

BEFORE THE VILLAGE BOARD
OF THE VILLAGE OF ROUND LAKE PARK
SITTING AS A POLLUTION CONTROL FACILITY
SITING AUTHORITY

IN RE: APPLICATION FOR LOCAL SITTING)
APPROVAL FOR GROOT INDUSTRIES)03-01
LAKE TRANSFER STATION,)

Transcript of proceedings at the hearing
of the above-entitled cause on the 24th day of
September, 2013, at the hour of 12:00 p.m.

(Proceedings concluded at 3:00 p.m.)

REPORTED BY: SHELLY S. RUBAS

CERTIFIED SHORTHAND REPORTER LICENSE NO.: 084-4298

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1 APPEARANCES:

2

3 SCHIROTT, LUETKEHANS & GARNER, LLC
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4 The Hearing Officer;

5 MUELLER, ANDERSON & ASSOCIATES

MR. CHARLES F. HELSTEN

6 MR. GEORGE MUELLER

On behalf of Groot Industries;

7

THE LAW OFFICES OF RUDOLPH F. MAGNA

8 MR. PETER S. KARLOVICS

On behalf of Board of Trustees of the
Village of Round Lake Park;

9

10 THE SECHEN LAW GROUP, P.C.

MR. GLENN C. SECHEN

11 On behalf of Village of Round Lake Park;

12 TRESSLER, LLP.

MR. STEPHEN T. GROSSMARK

13 On behalf of Village of Round Lake;

14 JEEP & BLAZER, L.L.C.

MR. MICHAEL S. BLAZER

15 On behalf of Timber Creek Homes, Inc.;

16 MR. LARRY M. CLARK

On behalf of The Solid Waste Agency of
Lake County, Illinois.

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I N D E X

WITNESS EXAMINATION

J. CHRISTOPHER LANNERT

By Mr. Helsten (Direct)	7
By Mr. Blazer (Cross)	52
By Mr. Grossmark (Cross)	96
By Mr. Clark	125

E X H I B I T S

NUMBER IDENTIFICATION

Applicant's Exhibit No.

4	102
5	102

(Exhibits not attached - retained by Mr. Helsten.)

1 THE HEARING OFFICER: Good afternoon. This is
2 the application for the local siting approval for
3 Groot Industries Lake Transfer Station before the
4 Village Board of the Village of Round Lake Park
5 sitting as pollution control facility siting
6 authority.

7 Before we start public comment, are there
8 any preliminary matters?

9 Hearing none, I think today we set up
10 comment for 12:00 noon. Anybody who wishes to make
11 public comment at this point?

12 I do have one preliminary matter. Before
13 we started today, Mr. Karlovics handed me an e-mail
14 from Brian Smith. You may recall that Mr. Smith
15 had questions that I asked yesterday of Mr. Moose.
16 He has three questions that, again, would go to
17 Mr. Moose.

18 My suggestion, Mr. Helsten and
19 Mr. Mueller, if it's acceptable to you, is we would
20 like the public to have the opportunity to ask as
21 much as possible, so when Mr. Moose comes back on
22 the stand, we will just ask these three questions
23 and there will not be any follow up other than from
24 me, so we are not starting a whole recross and

4

1 those kinds of things. But I think they fairly
2 -- we will ask Mr. Moose and we can move on at that
3 point.

4 Is that okay, Mr. Helsten?

5 MR. HELSTEN: That's acceptable, Mr. Hearing
6 Officer.

7 THE HEARING OFFICER: Thank you. And if I
8 forget, someone please remind me.

9 Okay. At this point, I know there's a
10 question about schedules. I kind of thought about
11 it and maybe on one of the breaks, we will kind of
12 try to discuss that more and then put that on the
13 record.

14 The -- Mr. Karlovics has told me that we
15 have this room all day today, so hopefully we can
16 get a lot done and not be switching rooms,
17 et cetera.

18 So, Mr. Helsten, your first witness today?

19 MR. HALSTEN: Yes. We would call Christopher
20 Lannert to the stand, Mr. Hearing Officer.

21 THE HEARING OFFICER: Mr. Lannert, please step
22 up and be sworn in.

23 Mr. Helsten, do you want him here?

24 MR. HALSTEN: Whatever. It doesn't matter.

1 Wherever is fine.

2 MR. KARLOVICS: Mr. Hearing Officer, one
3 housekeeping matter.

4 THE HEARING OFFICER: Yes, Mr. Karlovics.

5 MR. KARLOVICS: Will the record please reflect
6 the presence of Trustee Bob Corretti and Trustee
7 Jean McCue.

8 THE HEARING OFFICER: You know what? Let's
9 have everybody introduce themselves for the record
10 starting with Mr. Helsten's table.

11 MR. HALSTEN: Thank you, Mr. Hearing Officer.
12 At the table with me, my co-counsel, George
13 Mueller, Mr. Devin Moose, and Mr. Marty Fallon of
14 Shaw Environmental.

15 THE HEARING OFFICER: Mr. Sechen.

16 MR. SECHEN: I'm Glenn Sechen and I represent
17 the Village of Round Lake Park.

18 THE HEARING OFFICER: Mr. Karlovics.

19 MR. KARLOVICS: I am Peter Karlovics and I
20 represent the Village Board of Round Lake Park.

21 THE HEARING OFFICER: Mr. Blazer.

22 MR. BLAZER: Michael Blazer for Timber Creek
23 Homes.

24 THE HEARING OFFICER: Mr. Grossmark?

1 MR. GROSSMARK: Stephen Grossmark, Village of
2 Round Lake.

3 THE HEARING OFFICER: Mr. Clark?

4 MR. CLARK: Larry Clark on behalf of The Solid
5 Waste Agency of Lake County.

6 THE HEARING OFFICER: Okay. Do you want to
7 swear in the witness, please.

8 (Whereupon, the witness was
9 duly sworn.)

10 THE HEARING OFFICER: Mr. Halsten, you may
11 proceed.

12 MR. HALSTEN: Okay.

13 J. CHRISTOPHER LANNERT,
14 called as a witness herein, having been first duly
15 sworn, was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. HALSTEN:

18 Q. Could you state your name for the record,
19 please?

20 A. Yes. My name is initial J. Christopher
21 Lannert.

22 THE HEARING OFFICER: Let's take care of that
23 before we go any farther.

24

1 (Whereupon, a discussion was
2 had off the record.)

3 THE WITNESS: My name is initial J. Christopher
4 Lannert.

5 BY MR. HELSTEN:

6 Q. And, Mr. Lannert, what's your profession?

7 A. I am an urban planner, landscape architect

8 Q. And you are here today to provide
9 testimony on a certain aspect or portion of the
10 application?

11 A. That's correct.

12 Q. And which portion of the application would
13 that be?

14 A. It's the first part of criterion number
15 three.

16 Q. Okay. And have you prepared a PowerPoint
17 presentation in conjunction with your testimony?

18 A. Yes, I have.

19 MR. HELSTEN: Mr. Hearing Officer, as the same
20 with Mr. Moose, we would ask permission for
21 Mr. Lannert to proceed with his PowerPoint
22 presentation.

23 THE HEARING OFFICER: Assuming there is no
24 objection, that's granted.

1 MR. HALSTEN: Thank you.

2 BY MR. HALSTEN:

3 Q. Please proceed, Mr. Lannert.

4 A. Thank you.

5 As I just stated, my name is
6 J. Christopher Lannert. I have my own office in
7 Geneva, Illinois. We are a professional service
8 organization that offers professional expertise in
9 the area of planning, landscape architecture, and
10 community consulting. In the area of community
11 consulting, we are typically charged with
12 assignments of zoning ordinances and/or plans for
13 the communities that we are either working in or
14 represent.

15 We won an American Planning Association
16 award for the master planning we did in New Lenox.

17 In the area of landscape architecture, we
18 do the typical things that you think of landscape
19 architects doing, planting plans, plaza plans,
20 streetscape improvements for various municipalities
21 and we are very proud of the kind of work that we
22 have done in those zones.

23 The project that --

24 Q. Mr. Lannert, could you slow down a little

1 for me?

2 A. Certainly.

3 The project that we are working on
4 presently that we are proud of is the streetscape
5 for the Village of Palatine. We have done all of
6 their streetscape improvements.

7 The last thing that we do in terms of
8 professional practice and probably the largest part
9 is planning within that zone. We do master plans
10 for master plan communities. Up in this particular
11 area, I'm sure you are familiar with our work that
12 we did for Prairie Crossing. We obviously worked
13 on that for a number of years and are very proud of
14 what that has turned out to be as it relates to
15 sustainability in terms of the planning.

16 Additionally, we worked with Cambridge
17 Homes on College Trail also in Grayslake. A couple
18 other scattered sites within Grayslake itself.
19 Moving a little bit to the west, we are -- we have
20 worked on the Cranberry Lake project in
21 Hainesville --

22 THE HEARING OFFICER: Mr. Lannert, what was
23 that lake project? I'm sorry.

24 THE WITNESS: Cranberry Lake.

1 THE HEARING OFFICER: Do you want to spell that
2 for the court reporter?

3 THE WITNESS: C-r-a-n-b -- L-a-k-e.

4 THE HEARING OFFICER: Thank you.

5 THE WITNESS: It's the project that surrounds
6 Cranberry Lake west of Hainesville Road not too far
7 from where we are today.

8 And then here within the community, we
9 have worked with Groot singularly. We worked with
10 them as you probably remember in terms of their
11 hauling operation. We have been working on this
12 site for a number of years and then hopefully
13 through the hearing process today.

14 THE HEARING OFFICER: Shelly, are you having a
15 hard time?

16 THE COURT REPORTER: A little bit, yes.

17 THE HEARING OFFICER: Yeah. If you could speak
18 a little more into the mic and a little slower. I
19 know I'm having a hard time hearing everything and
20 so is the court reporter.

21 THE WITNESS: All right. I'll slow down.

22 THE HEARING OFFICER: Thank you.

23 THE WITNESS: Do I need to --

24 THE HEARING OFFICER: No. You're fine. Just

11

1 keep going.

2 THE WITNESS: As part of our assignment, I
3 guess I could also -- as you saw on the slide, I am
4 a member of a number of professional organizations.
5 I have sat on the Department of Professional
6 Regulations for the State of Illinois and also
7 chaired that committee for about seven of my ten
8 years of history there. I am currently the
9 president elect for the American Society of
10 Landscape Architects Illinois Chapter. I will
11 become president at our national convention in
12 Boston in the middle of November.

13 BY MR. HALSTEN:

14 Q. Mr. Lannert, I note from the slide number
15 two, your PowerPoint presentation, you provided
16 testimony on approximately 60 solid waste related
17 proposals?

18 A. That's correct.

19 Q. What portion of your testimony was in
20 conjunction with planning work you have done on
21 projects?

22 A. All of those applications involve the
23 criterion three. We did all the work dealing with
24 the application in valuing criterion three.

12

1 Q. So your testimony was in conjunction with
2 planning work that you have been retained to do to
3 minimize incompatibility with the surrounding area,
4 correct?

5 A. That's correct and also the features that
6 we incorporated into that that would minimize
7 incompatibility for discovery.

8 Q. Okay. Thank you. I'm sorry. Please
9 proceed.

10 THE HEARING OFFICER: Mr. Helsten, let me
11 interrupt. I'm going to suggest that we move the
12 podium over here. The court reporter is having a
13 real hard time because she's -- I'm going to
14 suggest that we move the podium over to my left.
15 The court reporter is having a real hard time
16 because Mr. Lannert is facing you and I know it's
17 hard for me to hear and I don't have to hear every
18 particular word, but she definitely does.

19 MR. HALSTEN: You both need to hear it far more
20 than I, Mr. Hearing Officer. So let's do whatever
21 we need to do, so that you and the Village Board
22 and everybody else can hear it.

23 THE HEARING OFFICER: And if she gets it right,
24 I can read it, but if not, we have problems. So

1 one second. Let's take a quick break.

2 (Whereupon, recess taken.)

3 THE HEARING OFFICER: Thank you. We will try
4 again a little bit louder and a little bit slower.

5 THE WITNESS: As was stated, my purpose here
6 this morning, this afternoon is to testify on
7 criterion number three. The facility is located so
8 as to minimize incompatibility with the character
9 of the surrounding area and to minimize the affect
10 of the value of the surrounding property. I will
11 be testifying to the first part of that criterion
12 which is on that slide.

13 In terms of what we do in order to
14 accomplish that is we have a procedure that we end
15 up going through. The first thing we start to do
16 is we obtain an aerial photograph. The aerial
17 photograph gives us the opportunity to locate the
18 site. That gives us -- the aerial photography
19 gives us the perspective view of the entire area
20 that we -- as we say later in this methodology, go
21 and drive the area, but that is a very significant
22 portion of what we do. It keeps us in context. I
23 will say context as it relates to the
24 incompatibility of this site with the other

14

1 elements surrounding it.

2 The next thing that we do is we gather
3 regional documents. Within that is listed here.
4 We look at plans, we look at zoning ordinances, we
5 drive the area to see what is happening as
6 identified in the next bullet point, the field
7 inspections. We do all that to verify that what we
8 get from the information is, in fact, reflected in
9 the site and the plans.

10 As you will see in my presentation, there
11 are a number of places where there is
12 inconsistencies between the plans, the land use,
13 and the zoning.

14 The next thing that we do is we prepare a
15 3D model. This gives us a snapshot of the future
16 in terms of what this proposal will look like and
17 then, of course, we share our report which has been
18 submitted as part of this application.

19 The site is located, as I'm sure you heard
20 from Mr. Devin Moose's testimony yesterday, on the
21 north side of Belvidere Road and 120, the
22 intersection of Porter Road. This is an inset of
23 the subject site which is identified in the middle
24 of those properties. As you can see in the upper

1 left-hand corner which would be northwest, you've
2 got the Groot hauling facility. Immediately west
3 of the site north of 120 or Belvidere Road, you
4 have the Eco Campus. And then to the right-hand
5 side of the subject site, we have a recently
6 auctioned piece of property which Groot is in the
7 process of obtaining.

8 I would point out in terms of this exhibit
9 also that the dashed lines around the facility
10 indicate 1,000 foot setback from our property
11 lines.

12 BY MR. HALSTEN:

13 Q. Mr. Lannert, are the adjacent Groot
14 properties that you just referred to significant in
15 any way in minimizing impacts or effects on the
16 surrounding area?

17 A. Well, they certainly are because what it
18 describes is -- what this exhibit is supposed to be
19 depicting for you is you can clearly see that we
20 have protected our own boundaries with our own
21 property, so we are in control of these properties
22 and we are in control of what can be put on these
23 properties.

24 And the significance of the 1,000 foot

1 setback surrounding the property is that is the
2 only distance which is listed in any of the
3 criterion in terms of setbacks for residential
4 uses.

5 So we wanted to look at that criterion as
6 well as the properties owned by my client in that
7 aspect.

8 Q. Thank you. Please proceed.

9 A. As I spoke earlier, this is the aerial
10 photograph that we obtained. We use that aerial
11 photograph in order to define the area. This is
12 -- north is an upward direction.

13 Is this the best slide? This slide is
14 hard to read. If people have copies that are more
15 descriptive.

16 But I would like to point out on this
17 slide, it's not coming across very well, but we
18 have studied the land within a 1 mile zone, we have
19 studied the land within a half mile zone, and also
20 superimposed on this slide you can see the 1,000
21 foot radius that we studied also.

