

TRANSCRIPT OF THE PROCEEDINGS AT THE HEARING  
OF THE MCHENRY COUNTY ZONING BOARD

HELD ON: February 24, 2022, at 11:26 AM

ZONING BOARD MEMBERS:

Charles Eldredge, Richmond Township

Vicki Gartner, Nunda Township

Linnea Kooistra, Alden Township

Kurt Schnable, Riley Township

Robert Kosin, Algonquin Township

Don Smolinski, Grafton Township

David Stone, McHenry Township

APPLICANT: Mixed Media LLC

PROPERTY: Intersection of US Route 14 (Northwest Highway)  
and Westbury Drive in the Algonquin Township

ALSO PRESENT:

Steve Weber for Mixed Media LLC

Dennis Orsinger for Mixed Media LLC

Mark Kownick, Mayor of the Village of Cary

Renee Hanlon, McHenry County Zoning Enforcement Officer

Kim Scharlow, McHenry County Department of Planning

1           DAVID STONE: Basically, I'm going to go through  
2 this. It's been since November 18th that has been up, so I'm  
3 going to go through the normal introduction. Location, this is  
4 pin number 1911 200 042. The property consists of  
5 approximately 2.4 acres and is located at the northwest corner  
6 of the intersection of US 14 Northwest Highway and Westbury  
7 Drive, in Algonquin Township. This matter was scheduled  
8 originally for hearing on November 18th, continued to February  
9 17th, 2022. And then continued again to today's date of  
10 February 24th, 2022. The applicant is Mixed Media LLC. Request  
11 is for a Conditional Use Permit for a Digital Off-Premises  
12 Commercial Advertising Sign. At this time, I'd just like to  
13 introduce the board members who are present today. Charles  
14 Eldredge from Richmond Township. Vicki Gartner, Nunda  
15 Township. Linnea Kooistra, Alden Township. Robert Kosin,  
16 that's K-O-S-I-N, okay, for the reporter. Kurt Schnable from  
17 Riley Township. Robert Kosin from Algonquin Township. Don  
18 Smolinski from Grafton Township, and David Stone, McHenry  
19 Township.

20           MARK KOWNICK: Mr. Smolinski isn't here yet.

21           DAVID STONE: Oh? We are proceeding without Mr.  
22 Smolinski who's not here. He does, he either comes or he  
23 doesn't. He'll have to read the transcript for the part he  
24 missed. The publisher's certificate of publication from a

1 newspaper is dated October 23, 2021, and thereby meets  
2 ordinance requirements. The dates on what I'm reciting right  
3 now, stay the same since the matters were continued two times.  
4 The affidavit of posting was signed, and the date posted was  
5 11/2/2021, and thereby meets the ordinance requirements. The  
6 affidavit of mailing was signed, and the date of mailing was  
7 October 21, 2021, and thereby meets ordinance requirements.  
8 The survey has been checked against the petition, legal notice  
9 of publication in the newspaper, and all three match. Filing  
10 fees have been paid. The Endangered Species consultation was  
11 not required for this petition. And the McHenry County Soil  
12 and Water Conservation District has been, a report has been  
13 received. Petitioners ready? Which, are you both the  
14 petitioners of record?

15 STEVE WEBER: Yes.

16 DAVID STONE: So move up by the microphone, and  
17 please, do what I wasn't doing, is get as close to the  
18 microphone as you can so that we can hear you. Swear you in at  
19 this point. Anyone that is planning to talk at this meeting  
20 raise your right hand. Do you solemnly swear or affirm that  
21 the testimony you're about to give will be the truth, the  
22 whole truth, and nothing but the truth? If so answer I do.

23 I do. [in unison]

24 DENNIS ORSINGER: I do. [in unison]

1           DAVID STONE: Are you prepared to make a presentation  
2 today?

3           STEVE WEBER: Yeah.

4           DAVID STONE: Okay, then you may proceed.

5           STEVE WEBER: Yeah, since our last meeting, the issue  
6 at hand was the overhanging--

7           DAVID STONE: The mic is not on.

8           RENEE HANLON: And could you please introduce  
9 yourself and spell your name?

10           STEVE WEBER: Is that working? There we go. My name  
11 is Steve Weber, S-T-E-V-E W-E-B-E-R, with Mixed Media. The  
12 issue at hand, since the last meeting, with overhanging of  
13 Cary's easement by eight feet. We reached out to the Village  
14 of Cary, and attempted to resolve that matter. They declined  
15 to resolve that matter. As such, we have decided to move the  
16 sign faces back eight feet, to no longer overhang their  
17 easement.

18           DAVID STONE: Are you comfortable with him? Thank  
19 you. Stay close to the mic.

20           STEVE WEBER: So yeah, like I said, we have moved the  
21 sign faces back by eight feet, to no longer overhang their  
22 easement, which should satisfy the requirements that were set  
23 forth after the last meeting.

