

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

IN RE: APPLICATION FOR LOCAL SITING )  
APPROVAL FOR GROOT INDUSTRIES ) 3-01  
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 3:10 o'clock p.m.  
(Proceedings concluded at 4:48 p.m.)

REPORTED BY: LISA M. BRINGLE, CSR

LICENSE NO.: 084-003301

1 APPEARANCES:  
2 SCHIROTT, LUETKEHANS & GARNER, LLC,  
BY: MR. PHILLIP A. LUETKEHANS  
3 The Hearing Officer;  
4 MUELLER, ANDERSON & ASSOCIATES,  
BY: MR. GEORGE MUELLER  
5 -and-  
6 HINSHAW & CULBERTSON,  
BY: MR. CHARLES HELSTEN  
On behalf of Groot Industries;  
7  
8 THE LAW OFFICES OF RUDOLPH F. MAGNA,  
BY: MR. PETER S. KARLOVICS  
On behalf of Board of Trustees  
9 of the Village of Round Lake  
Park;  
10  
11 THE SECHEN LAW GROUP, P.C.,  
BY: MR. GLENN C. SECHEN  
12 On behalf of Village of Round Lake  
Park;  
13  
14 TRESSLER, LLP,  
BY: MR. STEPHEN T. GROSSMARK  
On behalf of the Village of  
15 Round Lake;  
16 JEEP & BLAZER, LLC,  
BY: MR. MICHAEL S. BLAZER  
17 On behalf of Timber Creek  
Homes, Inc.;  
18  
19 MR. LARRY M. CLARK  
On behalf of the Solid Waste Agency  
of Lake County, Illinois.  
20  
21  
22  
23  
24



1 THE HEARING OFFICER: Okay. Mr. Sechen, your  
2 cross examination of Mr. Lannert may start.

3 MR. SECHEN: Thank you.

4 CHRISTOPHER LANNERT,  
5 called as a witness herein, having been first duly  
6 sworn, was examined and testified as follows:

7 CROSS EXAMINATION

8 BY MR. SECHEN:

9 Q. Mr. Lannert, let's take care of a few  
10 housekeeping issues, if we may. You proposed  
11 certain berms be placed around that facility; is  
12 that correct?

13 A. That's correct.

14 Q. Could you, using your laser pointer, take  
15 a look at what is page 14 of Exhibit -- is that 5?

16 A. Yes.

17 Q. Can you point out where the berms are,  
18 sir?

19 A. The berms are in two locations. They are  
20 along the west side of the site adjacent to Porter  
21 Drive in this location south of the entrance, and  
22 they also are along the south side, which is  
23 adjacent to the north side of the right-of-way of  
24 Route 120 or Belvidere Road.

1           Q.    The portion of the berms that you propose  
2   for 120, along 120, are how high, sir?

3           A.    They vary between 3 and 5 feet.

4           Q.    And what is on top of those berms?

5           A.    There is a combination of plant material  
6   on top of those berms. There is some ground cover  
7   and ornamental grasses. There are some ornamental  
8   trees. In addition to that, there are other trees.

9           Q.    And in addition to what you've mentioned,  
10   is there anything else on top of those berms or on  
11   the berms other than what you've mentioned?

12          A.    Not that I'm aware of.

13          Q.    Okay. Now, with respect to the berms  
14   along Porter Drive, how high are they?

15          A.    Those undulate the same way. They are  
16   lower in terms of 3 to 4 feet up to 5, 6 feet at  
17   the corner where they meet the sign.

18          Q.    Are those also vegetative?

19          A.    Yes.

20          Q.    And that is similar to that which you  
21   previously explained for the berms along 120?

22          A.    That's correct. On the street side, they  
23   are vegetative with plant material. On the back  
24   side, it's just grass.

1           Q.    Now, without being specific in general  
2   terms, are you familiar with how a berm similar to  
3   that might affect noise?

4           A.    Yes.  I'm generally aware of it.

5           Q.    And in general, does it increase noise or  
6   decrease noise?

7           A.    Well, there is two things that will affect  
8   noise as relates to that berm depending on where  
9   you are.