22 The reason that we were looking at these
23 in terms of study rings was to determine the
24 compatibility both from a land use standpoint as

1 well as from a zoning standpoint. I am going to
2 consolidate a number of these slides and play back
3 and forth between the land use designations and the
4 zoning designations over these next few exhibits.
5 And there are tables which quantify what I hope you
6 can see visually as you analyze these photographs
7 for yourself because the measurements in terms of
8 figures represent the reality, but I think from a
9 perception standpoint, you can see the
10 appropriateness of this location based upon these
11 plans. And then when you get to the off site
12 photographs, any questions you might have
13 hopefully, I will be able to answer.

14 This exhibit is color coded. The color
15 coded aspects end up coding commercial as red, open
16 space or farm fields as green, the yellow indicates
17 residential land uses within the area. Again, I
18 apologize for this slide not being very correct. I
19 see the books that you are looking at give you a
20 feeling of the amount of the various land uses
21 based upon that color coding. And then also the
22 purple areas are the industrial areas.

23 The 1 mile service area goes all the way
24 to the west over South Cedar Lake Road which,

1 again, is a long way away, approximately a mile.
2 It also goes all the way to the east over to the
3 boundary line with Grayslake, just very close to
4 IL 80 which runs north and south. Obviously,
5 120 goes through the middle of the site, that being
6 the center of what we are looking at in terms of
7 the study here.

8 Jumping to the zoning, we superimposed the
9 zoning on the same aerial photograph. This is the
10 same photograph that we just previously were
11 talking about. It's a little bit different because
12 it is showing along the western edge the corporate
13 limits of Round Lake outlined in orange and
14 rendered in orange. It shows the corporate limits
15 and boundaries of Round Lake Beach -- excuse me
16 -- Round Lake Park outlined in blue and rendered in
17 blue. It shows the corporate limit lines of
18 Hainesville outlined in green and rendered in
19 green. And then you can start to see on the very
20 margins of the slide a little bit better depicted
21 in terms of the exhibits which are a part of the
22 application, the red area which is Grayslake and
23 the intervening purple areas which are at the time,
24 unincorporated portions of Lake County.

1 THE HEARING OFFICER: Mr. Lannert, I don't mean
2 to cut you off if this is an okay time.

3 Mr. Helsten, I am kind of looking through
4 your application at the same time Mr. Lannert is
5 doing this. If there are slides and I'm -- at
6 least for me personally, the size of the
7 application is much easier for me to look at than
8 it is on the board or the smaller slides in front
9 of us.

10 So if there is any time where he is
11 looking at a slide and you happen to know the
12 exhibit number or where we can find it in Section 3
13 of your application, I think that might be helpful
14 for the board members because I know -- I see at
15 least two of the applications in front of them and
16 it may be helpful.

17 I'm not forcing you --

18 MR. HELSTEN: No.

19 THE HEARING OFFICER: -- but if you do that, I
20 think that may be helpful for all of us because
21 it's really kind of hard to see on the screen and
22 the slides that we have in front of us are very
23 small.

24 MR. HALSTEN: That is an excellent suggestion

20

1 and we will have someone from Shaw Environmental
2 monitor this and to the extent they can identify,
3 point them out.

4 HEARING OFFICER: And I am not requiring it
5 obviously. I am just noticing like this slide
6 right here surrounding zoning is in drawing five.
7 I think that is how it's labeled here of the
8 application section three. So just it may be
9 helpful for everybody to just kind of follow along.
10 That's all.

11 I am sorry, Mr. Lannert, for interrupting
12 you.

13 THE WITNESS: That is very helpful and if you
14 are looking within the application, if you go back
15 to drawing number two, I believe which is a land
16 use, hopefully you will be able to see the color
17 coding more successfully in terms of the difference
18 between the open space uses, the residential uses,
19 as well as industrial uses.

20 THE HEARING OFFICER: And for the record, that
21 is actually drawing one.

22 THE WITNESS: Drawing one.

23 THE HEARING OFFICER: I am not trying to
24 correct you as much just to make sure everybody

1 gets to the right place in the record. Thank you.

2 MR. HALSTEN: Mr. Hearing Officer, what may be
3 a good suggestion, if I may.

4 THE HEARING OFFICER: Sure.

5 MR. HALSTEN: I have the copies out of the
6 application of the documents. If we could put them
7 in front -- give them to Mr. Lannert, he could
8 refer to the numbers rather than you having to do
9 so, so we are not imposing on you. He could say
10 this corresponds to drawing number blank for the
11 board and you all the participants in the
12 application.

13 HEARING OFFICER: That's acceptable. It's not
14 an imposition on me, but he has a much better
15 chance of getting it right than I do, so please.

16 THE WITNESS: This will be a little bit of a
17 throwback to the olden days when we used to do this
18 on easels and pointers and I was able to walk to
19 the exhibit and actually touch it and point to the
20 pieces that I was trying to explain.

21 Maybe just a little bit in terms of
22 backtrack, I would like to go back to Exhibit No. 1
23 which is the land use aerial. And I guess the
24 point that I would like to make very quickly, the

22

1 exhibit which did the report did not have the
2 benefit of the newly acquired auctioned property.
3 So the 1,000 foot setback is not on the exhibit
4 even though you saw it reflected on the slides in
5 testimony today. Other than that, the exhibits are
6 the same and came from the same source document.

7 The point I would like you to see if you
8 are focusing on that Exhibit No. 1 is focus in your
9 own mind's eye the amount of green with the open
10 space for agriculture and also focus on the amount
11 of yellow which is residential. When we get into
12 the tables, we will be comparing those areas of
13 land uses realizing, of course, there is a
14 difference between land uses as well as zoning.

15 If you are in the report, you skip over
16 the photographs on the off site views and jump to
17 Exhibit No. 5 which is the zoning aerial. Again,
18 for my presentation this morning, I lumped the land
19 use and the zoning together to look at them from a
20 comparison standpoint as opposed to verifying the
21 land uses through the photographs prior to
22 discussing the zoning.

23 When you look at this map, again, you can
24 clearly see the corporate limit lines of the

1 villages that surround the Village of Round Lake
2 Park. Obviously, you put those in because they
3 have the jurisdictional control over the land uses
4 within those communities, and that is the basis of
5 what this exhibit shows.

6 You can also see that superimposed on this
7 aerial photo are all of the zoning classifications.
8 Those zoning classifications on the slide are -- up
9 on the board are to the right. On the exhibit,
10 they are to the left. It shows the individual
11 zoning within each one of those communities.

12 When we did the reference tables which
13 will be the next slide that I will talk about, we
14 lumped them all together as if residential was
15 residential regardless of the community and
16 industrial as industrial also regardless of the
17 community. And that was true of the other land
18 uses.

19 So if you move from those two exhibits
20 back to this table, you can see that what I am
21 attempting to do and what I am attempting to
22 explain today is that from the broad perspective of
23 looking at the land use and zoning within a mile of
24 the site, looking at that same land use and zoning

1 within a half mile of the site, and then also
2 looking at it very specifically within 1,000 feet
3 of the site, certain patterns exist. And hopefully
4 by looking at them together, you can see the
5 consistency that appears to be within the area.

6 When I talk about the consistency, I am
7 talking about how when we get further away, we look
8 at a bigger picture. We certainly have more land
9 uses than we consider because we are looking at
10 more land area. And this exhibit is shown on your
11 -- and this slide also is shown in your exhibits.
12 We studied over 2,223 acres. So that is a lot of
13 land to look at in terms of surrounding impact.

14 Again, I guess I would like to say that as
15 we focus back in, I would like to draw your
16 attention from this slide and jumping ahead a
17 little bit, but if you look at the industrial uses
18 on this slide within the 1 mile study area, we are
19 only referencing 4 percent for industrial uses. I
20 am not going to do it now, but if we jump ahead to
21 the next slide, we can see that the industrial uses
22 double to almost 10 percent of that total within a
23 half mile radius. If you go down to the 1,000 foot
24 setback, we end up having 25 percent of those uses

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1 being used as industrial.

2 Now, again, the reason that only
3 25 percent of the land in the 1,000 foot radius is
4 industrial is because that is the only use which is
5 there. The other group properties, the eco part,
6 while it's zoned industrial as of today, it's still
7 vacant land. So that property, even though you all
8 know the use of that property, is still in terms of
9 land use open space or vacant as of today. So
10 you'll see that those patterns exist.

11 The same thing is true if you look at this
12 table jumping up to the open space configuration.
13 Within 1 mile study area as shown on this exhibit,
14 55 percent of the land is used for open space or
15 agricultural purposes. When you go to the half
16 mile, which will be my next slide, it jumps up to
17 63 percent. As you jump to the 1,000 foot radius,
18 it jumps up to 75 percent.

19 Now, again, that's consistent because as
20 we get closer and closer to the area of the site
21 itself, those are the kinds of characteristics
22 you're looking for. As we get further and further
23 away from the impacts of those sites, because of
24 the multiple mix uses within a one mile study area,

26

1 of course, you are going to proportionately have
2 less uses. So that is a significant portion.

3 Now, even though the criterion talks about
4 land uses compatibility and minimizing
5 incompatibility with the character surrounding land
6 uses, the table above is showing you those same
7 uses defined by zoning. And this table is
8 important for that same reason.

9 If you look at the zoning districts in
10 terms of this slide, the third bullet point down
11 talks about the industrial area encompasses
12 12 percent. So within a mile of the site, we've
13 got about 12 percent industrial because, again,
14 that goes all the way over to Grayslake and it goes
15 all the way over to South Cedar Lake Road, a big
16 area certainly outside the influence of the
17 industrial park as we understand it.

18 When you look at the half mile radius,
19 that percentage of zoning areas for industrial
20 increases to 34 percent and you start to think that
21 that's true because now we are getting closer to
22 our site, we are getting closer to the kinds of
23 things that could potentially impact that site, and
24 we're getting more like kind uses in terms of the

1 zoning. You can't build buildings unless you are
2 in a properly zoned land use.

3 When you get within the 1,000 foot radius,
4 the zoning jumps up to 55 percent. Again, what
5 that tells me, because the 1,000 foot radius study
6 area is totally controlled within the community,
7 that you zoned appropriately and you've planned
8 appropriately for industrial uses in industrial
9 areas.

10 Now, using that as little bit of a
11 background, I don't know if you want to test me or
12 not. You can compare this next slide which is the
13 half mile study radius and determine that those
14 percentages that I gave you are reflected on these
15 tables. These tables were derived by measuring
16 through Auto CAD processes. This aerial photo
17 which is to scale. So, therefore, I am very
18 comfortable that these percentages and these
19 acreages studied within these zones are appropriate
20 and do reflect what is present and what is there.

21 And, again, you don't have to trust me.
22 Look at the color coding on the maps and/or look at
23 what the zoning classifications are and hopefully,
24 you will be able to visually see the same thing I

1 am trying to explain.

2 BY MR. HELSTEN:

3 Q. Is the methodology you just outlined
4 generally and customarily used by experts, planning
5 experts in your area of expertise?

6 A. Yes, it is for studies like this as well
7 as preparing comprehensive plans. You want to make
8 sure that you have the same mix of uses before and
9 after comprehensive plans and certainly for studies
10 like this, we want to accomplish the same goal.

11 Q. Thank you. Please proceed, Mr. Lannert.

12 A. The last slide that I just put up on the
13 screen is the 1,000 foot radius. And, again,
14 within that 1,000 feet as shown in my original site
15 location map, you can see we are very focused into
16 the internal aspects of the site. We are centered
17 around the intersection of Porter and 120 or
18 Belvidere and really what you see is what you get.

19 The amount of open space that is shown on
20 this slide, a substantial portion of that, as you
21 can see as you flip back to the land use table, is
22 within Hainesville. It's all of the land which is
23 presently zoned agriculture south of 120. If you
24 are familiar with their new comprehensive plan,

29

1 they are suggesting some uses in change of use
2 along the 120 corridor. Again, the uses and
3 comprehensive plan are not uses that I am dealing
4 with today. I am dealing with the agricultural
5 uses present today and I am looking to minimize any
6 incompatibility with those uses notwithstanding
7 their comprehensive plan.

8 Now, to make a long story short, these
9 photographs are also in your exhibit. They are
10 mentioned as off site use number two. And
11 basically what this slide shows consisting
12 composite slides of the exhibits you have in your
13 book is the types of things you see as located on
14 the aerial photograph which is in the lower
15 right-hand corner of the exhibit pages, in the
16 upper left-hand corner of the PowerPoint. So
17 depending which one you are focusing on, what I am
18 trying to explain to you is the character of the
19 area.

20 We want to cross reference the character
21 of this area with the land use which is present,
22 the zoning which dictates the potential uses, and
23 we want to make sure that we have a relationship
24 between all of those elements because these are the

1 factors that you deal with on a site specific basis
2 when these issues come before you.

3 The first photographic location is over
4 here on the far western side of 120. It's at the
5 intersection of the commercial property which is
6 furthest to the west of us within the half mile,
7 just within the half mile study area. And the
8 first photograph is looking further west towards
9 Cedar Lake Road and to the subdivisions that exist
10 to the west of that commercial corner.

11 If you look at that, you can see the
12 wooded character of the right of way along 120.
13 There's lots of right of way plantings along that
14 whole corridor. I experienced it from Route 59 all
15 the way over to the intersection of 134 this
16 morning.

17 Photograph number two is looking straight
18 north from that location. And, again, it shows you
19 the character of the open space and/or farm land
20 which is pretty indigenous to the area. And then
21 photograph three is from the same point, but it
22 looks in the other direction east. You can start
23 to see the undulation of that roadway from that
24 point which is on the -- I guess it's the common

1 boundary line between Round Lake Park and Round
2 Lake, but you can see the undulation of the
3 roadway. The reason for that undulation is that is
4 where the Squaw Creek comes through. And so if you
5 are familiar with that roadway, it really kind of
6 dips and doodles between that particular point and
7 this site.

8 As you go closer, photograph 4 and
9 photograph 5 are right across the street or at the
10 driveway of the Walmark industrial site on the
11 south side of 120. Photograph 4, again, is looking
12 back west and shows you the undulation. Now I am
13 back on top of the hill and past the creek, the
14 corridor, but, again, you can see the undulation.
15 The reason for those photographs, as we explained,
16 as you are driving this corridor, you are not going
17 to have a large presence of any of these buildings
18 along this corridor particularly when we set them
19 back appropriately in terms of setbacks and
20 landscaping.

21 BY MR. HELSTEN:

22 Q. Did the undulations and tree lines that
23 you referred to, are they significant for -- in
24 terms of your opinion in shielding the view of the

1 transfer station from surrounding properties?

2 A. Yes, they are because they also provide
3 the addition of some natural vegetation in those
4 corridors. Those things will probably remain based
5 upon the environmental integrity of them.

6 Q. Please proceed.

7 A. If you jump to the next group of
8 photographs which are classified as off street
9 views, photograph three, these photographs are
10 along the intersection of Porter and 120 as well as
11 to the east.

12 Without belaboring them, I would like to
13 jump quickly to 10 which is really from the salvage
14 yard driveway looking east towards the intersection
15 of 120 and 134 on the west side of the railroad
16 tracks. And when you look at that corridor, again,
17 you can see that we are very up close and next to
18 the vegetation along 120. You can start to see
19 that you do have grade changes there and you don't
20 really have much perception of anything else along
21 that corridor.

22 If you turn around and look the other way,
23 which is photograph 9, just did 180 degrees and
24 started looking at that same location, the same

1 driveway, looking back towards Porter Avenue, you
2 start to see, again, the substantial woodland and
3 plantings along 120 which comprise our roadway
4 there.

5 I would suggest that those are important
6 because when I show you the 3D modeling, you will
7 start to see that this significant vegetation is a
8 terrific buffer for us in terms of this facility
9 and the proper siting.