24           DAVID STONE: Okay, do you have anything further to

1 add?

2 STEVE WEBER: Nope that is it.

3 DAVID STONE: Okay, questions from the board starting  
4 with Kurt Schnable?

5 KURT SCHNABLE: I'll be so glad when this is done  
6 next week. [laughter] This is nonsense.

7 DAVID STONE: Take your time.

8 KURT SCHNABLE: Yeah, it's caught in my glasses.  
9 [laughter]

10 DAVID STONE: Your mask got caught in your eye tooth,  
11 and he couldn't see. [laughter]

12 KURT SCHNABLE: Sometimes you're better off that way.  
13 Yeah, as the petitioner, I'm sure you're aware that the  
14 Village of Cary is claiming what they call extra territorial  
15 jurisdiction, where they've got one and a half miles of  
16 planning area that they consider to be adjacent to the  
17 municipality and was wondering if you have any comments in  
18 regards to their claim, as far as that goes, have you had  
19 conversations with other people about that issue?

20 STEVE WEBER: Yeah. We provided documentation last  
21 time from Illinois State Code, where it specifically excludes  
22 billboards from the extra jurisdictional, or extraterritorial  
23 jurisdiction.

24 KURT SCHNABLE: That's all I have for right now.

1 DAVID STONE: Ms. Gartner?

2 VICKI GARTNER: I have no questions.

3 DAVID STONE: Ms. Kooistra? Are you with us? Linnea?

4 LINNEA KOOISTRA: Yes, Mr. Stone, I have no  
5 questions. But I'm having a hard time hearing you. If you  
6 would put the microphone right near the applicants, but I  
7 can't hear you so well.

8 DAVID STONE: Is this better? Can you hear me now?

9 LINNEA KOOISTRA: Yes, that's better. Thank you.

10 DAVID STONE: Thank you. Mr. Eldredge?

11 CHARLES ELDREDGE: I have no questions at this time.

12 DAVID STONE: Mr. Kosin?

13 ROBERT KOSIN: Thank you, Mr. Chairman. There's the  
14 illustration that I'd just like you to just, to confirm the  
15 dimensions, if you would, that was part of that. Being the  
16 height of the sign from the ground is?

17 STEVE WEBER: 35 feet to the top.

18 ROBERT KOSIN: And then the overall width of the  
19 sign?

20 STEVE WEBER: Width is 22 feet for the sign face.

21 ROBERT KOSIN: And you also said that there is a sign  
22 that has already been installed in McHenry County.

23 STEVE WEBER: There's two actually.

24 ROBERT KOSIN: And how long have they been?

1           STEVE WEBER: One has been up for about 13 months,  
2 and one has been up for six and a half years.

3           ROBERT KOSIN: That's all Mr. Chairman.

4           DAVID STONE: I'm kind of curious to know, where the  
5 sign is located is on a curve. It's a fairly sharp curve.

6           STEVE WEBER: At Route 14? It's pretty straight in.

7           DAVID STONE: Yeah, it's on a straight line there?

8           STEVE WEBER: Yep. Yeah, absolutely.

9           DAVID STONE: How far is the sign back from the road?

10          STEVE WEBER: Setback from the road? It's now going  
11 to be 18 feet setback from the edge of the right of way.

12          DAVID STONE: 18 feet from the right of way?

13          STEVE WEBER: Which is a significant distance from  
14 the road. The right away is, as you see, it bows in towards  
15 the property. So it's a significant setback from the actual  
16 road.

17          DAVID STONE: Do you have any idea how far back this  
18 from the pavement?

19          STEVE WEBER: From the pavement? I can't give you an  
20 exact number. I'm guessing. I would guess it's going to be 60  
21 to 70 feet from the edge of the pavement.

22          DAVID STONE: 60 or 70 feet?

23          STEVE WEBER: Most likely. Yeah.

24          DAVID STONE: Okay.

1           STEVE WEBER: The right of way is pretty significant  
2 there.

3           DAVID STONE: Okay. We have one objector here, do you  
4 want to state your name and you can, at this point, you can  
5 ask any questions you want to ask? We'll give you enough time  
6 to comment later.

7           MARK KOWNICK: Sure. Thank you. Can you hear me? Yes.  
8 My name is Mark Kownick, K-O-W-N-I-C-K. I'm the mayor of the  
9 Village of Cary. We strongly oppose this sign placement at  
10 this area.

11          DAVID STONE: Sir, this is just questions, if you  
12 want to ask them.

13          MARK KOWNICK: Oh, I'm sorry. I believe that, can you  
14 give us an exact number of where the sign is going to be from  
15 Route 14? How far off of Westlake the, the exit actually and  
16 entrance to Westlake subdivision? How far away from our  
17 corporate boundaries will your sign be now? Plus how far is  
18 the sign from Route 14 to that metal pole?

