

From: STEVEN N. NOVOSAD [SNOVOSAD@clausen.com]

Sent: Friday, July 30, 2004 12:06 PM

To: Nancy Morten

Cc: MDunn@MC.ne; William Kaplan

Subject: "Woodland Overlay Protection District"

July 30, 2004

To: Mayor Kaplan
Village Trustees
Members of the Village Plan Commission
Riverwoods Residents Association
Residents of Riverwoods

Re: "Woodland Overlay Protection District"

Im sorry I missed the Board of Trustees meeting of 7/20/04. Unfortunately, I wasnt aware of the proposed ordinance in time. I didnt see our copy of the RRA Newsletter until a few days later. Had I been more aware I definitely would have been there. The article in the RRA Newsletter, as reprinted on the Village Website concludes:

So, in the woodland protection ordinance, we have attempted to provide a comfort zone in which the house and accessory uses and some lawn can be planted. We have examined aerial photographs and inspected numerous properties in recommending the maximum coverage percentages. With the size of our lots, the lawn areas we see around many houses still do not approach these coverage limits. Most houses currently comply with these ratios and most new construction will not be unduly hindered. Existing lawn can remain but would be reduced if an owner applied for new construction that encroached further into the woodland. What we are trying to prevent is the wholesale eradication of the woodland on any given lot where that type of destruction is simply not necessary to accommodate the residential needs of an owner.

We have started to see instances of buyers acquiring our lovely large lots, only to replace all of the native ground cover with grass. They perhaps do not recognize the damage that is being done to the overall woodland environment and this is where our education efforts will become very important. Our proposed new ordinance is innovative and perhaps also will have some growing pains before we get it completely right.

The bias in favor of the proposed ordinance made it seem as though it was a done deal. I am quite relieved that it is not.

This letter is to voice my own strenuous opposition to the proposed "Woodland Overlay Protection District" and agreement with the concerns and issues raised in the letter, as posted on the Villages website, by my neighbor Mr. McArdle. It has been my understanding that, historically, a major factor in the incorporation of Riverwoods was for residents to be as free as possible from government intrusion into the enjoyment of their property. This ordinance would certainly destroy a good part of that freedom. While preserving woodlands sounds like a noble goal, I take strong issue with it being forced upon me.

Oddly, this ordinance would summarily exempt Thorngate, Country Club Estates, the Lake-Cook Office Campus, Meadowlake and the commercial areas west of the Des Plaines River. Why wouldnt application of this ordinance be good for all landowners in Riverwoods? No explanation has been offered to support the exclusion of these areas. The reason for exemption is not obvious to me. For example, Thorngate, was only recently carved out of a golf course with many wooded areas and includes the prized oak and hickory trees. There appears to be a fair amount of open common land, and there are a number of homes on quite large lots that have substantial gardens and manicured grass. Why werent these included or their exclusion explained? I do suspect that the residents of these areas would be overwhelmingly opposed to application of this ordinance to their land.

I bought a home that was built in the late 60s from a couple (the second owners) who were empty nesters and had lived in that house for 17 years. I can pretty much guarantee that the percentage of coverage on my lot is the same now as the day Charles Page sold it to the original owners somewhere around 35 years ago. I believe that this would hold true with the lots of the vast majority of my neighbors on Crestwood Lane and probably most of those located within the Woodland Lane and Kenilwood Lane Road Association areas. Fully wooded lots arent for everybody and clearly never have been in Riverwoods. While I like having a good portion of my land wooded, I still want to be able to use my land for outdoor activities, recreation and gardening. It might be difficult to have a patio/deck, gardens and enough room left over to play volleyball. I want to be able to enjoy the use of my land in addition to the view of my woods. While I love being surrounded by the beauty, serenity and

privacy afforded by my woods, I am also one of those who likes to have the sun shine on and around my house.

To me, this Ordinance should have been titled the Every Resident Shall Maintain A Forest Preserve Consisting Of Nearly All Of The Residents Useable Land District. I bought a home in a wooded community. I did not buy the Park Rangers house. By definition and in practice, a forest preserve is a forest land set aside to be left as undisturbed as possible --- kind of like a museum. These are typically owned and controlled by the government. Parks, on the other hand, are governmental too but also allow for active and interactive use of the land for recreation. The opportunity for outdoor activity and recreation is certainly extremely vital to the physical and mental health and well being of the residents of Riverwoods.

Riverwoods has government-owned forest preserves within and up against its borders. However, Riverwoods does not have any parks. My backyard is my park. Frankly, it is my haven for relaxation. It is my favorite place just how it is (and has been for 35 plus years) with a deck/patio, lawn, gardens and, of course, woodland too. For me, its just the right mix.

It seems that there should be a better way to address this issue rather than through a somewhat draconian governmentally imposed limitation on my freedom to use and enjoy my land. Dont we already have a tree preservation ordinance? Perhaps instead of outlawing new homes, additions, decks, patios, lawns, gardens, swimming pools, tennis courts and the like, there could be a voluntary preservation program. Certainly, those who want to maintain their land as a forest preserve ought to be allowed to do so. Those who need more of a park should be allowed to have one. Perhaps the Village could offer an incentive to those who voluntarily choose to comply with lot coverage limits. Perhaps property taxes should only apply to that part of the land that can actually be put to use and used. If I had the use of 70% of my land taken away by government action, it would seem that the government ought not tax me on the 70% taken away or, at least, drop the fair market value of that 70%, for tax purposes to what it would be fairly worth on the market --- next to nothing.

I strongly oppose the proposed "Woodland Overlay Protection District."

Respectfully,

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P.S. The Village website is quite well done and impressive.
Everyone should bookmark it immediately.