10 The photographs on the top of 6, 7, and 8,
11 again, pretty much show you what is happening at
12 the intersection of Porter and 120. Again, mostly
13 you can see that it is natural open space and/or
14 farmland. Again, you are aware that the people
15 park would be put in shortly and the hearing today
16 is on the other part -- the other side of the
17 intersection which is farmland now, but we hope it
18 will be a transfer station facility at the
19 conclusion of these hearings.

20 Q. Mr. Lannert, over and above and aside from
21 the areas of natural growth and natural planting
22 and natural topography, do any -- would serve as
23 buffers and serve in your opinion to minimize
24 incompatibility with the surrounding area, are

1 there any other features such as road right of ways
2 or railroad right of ways or other manmade
3 improvements that serve as buffers?

4 A. Yes. Roadway corridors and roadway right
5 of ways as well as railroad tracks become natural
6 buffers as do other existing buildings. And you
7 can start to see that in this next group of
8 photographs which are the off site views in your
9 report Exhibit 4. They deal with photographs 11
10 through 15.

11 You can see in the photographic location,
12 photograph 11 is up on Main Street and Greenview
13 looking south across the tracks to the site. You
14 obviously cannot see it from that location. You
15 can locate that I am taking the photograph in a
16 proper direction because you can see the water
17 tower.

18 So, again, south of that water tower at
19 the intersection of Porter and 120 is where this
20 site location is proposed. And on that side of the
21 tracks, Mr. Helsten just pointed out, you are not
22 going to be able to see this facility on the north
23 side of the tracks.

24 THE HEARING OFFICER: Let me interrupt for a

1 second. I know we turned down the lights, so
2 people can see this, but I am having a heck of a
3 time reading because it's so dark up here. So if
4 we could turn them up a little bit.

5 (Whereupon, a discussion was
6 had off the record.)

7 THE HEARING OFFICER: Mr. Lannert, I apologize.
8 Please proceed.

9 THE WITNESS: Let me backtrack a little bit and
10 I will point to the exhibit that is shown on the
11 screen. This is photograph 11. This is Main
12 Street. This is Greenview. This is the building
13 that is on the corner on the south side of Main
14 Street on the north side of the railroad tracks.
15 This is obviously the water tower. You can
16 probably all pretty well see that. And that is the
17 vantage point from this photograph.

18 What that tells you is that any of the
19 land uses which are north of the track really are
20 going to have limited impact from this site because
21 you are really not going to be aware of them
22 because of the distance, because of vegetation, and
23 also because the railroad tracks and their
24 elevation.

1 The last photographs on this exhibit are
2 the ones down on Porter. There are a couple of
3 things I would like to point out as it relates to
4 that. Photograph 14 is a photograph of the gypsum
5 plant. You won't be able to see it -- I will
6 change the slide. You can't readily see it in
7 terms of this photograph, but right about here, you
8 can see that between the time we first started this
9 application, they expanded the footprint of the
10 existing building to the north. Again, that was a
11 significant expansion for them.

12 If you look at the photograph closely, you
13 can see a change in the character of the siting.
14 You can also see a change in the character of the
15 roof pitch.

16 If you jump to photograph 15, which is
17 this photograph, that is a photograph basically
18 taken from the corner of the corridor and 120
19 looking back towards the gypsum plant and that is
20 the brand new building that they built on the back
21 side of their plant.

22 Again, this is a new photograph prior to
23 filing the application. We substituted that
24 because prior to that time, that building had not

1 been constructed as part of that facility. And the
2 importance of that, as you will see both from the
3 landscape plan and also in the 3D modeling, is that
4 those combination of buildings totally block any
5 view of this proposed transfer station from Porter
6 road as you are coming from the north going to the
7 south. It also shows that there continues to be
8 industrial development within that area.

9 The next part of our assignment after we
10 kind of looked at the nuts and bolts and we were,
11 again, trying to evaluate the compatibility of the
12 land uses that exist as well as the proposed land
13 uses that could be possible based upon the zoning,
14 we looked at a landscape plan to minimize any
15 impact that we might have discovered through those
16 previous analyses.

17 This is a representation of the landscape
18 plan. It also is in your packet as Exhibit No. 6.
19 I would like to call your attention to the exhibit
20 rather than the slide because once again the slide
21 is meshing all of our understory planting, our
22 intermittent intermediate planting and our
23 overstory trees and kind of mulching them together.

24 We have very carefully tried to do a

1 number of things relating to this particular
2 proposal. The most significant is that we have a
3 knee wall and berm along the entire frontage of
4 120. This gives us the ability to berm up within
5 the property, the undulation which will vary both
6 vertically as well as horizontally. And then by
7 the use of the plant material, we are purposely
8 scalloping the area as you go along 120 to start
9 your streetscape corridor which is part of what is
10 being planned within your community and is
11 reflected in the new plan for Hainesville. Again,
12 you are aware that this is part of the Eco Park
13 across the street that has a wall requirement in
14 berming and buffering and that also can be
15 compatible with what we are trying to set the stage
16 for in terms of this site.

17 The other portion which is bermed and
18 landscaped is along Porter Avenue. Again, we have
19 the same undulating berms planted with ground
20 cover, intermediate shrubs, and ornamental trees,
21 as well as overstory trees. And then also shown on
22 this slide as well as on the plan is the Groot sign
23 on the corner. We feel that by -- Groot will be
24 proud of this facility as they are of all their

1 facilities. They want people to know that they are
2 there because they have nothing to hide in terms of
3 the way they operate their facilities. So we are
4 trying to give them the same recognition on this
5 site as they have up on the hauling yard which
6 reflects the same sign, the same logo, as you can
7 see.

8 We have a fence around the entire site.
9 We have a swale along the north side of the site
10 which will keep our water clean as we go to our
11 storm water facilities. And then just above that
12 north property line, you can see likely the two
13 buildings which are north of us which are the
14 gypsum buildings which I mentioned in terms of the
15 photographs.

16 A suggested plant material and size is
17 also located on this plan. What you see is what
18 you will get. I am sure you are familiar with the
19 host agreement. This landscape plan is part of the
20 host agreement, so this is not speculative. This
21 is part of the host agreement as well as my
22 presentation today.

23 BY MR. HELSTEN:

24 Q. Mr. Lannert, how does this end use and

1 landscape plan compare with what's presently the
2 character of that area? What does it look like
3 now?

4 A. Well, if you look back onto the off site
5 view 15, you can see that right now, it's just a
6 farm field. It has a large woodland on the east
7 side of the site and it has a scattered fence row
8 planting and two buildings on the north side of the
9 site. So right now it's a vacant farm field.

10 Q. Is this, for want of a better word, the
11 gateway to the industrial park?

12 A. It's planned to be the gateway to the
13 industrial park as well as the gateway to 124.

14 Q. And in your opinion, does this landscaping
15 plan and that use plan improve the esthetic,
16 appearance, and character of that area?

17 A. It absolutely does.

18 Q. Please proceed.

19 A. The last two slides deal with the 3D
20 modeling which give you the opportunity to look
21 into the future and see what this will look like
22 upon completion and thereafter or I guess a few
23 years after completion because we are modeling the
24 full extent of the landscaping that obviously we

1 are showing the full building and you don't build a
2 half building.

3 So what we are trying to depict here in
4 photograph number one which is on the left-hand
5 side of this photograph is what Mr. Helsten just
6 had me explain. This is 120, this is corridor,
7 this is the initial building, this is the second
8 building on the gypsum site. You can see our site
9 is sandwiched in the corner between this strong
10 woodland and these hedge row plantings along the
11 property line.

12 When you jump to the finished product, you
13 can see the substantial improvements which are
14 reflected on the landscaped plan. The berming that
15 is shown, the vegetation that is shown, the signage
16 is shown, and you can also see that there will be
17 more color if you are up closer to this in terms of
18 the plant material selection.

19 So this very much has been a gateway
20 corridor along 120 as well as into the industrial
21 park which has existed for a long time.

22 Q. Mr. Lannert, before you go any further, in
23 your opinion and based upon your professional
24 knowledge and experience, will this landscaping

1 plan, how will it, if at all, impact the line of
2 sight that people approaching the facility will
3 have of the facility?

4 Do you follow what I'm saying? How will
5 it impact the line of sight?

6 A. Well, you can see as it's shown on the
7 after position that the berms and plant material
8 are intended to filter the view of the industrial
9 building from the off site roadways. So what we
10 are trying to do is not only enhance the roadway,
11 but also to filter views of the building.

12 You can see the building that bumps up
13 behind our plant material which you don't get a
14 feeling of the building. If you look back on the
15 photograph from Porter to the gypsum building, that
16 is just a big industrial building that has no
17 plantings surrounding the site. This proposal has
18 landscaping around the entire site. It's a more
19 sensitive corner and it requires more landscaping
20 along the adjacent roadways. But we are trying to
21 filter those views and I think it's pretty clearly
22 shown within the before and after site.

23 I would like to point out in terms of the
24 photographs that we do not doctor the photographs.

1 These existing trees which were taken in the fall
2 are still shown in our plan, so that is to orient
3 you to the fact that we have taken the building
4 plans, the landscape plans, and engineering plans,
5 put them into our computer programs, appropriately
6 placed them on the lot, so that we can model what
7 reality will be.

8 The other thing which is certainly of note
9 is that the large stand of trees to the east of us
10 which is now on the property auctioned which Groot
11 is controlling ends up being reflected. It's our
12 position that those trees will remain and one of
13 the things we considered in terms of buffering
14 around this site.

15 Q. Why do you believe that the modeling, the
16 after modeling depiction that you have presented
17 here will be representative of the nature and
18 appearance of the trees and landscaping that you
19 have set forth in requirement of your landscape
20 plan?

21 A. Why do I believe it?

22 Q. Yeah.

23 A. Because I know the plant material that we
24 selected and I know that those are mature heights

1 and that's the form and character that they take
2 when they reach their maturity.

3 Q. So you have seen over the years these
4 plant materials placed on other projects, I think
5 you said you have been involved in over 50
6 projects, you have seen how they've matured, you've
7 seen how they've developed, and you know what they
8 are going to look like, correct?

9 A. That's correct. We are familiar -- as a
10 landscape architect, I am familiar with these
11 plants. And, again, what you see depicted is what
12 will happen upon maturity of those plant materials.

13 Q. Thank you. Please proceed.

14 A. The last photograph is a photograph along
15 Porter. It's looking from Porter Avenue down to
16 120 which is shown right here. Here is Porter
17 Avenue. Again, you can start to see the existing
18 vegetation which is here. You have a tree which is
19 shown here. This is the entrance to the facility.
20 You saw the animated drivethrough yesterday in
21 Devin's presentation.

22 This is the entrance. We think that it
23 has been landscaped and bermed to be very effective
24 and continue that streetscape along Porter Avenue

1 that we have already previously discussed along
2 120.

3 The fence that you see here is a solid
4 -- it's not a solid fence. What you are seeing is
5 you are looking down that property line from the
6 angle of the photograph. It appears that it's a
7 solid fence where really only a chain link fence
8 was proposed at this time.

9 The same things is true, and Mr. Helsten
10 just questioned me on, the planting material is
11 modeled at its maturity. It will be put in at the
12 sizes listed as the suggested plant material
13 scheduled and it will grow anywhere between three
14 to five to seven years depending on the environment
15 that we have in terms of hot, cold weather
16 conditions and fertilizing in terms of how the
17 plants are kept.

18 Q. Mr. Lannert, before you go further, I
19 would like to back up to the slide before this, the
20 series of slides before this.

21 I note that there are no power lines shown
22 overhead. Were those omitted for some purpose for
23 clarity purposes in order to be able to better show
24 the horizon here or why aren't the power lines in

1 these photos?

2 A. The power lines are a victim of
3 circumstances. As I said before, we take the
4 engineering plans, site plans, and building plans
5 and superimpose them on the site. Because of the
6 roadway improvements which are part of the
7 application, when we widen the roadway, we are
8 moving into those areas and those poles are
9 removed. We haven't replaced those poles and we
10 are not trying -- we are not trying to take them
11 down. It's just that we had to eliminate them in
12 order to show you the snapshot of the future if
13 this is approved and if the roadway improvements go
14 in as recommended.

15 Q. So you are not suggesting that the power
16 lines will be eliminated?

17 A. They will be relocated, but I don't know
18 where they will be relocated to. I am modeling
19 what I know to the application.

20 Q. Okay. Thank you. Please proceed.

21 A. This was the last slide and summing up my
22 presentation, it's my professional opinion that the
23 facility is located, so as to minimize the
24 incompatibility of the character of the surrounding

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1 area and, therefore, satisfies the first part of
2 criterion number three.

3 Q. And what is the basis of your opinion?

4 A. The basis of my opinion is shown on this
5 slide. The basis of my opinion is that the subject
6 site is located in an industrial district within
7 the Village of Round Lake Park. The character of
8 the immediate area surrounding the site has been
9 defined by uses established over the years and the
10 proposed transfer station development will not
11 alter the existing land use pattern and the major
12 land use area -- the major land use area continues
13 to be open space.

14 The route 120 corridor as we described is
15 an appropriate -- is an appropriate buffer along
16 the south side. The open space industrial land
17 uses account for 59 percent of the area within a
18 one mile study area, 73 percent of the area within
19 a half mile study area, and 100 percent of the
20 1,000 foot study area.

21 In addition to that, no residential zoned
22 property is located within the required 1,000 foot
23 setback and the proposed transfer station
24 development will be buffered and blocked on the

1 north by the structures that I have mentioned, on
2 the east by the woodland that I've mentioned, and
3 also on the west and south by the proposed plans
4 along those roadways.

5 Q. Mr. Lannert, I have several more questions
6 before I tender you for cross-examination.

7 Have you been involved with the
8 development of any residential projects in and
9 around transfer stations in the northern Illinois
10 area recently?

11 A. Yes, I have.

12 Q. Could you tell me which ones?

13 A. Probably the one in my own backyard, and
14 Mr. Poletti will discuss it shortly, is the Elburn
15 transfer station site.

16 Q. Okay.

17 A. That site is located immediately across
18 the street which is Kesslinger Road in Kane County,
19 Illinois, and it is just north of the Mill Creek
20 project which we did with a local developer, Kent
21 Shukey (phonetic).

22 THE HEARING OFFICER: One second before you --
23 you said Elburn, correct?

24 THE WITNESS: Correct.

1 THE HEARING OFFICER: And spell Kessler.

2 THE WITNESS: K-e-s-s-l-i-n-g-e-r.

3 THE HEARING OFFICER: Thank you. I apologize.

4 Mr. Halsten, proceed.

5 MR. HALSTEN: Thank you, Mr. Hearing Officer.

6 BY MR. HALSTEN:

7 Q. Can you tell me how the character and
8 nature of that transfer station compares with the
9 one that is proposed here?

10 A. In what ways? Are you talking about size
11 or tonnage or --

12 Q. Size, anything. How does it generally
13 compare?

14 A. Well, it tends to be a smaller transfer
15 station site. It's located within an industrial
16 park and it's somewhat removed and buffered by the
17 proposed residential development that we planned to
18 the south.

19 Q. Just like this site?

20 A. Similar to this in terms of the
21 availability of the development surrounding it.

22 Q. Did the Mill Creek development occur
23 before the transfer station was sited and developed
24 or after?

1 A. It occurred substantially after the
2 transfer station was developed pending use.

3 Q. Are you also familiar with the Glenview
4 facility?

5 A. Yes, I am.

6 Q. Have you viewed that facility lately to
7 determine the compatibility of that transfer
8 station with the surrounding areas?

9 A. Well, yes, I have. I drove that site with
10 Pete Poletti as we were preparing our report, so I
11 am familiar with that site. And I would think the
12 recommendations of that particular site is it's
13 adjacent to The Glen and The Glen was one of the
14 largest residential housing projects just before
15 the crash in terms of number of permits and units
16 sold on a yearly basis.