19          STEVE WEBER: The setback from Westlake road? Again,  
20 there's, it's from the right of way, to 10 feet setback to the  
21 west of the Westlake Road, Westbury Road right of way. And, as  
22 far as the pole placement, like I said, the front edge of the  
23 site should be roughly 60 feet from the edge of the pavement.  
24 The pole is going to be placed at the front of the site.



1 MARK KOWNICK: Thank you.

2 DAVID STONE: Do you have anything further to provide  
3 us, any witnesses or anything like that?

4 MARK KOWNICK: No, I do not.

5 DAVID STONE: Okay. So, I guess we'll have cross by  
6 the staff?

7 RENEE HANLON: Okay. Do you have any questions?

8 KIM SCHARLOW: Questions? No, I'm sorry, I don't have  
9 any questions.

10 DAVID STONE: Did you say you don't have any  
11 questions?

12 KIM SCHARLOW: No questions.

13 DAVID STONE: Okay. Then we'll go to the comments  
14 from the staff and the public, which will include you, Mr.  
15 Kownick. First, the staff person.

16 KIM SCHARLOW: I'm just going to read some comments  
17 from Wayne Guthman, who prepared the staff report. The  
18 proposed Conditional Use Permit for a Digital Off-Premises  
19 Commercial Advertising Sign will establish a commercial  
20 advertising use on the subject property, which is currently  
21 approved with a boat and RV storage facility. The request is  
22 consistent with the text of the McHenry County 2030  
23 Comprehensive Plan and 2030 and Beyond Plan, because it  
24 promotes the Economic Development Initiative. The proposed use

1 is in line with the surrounding industrial and commercial  
2 uses. It is also consistent with the I2 industrial zoning of  
3 the adjoining properties to the north and west. It is  
4 consistent with the zoning of the properties to the south and  
5 east which are within the Village of Cary and classified as B2  
6 shopping center business district. Petitioners request is in  
7 line with the future land use designation of retail. It is  
8 also in line with the Village of Cary 2015 Comprehensive Plan,  
9 designation of commercial. As mentioned before, the petitioner  
10 has taken the steps to remove the sign from the easement. So  
11 that was the major concern at the previous hearing. I think  
12 that's all the comments I have, unless you have anything to  
13 add Renee?

14 RENEH HANLON: No.

15 KIM SCHARLOW: Okay. Thank you.

16 DAVID STONE: Any questions from the board?

17 VICKI GARTNER: I have one.

18 DAVID STONE: Go ahead Ms. Gartner.

19 VICKI GARTNER: Since the initial staff Plan Review  
20 Committee meeting, was there another one once this was  
21 amended?

22 KIM SCHARLOW: No, there was not another meeting.

23 VICKI GARTNER: Okay. Thank you.

24 DAVID STONE: Anyone else? Mr. Kosin?

1           ROBERT KOSIN: Thank you. The applicants stated there  
2 are three existing signs already in McHenry County. Are they  
3 in unincorporated, or within the jurisdictions of  
4 municipalities?

5           KIM SCHARLOW: I know one is in Lakewood, correct?

6           STEVE WEBER: One is Lakewood, two are in  
7 unincorporated county.

8           DAVID STONE: Wonder which one it was that was last  
9 one of which was installed?

10          ROBERT KOSIN: Which is the one that's been installed  
11 for six years?

12          STEVE WEBER: The one in unincorporated county, by  
13 Route 31.

14          ROBERT KOSIN: Has there been any other comments that  
15 have been directed to county building and zoning on these  
16 signs?

17          RENEE HANLON: Not that I'm aware of.

18          ROBERT KOSIN: Okay. Thank you Mr. Chairman.

19          RENEE HANLON: Is the sign, I'm sorry. That sign on  
20 Route 31, just to clarify, is it in Algonquin, at the, there's  
21 a car repair place?

22          STEVE WEBER: Yes, it is in unincorporated, but yeah,  
23 it is an Algonquin address.

24          RENEE HANLON: That's one that you guys just recently

1 saw, the Algonquin car repair facility. So that, there is a  
2 digital billboard there that does have a conditional use.