10                   Because there is a knee wall as part of  
11   the berm on the facility side and then the berm  
12   comes up on top of that and the plant material on  
13   top of that, when the noise will hit the solid  
14   wall, it tends to bounce back.  And when it hits  
15   the plant material, it will have a tendency to  
16   reflect back.  On the 120, Belvidere Road, side,  
17   the berm, because of the shape of it and the plant  
18   material, will tend to wrap the sound up and then  
19   fold it back onto 120 and the farmland itself.

20           Q.    And some of that sound may be absorbed by  
21   the plant material; is that accurate?

22           A.    Yes, particularly the plant material when  
23   there is leaves on it and evergreen material  
24   year-round.

1           Q.    Okay.  Now, to the extent that there may  
2   be exhibits in the application, just in general,  
3   exhibits that show the facility along Porter or  
4   along 120 that do not show your berm, you are, in  
5   fact, building this facility with the berm that you  
6   just testified about; is that correct?

7           A.   That's correct.  I don't understand where  
8   it's not being presented.

9           Q.   Well, there may be exhibits elsewhere that  
10  show the facility, and I'm just trying to make sure  
11  that everyone is clear that they show the facility  
12  for illustrative purposes and what's behind the  
13  fence, you're actually going to have a berm there?

14          A.   My testimony today is that the berm along  
15  Porter and the berm along 120 will be designed as I  
16  have shown and described it here today, and it's my  
17  knowledge that it's an exhibit to the host  
18  agreement, which gives it even one more level of  
19  authenticity than just my presentation this  
20  morning -- this afternoon.

21          Q.   In addition, the east side of the  
22  facility, can you tell us what's going to be along  
23  that side of the facility?

24          A.   The east side of the facility only has a

1 fence, and there is no other berms or planting  
2 envisioned for that area.

3 The large wood lot that exists to the east  
4 is what is providing the buffer on that side.

5 Q. And that is property that is being -- in  
6 the process of being acquired by Groot?

7 A. It is currently in the process of being  
8 acquired by Groot, as you well know, because I was  
9 not aware of that until after I filed the  
10 application. I feel that that woodland is  
11 substantial enough and strong enough that while it  
12 could all be cut down, I believe it will remain --  
13 at least remnants of it will remain, if you're  
14 familiar with Hainesville and Hainesville's love of  
15 nature, as well as their requirements for  
16 landscaping and protecting natural features. I do  
17 mean Hainesville in this case because that's  
18 Hainesville, not Round Lake Park on the east side  
19 of the property line.

20 Q. I was going to tease you, but we'll avoid  
21 that.

22 Calling your attention to the northwest  
23 corner of that facility, is that the area where  
24 that fence exists that you showed a computer



1 rendering of?

2 A. Yes, it is.

3 Q. Do you have an exhibit that shows the  
4 better computer rendering of that fence in that  
5 corner, which would be -- I believe it's 2, part of  
6 Exhibit 4, but you had it numbered as 2 on the  
7 slide in the handout.

8 A. Of the photo -- you're talking about the  
9 before and after?

10 Q. Yes, the one on the right.

11 A. Yes.

12 Q. That bears the legend page 16 on the  
13 bottom, which I believe is part of Group Exhibit 4.

14 THE HEARING OFFICER: For the record, that's  
15 Group Exhibit 5.

16 BY MR. SECHEN:

17 Q. 5, I'm sorry. And I'm calling your  
18 attention now to the picture on the right, which is  
19 the after shot.

20 A. Yes.

21 Q. We're viewing that fence from Porter  
22 Drive?

23 A. You're viewing that fence from Porter  
24 Drive, correct, looking south towards 120.

1           Q.   Mr. Lannert, can we put a little  
2   landscaping in front of that puppy?

3           MR. GROSSMARK:  Objection.  There is no  
4   foundation to answer that question --

5           THE HEARING OFFICER:  Mr. Grossmark, you're  
6   going to have to speak louder.  The court reporter  
7   can't get you.

8           MR. GROSSMARK:  Objection, foundation.  There  
9   is no information that this witness has the  
10   authority to make that decision, and there is  
11   nobody here from Groot to even answer that  
12   question.

13          MR. SECHEN:  I just ask the question that maybe  
14   the witness can answer rather than have  
15   Mr. Grossmark testify.

16          THE HEARING OFFICER:  And I believe the  
17   question Mr. Grossmark asked maybe with a little  
18   more foundation a number of times -- I'm going to  
19   let the question stand.