17 Q. Is construction occurring there now of
18 large residential -- large residences?

19 A. Well, there's some construction going on
20 now, but certainly in terms of this market, not as
21 much as in the past.

22 Q. In the past, there had been significant
23 development before the crash, correct?

24 A. Significant is an understatement.

1 Q. And this is directly adjacent to the
2 Glenview transfer station, correct?

3 A. Correct.

4 Q. Who operates the Glenview transfer
5 station?

6 A. I believe it's our client.

7 Q. Groot Industries?

8 A. That's correct.

9 MR. HALSTEN: Okay. Thank you. That's all I
10 have and I would tender Mr. Lannert at this point,
11 Mr. Hearing Officer, for cross-examination.

12 THE HEARING OFFICER: Mr. Blazer, are you
13 ready?

14 MR. BLAZER: Just a second while I get plugged
15 in.

16 THE HEARING OFFICER: Okay.

17 (Whereupon, a discussion was
18 had off the record.)

19 THE HEARING OFFICER: Please proceed,
20 Mr. Blazer.

21 MR. BLAZER: Thank you, Mr. Hearing Officer.

22 CROSS-EXAMINATION

23 BY MR. BLAZER:

24 Q. How are you, Mr. Lannert? It's been a

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1 while.

2 A. It has been.

3 Q. You said at the beginning of your
4 testimony that you have been working on this site
5 since Groot acquired you; is that correct?

6 A. Probably the last three or so years.

7 Q. And you're aware that Groot acquired this
8 site in May of 2010?

9 A. I am not sure when they actually acquired
10 it.

11 Q. But that was roughly when you started
12 working on it?

13 A. Correct.

14 Q. Slide two of your presentation, it's not
15 up here, but you said this I believe in your
16 presentation, you provided testimony on
17 approximately 60 solid waste proposals; is that
18 correct?

19 A. That's correct.

20 Q. Now, Mr. Helsten referred to those as
21 planning cases and I believe you said that they
22 were all criterion three cases.

23 A. That's correct.

24 Q. So they were all criterion three cases?

1 A. They were criterion three cases. I think
2 what Mr. Helsten was talking about was the planning
3 part of that -- those criterion evaluations.

4 Q. So they were all cases where you were
5 testifying as you did today about the first clause
6 of criterion three of the site, correct?

7 A. Yes, that would be a fair explanation.

8 Q. Okay. And some of those were transfer
9 station proceedings?

10 A. Correct.

11 Q. And some of them were landfills, correct?

12 A. That's also correct.

13 Q. And how many of those 60 appearances were
14 not for the applicants of the garbage facilities?

15 A. There were two of them that come to mind.

16 Q. Which were those?

17 A. Very early on in my career, I was retained
18 by the Lake County Forest Preserve Commission to
19 oppose a landfill site. That was withdrawn. It
20 never went to hearing.

21 And most recently, as you're well aware, I
22 testified on criterion application or the quality
23 of the criterion three report for --

24 Q. And whose application were you opposing?

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1 A. It was Waste Management's application at
2 that time.

3 Q. And that was immediately following your
4 testimony in the Fox Moraine proceeding where you
5 supported a landfill application, correct?

6 MR. HALSTEN: Objection, irrelevant. He just
7 said that the basis -- he specifically said the
8 basis for his testimony against the Waste
9 Management application was the quality of the
10 presentation.

11 MR. BLAZER: I just --

12 HEARING OFFICER: Objection overruled.

13 MR. BLAZER: Thank you. I should probably shut
14 up and let you talk. I apologize.

15 BY MR. BLAZER:

16 Q. Was that correct, Mr. Lannert?

17 A. Your question is having recently testified
18 in support of the Fox Moraine?

19 Q. Yes.

20 A. I testified in support of the Fox Moraine.
21 I also testified in support of Waste Management's
22 first application in Kendall County and also
23 supported the Soave application in Kendall County.

24 Q. And the two Waste Management applications

1 and the Soave, S-o-a-v-e, application were all
2 essentially in the same area in Kendall County,
3 correct?

4 A. It's probably fair to say they are all a
5 half mile of each other. They were very large,
6 hundreds of acres of proposed landfills. Different
7 situation than what we have here.

8 Q. So other than those two instances you
9 described, the other 58 times were all on behalf of
10 applicants for garbage facilities, correct?

11 A. That's correct. I was retained by the
12 applicant.

13 Q. And the one in Kendall County where you
14 testified in opposition, who was your client in
15 that?

16 A. My client was the Village of Mokena
17 through Dan Kramer, the attorney they hired,
18 retained me.

19 Q. Now, of the 58 other times that you've
20 testified when you've represented garbage
21 companies --

22 A. Well, solid waste companies.

23 Q. Excuse me. I'm sorry. Solid waste
24 companies. I forgot. The definition of solid

1 waste includes garbage, but we will call it solid
2 waste.

3 How many of those 58 times did you testify
4 that the proposed facility was not located, so as
5 to minimize incompatibility of the character of the
6 surrounding area?

7 A. My presentations were all in support of
8 the applications based upon the studies that I
9 performed as part of those assignments.

10 Q. Now, some of those facilities were
11 proposed to be located in urban areas, correct?

12 A. Which ones are you talking about were in
13 urban areas?

14 Q. Hang on. Melrose Park transfer station,
15 Melrose Park?

16 A. If you're talking about transfer stations,
17 I misunderstood your question.

18 Transfer stations tend to be mostly in
19 urban areas.

20 Q. Atlas transfer station, Crestwood?

21 A. Correct.

22 Q. Westmont transfer station, Westmont?

23 A. Correct.

24 Q. DuKane transfer station, West Chicago?

1 A. Well, that's within an industrial park
2 more similar to this. I would not call that an
3 urban area.

4 Q. But now you do recall you have testified
5 some that were in urban areas?

6 A. That's correct.

7 Q. And you've also testified to some that
8 were in the suburbs, correct?

9 A. You're talking about the transfer station
10 sites?

11 Q. Yes.

12 A. Well, I don't have a mental picture of
13 exactly where they were all located. The ones that
14 you asked me specific questions on, I stand by my
15 comments. So some of them were urban and some of
16 them might not have been.

17 Q. And you've also testified with respect to
18 waste facilities in rural or agricultural areas,
19 correct, either transfer stations or landfills?

20 A. Including transfer stations and landfills,
21 yes, that is correct.

22 Q. And just so we're clear here, as I think
23 we discussed yesterday --

24 HEARING OFFICER: You know what, Mr. Blazer?

1 She had no --

2 MR. BLAZER: I apologize.

3 THE HEARING OFFICER: You got to "yesterday"
4 and then we couldn't hear you after that. So
5 please make sure you speak into the microphone.

6 MR. BLAZER: Thank you.

7 BY MR. BLAZER:

8 Q. The process that follows, the process we
9 are in right now is the same whether you are
10 talking about a transfer station or a landfill,
11 correct?

12 A. That is true.

13 Q. So in those 58 instances where you've
14 testified that the facility was -- had minimized
15 the incompatibility of the character of the
16 surrounding areas, were talking landfills, transfer
17 stations, urban, suburban, and agricultural,
18 correct?

19 A. Those are the locations of those
20 facilities I had testified on. I would agree with
21 that.

22 Q. And coming to your opinion in this case,
23 did you consider the trend of development in the
24 area of the proposed transfer station?

1 A. Yes, I did.

2 Q. Now, in your report, and we don't have it
3 up here unfortunately.

4 MR. BLAZER: Does someone have a copy of the
5 report?

6 BY MR. BLAZER:

7 Q. If you go to Page 3.1-12, Mr. Lannert.

8 A. Yes, I'm there.

9 Q. All right. And you say here -- this is
10 Section A, the second bullet point. You say that
11 the character of the immediate area surrounding the
12 site has been defined by industrial uses that have
13 been established over the past years.

14 That is your position in this case?

15 A. That is true.

16 Q. What do you mean by immediate area?

17 A. Well, I certainly mean the immediate area
18 of the intersection of 120 and Porter Avenue.

19 Q. So that is what you mean by immediate
20 area?

21 A. Well, I think that's one description of
22 immediate area.

23 Q. Is there more?

24 A. Well, I think as I mentioned in my

1 testimony today, the specific area in terms of the
2 criterion making sure that we are set back over
3 1,000 feet from any zone or residential area, that
4 would be the second buffer area that we looked at
5 very strongly.

6 Q. So is immediate area the intersection that
7 you just described or is it 1,000 feet or is it
8 something else?

9 A. I think it includes all of them. The
10 immediate area that I'm talking about is the
11 industrial zone property established in the
12 community for a number of years is now under more
13 development based upon the hauling facility that
14 Groot has placed within that industrial area
15 recently and also the expansion of the gypsum
16 company recently.

17 Q. So now going beyond farther than 1,000
18 feet?

19 A. Again, I am trying to explain to you my
20 statement that says that it's largely industrial
21 established over the years.

22 What I am talking about being established
23 over the years is the zoning classification within
24 the community that has been established over the

1 years.

2 Q. Maybe I didn't ask the question right.

3 What I am asking you to tell us what you
4 mean by the phrase immediate area.

5 A. In this case, immediate area to me would
6 encompass the 1,000 foot surrounding the periphery
7 of the property.

8 Q. Now, do you -- you've read the report from
9 Michael Bruce that we submitted in this case,
10 correct?

11 A. Yes, I have.

12 Q. Did you know what trend the development
13 was along the Route 120 corridor before you read
14 Mr. Bruce's report?

15 A. Yes, I did.

16 Q. And did you review the comprehensive plans
17 of the adjoining communities?

18 MR. HALSTEN: I am going to object to this line
19 of questioning for the following reasons. Trends
20 of development are just that, trends. They are
21 speculative. This line of questioning is
22 speculative. We don't know what is going to happen
23 in the future. We only know the current state of
24 those lands adjacent to the proposed facility,

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1 Mr. Hearing Officer.

2 In that regard, I would cite generally
3 Tate vs. Illinois Pollution Control Board, 188 Ill.
4 App. 3d, 994, Fourth District case in 1989 that
5 specifically says that, that you have to look at
6 the current state of the land because that's all we
7 know.

8 THE HEARING OFFICER: Mr. Blazer?

9 MR. BLAZER: Thank you. Mr. Hearing Officer, I
10 direct your attention to Page 3.1-9 of the
11 application that is in Mr. Lannert's report. It is
12 the last sentence at the very bottom of the page
13 where he wrote: An analysis of the existing zoning
14 and the permitted uses within a one mile study
15 radius of the subject site indicates that the
16 existing uses have been established for many years
17 and continued growth is anticipated as planned.

18 He's talking about the trend development
19 and I want to question him about it.

20 HEARING OFFICER: Objection overruled.

21 BY MR. BLAZER:

22 Q. Of course I forgot the question.

23 I believe my question was did you review
24 the comprehensive plans of the adjoining

1 communities?

2 A. Yes, I did.

3 Q. What I have up here on the screen, we
4 finally got to it, is slide four from your
5 presentation.

6 Do you recognize it?

7 A. Yes, I do.

8 Q. And what you do here is, at least in part,
9 where you say gathered regional documents and maps,
10 you are listing the things that you say you
11 reviewed to prepare your report, correct?

12 A. That's correct.

13 Q. And here you include the Village of Round
14 Lake Park -- excuse me -- the Village of Round Lake
15 comprehensive plan, correct?

16 A. Yes.

17 Q. When did you read that plan?

18 A. When I first prepared the report, I looked
19 at their plan and I looked at it recently on line.

20 Q. What I have up on the screen now,
21 Mr. Lannert is, is Page 3.1-14 of the application.
22 It's I believe the last page of your report. It's
23 Section 10. It identifies the appendix where you
24 identified the resources that you reviewed to your

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1 plan?

2 A. That's correct.

3 Q. I didn't notice you mentioned here the
4 Village of Round Lake comprehensive plan.

5 Did I miss it?

6 A. Maybe I missed it on this exhibit.

7 Q. So you didn't reference the Village of
8 Round Lake comprehensive plan in the report that
9 was submitted with this application by Groot; is
10 that correct?

11 A. It appears I did not.

12 Q. All right. Now, you do both on the slide
13 and the appendix to your report identify the
14 Village of Hainesville comprehensive plan as one of
15 the things you reviewed, correct?

16 A. That's correct.

17 Q. And when did you read that?

18 A. Well, that is a trickier question because
19 they have a six or seven comprehensive plan and
20 they have a new one they just adopted in 2010.

21 Q. The one I am talking about is 2010. Did
22 you review that?

23 A. Yes, I reviewed that plan.

24 Q. When?

1 A. Well, I reviewed it recently in terms of
2 preparation for this, but I also reviewed it when I
3 was preparing the report.

4 Q. So you did review it in advance of
5 preparing the report?

6 A. Yes.

7 Q. And you used the information in that plan
8 in preparation of the report; is that correct?

9 A. I don't know if I'd go that far.

10 Q. Okay.

11 A. It's not my opinion that the comprehensive
12 plans are part of the analysis of this criterion
13 because as Mr. Helsten just pointed out, those are
14 plans for the future. I want to be knowledgeable
15 of them, but I do not think that they dictate the
16 land uses which are going to happen in the future.
17 They dictate what might happen in the future.

18 Q. So the plan -- the comprehensive plans for
19 the communities surrounding this proposed facility
20 in your mind have absolutely nothing to do with
21 criterion three? Is that what you're saying?

22 A. No. That would be a mischaracterization
23 of what I'm saying. Hey do not govern the land
24 uses required in terms of criterion three from my

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1 evaluation. Of course I'm aware of them. I've had
2 numerous conversations with Al Maiden over the
3 years talking about these things. He is obviously
4 very familiar with all the communities within this
5 zone.

6 Q. Mr. Maiden is not here. You are.

7 So do you know that the Village of
8 Hainesville comprehensive plan, the 2010 version,
9 the latest one says that commercial uses and mixed
10 uses are planned for the south side of Route 120
11 immediately south and next to the proposed transfer
12 station?

13 A. That's what it says.

14 Q. Let's go to another opinion you gave.
15 Page 3.1-12 of your report. Bottom of the page,
16 fourth bullet.

17 Now, this is where you list your findings,
18 right?

19 A. Yes, on Page 3.1-12, bullet point 8, next
20 one -- this is my conclusions.

21 Q. In the fourth bullet point, you say: Open
22 space and industrial land uses account for 59
23 percent of the area within a 1 mile radius of the
24 proposed site.

1 Did I read that correctly?

2 A. Yes, that's what it says.

3 Q. And then there is a table in your report,
4 which I now have up on the screen here, that is the
5 source for that percentage, correct?

6 A. That's correct.

7 Q. And that's on Page 3.1-6, land use ratios?

8 A. Correct. I believe that was part of the
9 exhibit where we listed and measured those uses.

10 Q. Right. This one is a little bit easier to
11 see.

12 Now, in the introduction in your report to
13 this table, bottom of Page 3.1-6, the paragraph
14 just above the table, you say: As a further
15 analysis of the existing character, land use ratios
16 were calculated to quantify uses within the study
17 area.

18 Did I read that correctly?

19 A. Yes, you have.

20 Q. And you have defined the study area in
21 your report, correct?

22 A. Yes, I did.

23 Q. And Mr. Moose said yesterday that his
24 portions of this application were reviewed and

1 approved by Groot.

2 Is that also true with respect to your
3 report?

4 A. No. I did not submit my report to Groot.

5 Q. Did you --

6 A. I did not get any comments back on my
7 report from Groot.

8 Q. Did you submit it to anyone for review
9 from Groot?

10 A. I submitted it to counsel, to Shaw.

11 Q. You did submit it to Shaw before
12 submitting it as part of the application, correct?

13 A. Yes.

14 Q. Now, let's go to Page 3.1-4 of your
15 report. This is the section on methodology. Let
16 me know when you're there.