3 CHARLES ELDREDGE: That was about 15 months ago, as I  
4 recall.

5 STEVE WEBER: No, that was, that would have been the  
6 2015. I know Dave Rice, the owner of the property, was in  
7 recently for some state -

8 KIM SCHARLOW: It was for a different request, but it  
9 was the same property.

10 CHARLES ELDREDGE: Okay.

11 DAVID STONE: Okay, anyone else have any questions?  
12 All right, Mr. Kownick? Now comments.

13 MARK KOWNICK: Comments or?

14 DAVID STONE: Comments.

15 MARK KOWNICK: As I stated before, the Village of  
16 Cary strongly opposes the sign placement at our, the entrance  
17 to our corporate boundaries. I believe the signs that he's  
18 mentioning that are currently in the county are nowhere near  
19 the entryways to a significant municipality. In addition to  
20 that, could you flip to the slide where it shows the  
21 surrounding conditions and the uses that are there please? If  
22 you look at the map there, the property that says subject  
23 property, yes, you are correct. It is, a, now it's, thanks to  
24 the property owner who has improved the property from its

1 previous state, which was very unsightly and desolate looking.  
2 He's improved that. But in addition to that, he's an added a  
3 boat and RV storage there, which is fine. What we do have an  
4 issue with is the close proximity, proximity to our official  
5 corporate boundaries, which is right there. In addition, we  
6 have a brand new townhouse subdivision, which is right there,  
7 I think we've determined it was 300 feet away. Regardless,  
8 there are two story townhouses that are going to look exact,  
9 look right at the back of the sign. The last meeting, they had  
10 said that the sign was going to be on a V shaped so that the  
11 back of the sign would be facing that. Now I'm going to have  
12 potential residents looking at an asphalt recycling plant,  
13 which is adjacent to this other property. That they're going  
14 to be potentially looking at the back of a digital billboard,  
15 which we don't allow in the Village, in our corporate  
16 boundaries.

17 I want to discuss the safety of this particular  
18 intersection. The Village of Cary has several main  
19 intersections. This intersection that we have here is our  
20 most, we have the most traffic accidents at that signal. If  
21 you look at the actual intersection-- [overlapping]

22 DAVID STONE: Can we find out where that is--  
23 [overlapping]

24 MARK KOWNICK: At Three Oaks and route, at the very

1 bottom of the slide, that's Three Oaks that is running  
2 horizontally, and the angle road is Route 14. From that  
3 intersection, there's probably five curb cuts until you get to  
4 where the sign is, which is right at the entryway West,  
5 Westbury Drive, that's the entryway from Route 14 to our town,  
6 our, our brand new townhouse subdivision, which is currently  
7 under construction. With the addition of a distracting visual  
8 digital sign, it's, I feel it's in, it's going to be an  
9 additional safety hazard because of all the, the rear end  
10 accidents and things that happen along the road. The Thorntons  
11 gas station is there, and then they get the Dunkin Donuts and  
12 then you have the turning into the Westbury. So that is a huge  
13 red flag for us.

14           You know, our corporate boundaries are something  
15 that we hold like, and the, yes, the board member had  
16 mentioned within our, it is within our 1.5, 1.5 mile  
17 jurisdiction that we have that, for our corporate planning.  
18 There is opportunities for us to annex some property. We've  
19 been approached by Algonquin Township, who would like to tie  
20 into our water and sewer, which would then require them to  
21 annex it to the Village of Cary, and that is on the other side  
22 of the house, it is kind of right over there. And you can't  
23 really see them on the map here too. Per our new UDL, which we  
24 went to great lengths to update, and unify, we do not allow

1 billboards in the Village of Cary. We currently have four  
2 facings that we worked with the sign owners, that seven or  
3 eight years ago, when we eliminated billboards in our  
4 community. We had given them 10 years notice to say were not  
5 going to allow billboards anymore. And then we came to the  
6 decision that we negotiated with them, we were collaborative  
7 with them and we understood what the use was. And there's  
8 some, they're probably a quarter of the size of this sign  
9 that's going to be there.

10           So we do not, within our corporate boundaries,  
11 allow this type of signage. We refer, the current sign company  
12 that has four facings in our Village, they had approached the  
13 Village of Cary when we were changing this all out and asking  
14 if we could have a digital sign for signs there, and the board  
15 denied it. We do not allow digital signs within our corporate  
16 boundaries. Currently right now, we are looking to enhance our  
17 entryways. We had a donation from a very generous resident  
18 that's going to help us with our new entryway signs, and  
19 landscaping to come into the Village of Cary on all sides that  
20 we have. Our main entrance ways and Route 14, and over by the  
21 river, from, coming in from Fox River Grove, and coming from  
22 Crystal Lake. So this will really send a negative message  
23 that, you know, I'm, as part of being mayor, I'm also the Vice  
24 President McHenry County Council of Governments, and I've

1 talked to many different mayors about this. And if you look at  
2 McHenry County as a whole, we do not have any interstates  
3 within our county and the signs that this organization is  
4 proposing to put up 35 feet in the air, 11 by 22, will mimic  
5 what's on the Tollway or what's on these other roads. The sign  
6 that they have on Route 31 is nowhere near where the congested  
7 area that we have right now with the new residents, with the  
8 number of curb cuts with the existing businesses that we have  
9 here. We again, we find this highly offensive.