20   BY MR. SECHEN:

21          Q.   You don't have landscaping in front of  
22   that fence, do you?

23          A.   Well, once again, I find myself in the  
24   unusual predicament of having to explain the slide,  
10

1     which is not very clear. I'm halfway there.

2             There is landscaping in front of this  
3     portion of the fence. There is not any landscaping  
4     along this portion of the fence or along the north  
5     side in this location.

6             Q.    Nor is it a wood fence or anything other  
7     than a chain-link fence?

8             A.    It is a chain-link fence.

9             Q.    Okay. Let's move on. Comprehensive  
10    plans, let's talk in general terms about  
11    comprehensive plans.

12            You have a piece of property, just  
13    generically in your experience, located in an  
14    unincorporated area. May that property possibly be  
15    the subject of a comprehensive plan?

16            MR. BLAZER: Objection, calls for speculation,  
17    improper speculation.

18            THE HEARING OFFICER: Objection overruled.

19            THE WITNESS: As you put that situation, yes.  
20    If you have a piece of property which is in  
21    unincorporated land, the community does have the  
22    right within a mile and a half of the jurisdiction  
23    to slate it within their comprehensive plan.

24

1 BY MR. SECHEN:

2 Q. Now, isn't it also a fact that that same  
3 property can be the subject of multiple  
4 comprehensive plans for multiple communities?

5 MR. BLAZER: Objection, calls for speculation,  
6 assume facts not in evidence.

7 THE HEARING OFFICER: Objection overruled.

8 THE WITNESS: Do I understand the question that  
9 you're asking that there could be land that could  
10 be contained in multiple communities?

11 BY MR. SECHEN:

12 Q. No. Unincorporated land being the subject  
13 of multiple comprehensive plans from various units  
14 of government; is that possible? Have you seen  
15 that?

16 A. Yes, that is possible as long as there are  
17 no boundary line agreements between those  
18 communities.

19 Q. And should you have maybe multiple  
20 municipalities with comprehensive plans on the same  
21 piece of property and maybe a county comprehensive  
22 plan in addition to that, there is no guarantee  
23 that those plans are consistent, is there?

24 A. That's correct. There is no guarantee

1     that those plans will be consistent.

2           Q.     And is it accurate that once a property is  
3     annexed into a municipality, the municipality has  
4     an opportunity to zone the property?

5           A.     It's been my experience that the mere fact  
6     that the property is annexed into the community,  
7     it's annexed in with an underlying use, or there  
8     would not be a reason to annex the property to that  
9     jurisdiction.

10          Q.     Well, some zoning ordinances or some  
11     ordinances specifically say that when a property is  
12     annexed, it may come in as a particular zoning  
13     classification; is that correct?

14          A.     If it's a bulk annexation, it can come in  
15     at a predesignated classification. I never  
16     recommend to my clients take that approach.

17          Q.     Mr. Lannert, all we are interested in is  
18     whether that property can come in in a  
19     predesignated zoning classification, and it can  
20     happen?

21          A.     That is possible.

22          Q.     Is it also possible or accurate to say  
23     that there is no guarantee that the property will  
24     ultimately be zoned in a manner that is consistent

1 with any of the comprehensive plans that cover that  
2 property?

3 A. Not only --

4 MR. BLAZER: Objection, calls for speculation,  
5 object.

6 THE HEARING OFFICER: Objection overruled.

7 THE WITNESS: Not only is it possible that that  
8 can happen; it's also possible you could rezone it  
9 even after it was zoned.

10 BY MR. SECHEN:

11 Q. And you've seen that happen, haven't you?

12 A. On a number of occasions.

13 Q. So all of this talk about comprehensive  
14 plans really comes down to the fact that a comp  
15 plan is really nothing more than a wish list of  
16 what a governmental entity would like to see on  
17 that property?

18 MR. BLAZER: Object to the form of the  
19 question.

20 MR. SECHEN: Is that accurate?

21 THE HEARING OFFICER: Objection sustained.

22 THE WITNESS: Well, now, as a plan --

23 THE HEARING OFFICER: Mr. Lannert, there is no  
24 question pending at this point.

1 THE WITNESS: I thought you -- excuse me.

2 BY MR. SECHEN:

3 Q. Is there -- strike that. Is it accurate,  
4 Mr. Lannert, that since the zoning on ultimate  
5 land -- on a piece of property is not necessarily  
6 consistent with the comprehensive plan of any of  
7 the municipalities that the government may have  
8 planned for that particular piece of property, that  
9 one could view the comprehensive plan as nothing  
10 more than a wish list?

