

Village of Riverwoods  
Plan Commission

Meeting Minutes

July 2, 2009

A meeting of the Village of Riverwoods Plan Commission was held on Thursday, July 2, 2009. Chairman David Niedelman called the meeting to order at 7:35 p.m.

Present were:

David Niedelman, Chairman  
Stephen Levin  
Brian Meltzer  
Lisa Peckler  
David Shimberg

Absent was:

Kristine Ford  
Joe Schwartz

Also Present:

William Kaplan, Mayor  
Pat Glenn, Village Engineer  
Trustee Sherry Graditor  
Bruce Huvad, Attorney  
Russ Kraly, Director of Public Services ??  
Trustee Bill Svatik

Minutes taken by Jeri Cotton

1. Document Approval:

The minutes from the October 16, 2008 meeting will be approved at the next meeting.

2. Business:

Properties Petitioning for Annexation to the Village

Village Engineer Pat Glenn explained there are several properties on the east side of Milwaukee Avenue that have discussed petitioning for annexation to the Village. One of them is the Mulch Center. Immediately north of that is the Pantle property and the Estonian house. He met with representatives of the Pantle Center and the Mulch Center, both of which are in the flood plain. He explained to them that the flood plain and the existing flood way rules would apply to them if they pursued annexation to the

Village. Mr. Glenn explained that both of the properties have some challenges and they were trying to figure out how to bring both sites into compliance with both the Village and Lake County.

Roger Simonson, 725 Juneberry Road, questioned what would happen if a resident did not agree with the possible annexation. He asked whether it would be possible for the properties to request annexation from Lincolnshire or Buffalo Grove. Chairman Niedelman said that anything would be possible.

Mike Corn, 3075 Blackthorn Road, asked what would be gained or lost if the property was annexed. Mr. Huvad explained the primary reason they wanted to entertain discussions is to protect the residents in the Meadow Lake subdivision. One of the tasks was to figure out how to constrain their operations so it was not too noisy for the neighbors. They are exploring with Riverwoods what they can get away with before coming into the Village. He noted they were trying to get their engineering up to speed, as they have not followed the engineering rules for more than 25 years.

#### Riverwoods Estates Subdivision Plat Amendment

Riverwoods Estates is a three-lot subdivision that was platted in 2005. There were originally two lots that were later subdivided into three lots. As part of the subdivision process, some easements were created; one which is a buffer for Thorngate Creek and another buffer to protect the area proposed for future development. The developer has decided not to build on the property at this time. There is an existing home on that property that, if the property were redeveloped, would have been torn down. Mr. Glenn mentioned the easements that were created when the lots were subdivided encroach on the existing house. He believes this could cause some difficulty in selling the property. Mr. Glenn has asked for an amendment to the subdivision to be prepared, to get the house out of the easements. The amendment includes an adjustment to the wetland buffer, which is allowed by Village ordinance and eliminating the storm water easement because the proposed excavation will no longer occur. The proposed changes fit within Village ordinances. Mr. Glenn reviewed the plat and is requesting a favorable recommendation by Plan Commission.

Attorney Bruce Huvad mentioned the easements proposed on the property are no longer required because a new house is no longer going to be built. He explained the areas have been shifted around the existing home, but include the same amount of wetland easement. The Plan Commission can recommend or not recommend the amendment to the Village Board. If the changes are made and someone wants to build a new house on this property, they would have to come back before the Plan Commission. Mr. Huvad mentioned the changes would be made on only one lot. The other two lots would not be changed.

Linda Dunn, 2920 Orange Brace, asked if the percentage of the wetlands would be the same. Mr. Glenn explained the total area remains unchanged

Mr. Korn asked if the other two residents in the subdivision knew what was going on. Mr. Huvad noted one resident was the owner and the other resident was present tonight.

Commissioner Levin made a motion to make a favorable recommendation to the Board to amend the Plat. Commission Meltzer seconded the motion. The motion passed by the following vote:

AYES: Levin, Meltzer, Peckler, Shimberg (4)

NAYS: None (0)

Absent: Ford, Schwartz (2)

### Discussion of Deer Fences

Ch. Niedelman mentioned there has been a lot of discussion in the Village and the Commission felt it was time to bring up the issue of deer fences. The Commission's goal, in the end, is to hear where everyone is at and understand the resident's views.

Mr. Huvad explained the Village requires a fence not be higher than six feet. The fence location is not specified and the regulation treats fences as structures; structures in Riverwoods require permits. There are many fences that have been erected without permits. Some residents have voiced concern that the deer population has been channeled to other areas. The reason to regulate fences from a zoning stand is to protect public health, safety and welfare. Sometimes fences are a security and safety issue. Other reasons for having fences are privacy and aesthetics. Ecology is another issue as well. Mr. Huvad noted there were not a lot of stockade fences in this area. In many communities there would be rules against stockade fences. While a 6' stockade fence is allowed, it could be uglier if it were carried to the extreme. Conversely, deer fences are somewhat transparent. He questioned whether it was time for the Village to enforce the Ordinance, rewrite the Ordinance or determine the appropriate amount of fencing.