10 I don't know if any of you have had an  
11 opportunity to drive through the Village of Cary and you look  
12 at the uniformity of all of our signs. We have eliminated,  
13 over the last 10 years, all of the pole signs, every business  
14 has conformed. They all have monument signs. There's nothing  
15 higher than maybe 8 or 10 feet, we might have one that might  
16 be a little bit higher, but you drive through our community  
17 and you see consistency. We're looking for beautification,  
18 because we're trying to have economic development and growth.  
19 Certainly, economic development and growth is very important  
20 to our community, as it is to the county. And speaking with my  
21 affiliations, with all other mayors that are in the, that I'm,  
22 I'm in contact with, my affiliations, no one allows these  
23 types of signs within their corporate boundaries. Now, you  
24 know, when I have expressed my concern with it, right, you



1 know, within a stone's throw from our corporate boundaries, I  
2 find that very, it's challenging. I don't think that you had a  
3 petition before you where this would affect a community as  
4 negatively as it would affect the Village of Cary.

5           This is a very unusual situation. You, when  
6 you've looked at other sign opportunities throughout there, it  
7 has not been at the front entry. This is what we consider our  
8 front doors to our community. We want to make sure that we're  
9 providing a really positive and effective experience when  
10 people come to, from work, and the residents and potential  
11 buyers. We're continuously having businesses come in, they  
12 want to do this, and I think having a 35 foot sign by 11 by  
13 20, that's illuminated all day, all night. That's just going  
14 to be a huge distraction. It does not fit. When he mentioned  
15 that he had a message with our staff. What, what are we  
16 supposed to do? They, you know, we weren't going to remove the  
17 ease, we weren't going to allow them to do the easement. We  
18 anticipated they would move it down, but moving it an  
19 additional eight feet or whatever it is, that doesn't solve  
20 the problem. You know, once the sign is up there, the sign is  
21 up there. And there's opportunities for perhaps, future  
22 annexation for these properties. We have no idea what it was.  
23 If we were to annex that property, that sign would not be. If  
24 that was in the Village of Cary, we would not allow that sign.

1 And we wouldn't be sitting here today. That's all I have.

2 Anybody have any questions for me?

3 DAVID STONE: Any questions from the board?

4 KURT SCHNABLE: I have a couple.

5 MARK KOWNICK: Sure.

6 KURT SCHNABLE: So, do you agree with Petitioner that  
7 this sign is basically on a straight part of this road?

8 MARK KOWNICK: It's right after, it is, it is on a  
9 straight intersection. But if you look at the, can I put would  
10 you mind if I go over here? I'm usually not on this end of the  
11 mic, sorry. I don't know if you can see this. This is Route  
12 14. This is Three Oaks. Our brand new Village Hall is right  
13 over here, which I can see, we would be able to see that sign  
14 from where we are. But there is a right hand turn lane, which  
15 is very challenging here. You have a curb cut here. People go  
16 through here. There's a curb cut here, curb cut here, and a  
17 curb cut here. We have a Dunkin' Donuts. We have the  
18 Thornton's and we have a car wash. This is a very busy  
19 intersection for us. We have people darting in and out of  
20 here. You have people coming from the west on, route, on Three  
21 Oaks and Route 14, which is something that we're trying to  
22 address now with IDOT. We're going to be looking at expanding  
23 the road because of the amount of traffic. Our largest  
24 employer is down over here, Stryker, and plus they're also

1 going to have a brand new hospital right at the, at the end of  
2 this at Three Oaks and Route 31. So we have continuous  
3 problems with accidents at this intersection, because people  
4 make a left hand turn, they don't realize the size of this  
5 intersection. They go from the left hand turn lane, and they  
6 wanted, to go from the left hand turn lane right into the  
7 Thortons. So you can see -

8 KURT SCHNABLE: How would that affect the sign?

9 MARK KOWNICK: Well, I think I'm looking at a  
10 distraction. They're going to see this, this is going to be 35  
11 feet in the air, it's going to be illuminated and it's going  
12 to be changing continuously. So that's a distraction.

13 KURT SCHNABLE: What about people traveling northwest  
14 on Highway 14?

15 MARK KOWNICK: That's the same situation. We have  
16 people turning right and then we have people going this way.  
17 In addition to the sign that they're proposing right here,  
18 there's also another very large I think, must be 11 by 22, or  
19 whatever it is. There's also an additional billboard sign  
20 that's illuminated there, just a regular old fashioned  
21 billboard sign that's up there as well. So that's pretty much  
22 the same property that this sign is going to be on.

23 KURT SCHNABLE: I have no further questions.

24 DAVID STONE: Does the petitioner have any questions

1 of this witness?

2 STEVE WEBER: Any questions? Well, the only question  
3 I would have is what data do you have to support the fact  
4 that, that billboards would be a distraction and cause  
5 accidents?