17 A. Yes, I'm there.

18 Q. And you say here: This study evaluates
19 the various planning issues that are commonly
20 utilized to make determinations of land use
21 compatibility. Specific attention was given to
22 land use and zoning within a one mile radius of the
23 subject site. A second one half mile study area
24 was evaluated in order to focus more specifically

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1 within the corporate limits of the village.

2 Did I read that correctly?

3 A. That's correct.

4 Q. And that one mile radius is your study
5 area, correct?

6 A. Well, one mile study area and half mile
7 study area and 1,000 foot study area, I studied all
8 of the land within those potential circle zones.

9 Q. Now, you understand that when you are
10 assessing incompatibility with the character of a
11 surrounding area, the surrounding area is not
12 limited to properties immediately --

13 THE HEARING OFFICER: Mr. --

14 MR. BLAZER: Am I doing it again?

15 THE HEARING OFFICER: Is not limited to? Go
16 ahead. Is not limited to?

17 BY MR. BLAZER:

18 Q. Is not limited to properties immediately
19 next door; is that correct?

20 A. I didn't limit my study.

21 THE HEARING OFFICER: Just restate your
22 question. By the time that got through, I am not
23 sure --

24 MR. BLAZER: Right.

1 BY MR. BLAZER:

2 Q. You do understand, do you not,
3 Mr. Lannert, that when you are assessing
4 incompatibility with the character of the
5 surrounding area, the surrounding area is not
6 limited to properties immediately next door,
7 correct?

8 A. It's not -- in my study, it's not limited
9 to the properties immediately adjacent. It
10 includes lots of other types of elements in terms
11 of context.

12 Q. And that's why you have a one mile and
13 half mile study area, right?

14 A. And sometimes it's more and sometimes it's
15 less.

16 Q. Right. Let's talk for a minute about this
17 1,000 feet that you have mentioned several times.

18 You say in your report a couple of
19 different places that there are no residentially
20 zoned areas within the mandated minimum setback of
21 1,000 feet from the subject site; is that correct?

22 A. That is a statement in my report. That's
23 correct.

24 Q. And that is also one of the bases for your

1 opinion in this case, right?

2 A. Well, it's the only setback which is cited
3 in terms of -- so, therefore, that is the only
4 instructions that I am given. Now, I don't limit
5 myself. I don't limit myself to 1,000 feet as I
6 didn't in this particular location because as you
7 can see within that 1,000 feet, my client owns
8 really too much property to make that a meaningful
9 or singular evaluation of compatibility. That's
10 why I went out to a half mile and out to a mile
11 after that.

12 Q. Well, really what I'm getting at is when
13 you talk about minimum setback of 1,000 feet, what
14 you are referring to is actually cited in your
15 report is Section 22.14 of the Illinois
16 Environmental Protection Act, right?

17 A. That's correct.

18 Q. Since you cited it, I assume you are
19 familiar with it?

20 A. Yes, I am.

21 Q. And correct me if I'm wrong, that statute
22 says that no person may establish any pollution
23 control facility for use as a garbage transfer
24 station which is located less than 1,000 feet from

1 the nearest property zoned for primarily
2 residential uses or within 1,000 feet of any
3 dwelling.

4 Did I read that correctly?

5 A. That is the way I read it. Zoned as well
6 as used in the setback requirement.

7 Q. So would you agree with me, Mr. Lannert,
8 that if Groot was within that 1,000 foot limit, its
9 side of 1,000 feet, we wouldn't even be here right
10 now, would we, because they couldn't build a
11 transfer station?

12 A. You are saying if a residential unit
13 existed within that 1,000 feet?

14 Q. Right.

15 A. It would not meet that criterion.

16 Q. Right. So we wouldn't even be here,
17 right?

18 A. Probably not, but that's not my call.

19 Q. You are absolutely right. I've seen that
20 before.

21 So isn't that 1,000 feet a starting point,
22 not an endpoint?

23 A. I don't understand --

24 MR. HALSTEN: Objection.

1 MR. BLAZER: I will rephrase the question.

2 BY MR. BLAZER:

3 Q. Are you suggesting that the 1,000 foot
4 minimum setback requirement defines the limit of
5 the potential impacts from transfer station?

6 A. No, I don't think I'm saying that. In
7 fact --

8 Q. Okay.

9 A. -- if you look specifically, 800 foot is a
10 criterion if you live in Cook County. So even that
11 criterion varies in terms of its use.

12 Q. I'll try and rephrase it again,
13 Mr. Lannert.

14 What I'm asking you is is it your opinion
15 that because of that statute, you don't have to
16 look at potential impacts outside of 1,000 feet?

17 MR. HALSTEN: Objection, asked and answered.

18 HEARING OFFICER: Objection sustained. He
19 said, no, I don't think so.

20 MR. BLAZER: I apologize. I lost it in the
21 rest of the answer.

22 BY MR. BLAZER:

23 Q. Really the whole point of your one mile
24 study area is to evaluate the compatibility of the

1 existing land use; is that right?

2 A. What I'm looking for in terms of my
3 analysis of this particular application or others
4 is I really kind of want to look at character and
5 in some cases, notwithstanding significant buffers
6 like rivers and lakes and things like that, most
7 frequently I have fallen into a 1 mile review. And
8 then based upon what that 1 mile review shows, I
9 sometimes use a closer study area in order to
10 evaluate the changes between those various
11 distances. Distance is not solely the criterion
12 for land use compatibility.

13 Q. I'm glad you said that. We are back to
14 that one.

15 Let me try it this way. Page 3.1-6 of
16 your report, the section on existing surrounding
17 land use, first paragraph, first sentence: The
18 purpose of this section is to analyze and evaluate
19 the compatibility of the existing land uses within
20 a 1 mile radius of the subject site.

21 Did I read that correctly?

22 A. Yes, you did.

23 Q. I take it you still agree with that
24 statement?

1 A. Yes, I do.

2 Q. And the purpose of evaluating the zoning
3 within a 1 mile radius is also to evaluate, for
4 purposes of criterion three, the minimization of
5 the impact of the impact of the proposed transfer
6 station?

7 MR. SECHEN: Objection --

8 MR. HELSTEN: Objection. That's not what he's
9 saying. A one mile study --

10 THE HEARING OFFICER: Hold on, Mr. Helsten.
11 Start with Mr. Sechen objecting. She didn't catch
12 it first, so let's --

13 MR. SECHEN: Sorry.

14 THE HEARING OFFICER: Mr. Sechen?

15 MR. SECHEN: Land uses, which is what the
16 report says, and Mr. Blazer's question deals with
17 switch to zoning. Talking about two different
18 animals.

19 AUDIENCE MEMBER: He needs a mic. We can't
20 hear him.

21 THE HEARING OFFICER: Okay. Mr. Helsten.

22 MR. HALSTEN: Yes, Mr. Hearing officer?

23 THE HEARING OFFICER: Did you have a further
24 objection?

1 MR. HELSTEN: Yes. Well, my further objection
2 or my objection is the following. Mr. Blazer is
3 trying to subtly and disingenuously morph the
4 study --

5 MR. BLAZER: Can we stop the speeches and just
6 hear the objection?

7 MR. HELSTEN: -- area into the --

8 THE HEARING OFFICER: Hold on a second. First
9 of all, Mr. Helsten, what is the basis of your
10 objection?

11 MR. HALSTEN: My objection is that Mr. Blazer
12 is mischaracterizing his prior testimony in trying
13 to suggest that the study area is the area of
14 impact which he's already said is not the case. He
15 simply looks at --

16 MR. BLAZER: I --

17 HEARING OFFICER: Both stop. Okay.

18 Please rephrase the question, Mr. Blazer,
19 and let's take it from the top, okay?

20 BY MR. BLAZER:

21 Q. Rather than asking you the question,
22 Mr. Lannert, I will just read from what you said in
23 your report. 3.1-9, Mr. Lannert. Zoning adjacent
24 to the lake transfer station site.

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1 Do you see where I'm at?

2 A. 3.1-9?

3 Q. Yes.

4 A. Yes, okay.

5 Q. You got it?

6 A. Yes.

7 Q. This is what you say in your report.

8 TLG, that's you, right?

9 A. Correct.

10 Q. TLG is you?

11 A. It's The Lannert Group, the initials for
12 The Lannert Group.

13 Q. Analyzed zoning classifications adjacent
14 to and surrounding the subject site for the
15 purposes of evaluating the minimization of the
16 subject site -- wow. I will start that one over
17 again. I apologize.

18 TLG analyzed zoning classification
19 adjacent to and surrounding the subject site for
20 the purposes of evaluating the minimization of the
21 subject site for surrounding zoning. Specifically
22 TLG analyzed zoning classifications within a 1 mile
23 radius from the subject site. Within a 1 mile
24 radius of the subject site, there are 29 general

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1 zoning classifications located in five separate
2 planning jurisdictions.

3 Did I read that correctly?

4 A. Yes, that is a quote from my report.

5 Q. Now, in the 58 proceedings where you've
6 testified on behalf of waste companies, how many
7 times did you use a 1 mile study area ballpark?

8 A. I really can't answer that question
9 factually. I would say many times we use 1 mile.
10 Sometimes we use more because site ordinances
11 require 1 mile or 2 miles and sometimes we use
12 less, but generically, we probably use a mile
13 fairly often.

14 Q. And in this case, you gave specific
15 attention to land use and zoning within that 1 mile
16 radius of the proposed transfer station, correct?

17 A. Well, yes. What I am trying to do
18 here is --

19 Q. I think a yes or no is called for, Mr.
20 Lannert.

21 MR. HALSTEN: You know, he is trying to explain
22 his answer.

23 THE HEARING OFFICER: This question is a yes or
24 no answer. I will let you explain later, Mr.

1 Helsten, but right now it's a yes or no.

2 BY MR. BLAZER:

3 Q. The answer was yes?

4 A. Your question was?

5 Q. I'll do it again.

6 And in this case -- I have it written
7 down. And in this case, you gave specific
8 attention to land use and zoning within the 1 mile
9 radius of the proposed transfer station, correct?

10 A. I looked at the zoning, correct.

11 Q. Potentially, you gave it specific
12 attention, did you not?

13 A. I looked at -- specific attention at every
14 element of this report.

15 Q. But I am talking specifically about the
16 land use and zoning within a 1 mile radius.

17 That is what you gave specific attention
18 to?

19 A. Yes, and I drew an exhibit that reflected
20 that study.

21 Q. And you know I am asking you using
22 specifically the word specific attention because
23 those are the words you used in your report, right?

24 A. Yes, that's correct.

1 Q. All right. And, in fact, the very next
2 sentence in your report, this is, again, Page
3 3.1-9, last paragraph on the page. After you
4 mention the 1,000 foot rule, you say: An analysis
5 of the existing zoning and the permitted uses
6 within a one mile study radius of the subject site
7 indicate that the existing uses have been
8 established for many years and continued growth is
9 anticipated as planned.

10 That is what I read before and it was
11 objected to. I did read that correctly, right?

12 A. You did read that. That is the sentence
13 and bullet point.

14 Q. Let's go to this table that is up on the
15 screen. Obviously, it is correct that if you add
16 the 4 percent industrial uses to the 55 percent
17 open space use within a one mile radius, you do get
18 59 percent, correct?

19 A. That's correct.

20 Q. Let's look at a couple of the other
21 numbers.

22 Would you agree with me that the
23 predominant use in the area of the proposed waste
24 transfer station within your one mile radius is

1 open space?

2 A. Would I agree with it?

3 Q. Yes.

4 A. Yes. It's recognized as 1,223 acres or
5 approximately 55 percent.

6 Q. And the second most predominant use is
7 residential at 37 percent, right?

8 A. Yes. The next largest category is the
9 residential component.

10 Q. And if you could go for a moment to Page
11 3.1-10, your findings, the third bullet. One of
12 the opinions in your report is that residential
13 uses have been successfully integrated within the
14 study area.

15 Did I read that correctly?

16 A. Yes, you did.

17 Q. Could you explain what you mean by that
18 statement?

19 A. Well, I think it's fairly obvious what I'm
20 getting at in terms of that point. If you look at
21 the land use aerial and you look at the
22 subdivisions and more of the subdivisions in terms
23 of the newer development have occurred in Round
24 Lake and Round Lake Park. Round Lake Park

1 subdivisions tend to be north of the tracks, north
2 of Main Street.

3 So what I am talking about in terms of
4 successfully integrated is if you look at those
5 residential subdivisions, every one of them appears
6 to have been carefully designed with open space
7 parks, trails, buffers and setbacks within those
8 communities. So intermixed within their zoning is
9 a lot of open space as required by the community's
10 specific relations. So that is what I'm trying to
11 get at in terms of that statement.

12 Q. Somebody put a lot of thought and planning
13 into developing those areas, correct?

14 A. It appears that they have, yes.

15 Q. Probably used somebody like you to help
16 them, right?

17 A. I think we have done one of those
18 subdivisions in that area, but long enough ago, I
19 can't remember.

20 Q. Back to this slide again.

21 We talked about open space and
22 residential. Down below those two then we come
23 with industrial 4 percent and commercial 4 percent,
24 right?

1 A. Yes, that is listed in the table.

2 Q. So can you explain to me, please, going
3 back to that fourth bullet at the bottom of 3.1-12,
4 what point exactly were you trying to make in your
5 findings by adding the 4 percent industrial to the
6 55 percent open space?

7 A. Well, I think it's somewhat obvious I am
8 linking the open space agricultural uses with the
9 industrial uses and saying that those are
10 compatible land uses. They don't object or
11 conflict with each other, so I added those two
12 elements together.

13 Q. Well, the combined percentage of open
14 space and commercial uses is also 59 percent,
15 right?

16 A. That's correct. I don't think the open
17 space would conflict with commercial.

18 Q. So in your findings, rather than saying
19 -- rather than adding the 4 percent industrial to
20 55 percent open space, you could have said open
21 space and commercial land uses account for
22 59 percent of the area within a one mile radius of
23 the proposed site, right?

24 MR. HALSTEN: Objection, argumentative, asked

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1 and answered.

2 MR. BLAZER: I haven't asked it and he hasn't
3 answered it.

4 THE HEARING OFFICER: Objection overruled.

5 BY MR. BLAZER:

6 Q. Do you want me to ask the question again?

7 A. Well, let me see if I can parrot it back
8 to you.

9 You are saying combine any number from the
10 table to any number from the table?

11 Q. I will ask you a very specific question.
12 I will repeat it.

13 In your findings, you could have said
14 because the numbers support it, open space and
15 commercial land uses account for 59 percent of the
16 area in a one mile radius of the proposed site,
17 correct? You could have done that?

18 A. Yes, I could have said that.

19 Q. And the combined percentage back on the
20 slide of open space and residential uses is
21 92 percent, right?

22 A. If your addition is correct, I will agree
23 with that.

24 Q. Well, I think 55 and 37 adds up to 92,

1 right?

2 A. I am sure it does.

3 Q. This looks no better than yours did
4 unfortunately. That is your aerial?

5 A. Well, yeah, but I would like to point
6 out --

7 Q. I haven't asked you a question.

8 THE HEARING OFFICER: There is no question
9 pending at this point in time, Mr. Lannert.

10 BY MR. BLAZER:

11 Q. Now, it's obviously next to impossible to
12 tell from this, so hopefully you folks still have
13 this aerial available.

14 HEARING OFFICER: Which drawing is it,
15 Mr. Lannert? Is it 5 or 4?

16 THE WITNESS: It appears to be the first
17 exhibit.

18 MR. BLAZER: It's 1.

19 THE WITNESS: No. 1.

20 HEARING OFFICER: Thank you.

21 BY MR. BLAZER:

22 Q. So let's refer to that one instead. And
23 if we look up in the upper left corner of that
24 document, there is a key there, right?