Chuck Reichenbock, 1390 Woodland Lane, believes regulating aesthetics would be good. He believes the height is an interesting regulation, because deer fences are usually more than 6' high. He is not a fan of fences. If a fence cannot be seen, he would be in favor of it. Mr. Reichenbock realizes that people that want fences also want to have gardens. He noted there was an article in Northwest Cook County Sierra Club about Lyme disease. Although there has not been Lyme disease in Riverwoods, it can happen.

Mr. Corn does not have a problem with fences; however, he is bothered when someone has fences around the perimeter of their property which can sometimes be four acres. South Riverwoods was not aesthetically built for fences. He has a neighbor that built an 8' deer fence and believes that fence has driven the deer into his yard. Mr. Corn

believes the fences are not pleasing, because they deliver the deer to other areas. He does not believe an entire property needs to be fenced; rather, just fence the part around a home.

Louise Simonson, 725 Juneberry, believes fencing is for more than protecting the area around their home. She believes fencing is also for ecology. Ms. Simonson believes there needs to be some flexibility

Ms. Dunn explained there are a number of deer fences in Riverwoods which is forcing the deer into the open land. She understands about protecting a specific area, but does not believe covering the entire property is necessary.

Stephen Kriston, 755 Thornmeadow, explained that he has learned to plant what deer do not eat. He believes his property looks lush without a deer fence. Mr. Kriston explained there are a variety of plantings that can work. He believes ugly fences are not aesthetically pleasing and has learned to deal with the deer.

Mary Fahri, 2941 Orange Brace, has a deer fence and loves it. She now has flowers that have regenerated in her yard. For her, it is a sense of ecology. This is an emotional issue and she believes the Village should investigate what effect the deer have on the land, both negative and positive.

Shelia Hollander, 718 Ringland Road, explained the problem with the limited pallet that the deer do not like are not native, woodland plants; rather, they are landscape plants. She does not believe these plantings will not regenerate the forest in Riverwoods. Ms. Hollander believes the woods are in jeopardy because the deer are eating the different layers. If you have only a canopy or ground layer, that is not a woodland. A woodland needs to have all four of its layers. Ms. Hollander believes there is a lot that needs to be looked at regarding deer fences. She suggested allow deer fences but regulating the amount of property that can be fenced. What is most objectionable is when the entire property is fenced. If only one third of a property if fenced, it is not as bad.

Mr. Simonson mentioned the Trillium that used to be on the Henderson property are disappearing because there are too many deer. He believes the deer population should be controlled.

Carol Lieberman, 406 Greenbriar, believes that many residents came to Riverwoods because of the woodlands. She believes the woodlands are a place of balance. She believes that when the Village looks at solutions, they should also look at how to manage the situation so there is a balance.

Henry Hollander, 718 Ringland, explained that a compromise would be to allow half the property to be fenced, but let individuals decide what part of property to fence. In addition, he recommended requiring 10' – 20' from the lot line to be left open to allow

the deer to have free access to open woodlands. He believes allowing 50% of a property to be fenced is an appropriate amount.

Janet McGowen, 716 Ringland Road, has an extensive garden. She does not believe she would not have a garden if they were not allowed to have a fenced. Ms. McGowan mentioned that 2/3 of their property is fenced. She mentioned that she is paying taxes on 100% of her property and should not be restricted to only allowing 50% of her property to be fenced. Ms. McGowen mentioned that all of her baskets have been destroyed by the deer. She loves the deer but believes the deer population has gone overboard.

Joe McGowen, 716 Ringland Road, mentioned the deer fence issue has come up several times over the years. He believes the issue is not fencing; rather the deer population. Mr. McGowen believes construction has forced deer into Riverwoods. There have been counts over the years, but the reality is that there are more than a dozen deer on his property everyday. He believes the deer population should be addressed. Mr. McGowen believes that having 6' fences would not be enough. The invisible deer fences are eight feet high. On two occasions, he has seen deer jump over his six foot fence. Mr. McGowen mentioned another perspective. If one wants to have any type of garden (including flowers), the garden must be fenced. He also noted that Lyme disease and ticks are here.

Anita Guziec, 2775 Edgewood Lane, believes the issue is not the fencing, but about culling the herd. She believes there is an unnatural balance of deer per acreage. She questioned whether the Village could find out the numbers from the county. Ms. Guziec questioned whether the Village could cull the herd. Chairman Niedelman explained they culled the herd ten or 12 years ago. The forest preserve does it out of Ryerson. They currently cull deer almost annually. One of the issues with counting the deer is that since the herd moves through the forest preserve, they cannot be controlled and the count is not accurate. He mentioned the number has always fluctuated. Ch. Niedelman believes culling the deer would be an uphill battle within the Village. He believes the Village would need to discuss what they can control.

Anita Young, 2001 Blackthorn Road, believes the deer seen by the residents are culled. The reason people are complaining more about the deer is because there are so many large deer fences. She believes some fencing is appropriate, but only a percentage of the property should be allowed to be fenced.