6 MARK KOWNICK: I just, by personal experience,  
7 driving along tollways and expressways, you see them  
8 constantly changing, the flicker out of your, the eyes,  
9 they're continuously changing. On an expressway, you're not  
10 dealing with curb cuts and in and outs of stop and go traffic.

11 DAVID STONE: Thank you. Do we have any summation to  
12 make at this time?

13 STEVE WEBER: The only thing I would add is that the  
14 National Highway Traffic Safety Administration has done many,  
15 many, many studies on billboards, digital billboards, and has  
16 never shown them to have any sort of negative effect on  
17 traffic safety.

18 DAVID STONE: Anything further from any board member  
19 or staff? Then I'm going to go over the conditions that the  
20 staff is suggesting for this one to follow. Proposed  
21 conditions number one, the time limit for the Conditional Use  
22 Permit shall be 10 years from the date of approval by the  
23 McHenry County Board. Construction, you know, before I go  
24 further on this, for this you have the right to have seven

1 members present to vote and we're missing a member. So, do you  
2 want to proceed today, or want another day and have all seven?  
3 You need five to make a recommendation to the board for  
4 approval.

5 STEVE WEBER: If we postpone, what would be the date  
6 that we come back at, do you have any idea?

7 DAVID STONE: You have to take your mask off. I can't  
8 hear you.

9 STEVE WEBER: If we were to postpone, what date would  
10 be the rescheduled date?

11 DAVID STONE: Can you go over this for me again?

12 KIM SCHARLOW: If you're comfortable with moving on  
13 with something else, it would just be the vote?

14 DAVID STONE: That's right.

15 KIM SCHARLOW: Then you can add it on to, really, any  
16 of these right at the beginning of the meeting. We are missing  
17 Renee, though, for these two weeks.

18 DAVID STONE: kay.

19 KIM SCHARLOW: So if you want - okay.

20 DAVID STONE: November 3rd.

21 KIM SCHARLOW: March. [laughter]

22 DAVID STONE: March 3rd. We meet on Thursdays.

23 STEVE WEBER: Okay. At 1:30?

24 KIM SCHARLOW: Yes.

1           DAVID STONE: Is that what you want to do?

2           STEVE WEBER: Let's check our -

3           DAVID STONE: November 10, or March 10 and March 17.  
4 We're missing a different board member, March 24 -

5           KIM SCHARLOW: We don't know how quickly we could get  
6 the transcript, is the problem for John Smolinski to read. We  
7 were just

8           DAVID STONE: Is March 3rd too soon?

9           KIM SCHARLOW: It would be too soon unless we're  
10 comfortable, with, technically you're supposed to read the  
11 transcript, but we have a recording. We have a recording of  
12 this meeting so if we're comfortable with him listening to the  
13 recording?

14          ROBERT KOSIN: It's only about 30 minutes I might  
15 add, since we've opened.

16          DAVID STONE: I don't think anybody can object to  
17 using the recording. Mr. Smolinski might, but if we can get  
18 him the recording to him, and he can listen to it at home.

19          STEVE WEBER: I've decided to do the vote today  
20 actually. I have decided to do the vote today.

21          DAVID STONE: Vote today? Okay. We will go back to  
22 the conditions. Number one, the time limit for this  
23 Conditional Use Permit shall be 10 years from the date of  
24 approval by the McHenry County Board. Number two, the

1 construction of an Off-Premises Commercial Advertising Sign  
2 shall be in substantial conformance with the intended site  
3 plan, received December 28th.

4 KIM SCHARLOW: No, it's incorrect.

5 CHARLES ELDREDGE: It's been corrected? Okay.

6 DAVID STONE: I'm sorry, what now?

7 KIM SCHARLOW: There's an updated.

8 DAVID STONE: The site plan's got a different date,  
9 what's the date?

10 KIM SCHARLOW: The site plan was revised. So the  
11 revised site plan is December 28th.

12 DAVID STONE: Okay. Thank you. Number three, I guess  
13 yours wouldn't have a number three, it's deleted. And number  
14 three included, is prior to issuance of a building permit,  
15 proof of permit approval from the Illinois Department of  
16 Transportation must be submitted to the McHenry County  
17 Planning and Development Department. Number four, all federal,  
18 state, and local laws shall be met. Does anyone have any  
19 additional conditions? Hearing none.

20 CHARLES ELDREDGE: I move acceptance of the  
21 conditions as read.

22 DAVID STONE: Is there a second?

23 VICKI GARTNER: I'll second.

24 DAVID STONE: Moved by board member Eldredge, and

1 second by Gartner, that we accept these four conditional  
2 conditions? All those in favor signify, I'll call the  
3 question. All those in favor signify by saying aye.