1 A. That's correct.

2 Q. And it says that red is commercial, yellow
3 is residential, purple is industrial, and green is
4 agricultural open space, correct?

5 A. That is the legend in the left-hand
6 corner.

7 Q. I was going to ask you to identify them up
8 here, but you can't. You can kind of sort of make
9 out the yellow areas on this drawing, right?

10 A. I am very familiar with this exhibit.
11 Even though I can't see it, I have a copy in front
12 of me.

13 Q. And all of those yellow areas are
14 residential?

15 A. All of those yellow areas are residential
16 intermixed with lots of green I would point out.

17 Q. Looks beautiful.

18 A. They are well done residential areas.

19 Q. You mentioned that you had participated in
20 the Groot's special use proceeding two years ago.

21 Do you remember that?

22 A. Yes, I did.

23 THE HEARING OFFICER: One second, Mr. Blazer.

24 For the what? You said you participated in the

1 Groot proceedings for the what?

2 MR. BLAZER: I'm sorry. Groot's special use
3 proceeding for the truck terminal.

4 THE HEARING OFFICER: Thank you. My apologies.

5 BY MR. BLAZER:

6 Q. So you know that the Timber Creek
7 residential development has been in its location
8 for over 40 years, right?

9 A. I am very familiar with Timber Creek. I
10 know exactly where it's located.

11 Q. And I assume you included because you were
12 thinking about Timber Creek among others when you
13 said in your report that residential uses account
14 for 37 percent of the one mile study area and occur
15 within historically established neighborhood areas
16 and recent master plan communities.

17 Is that correct?

18 A. That is a true statement. That's true of
19 the mobile home park also because it is a
20 neighborhood in and of itself and has for those
21 40 plus years.

22 Q. So then going back to that section of your
23 report where you state your findings, that fourth
24 bullet of 3.1-12.

1 You also could have said open space and
2 residential land uses account for 92 percent of the
3 area within a one mile radius of the proposed site?

4 MR. HALSTEN: Object. I think that's been
5 asked and answered. It's argumentative.

6 MR. BLAZER: It's been neither asked nor --

7 HEARING OFFICER: Objection overruled.

8 BY MR. BLAZER:

9 Q. Do you want me to repeat it?

10 A. No. I think you are asking me whether I
11 read the report the way you --

12 Q. No, I didn't --

13 A. -- or what I did.

14 Q. Let me read the question back.

15 A. Okay.

16 Q. In your findings fourth bullet point on
17 3.1-12 based on your land use ratios that I have up
18 here again, you could have said open space and
19 residential land uses account for 92 percent of the
20 area within a one mile radius of the proposed site,
21 correct?

22 A. You can slice and dice the numbers and add
23 any one together that you want. If you add the two
24 that you are speaking of, you would come to that

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1 92 percent.

2 Q. And you could have said that in this
3 report, correct? Nothing prevented you from saying
4 that, correct?

5 A. Facts --

6 MR. HALSTEN: Argumentative, asked and
7 answered.

8 MR. BLAZER: He hasn't answered it.

9 HEARING OFFICER: Objection overruled.

10 BY MR. BLAZER:

11 Q. You could have said that?

12 A. No, I could not have said that.

13 Q. You could not have said that?

14 A. No.

15 Q. You could not have acknowledged that
16 55 plus 37 equals 92 and that a figure reflects
17 both the open space and residential use?

18 A. No.

19 MR. HALSTEN: Objection --

20 THE HEARING OFFICER: Objection sustained.

21 MR. HALSTEN: -- harassment.

22 MR. BLAZER: Let's try and start our objections
23 with the basis of it and let me rule on it or ask
24 for more information from now on, so we can keep

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1 this moving.

2 MR. HALSTEN: I'm sorry.

3 HEARING OFFICER: No. That's okay. I am just
4 trying to make sure we kind of keep this going.

5 MR. BLAZER: I was hoping for a quote from
6 Satchell Paige.

7 BY MR. BLAZER:

8 Q. Now, you quoted on the first page use and
9 screen, correct?

10 A. Yes, I did.

11 Q. And you also talked about the new gypsum
12 plant?

13 A. That's correct.

14 Q. Now, that plant you would agree with me
15 does not have garbage trucks going in and out of it
16 24 hours a day, 7 days a week, right?

17 A. No. It's industrial use. It's not a
18 transfer station.

19 Q. Is the character of the surrounding area
20 defined exclusively by what people can see?

21 A. Not solely or singularly.

22 Q. It could also be defined what people can
23 hear, right?

24 A. You could -- that could be a factor,

1 correct.

2 Q. And it could also be defined by what
3 people can smell, right?

4 A. That could be a factor also.

5 Q. And would you agree with me that the hours
6 of operation of heavy industrial use could also be
7 a factor?

8 A. The -- I don't know if I understand the
9 question.

10 Q. Do you know what I mean by heavy
11 industrial use?

12 A. I don't know if I do.

13 Q. All right. I won't make you guess.

14 If you turn to Page 3.1-4 of the
15 application, last paragraph, fourth sentence.

16 MR. HALSTEN: Mr. Blazer, what was
17 your reference to?

18 MR. BLAZER: 3.1-4, last paragraph, fourth
19 sentence.

20 BY MR. BLAZER:

21 Q. I will start reading it. I am sure you
22 will find it.

23 A. I've got it.

24 MR. HALSTEN: Thank you.

1 BY MR. BLAZER:

2 Q. You say here the facility will generally
3 operate Monday through Friday and on Saturday.

4 Do you see that?

5 A. Yes.

6 Q. Who gave you that information?

7 A. That was given to me by the applicant.

8 Q. I thought you didn't talk to the
9 applicant?

10 A. Through the Shaw company I was given that
11 information.

12 Q. Who at Shaw gave you that information?

13 A. Probably either Devin Moose or Margaret
14 -- I don't remember.

15 Q. Or who?

16 A. Or Devin. I must be getting tired.

17 Q. That is on here someplace.

18 Is there any discussion anywhere in your
19 report regarding operations of this facility
20 24 hours a day, 7 days a week?

21 A. No, it's not reflected in my report --

22 Q. Is there any discussion --

23 MR. BLAZER: Move to strike the last part of
24 that answer.

1 THE COURT REPORTER: I couldn't hear it.

2 THE HEARING OFFICER: All right. You know
3 what? Before you get to that, Mr. Helsten, the
4 motion to strike is going to be denied, but the
5 problem we are having here is partially because you
6 are so close to each other and partially because
7 you are not speaking into the microphone and the
8 end of sentences are falling off and especially
9 comments that are kind of made to the side she is
10 not hearing.

11 So the second half of the answer I do want
12 you to repeat, Mr. Lannert, because she did not get
13 anything after no. So please repeat it.

14 THE WITNESS: My answer was no it need not be.

15 BY MR. BLAZER:

16 Q. And is there any discussion in your report
17 that this proposed facility, the big doors in this
18 facility will be open 20 hours a day?

19 A. No. That was not part of this assignment.
20 I'm aware of those issues, but I --

21 Q. That is all I asked you was whether there
22 was anything in your report or not, Mr. Lannert.

23 Now, at the tail end, Mr. Helsten asked
24 you about a couple of transfer stations which

1 you're familiar with.

2 A. Yes.

3 Q. One of them he asked you about was the
4 Glenview transfer station that is operated by
5 Groot?

6 A. Correct.

7 Q. And in prepping for your testimony today,
8 did you happen to find out that the operating hours
9 for that facility are 6:00 a.m. to 9:00 p.m. Monday
10 through Friday and 6:00 a.m. to noon on Saturday?

11 A. I am not aware of the operating hours.

12 Q. Nobody told you that?

13 A. No one told me that.

14 Q. And then I believe you also talked about
15 the Elburn transfer station?

16 A. That's correct.

17 Q. That is a Waste Management facility?

18 A. Yes, it is.

19 Q. And before your testimony today, did
20 anybody mention to you that their operating hours
21 are Monday to Saturday 6:00 a.m. to 6:00 p.m.?

22 A. No. Again, I don't know their operating
23 hours.

24 Q. Nobody told you that before your

1 testimony?

2 A. No.

3 MR. BLAZER: If I may have a moment, I think
4 I'm done.

5 That's all I have at this time, Mr.
6 Hearing Officer.

7 THE HEARING OFFICER: We are going to take a
8 short break until 2:05 and at that time, we will
9 start with Mr. Grossmark.

10 (Whereupon, recess taken.)

11 HEARING OFFICER: If everybody is ready, let's
12 proceed.

13 Mr. Grossmark, you may begin.

14 CROSS-EXAMINATION

15 BY MR. GROSSMARK:

16 Q. Mr. Lannert, the industrial land uses --

17 THE HEARING OFFICER: You know what,
18 Mr. Grossmark? You are going to have to use the
19 mic.

20 BY MR. GROSSMARK:

21 Q. The industrial land uses are purple on
22 Page 6 of your PowerPoint, correct?

23 A. Yes. This is a much clearer shot than we
24 were trying to deal with this morning. More

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1 closely represents the one in the application.

2 Q. Could you point out and tell us what the
3 industrial uses are within 1,000 feet of the
4 proposed site?

5 A. Yes, I think I can do that. This is the
6 proposed site outlined in yellow shaded in green.
7 The 1,000 foot study area is this here I am drawing
8 the pointer around represented in the legend in
9 terms of the purple color.

10 The facilities which are within that
11 1,000 feet in terms of industrial are the gypsum
12 plant, the Groot hauling yard, and I believe this
13 is Walmark south of us and then we are touching a
14 little bit of the scrap yards over on 120 east of
15 us along the easement.

16 THE HEARING OFFICER: Let me interrupt you,
17 Mr. Lannert, for a second.

18 Mr. Helsten, I'm a little nervous here
19 that this exhibit -- this is not formally an
20 exhibit, but we have him referring to certain
21 things on the page. Do you want to introduce
22 either this page or this PowerPoint as an exhibit,
23 so that we have a clear record?

24 MR. HALSTEN: Certainly. I can move that into

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1 evidence, this page, or if we are going to refer to
2 other pages, maybe I should move the entire
3 PowerPoint in as Applicant's Exhibit No. 4.

4 What I had intended to do, Mr. Hearing
5 Officer, at the end of all the presentations, and
6 maybe you can give me a little guidance based on
7 your experience, is submit all of the PowerPoint
8 presentations which are assembled in a notebook for
9 you and the participants and the members of the
10 Village Board as Applicant's Group Exhibit No. 4.

11 But if you prefer, I can offer into
12 evidence right now. If it facilitates the
13 cross-examination here, I can offer into evidence
14 Mr. Lannert's PowerPoint presentation as
15 Applicant's No. 4 and then we can go from there.

16 Would you prefer we do it that way?

17 THE HEARING OFFICER: Before I go on, it
18 appears that Mr. Blazer has comment on this issue.

19 MR. BLAZER: You would be shocked if I didn't.

20 Mr. Helsten made it very clear asking
21 about these PowerPoints that they were not going to
22 be tendered into evidence, they were not exhibits,
23 and purely demonstrative.

24 THE HEARING OFFICER: Actually, I think he said

1 the opposite.

2 MR. HALSTEN: I said the opposite, that's
3 right.

4 THE HEARING OFFICER: He said demonstrative and
5 exhibits.

6 MR. HALSTEN: Thank you, Mr. Hearing Officer.

7 MR. BLAZER: My suggestion, Mr. Hearing
8 Officer, is because most of this is cumulative and
9 duplicative, if there is a need for a particular
10 exhibit and if Mr. Grossmark needs to question the
11 witness about one or more of those, I certainly
12 have no objection to those particular items going
13 into evidence.

14 But if we are talking about wholesale
15 additions into evidence of duplicative PowerPoint
16 presentations, duplicative or contrary to what is
17 already in the application, I think we have to do
18 that on a page by page basis as we do it.

19 THE HEARING OFFICER: Well, at this point, all
20 I am really worried about here is marking these
21 somehow, so that however they go in as
22 demonstrative or otherwise, that we -- that those
23 members of the Village Board who are not here or
24 any appellate court, that they are actually able to

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1 follow what we are looking at. That is my first
2 concern right here. We will deal with the other
3 issue later.

4 My suggestion is let's put Mr. Lannert's
5 PowerPoint, at least let's label it as Exhibit 4 of
6 Applicant's Exhibit No. 4 as a whole because
7 otherwise we will be doing this piece by piece. As
8 far as the admission of those, they have not been
9 moved in and so we will deal with that when it
10 actually occurs.

11 Is that acceptable? Mr. Clark, you have a
12 comment?

13 MR. CLARK: My notes indicate that we had
14 marked Mr. Moose's PowerPoint presentation as
15 Exhibit 4.

16 THE HEARING OFFICER: Okay. Well, thank you,
17 Mr. Clark, for that clarification because I didn't
18 look back at that -- actually, I didn't note that.

19 MR. HALSTEN: No, I didn't have that.

20 THE HEARING OFFICER: I don't have that record
21 either, Mr. Clark --

22 MR. BLAZER: For the sake of convenience, 4 and
23 5.

24 THE HEARING OFFICER: For the record, let's say
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1 that Mr. Moose's PowerPoint that he presented
2 yesterday is Groot Exhibit No. 4 or Applicant
3 Exhibit No. 4 and Mr. Lannert's is Exhibit 5 if
4 that is acceptable.

5 MR. HALSTEN: Would you like those marked? We
6 have extra copies that we can have marked by the
7 court reporter.

8 MR. SECHEN: Can I make one suggestion?

9 THE HEARING OFFICER: Yes.

10 MR. SECHEN: If we would just simply mark them
11 4 dash whatever and then later put the entire thing
12 in or try, we can at least avoid confusion.

13 THE HEARING OFFICER: Well, at this point, I
14 don't have a problem -- they have been identified
15 as demonstrative. Whether they go into evidence
16 later, that is a different issue.

17 Right now let's mark the entire thing as
18 4 and 5 and people can refer to the page number of
19 that exhibit and we can move on. I didn't mean to
20 spend 15 minutes on this issue, but I do want it to
21 be clear.

22 So let's take a second and we will mark
23 those 4 and 5 and then we will move on.

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1 (Whereupon, Applicant
2 Exhibits Nos. 4 and 5 were
3 marked for identification.)

4 MR. HALSTEN: Mr. Hearing Officer, they have
5 been marked and Mr. Lannert has a copy of
6 Applicant's Exhibit No. 5 in front of him.

7 HEARING OFFICER: Thank you. Mr. Grossmark,
8 you may proceed.

9 BY MR. GROSSMARK:

10 Q. Mr. Lannert, I think where we left off is
11 you identified four locations of operations that
12 you characterized as industrial within 1,000 feet
13 of the proposed site, correct?

14 A. That's correct.

15 Q. The first word you said is the gypsum
16 operation which is due north of the proposed site;
17 is that correct?

18 A. That would be this one that I have the
19 pointer identifying.

20 Q. What is that operation? Can you describe
21 it for us, please?

22 A. It looks like a light manufacturing
23 warehouse distribution. I'm not sure exactly what
24 they do inside their enclosed building.

1 Q. Do you know whether they actually
2 manufacturer gypsum products?

3 A. No, I do not know that.

4 Q. So that might just be a warehousing
5 facility that gets products from another location,
6 warehouses them, and distributes them?

7 A. That could be possible. That would fit
8 within that light industrial classification.

9 Q. We don't know precisely what that
10 operation is, correct?

11 A. Correct.

12 Q. And then the second one you said is the
13 Groot operation which is -- can you point that out?
14 Is it to the northwest of the gypsum operation?

