993.

From our backyards along the 900 block on Oxford Rd, south to Margate Terrace, there have been water problems in the backyards for years. The water naturally drains to the north and by putting up 3 larger structures at the north end of the block, I can guess the water problems along our yards will increase. I hope the village would address this potential problem.

We don't begrudge anyone the right to remodel an existing home. The renovation done at 939 Westcliff was thoughtfully done, profitable and less destructive to the neighborhood than a tear down. Even 927 Westcliff was thoughtfully done for the lot size. If the proposed 3 homes are 3500 square feet or larger, with very shallow backyards of only 25 feet, this doesn't leave much in the way of air and light between fences and buildings. It also changes the privacy of the homes to which they back up. We bought our home because of its spacious, private backyard. The kind of backyards that we thought Deerfield residents valued.

Our home existed on a lot flanked by open land in 1993. The previous owner of our home, Mr. DeGrange, had purchased the side yards from adjacent homes. That made a buildable lot on

each side of us. We did not own the lots. Two 3400- square foot homes were built on each side of us. Besides losing realistic privacy in our main rooms, we also had to deal with less sunlight plus water issues inside and outside our home. I'm not sure anyone bothered checking into the 45-degree rule to see the impact these new buildings would have on the existing homes.

I hope my letter provokes thought and helps the Village do the right thing. Zoning laws are put in place to protect the integrity of the community. My thoughts and others from my neighbors are not just complaints. The real concern is that just because it is possible to build three houses on these two lots, doesn't mean it's the best choice for our neighborhood.

Thank you,  
Mary Beth Strotman"

### Public Comment Email #3

"I am writing this letter in hopes of urging the Planning Commission of Deerfield to reconsider the proposed plan to subdivide and build on the lots of 924 and 936 Westcliff Lane.

As long term residents of Deerfield since 1998 we are highly concerned over the short and long term effects of this proposed subdivision. Our concerns stem from experience right here at 931 Oxford Rd when construction of a large home occurred in 2010 directly next door to us. The property next door to our home originally consisted of a smaller ranch home which was subsequently torn down to make way for a large, 6,000 sq.foot home. Since the construction of this larger home, we have consistently struggled with water issues and flooding in our backyard. During the construction period back in 2010, which lasted at least 6 months, we had to endure the inconvenience, mess, noise and dust that the construction work inevitably produced which turned the quiet, pleasant neighborhood street of Oxford Rd upside down. Dust, large nails, large vans and trucks clogged the street and made it difficult for many of us to even back out of our own homes. Most importantly, however, construction became a serious concern for us during that time period when our 10 year old son, Jack, was fighting for his life following his relapse of leukemia which required him to have a bone marrow transplant and left him dangerously vulnerable and susceptible to infection from the excessive outdoor dust particulate that this construction could potentially have caused. Our oncologists at University of Chicago expressed serious concern over Jack's exposure to this specific outdoor dust caused by this next door development. Because of this, Jack was isolated primarily inside our home during his transplant recovery. Sadly, we were unable to even offer him the simple pleasure and distraction of playing outside in our own backyard.

While most people are not recovering from organ transplants that require them to avoid the dust caused by outdoor construction sites, there are a number of people who are fighting Covid19 these days within this very neighborhood and these streets. And while we would all like to believe that this pandemic is almost over, that would be negligent on our behalf. Research indicates that we are far from over with this pandemic and that it will be a longer term threat for the next few years. In the meantime, the dust that three construction work sites may cause could potentially worsen anyone's case of Covid19 as this is an illness that largely threatens to weaken pulmonary functioning. As a matter of public health, building three homes right now right next to each other will cause enough dust to seriously threaten the chances of anyone's recovery from Covid19 in this immediate area. And, while this may not become a threat to lives on the scale of perhaps the Flint, Michigan water crises, aren't even just a handful of lives more important than the money the Village of Deerfield may make from an added home? And would

this sit well with the board, with the residents, and with some impassioned litigators who may become enraged with this potential scenario? I believe this could become a regrettable mistake for the Village of Deerfield in light of these times and in light of the effects it could pose during this public health crises.

Putting the public health risk issue aside, it is also important to consider the environmental issues this proposed subdivision and redevelopment could cause. Neighborhood flooding all over the Midwest is a recurring theme and threat now in light of climate change. Larger homes and smaller yards will only exacerbate the problem of neighborhood flooding and water runoff. The Village of Deerfield may one day soon become overwhelmed with this issue and may regret the number of larger homes it allowed for. Developing larger homes on smaller lots will only exacerbate flooding issues which currently remains a realistic, damaging threat facing cities all over this country today. It is negligent for us to ignore this issue and lose an important opportunity to combat or at least mitigate this damaging trend by continuing to develop large homes and contributing to the crises before us.

Finally, I am also urging the Planning Commission to consider the importance of maintaining an aesthetically pleasing image within the Deerfield community and neighborhoods. If we wish to attract home buyers in the future, we should remember the fact that many buyers list "beautiful, wooded neighborhoods" as their priority when looking at communities and neighborhoods to purchase homes in. The more we continue to build larger homes on smaller lots while eliminating green space, the more we are eliminating a large segment of potential home buyers down the road. One of the reasons my husband and I were attracted to the town of Deerfield was for its aesthetically appealing wooded neighborhoods. We were drawn to backyards with large trees and plenty of privacy and green space. Now, with the possible construction of three large homes behind us, we will likely be staring up at 3 large, towering homes rather than green trees and blue sky. Less appealing neighborhoods and backyards will attract less buyers which will in turn ultimately reduce resale values of homes in Deerfield. This is important to consider if we as a community want to continue to remain a desirable town for home buyers and compete with surrounding areas and neighborhoods like Highland Park and Lake Forest.