4 MEMBERS - IN UNISON: Aye.

5 DAVID STONE: Opposed? The motion carries. Now, I'll  
6 entertain a motion for approval of the petition.

7 CHARLES ELDREDGE: For the purposes of discussion, I  
8 will so move.

9 DAVID STONE: Is there a second?

10 VICKI GARTNER: I'll second.

11 DAVID STONE: Moved by Eldredge, seconded by  
12 Gartner, that we approve the petition for a commercial sign.

13 ROBERT KOSIN: Commercial electronic sign.

14 DAVID STONE: Discussion, starting with Mr. Eldredge.

15 CHARLES ELDREDGE: Yes. This is a commercial  
16 corridor. And the property is a commercial property. And for  
17 many commercial uses, I would routinely vote in favor. Here, I  
18 am troubled by the strong opposition of the Village of Cary.  
19 Whether they have the authority to block it or not, I think  
20 they clearly do not in the case of the conditional use. This,  
21 as far as I'm concerned, is somewhat beside the point. The  
22 fact that it is this close to their jurisdiction carries a  
23 good deal of weight with me. And the points that, I don't know  
24 one way or the other whether it is a traffic hazard. I do know



1 that intersection, and it is a nasty intersection. There's no  
2 doubt about that. But their, I think primary objections are,  
3 what they feel it would be a, harmful in terms of the image  
4 they're trying to create of their community, and be viewed by  
5 the driving public that's basically within Cary. As the mayor  
6 has proposed that would sort of spoil the, the front door  
7 entrance to the city. Second, I think the other valid  
8 objection, from my perspective that I heard from the mayor,  
9 was that it would detract and might significantly reduce the  
10 viability, the economic viability, of the townhome project  
11 that is very close to it. So given those reservations, I am in  
12 doubt, and pending what my colleagues have to say, at this  
13 moment I am inclined to vote against.

14 DAVID STONE: Mr. Kosin?

15 ROBERT KOSIN: Thank you, Mr. Chairman. I concur,  
16 with the remarks provided by the Village of Cary about their  
17 history and their land use. They have a corner that they are  
18 indeed attempting to create a welcoming and productive entry.  
19 The future looks to continue to be complicated with the  
20 hospital to the west. The other issue of some concern is the  
21 discussion of distraction. Our eyes are hard wired to seek out  
22 and be attentive to light, brightness, change. Since people  
23 have been calling the National Highway Safety Administration,  
24 they have stated in several studies that even a two second

1 distraction significantly increases individual risk. On more  
2 than one occasion, my co-pilot has admonished me when I tried  
3 to determine how high the price of gasoline had changed since  
4 the last time I drove down that roadway. For those two points,  
5 in terms of community character, and a potential for traffic  
6 distraction, I am inclined not to support this petition.

7 DAVID STONE: Ms. Gartner?

8 VICKI GARTNER: This hearing reminds me a lot of the  
9 one that we had for the sign on 31. That was up against the  
10 border of Algonquin Township, who strongly opposed it, for  
11 many of the same reasons that Cary opposes it. It was  
12 approved, and it's been up for six years. And I don't find it  
13 to be at all distracting. I have never seen any accidents  
14 along that stretch. There's another digital sign on 31 and  
15 Bull Valley Road, also a very busy corner, there's a hospital  
16 on one side of that the road, and many businesses along there.  
17 And it is apparently not a distraction. The thing that I like  
18 about digital signs is that they're far preferable to the  
19 standard billboards with glaring lights coming down on them.  
20 These glow, they don't really cast much light off of them.  
21 They don't cast light out toward the road, toward guards,  
22 toward homes, nothing. They just are, a bit of brightness in a  
23 night sky. I don't think that this is a bad place for this  
24 sign. I understand Cary's concern that it is their, you know,

1 their entry to the Village. But there are far more distracting  
2 qualities to that intersection than this sign would be. And as  
3 stated, there already is a billboard that, you know, very  
4 close to this property. I am in favor of this. I do prefer  
5 digital signs over billboards. I don't think signs are going  
6 to go away anytime soon. Signs are here to stay. I remember  
7 when I was on the Hoffman Estates zoning board, there was a  
8 UDO type of process that we went through, and a large amount  
9 of time was spent on signs, and the decision was made to go  
10 with all monument signs. So slowly, all the signs were being  
11 changed to monument signs. It caused a lot of accidents,  
12 because there's a lot of trucks, there's a lot of SUVs, people  
13 couldn't see over them to see the signs. Now that's not  
14 advertising, I'm talking about, you know, corporate signs and  
15 so on and so forth. But the monument signs for Hoffman Estates  
16 didn't work particularly well. In any case, I am in favor of  
17 this petition. So I will vote in favor of it.