Ms. Dunn asked if there were any way to put deer fences between the Village and the forest preserve.

Mr. Corn explained that one of his neighbors has never fenced his property, but does have a lot of plantings. He believes the amount of fencing allowed on the property needs to be regulated. He referenced an article from the Lake County Forest Preserves that stated there were 69 deer per acre.

Mr. Kriston mentioned the deer do not have enough to eat and they are being forced into eating other items.

Joan Becker, 2750, explained the RPC does not have an official position, because it is extremely complicated. She suggested that there was an excellent program put on by the Department of Natural Resources in Lincolnshire. She believes culling is appropriate because it is more important to have a small, healthy herd rather than a large, unhealthy herd. She noted that if the shrubs were eliminated, foxes could not breed. Ms. Becker noted another issue that has not been addressed is the misinformation throughout the Village regarding whether permits are required and if deer fences are allowed in Riverwoods. She mentioned that the concern is the complaints from people in the village.

Sherry Kaplan, 3284 Timberwood Lane, explained there was a recent deer count that was paid for by the RPC and the Village. She noted the herd was lower than it had been in the past, but the other factors are complicating the situation. She mentioned 15 deer per square mile would be manageable.

Lori Breitkopff, 450 Green Briar, explained the RPC did the aerial deer survey and the Village was divided into four quadrants. The overall Village number was slightly down. She believes the way to look at the Village is by quadrant. The numbers are very high in some of the quadrants. In South Riverwoods there were 69.7 per square mile on one day. Ch. Niedelman noted that it was a moving target.

Mr. Hollander questioned the Village's position. People put in deer fences because there are too many deer for the area; however, the Village will not cull the deer. He believes the problem has been identified but the Village will not deal with the problem. Mr. Huvad questioned what would happen if the Village culled the deer. Would the residents then remove their deer fences?

Mr. Shimberg questioned whether homeowners have fences for reasons other than protecting property from deer. Ms. Guziec said she fenced her property for her dog. She also fenced her property because there is a deep pond on her property.

Mr. Simonson explained they lost their flowers for many years. They put up a deer fence when they started losing their shrubs.

Mrs. Simonson mentioned she would prefer not to have a fence. She believes there was a balance in the past, but we are now out of balance.

Ed Russ, 65 Treasure Lane, believes there is a benchmark for the deer population; however, the benchmark is probably for a forest preserve without any fences. He questioned whether the fenced parts were also considered.

Ms. McGowen noted that the coyote population has increased as well. If the deer increase, other wildlife will also increase, which can be a dangerous situation. Ms. McGowen also questioned whether the commissioners would consider grandfathering the existing fences.

Ch. Niedelman said the Commission was gathering resident's opinions at this point.

Ms. Dunn would like the Commission to take into consideration the RPC, DNR and Ryerson reports.

Mr. Kriston believes allowing a percentage of the property to be fenced would be a good compromise. He also likes the corridor suggestion.

Mr. McGowen believes regulating deer fencing would put the Village into a position of regulating homeowners on where they can garden on their property. People have different tastes.

Ch. Niedleman noted that another thing to balance is the homeowner's action affecting their neighbors. Everyone is here because one neighbor's action is causing an issue on others. Local government is trying to mitigate where possible.

Mr. Shimberg added that some associations within the Village dictate that homeowners cannot have fences.

Mr. Corn noted that the Village does need some rules and regulations. People have to respect others needs, wants and likes and need do the right thing.

Mr. Huvad suggested giving thought to how staff can assist with this issue. One issue to discuss is that some fence regulations do not have anything to do with deer. There are issues about the type of fences as well. He questioned what would be done if the options for controlling deer population were limited.

Mr. Corn questioned the rules for the Thorngate subdivision. Ch. Niedelman noted that is a Planned Urban Development (PUD) and homeowners bought there knowing the regulations. Mr. Huvad noted that Thorngate does have some smaller lots as well.

Mr. Levin asked about the history form other communities. Mr. Huvad suggested looking into fence regulations in other municipalities that have a lot of woodlands.

Ch. Niedleman noted they would look at all fences, not only deer fences.

Ms. Peckler reassured the community that indecision was the worst decision. The Commission will try to come up with a decision or a compromise. She sees both sides equally, but needs to make a decision while considering all of the opinions and comments.

Mr. Shimberg believes this is a problem that is not getting better. The issues are becoming more serious and something needs to change.

Ms. McGowen believes Ms. Brahill's report would be important to consider. She does not believe the decision should be the same for all areas in the Village.

Pat Anderson, 3060 Greenbriar Lane, asked how many deer fences were present in community. Ch. Niedelman noted there were approximately 30 deer fences, with 98% of the deer fences in south Riverwoods.

3. Comments by the Chairman:

The Chairman did not make any additional comments.

4. Adjournment:

There being no further business to discuss, Commissioner Shimberg made a motion to adjourn the meeting. Trustee Levin seconded the motion. The motion passed unanimously.

The meeting was adjourned at 9:00 pm

Respectfully submitted,

Jeri Cotton