For the above reasons we strongly urge the Planning Commission to reconsider subdividing two properties to make way for the construction of new, larger homes. I hope that the Planning Commission will make the right choice in the interest of public health during this pandemic and in the wake of so many recent climate crises occurring across this country. I believe that we can choose to be part of the solution rather than part of the problem and hope that the members of the Planning Commission will understand that it isn't enough to just talk to our children about the importance of caring for their planet, their neighbors and their community. I challenge the Commission to live out their values and strive to combat or at least mitigate our current climate challenges while effectively becoming a progressive, leading community that other communities will favorably regard and aspire to while becoming an example of leadership rooted in progress, sound judgement and values.

Thank you for your time and attention.

Regards,  
Lauren and Matt Trapani"

Chairman Berg stated that any proposed development is required to follow the Village storm water ordinance which does not allow for any additional storm water runoff. It states that site

drainage conditions during and after construction may not be any worse than before construction. Chairman Berg asked Mr. Lichterman to address some of the public comment on this matter.

Mr. Lichterman stated that he has an understanding of this matter and has had previous correspondence with residents on this. He stated that the Village Engineering Department has been working with Mrs. D'Onofrio and it is a known issue which the engineers are working to resolve. The Village has a storm water master plan that is near final completion, and this is a portion of the plan. He stated that her comments to the extent of this being an ongoing issue is correct and the Village is working to resolve it. These issues exist separate from the resubdivision as this has not occurred yet. The storm water ordinance states that any development on a lot cannot adversely impact or further exasperate this problem. If Village engineers do not think this could be developed appropriately without adversely impacting neighbors then the Engineering Department would not approve the plans. Any future development would have the burden of demonstrating to the Village that they can manage the storm water on their property without impacting the neighbors and this is the standard Village-wide.

Commissioner Keefe commented that each of the houses on the property could be torn down tomorrow and larger structures could be build there that could have nothing to do with the resubdivision. So it is not as if subdividing could prevent someone from doing construction in the neighborhood or increasing the square footage on the lot, and storm water would still need to be addressed.

Commissioner Goldstone stated that the comments about the storm water does not have anything to do with the subdivision that is being applied for. It would be relevant when those lots are actually being developed. The Commission is not being asked to make a determination on that. The petitioner is asking to divide into two buildable lots rather than one oversized lot. Commissioner Bromberg agreed that there is a storm water problem on Margate, but this has no relevance to this petition.

Chairman Berg asked Mr. Kuczek if he wishes to make a closing statement. Mr. Kuczek stated that he is also a concerned neighbor, and he believes that what he will be doing might actually be improving the situation. Right now there is no storm water management on either of the two lots and this could be improved in the future. He understands the concern, but he believes it is not well placed. He added that previously on this property two homes were allowed on this lot. He added that there are more trees on the property now than when he bought it and per the tree ordinance any future development would have to have as much or more vegetation as they would take down. And so with these ordinances in place, there are protections to allow for progression and still have as many trees as possible and storm water management in place.

Chairman Berg stated that the Plan Commission has concluded public testimony and will deliberate their recommendation on this matter. He stated that this portion of the meeting is open to the public, but no new testimony will be taken unless requested by the Commission. He stated that the Plan Commission is a recommending body, a written recommendation will be forwarded to the Village Board of Trustees who will take final action on this matter.

Commissioner Goldstone stated that she supports this subdivision. Commissioners Stolman, Keefe and Bromberg agreed.

Commissioner Bromberg moved, seconded by Commissioner Goldstone to approve the request for approval of a preliminary plat of resubdivision at 924 and 936 Westcliff Avenue. The motion passed with the following vote.

Ayes: Bromberg, Goldstone, Keefe, Stolman, Berg (5)  
Nays: (0) None

Mr. Ryckaert reported that this matter will go before the Village Board on September 20, 2021.

### **Document Approval**

- 1) Report and Recommendation on the Request for Approval of a Special Use for a Self-Improvement Facility for Premier Martial Arts at 656 Deerfield Road
- 2) Report and Recommendation on the Request for Approval for a Preliminary Plat of Resubdivision of the Property at 1210 Gordon Terrace
- 3) July 22, 2021 Plan Commission Minutes

Commissioner Bromberg moved, seconded by Commissioner Stolman to approve the documents. The motion passed with the following vote.

Ayes: Stolman, Keefe, Goldstone, Bromberg, Berg (5)  
Nays: (0)

### **Items from the Staff**

Mr. Ryckaert reported on upcoming Plan Commission agenda items. The next meeting will be September 9, 2021, which will be document approval only.

### **Designation of Representative for the next Board of Trustees Meeting**

Commissioner Bromberg and Chairman Berg will attend the next Board of Trustees Meeting on September 8, 2021.

### **Public Comment**

Mr. Ryckaert reported that there was no public comment received via email during the meeting. Mr. Nakahara reported that there was no one requesting public comment on Zoom, and no one present at Village Hall for public comment.

### **Adjournment**

There being no further discussion, Commissioner Goldstone moved, seconded by Commissioner Bromberg to adjourn the meeting at 8:23 P.M. The motion passed the following vote.

Ayes: Bromberg, Goldstone, Keefe, Stolman, Berg (5)  
Nays: (0)

Respectfully Submitted,  
Laura Boll