18 DAVID STONE: Mr. Schnable?

19 KURT SCHNABLE: Okay, the plot will thicken now. I am  
20 in total agreement with every single comment the three members  
21 so far have made. I want to go on record with that. I agree  
22 with the concerns of the mayor of Cary, I take them to heart.  
23 I can say that I lived in the Village of Cary for five years.  
24 I'm very familiar with this intersection and very familiar

1 with this piece of property, which has been an industrial  
2 property, ever since I was a kid with my dad taking me down  
3 Route 14 which is over 50 years ago. Nothing much has changed.  
4 It's my personal opinion, the largest hazard is the fuel  
5 station that was built, where it was built, with the cuts in  
6 and out at that particular intersection. To me that is the  
7 offender here, more so than the billboard sign would be. I  
8 sympathize with the Village of Cary. I have voted to approve  
9 things in the past that I personally did not agree with, only  
10 because we are supposed to be guided by the guidelines of the  
11 UDO. And here the UDO for the county does not specifically  
12 restrict something like this from happening, but you're not  
13 trying to violate any of the conditional aspects of placement  
14 of your sign. I agree it was probably a little snarky right at  
15 the beginning to push it right up against the edge of the Cary  
16 jurisdiction, such as it was originally. But, in light of that  
17 fact, I'm not saying it's gonna be a good thing or a bad  
18 thing, but I can't see a reason not to vote to support your  
19 petition at this point. That's all I've got.

20 DAVID STONE: Thanks a lot, everybody.

21 RENEE HANLON: Mrs. Kooistra?

22 DAVID STONE: Oh, I'm sorry, Linnea?

23 Yes, I'm inclined to agree with Mr. Eldredge, in  
24 that I'm concerned about the proximity to the townhouse

1 development, and that is standard number two under the UDO for  
2 conditional use, that I don't know that it's compatible with  
3 that being so close, and also being so close to Cary's  
4 municipal border, but I'm still listening to what everybody  
5 has to say.

6 Thank you Linnea, Ms. Kooistra. Okay, well, I'm  
7 in a little bit of a quandary as to what the mile and a half  
8 indication for giving villages some, some right to say  
9 something about an eminent and vested interest in what goes on  
10 in that area around their property, and for these reasons, I  
11 would tend to honor the 1.5 mile jurisdiction that allows the  
12 city to have, or Village to have a say, and therefore, I have  
13 some reservations about the sign, the fact that it's so large.  
14 I, I'm moved by that argument that this huge, it's a sign that  
15 squarely typically designed for a interstate, and is going to  
16 be plucked on a interior roadway, which is not an interstate,  
17 it is a four lane. And I'm also, the whole thing makes me  
18 dizzy because the fact of the matter is, this being an  
19 entrance to the Village of Cary, it's already kind of a  
20 industrial mess there, so I don't know about that subdivision,  
21 or what kind of subdivision it is. But at any rate, I'm more  
22 inclined to vote no than yes. Even though I agree with almost  
23 everything that's been said here today. So, we'll call the  
24 question.

1 Schnable?

2 KURT SCHNABLE: Yes.

3 DAVID STONE: Kosin?

4 ROBERT KOSIN: No.

5 DAVID STONE: Kooistra?

6 LINNEA KOOISTRA: No.

7 DAVID STONE: Gartner?

8 VICKI GARTNER: Yes.

9 DAVID STONE: Eldredge?

10 CHARLES ELDREDGE: No.

11 DAVID STONE: And Stone, I'm going to vote no. So the  
12 vote is four yes, two no - other way - two yes, four no. So  
13 the petition fails.

14 RENEE HANLON: It goes with no recommendation. No  
15 recommendation.

16 DAVID STONE: No recommendation. Don't we have to do  
17 something different when it turns out this way?

18 RENEE HANLON: No, only if there had been five  
19 opposed.

20 CHARLES ELDREDGE: If there were five opposed, we  
21 would have to re-vote.

22 DAVID STONE: Okay, thank you. So at this point the  
23 petition fails and the hearing is over. Close the hearing at  
24 this point.

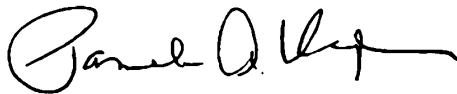
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TRANSCRIPT OF SAID DEPOSITION IS A TRUE, CORRECT, AND  
COMPLETE TRANSCRIPT OF THE STATEMENT GIVEN AT THE TIME  
AND PLACE SPECIFIED.

I FURTHER CERTIFY THAT I AM NOT A RELATIVE OR  
EMPLOYEE OR ATTORNEY OR EMPLOYEE OF SUCH ATTORNEY OR  
COUNSEL, OR FINANCIALLY INTERESTED DIRECTLY OR  
INDIRECTLY IN THIS ACTION.

IN WITNESS WHEREOF, I HAVE SET MY HAND:



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