15 A. I would say north and west on the other
16 side of Porter.

17 Q. And could you describe that operation?

18 A. Well, it's a storage yard. They store
19 their equipment there, the trucks there. They have
20 an operation within the old remodeled lumber
21 company. They remodeled that into their offices.

22 Q. So they have offices there and they have
23 trucks and equipment there?

24 A. It's a hauling yard. They store their

1 trucks there. They start and stop there.

2 Q. And what kind of trucks are those?

3 A. They are garbage trucks. Waste receptacle
4 trucks.

5 Q. And they are stored overnight and over the
6 weekend?

7 A. Well, I haven't been around on the
8 weekends, but I assume they are parked there over
9 the weekend.

10 Q. Do they have garbage in them when they are
11 stored there overnight or on the weekends?

12 A. Not to my knowledge. I believe that that
13 was excluded in terms of the special use we got
14 from the community when that was permitted.

15 Q. And the third one I think you said was a
16 Walmark facility?

17 A. Yes, that is this facility down here.

18 Q. And that is to the south of -- and
19 kitty-corner from the proposed site, correct?

20 A. That is correct.

21 Q. And what is that operation?

22 A. Again, looks like a light industrial type
23 of business. I'm not sure what they do behind
24 their closed doors either.

1 Q. Is that a big building?

2 A. A couple of buildings, a single parking
3 lot. It doesn't look to be very labor intensive.
4 A small parking lot out in front. Two buildings as
5 you can see on the aerial photo.

6 Q. And we don't know what is going on in that
7 building?

8 A. No, I do not know what is going on inside
9 that building.

10 Q. And then you said I think it's to the east
11 at the very edge of the 1,000 feet perimeter
12 is --

13 A. It's a salvage yard.

14 Q. Part of the salvage yard. It's beyond the
15 1,000 feet?

16 A. That's correct. You've got the glass
17 company and another company that are further
18 removed from that, but in that same location.

19 Q. So the salvage yard, what does that do?

20 A. Well, I just saw that you get 50 cents per
21 pound of cans earlier this morning, so I assume
22 they are gathering things and recycling them and
23 repurposing them.

24 Q. Do you know whether there are chemicals or
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1 liquids?

2 A. I have no idea. I don't know what happens
3 inside that building either.

4 Q. Looking beyond the 1,000 foot radius,
5 let's go to the half mile radius. Would you
6 identify for us -- strike that.

7 What would be beyond the 1,000 foot radius
8 or half mile radius? Could you identify the
9 industrial operations in that area? I guess it's
10 the rest of the scrap yard that we just described;
11 is that right?

12 A. Here would be the rest of the scrap yard
13 and those other related businesses that front on
14 120. It would be a repair shop south of 120 in
15 this location.

16 Q. All right. Can I just stop you, sir? I
17 am not sure I understood the area where that scrap
18 yard is.

19 Could you tell us, that's on 120, but it's
20 also near 134?

21 A. The area that I was pointing to was
22 immediately east of the 1,000 foot study area along
23 120 south and west of the railroad tracks 134 is
24 this line further north of that and it has a number

1 of miscellaneous uses in that complex.

2 Q. So there's more than just a scrap
3 facility. There's other industrial facilities?

4 A. That's correct.

5 Q. Do you know what those are?

6 A. I don't know them by name.

7 Q. Do you know what those are by operation?

8 A. Again, I drove by there this morning. I
9 can't recall all of them. It looks like they have
10 a new facility that looks to be some kind of a
11 glass works or glass manufacturing plant. It looks
12 like they make windows and doors, but I couldn't
13 tell because I didn't study it that closely this
14 morning.

15 Q. If they make windows and doors or
16 components of a window or a door which could be
17 glass or metal or wood and they put that together,
18 correct?

19 A. Oh, yes, I would classify them as light
20 industrial.

21 Q. So to finish with that area that is on the
22 east fringe of the -- strike that.

23 I would finish with the area that is off
24 120, but near the railroad tracks, east of the

1 proposed site.

2 A. Yes, we are.

3 Q. Would you go to the next one for, again,
4 the area beyond 1,000 feet, but within a half mile?
5 I think you are going down now sort of west and
6 south along 120?

7 A. That's correct. It's west from the
8 intersection of Porter on the south side of 120. I
9 think this is a small engine repair and maybe a
10 landscape business. These are two storage, white
11 storage sheds. They don't appear to be much in
12 use.

13 MR. SECHEN: For the record --

14 THE HEARING OFFICER: Let's clean that up.
15 This is the area in purple directly to the west of
16 what you previously listed as the Walmark facility,
17 correct?

18 THE WITNESS: It is west of the Walmark
19 facility.

20 THE HEARING OFFICER: But it's the first purple
21 west of the Walmark?

22 THE WITNESS: Yes, it's the first purple that
23 is composed of the two parts that I spoke of.

24 THE HEARING OFFICER: Thank you.

1 You may proceed, Mr. Grossmark.

2 BY MR. GROSSMARK:

3 Q. So I think the first one you said was some
4 sort of a mechanical operation?

5 A. As I recall, yes.

6 Q. Looks like maybe they repair vehicles and
7 motors?

8 A. I don't know if it's vehicles. I'd have
9 to go back and check my notes when we did our land
10 use.

11 Q. But light industrial?

12 A. Light industrial, yes.

13 Q. And beyond that, it looks like some sort
14 of a building and you are unsure what is inside the
15 building or buildings?

16 A. That's correct.

17 Q. Can you go on to the next one within a
18 half mile radius?

19 A. The next one is at the intersection
20 opposite -- it's south of 120 right on the half
21 mile mark on Belvidere Road. This is an old
22 -- looks like a warehouse or industrial building.
23 It was vacant, but appears now to be occupied.

24 Q. Do you remember the name?

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1 A. No, I can't remember the name on the
2 building.

3 Q. And we have one more within that half
4 mile?

5 A. I think we've got two more. This is the
6 north part of the group hauling facility, the back
7 ends of their building. You've got the public
8 works facility and I think this is -- or another
9 industry right there right there on Porter which is
10 between 1,000 foot setback along Porter and
11 then there is --

12 Q. Let's get to that part before we go on to
13 the next one.

14 So you are looking at and pointing to the
15 north part of the Groot facility that is on Porter
16 that is north and west of the proposed site that we
17 talked about earlier, correct?

18 A. Correct. It's north and west of the site.
19 Immediately north of the Groot hauling operation.

20 Q. So it's down to the 1,000 mile radius and
21 just beyond that, correct?

22 A. Correct. Probably a portion of the corner
23 might touch within the 1,000, but it's mostly
24 between the 1,000 and one half mile study area.

1 Q. So is the Groot part of that part of what
2 you described before part of the facility that is
3 within 1,000 feet of the proposed site?

4 MR. HALSTEN: I am going to object to that.
5 The facility is defined by the application, not by
6 other adjoining group uses. The law is clear on
7 that.

8 The law is clear the land and lakes case
9 out of the Third District in the early 1990s makes
10 that clear that --

11 MR. GROSSMARK: I will withdraw the question.

12 MR. HALSTEN: Okay.

13 MR. GROSSMARK: I don't understand the
14 objection.

15 BY MR. GROSSMARK:

16 Q. I guess what I'm asking is when we talk
17 about the Groot facility within 1,000 feet of the
18 proposed site, it's a facility for storing
19 equipment trucks, correct, and has office
20 buildings?

21 A. I think what this map is showing is this
22 shows the boundaries of the facility outlined in
23 yellow and shaded in green. It's just under
24 4 acres inside.

1 Q. The proposed site that is the subject of
2 this site proceeding?

3 A. That's correct.

4 And around that facility boundary, we have
5 drawn 1,000 foot radius. And what you are talking
6 about in terms of the hauling company is a use
7 located within that 1,000 foot setback of the
8 proposed facility which is the subject of this
9 hearing today.

10 Q. Now, does Groot have just outside that
11 1,000 feet another operation or different operation
12 than what you described as within 1,000 feet?

13 A. No, it does not. I was only identifying a
14 corner of their building is outside that 1,000
15 feet, not a different operation.

16 Q. Thank you. I just didn't understand.
17 Thank you.

18 THE HEARING OFFICER: Mr. Grossmark, you are
19 going to have to keep it a little closer to you.
20 She is having a hard time catching the end of the
21 sentences.

22 BY MR. GROSSMARK:

23 Q. Just beyond the 1,000 square feet radius
24 in that industrial area that is the color purple,

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1 can you go into a little more detail as to what the
2 operations are there?

3 A. Again --

4 Q. You said one was Baxter and you said there
5 was another one.

6 A. I believe that this is a company called
7 Baxter. It's a self-contained building that has a
8 parking lot to the north, loading docks over here
9 to the west, and that is on the west side of Porter
10 just north of the 1,000 foot radius within the one
11 half mile study area. And on the other side is the
12 public works water tower where they are a
13 processing facility.

14 MR. SECHEN: The record should reflect, if I
15 may, that the witness is indicating with a laser
16 pointer on the exhibit.

17 THE HEARING OFFICER: When you said the other
18 side, you meant the other side of Porter, correct?

19 THE WITNESS: I meant the other side of Porter.

20 THE HEARING OFFICER: Is where the Hainesville
21 facility is? Is that what you're trying to say?

22 THE WITNESS: No.

23 THE HEARING OFFICER: Then let's start over
24 because I got lost, too. I don't know this area

1 nor does anyone who is going to read this later.

2 THE WITNESS: Excuse me. That is what I did
3 say, but I misspoke. This is Round Lake Park.
4 It's not Hainesville.

5 THE HEARING OFFICER: Okay. So we are clear,
6 west -- east of Porter, the facility east of Porter
7 is a water tower.

8 Is that what I'm hearing?

9 THE WITNESS: That is correct.

10 THE HEARING OFFICER: And that is Round Lake
11 Park, not Hainesville?

12 THE WITNESS: It's Round Lake Park, correct.

13 THE HEARING OFFICER: All right. Thank you.

14 BY MR. GROSSMARK:

15 Q. Ane the Baxter facility you described, you
16 don't know what the operations are inside of the
17 buildings?

18 A. No, I do not.

19 Q. Have we finished describing the industrial
20 area within one mile or do we have one more to go?

21 A. I think we have this other facility up
22 here which looks like some kind of an office
23 warehouse facility. That is right where Porter
24 comes out and exits across the railroad tracks onto

1 134 or Main Street.

2 Q. And it's right on the edge of the
3 northwest part of the circle or the radius that is
4 one half mile, correct?

5 A. That's correct. It is zoned light
6 industrial. It is adjacent to the Timber Creek
7 trailer home park that we talked about before.

8 Q. But you don't have any details of what the
9 operations are there?

10 A. No, I don't. I see there is a loading
11 dock, there is a store front, and a large building.

12 Q. And then let's go to the 1 mile radius.

13 Can you tell us what the industrial
14 operations are which would be half mile to one mile
15 radius --

16 THE HEARING OFFICER: Mr. Grossmark, you've got
17 to get closer to the mic. You are really fading
18 out at the end.

19 BY MR. GROSSMARK:

20 Q. I will repeat the question.

21 Let's go now to the area that would be one
22 half mile to one mile radius from the proposed
23 site. Tell us what the industrial operations are
24 in that area.

1 A. I can show you where they are, but I can't
2 without my notes remember what they are. Right at
3 the edge of the one mile study area, which is the
4 red and white dashed line on the aerial photograph,
5 we have an area of industrial at that location
6 would be on the extreme east side of the study area
7 and also on the extreme west side of the study
8 area, we have another area rendered in purple as
9 industrial use.

10 I don't recall what those uses are.

11 Q. Thank you. Could we go to Page 14 of your
12 slide presentation. Page 14, please. Thank you.

13 Is the chain link fence shown in that
14 rendering?

15 A. It's -- yes, it is shown. You probably
16 can't see it. You'll have to look at the label.

17 Q. And where is the chain link fence in that
18 rendering?

19 A. The chain link fence comes across the
20 entrance in this location, runs along the property
21 line back along this side, and ties back into the
22 fence on top of the wall behind the berm.

23 Q. What is the purpose of the chain link
24 fence?

1 A. To my knowledge, there is a requirement to
2 encircle these facilities with a fence. That's
3 part of the design of the facility. That wasn't
4 part of my assignment.

5 THE HEARING OFFICER: I don't mean to interrupt
6 you again, but just so the record is clear. There
7 is a chain link fence going around the entire
8 property other than the entrance; is that correct?

9 THE WITNESS: Well, that is correct and there
10 is a gate that closes the entrance which is also a
11 chain link fence gate.

12 THE HEARING OFFICER: Okay. Thank you.

13 BY MR. GROSSMARK:

14 Q. On the east side, could you show us where
15 the property line is?

16 A. Yes, I can. The property line on my
17 drawing is this two dashes, long line, two dashes,
18 long line along the east side as well as the north,
19 south, and west.

20 Q. Where is the landscaping on the east side
21 of the facility in this rendering?

22 A. The landscaping that's shown on this
23 landscaped plan is a recognition of the wood lot
24 which is off the property to the west of this site

1 in Hainesville. And this time, I do mean
2 Hainesville.

3 Q. And it has been stated in the proceeding
4 certainly yesterday and maybe today that Groot is
5 in process of, has not closed yet, but is in the
6 process of buying that property or some of the
7 property to the east of the site that is the
8 subject of this proceeding, correct?

9 A. That's my understanding and that was shown
10 on my site location slide earlier this morning or
11 this afternoon.

12 Q. Is it your understanding, though, that
13 this proceeding just regulates or has to deal with
14 the site that is in your rendering, not the site
15 that Groot is planning or in the process of
16 purchasing?

17 A. Oh, yes, I understand that.

18 Q. Do you know whether Groot would commit
19 during these proceedings, during these hearings to
20 landscaping that east side either on the site that
21 is the subject of this hearing or once they acquire
22 the property to the east, keeping it landscaped as
23 shown in your rendering?

24 A. Well, what is shown in my --

1 Q. If you know.

2 A. I guess the first question is, no, I
3 really don't know. What is shown on my landscaped
4 plan is just a reference to this wood lot. The
5 only proposed landscape feature that I incorporated
6 is that fence, so I am not aware of what they would
7 or would not do as a condition.

8 Q. I am not sure I understood your testimony,
9 but I think you said when Mr. Blazer was asking you
10 questions that your review includes the impact of
11 the facility in this area includes the facility,
12 might include noise, it might include odors,
13 correct?

14 A. I'm aware of those elements as it relates
15 to my opinion.

16 Q. Is your opinion limited to this site, to
17 the area within the boundary of the site or does it
18 also include factors that might be off site?

19 A. I don't know if I understand your
20 question.

21 Q. Let me clarify.

22 A. What I am presuming is that the site is
23 operated appropriately and in conformance with the
24 host agreement as well as political regulation.

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1 Q. Does your valuation or opinions also
2 include traffic and the impact of the site and
3 traffic associated with the site might have on the
4 community or is that left to a different expert?

5 A. There is a specific expert which will
6 address traffic. I'm aware of the traffic having
7 seen his report and talked with him about it.

8 Q. So your opinions include not only what is
9 going on at the site and noise happening at the
10 site, odors emanating from the site, but does it
11 also include the impact of traffic that is
12 associated with the site on the community?

13 A. You are giving me too much credibility in
14 terms of that is not what I am testifying to. I am
15 aware of the other criterion that are regulated by
16 the criterion that include traffic, include noise,
17 include odor, include litter, include all of those
18 things.

19 My testimony today is based upon only
20 criterion three and my awareness of the conformance
21 of those other criteria relating to that.

22 Q. I guess I apologize. I don't know that I
23 understood your answer.

24 Did you consider traffic associated with

1 the proposed transfer station in coming up with
2 your opinions about compatibility or
3 incompatibility of the proposed transfer station to
4 the surrounding area?

5 A. My study is limited to the land use
6 compatibility, minimizing the land use
7 compatibility with the character of the surrounding
8 area. I'm aware of the minimal traffic impact as
9 discussed in other parts of the application, but it
10 was not part of my assignment.

11 Q. So you are aware of all the other reports,
12 but that is not what you did. You didn't work
13 really at evaluating the impact of traffic on the
14 community?

15 MR. HALSTEN: Objection, asked and answered.

16 THE HEARING OFFICER: Objection sustained.
17 Objection sustained. He's answered that question.

18 BY MR. GROSSMAN:

19 Q. At Page 3.1-4 of the application which was
20 your report, the last paragraph, and I think this
21 was discussed earlier, provide your information
22 about your understanding of the proposed or planned
23 operation to the site, correct?

24 A. That's correct.

1 Q. If some of those factors change, if
2 instead of processing 750 tons per day, more was
3 processed each day, would that have an impact or
4 change your opinions?

5 A. No, it would not.

6 Q. So there's no limit, there's no upper
7 limit on the number of tons per day that could be
8 processed that would impact or change your opinion,
9 correct?

10 MR. HALSTEN: Objection. That mischaracterizes
11 his answer.

12 THE HEARING OFFICER: Objection to the form is
13 sustained, but you can reask the question.

14 BY MR. GROSSMARK:

15 Q. So if the tons that were processed each
16 day doubled, tripled, were increased tenfold, that
17 does not have an impact on your opinion?

18 MR. HALSTEN: Same objection, improper
19 hypothetical.

20 THE HEARING OFFICER: Objection overruled.

21 You can answer.

22 THE WITNESS: I wouldn't characterize my
23 opinion in that regard. I have looked at this
24 transfer station at this design capacity in this

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1 location and rendered my opinion based upon those
2 factors. I am not aware of whether or not that
3 building could increase capacity or not increase
4 capacity, so I have not studied that nor was that
5 part of my assignment.

6 BY MR. GROSSMARK:

7 Q. So you don't have an opinion one way or
8 the other whether processing more than 750 tons per
9 day could comply with the standard that you are
10 testifying about today, correct?

11 MR. HALSTEN: Objection, asked and answered.

12 THE HEARING OFFICER: It is a different
13 question, however, in fairness to the witness, I
14 think you would have to go to his report and
15 utilize what he said which is not exactly 750 tons
16 per day, but approximately 750 tons per day.

17 With that caveat, you can answer the
18 question if you remember it.

19 THE WITNESS: Again, I'm aware that this design
20 capacity probably has some flexibility in it, but
21 if, in fact, it was going to double in size or if,
22 in fact, it was reduced in size, that hypothetical
23 question, I would like to have an opportunity again
24 to determine whether it would impact my opinion.

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1 But whether -- again, within these limits,
2 I am very comfortable of what I am speaking of
3 today.

4 BY MR. GROSSMARK:

5 Q. So you don't have an opinion one way or
6 the other, about the compatibility of this site in
7 the area if we assume a different group of
8 something different than approximately 750 tons per
9 day, correct?

10 MR. HALSTEN: Objection, asked and answered,
11 improper hypothetical.

12 THE HEARING OFFICER: I think he has answered.
13 Objection sustained.

14 BY MR. GROSSMARK:

15 Q. Do you have an opinion about the
16 compatibility or incompatibility about the proposed
17 transfer station in this area if the operations
18 were not generally Monday through Friday and on
19 Saturday, but instead operated 24 hours a day,
20 7 days a week?

21 A. Well, my opinion would be the same because
22 when I analyzed this, I was looking at hours of
23 operation during the day which I think would be the
24 biggest impact and whether those hours were

1 extended or not would not materially impact my
2 thought in terms of compatibility.

3 MR. GROSSMARK: Thank you. I have no more
4 questions.

5 THE WITNESS: Thank you.

6 THE HEARING OFFICER: Mr. Clark?

7 CROSS-EXAMINATION

8 BY MR. CLARK:

9 Q. Good afternoon, Mr. Lannert.

10 A. Good afternoon.

11 Q. I will try and speak up a little bit as
12 well.

13 Good afternoon. I want to follow up on a
14 couple of questions that we just -- that you just
15 answered.

16 Isn't traffic consideration one of the
17 principal things that you look at as a land planner
18 when you are looking at different uses of property?

19 A. Well, I certainly look at traffic and
20 patterns within the area. I don't do -- and I
21 don't prepare my report in a vacuum. So, yes, I
22 would analyze or look at the -- be aware of
23 traffic, but I don't specifically study the
24 traffic. That, as you well know, is left to

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1 another consultant.

2 Q. The traffic patterns are another issue,
3 but the traffic itself is a primary consideration
4 of your job, isn't it?

5 A. Well, I --

6 Q. The volume of traffic?

7 A. The volume of traffic on the adjacent
8 roadways certainly is something that we look at,
9 that I look at as it relates to what is happening
10 in the area.

11 Q. If I have a piece of property on 120 a
12 half mile west of here and I want to develop a
13 cemetery and I have to go before the village and
14 ask for a zoning change for a cemetery, do you
15 think anybody will show up?

16 A. I don't know. Show up for the hearing?

17 Q. For a zoning hearing to allow a cemetery
18 to go in.

19 A. With our participatory government that we
20 find ourselves in, I think a lot of people would.

21 Q. And how many people would show up if I
22 wanted to put a Wal-Mart in the same location?

23 A. Well, the ones that were in the cemetery
24 wouldn't show up, but a lot of other people would.

1 Q. More or less?

2 A. Probably more.

3 Q. Probably considerably more, correct?

4 A. Yes.

5 Q. And that is because of the traffic,
6 correct?

7 A. Yes, there are a number of uses that are
8 traffic intensive. Certainly commercial is a land
9 use that impacts traffic to a great degree.

10 Q. And as a planner, you even have charts and
11 graphs and books and all sorts of data that give
12 you trip generations, the number of trips that are
13 generated for a particular type of use, correct?

14 A. That's correct.

15 Q. And that is one of the first things you
16 look at when you look at the use of a property,
17 correct?

18 A. If we are planning a development, yes, we
19 look at those standards as it relates to traffic.
20 We also look at the standards as it relates to
21 ratios, setbacks, space requirements. It's one of
22 the things that we look at in terms of specific set
23 value.

24 Q. Now, you are testifying as to the first

1 part of criterion three, correct?

2 A. That's correct.

3 Q. And I am going to read it, and tell me if
4 I read it correctly.

5 Is located so as to minimize
6 incompatibility with the character of the
7 surrounding area; is that correct?

8 A. Yes, that's the way I read it also.

9 Q. What is your definition of the surrounding
10 area or this proposed site?

11 A. Well, I think as I've discussed, this is a
12 very difficult site because it's surrounded by lots
13 of different things. When I looked at it, I looked
14 at the 1,000 foot, the half mile, and the mile and
15 I think all of those areas could be thought of as
16 surrounding area.

17 Now, whether or not all of that
18 surrounding area has impact, hopefully as I
19 described, certainly the view from Main Street and
20 Greenwood, that some of that area that I studied
21 really had no impact and while it was within the
22 study zone, didn't impact the site because it
23 intervened land uses, distances, vegetation, and
24 the like.

1 Q. So you are not going to use a uniform
2 boundary to do your analysis.

3 Is that what you are telling me?

4 A. I don't always use a uniform boundary
5 because distance is somewhat misleading, but it's a
6 -- it is a good way to exhibit the kinds of things
7 we want to measure because if I start drawing
8 irregular study areas, it is --

9 Q. Deemed subjective?

10 A. Well, yeah, you could be accused of
11 drawing a line where you want it and I am trying
12 not to do that. I am trying to characterize the
13 area the way I see it.

14 Q. So since you are forced to draw the line,
15 where did you draw the line in this case?

16 A. Everywhere as I just described it.

17 Q. Well, what did you use as a basis for your
18 opinion in this case?

19 A. The basis -- well, I think my report
20 speaks to itself -- that sounds better.

21 My report speaks for itself. I generally
22 use the one mile study area to run my first filter
23 of uses and also as Mr. Blazer and I talked in
24 length about zoning, but I think more telling, the

1 buffers that exist within 1,000 feet and the
2 ownership of this client to the property
3 surrounding the subject site, I think are very
4 representative of a good buffer in this particular
5 case. I have never had a transfer station work
6 where the client controlled as much adjoining
7 property as in this case.

8 Q. So what would you determine or what would
9 you testify to as the character of the surrounding
10 area?

11 A. Well, I think I've already described that
12 and I have described it in terms of by joining the
13 open space and agricultural use along with the
14 industrial use because I do not think there is a
15 conflict because agricultural uses or open space
16 uses in my industrial. I have classified those as
17 the predominant land use within the area and the
18 measurements that confirm that.

19 Q. And you think that by combining industrial
20 use and open space and agricultural, that is a
21 better combination than residential and open space?

22 A. You know, absolutely -- can I put that
23 slide back up?

24 Yes, very much so particularly in this

1 application. All of this land, all of this land,
2 and all of this land is zoned light industrial
3 within the community.

4 Q. Zoning is inapplicable here, isn't it,
5 Mr. Lannert?

6 A. I am not finished answering the question
7 yet.

8 I am describing to you the underlying
9 zoning. The land use within that area is open
10 space and agricultural. So to answer your
11 question, I'm very confident that by lumping open
12 space and agricultural uses in with my industrial,
13 I will probably be more correct than incorrect over
14 the next decade and that is my opinion.

15 Q. Is your opinion based on a 16 hour a day
16 facility or 24 hour operation?

17 MR. HALSTEN: Asked and answered in response to
18 Mr. Grossmark.

19 THE HEARING OFFICER: Objection, sustained.

20 BY MR. CLARK:

21 Q. Is there anything else you can do to
22 minimize the incompatibility of the area that comes
23 to mind as you stand here?

24 A. Certainly I think there's lots of menu

1 items that are on that checklist. Building design
2 is certainly one of them. Location of the building
3 within the site is another. Circulation on site
4 and, of course, the berms and buffers that we are
5 proposing to mitigate the impact is yet another.

6 Q. Does sound carry further at night than
7 during the daytime?

8 A. I don't know the answer to that question.

9 Q. Well, when you sit on your back porch on a
10 summer evening, you can here sound from some
11 distance away, can't you?

12 MR. HALSTEN: Asked and answered.

13 MR. CLARK: Not of this witness.

14 MR. HALSTEN: Improper hypothetical, vague.

15 THE HEARING OFFICER: Objection overruled.

16 You may answer, please.

17 THE WITNESS: If there was anyone who was
18 sitting on a back porch in close proximity to this
19 site, that hypothetical question, you might be able
20 to hear it.

21 BY MR. CLARK:

22 Q. Would you reduce the impact of any noise
23 by closing the doors after a certain hour of the
24 evening like 6:00 o'clock?

1 A. Again, those are operational features. I
2 didn't specifically address those. Orientation of
3 the building I think starts to address that issue
4 and I believe Mr. Moose should have talked about
5 that yesterday even though I was not here for his
6 presentation.

7 Q. Would the reduction of any noise coming
8 from this site after the hour of 6:00 o'clock in
9 the evening reduce the amount of incompatibility to
10 the surrounding area?

11 A. Again, I don't think there's any
12 incompatibility from a noise standpoint. We are so
13 well buffered and so well removed from those
14 residential uses. We have intervening uses like
15 railroad tracks and 120 that I don't think the
16 noise of this operation in terms of the ambient
17 noise of any air would have any impact, so I do not
18 believe that.

19 Q. I didn't mean to cut you off.

20 The predominant residential use closest to
21 the property is to the northwest, correct?

22 A. The closest residential use is that site.
23 That is zoned industrial.

24 Q. And how far away is that?

1 A. Well, it's -- you are talking about Timber
2 Creek mobile home park. It's this piece right here
3 identified in yellow as residential use. It's just
4 outside the 1,000 foot radius. I'm not concerned
5 about that particular noise from that particular
6 residential neighborhood. As part of the special
7 use for the hauling facility, we built a large
8 sound wall and buffer to protect those homes from
9 the hauling operations.

10 That would be this hauling operation right
11 here between the building, the sound wall that we
12 created, as well as the additional sheds for
13 storage on that property. There is a solid wall
14 which will act as a visual buffer as well as a
15 sound buffer between that residential neighborhood
16 and our site. And you are not going to be able
17 -- there will be no views from this area through
18 these walls to this site. It's physically not
19 possible.

20 And Mr. Blazer in terms of our
21 negotiations required that to protect that
22 community and we obviously did it because it was
23 appropriate.

24 Q. You are not testifying here today as a

1 sound expert, though, are you?

2 A. No, no, I'm not. I'm just stating that
3 those are menu items that are in place that will
4 help minimize any incompatibility.

5 Q. So you don't have the -- you can't tell me
6 because you don't have the knowledge, do you, that
7 that sound barrier wall will reduce noise from the
8 proposed site?

9 MR. HALSTEN: Objection, asked and answered. I
10 think the site is further away -- never mind.

11 MR. CLARK: Precisely the point.

12 THE HEARING OFFICER: Objection overruled.

13 THE WITNESS: Mr. Clark, I don't know if I
14 understand the intent of the question.

15 BY MR. CLARK:

16 Q. Sound walls, if you are immediately
17 adjacent to a sound wall will deflect the sound,
18 correct?

19 A. Correct. That sound wall was put into
20 place as part of that special use petition. It had
21 nothing to do with this application.

22 Q. The plant material that is proposed to be
23 put along the corridor road and the Route 120
24 property lines, that is going to be installed upon

1 construction before operation; is that correct?

2 A. That's correct. It will be part of the
3 implementation of the building of the facility.

4 Q. And you have the ability to represent on
5 behalf of the applicant that if any of that
6 landscaping dies or doesn't thrive, they will
7 replace it?

8 A. I don't have the authority to speak to
9 that. I can speak as a landscape architect that
10 our plans will call for replacement of any plant
11 material that dies within the first year. And once
12 they are established, if we pick the right plant
13 material, we should be able to avoid most of that,
14 but I can't speak directly to it.

15 Q. Do you know if there will be anybody
16 present that can speak to that?

17 A. I am not aware.

18 MR. CLARK: That is all I have, Mr. Hearing
19 Officer.

20 THE HEARING OFFICER: Mr. Sechen, how long do
21 you have do you think?

22 MR. SECHEN: Not terribly long. I think we can
23 probably do it before break if you so desire.

24 THE HEARING OFFICER: Well the problem we have

1 is that the court reporters are supposed to change
2 at 3:00. I am assuming you can't do it in the next
3 three minutes?

4 MR. SECHEN: Not in three minutes, no.

5 THE HEARING OFFICER: Fine. Let's take a
6 five-minute break. We are going to start at three
7 minutes after 3:00. We are just going to change
8 court reporters and maybe see if we can find me a
9 battery for this mic.

10 (Whereupon, further proceedings.
11 were recessed to 9/24/13 to the
12 time of 3:05 o'clock p.m.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
4

5 SHELLY S. RUBAS, being first duly sworn,
6 on oath says that she is a court reporter doing
7 business in the City of Chicago; and that she
8 reported in shorthand the proceedings of said
9 hearing, and that the foregoing is a true and
10 correct transcript of her shorthand notes so taken
11 as aforesaid, and contains the proceedings given at
12 said hearing.

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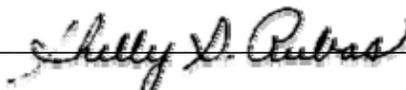
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Certified Shorthand Reporter



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