11 MR. BLAZER: Object to the form of the  
12 question, also calls for speculation.

13 THE HEARING OFFICER: Objection overruled.

14 THE WITNESS: I would like to change the  
15 characteristic of that, Mr. Sechen, in that the  
16 comprehensive plan is determined to be a guideline  
17 and a model. I would give it a little bit more  
18 authenticity from a planning perspective than a  
19 wish list, but while I'm saying that it does not  
20 guarantee land use, it does not approve zoning.

21 BY MR. SECHEN:

22 Q. So when we talk about what can actually be  
23 done with a piece of property, which one to refer  
24 to is zoning?

1           A.    The zoning is the vesting of the rights  
2   for the use of the property.  I would agree with  
3   that statement.

4           Q.    Okay.  Can we take a look at your land use  
5   aerial, please?  That would be -- you just had it,  
6   the other one.  Exhibit 5-6, if we may, page 6.

7                   Some of the other counsel walked you  
8   through some of the surrounding land uses in the  
9   area of the proposed transfer station.  Let's just  
10  take a little walk west down 120, if we can.

11          A.    All right.

12          Q.    We walk south across 120.  You find what  
13  in terms of land use?  Is that property developed?

14          A.    Are you speaking of the --

15          Q.    Across the street.

16          A.    Across the street?  No, that land is not  
17  developed.  It's agricultural use presently.

18          Q.    Is there anything inconsistent or  
19  incompatible with the transfer use and that piece  
20  of property given its current use?

21          A.    No, there is not.

22          Q.    Let's go a little further west on 120.  
23  What's the next use?

24          A.    This one in this location?



1 Q. Yes, sir. Further west, what's the next  
2 one?

3 A. That is a piece of property that appears  
4 to be used for light manufacturing uses. That's  
5 what it's zoned to.

6 Q. And the name of that facility; do you  
7 recall?

8 A. I believe it's Wal-Mart.

9 Q. And is there anything inconsistent with  
10 the proposed use in that particular use?

11 MR. BLAZER: Object to the relevance. The  
12 standard is minimizing the compatibility.

13 THE HEARING OFFICER: Objection overruled.

14 THE WITNESS: There would not be any  
15 incompatibility between that zoning classification  
16 and the existing zoning classification of the  
17 parcel.

18 BY MR. SECHEN:

19 Q. I'm talking about use.

20 A. Oh, use, no. It's compatible, compatible  
21 industrial use.

22 Q. Further west, what's the next land use?

23 A. Well, the next piece ends up being a  
24 vacant piece of property before you get into

1 another small -- appears to be a small motor repair  
2 business.

3 Q. Okay. Now, with respect to the vacant  
4 piece of property, is there anything incompatible  
5 between that use and the transfer facility that we  
6 are talking about here today?

7 A. There would not be because it's vacant  
8 property.

9 Q. With respect to the facility that you  
10 mentioned that's adjacent to that, did you say  
11 small motor repair?

12 A. That's what it appears to be as I drive by  
13 the facility.

14 Q. Now, do you find anything incompatible  
15 with that use and the use of our property that we  
16 are talking about as a transfer facility?

17 MR. BLAZER: Objection, foundation. The  
18 witness already testified he doesn't know what goes  
19 on in that facility.

20 THE HEARING OFFICER: Objection overruled.

21 THE WITNESS: No, I don't find anything  
22 incompatible. That facility is set back off of the  
23 road. It's set back below grade. So it's really  
24 hard to see unless you're looking for it.

1 BY MR. SECHEN:

2 Q. The next one west?

3 A. The next one west, there is a finger of  
4 open space before you get to a couple of white  
5 storage buildings.

6 Q. Okay. Well, let's take the open space. I  
7 take it given your previous answers that there is  
8 nothing incompatible with that use and the use of  
9 our property that we are talking about here today  
10 as a proposed transfer facility; is that correct?

11 MR. BLAZER: Objection, relevance.

12 THE HEARING OFFICER: Objection overruled.

13 THE WITNESS: There would not be because that  
14 also is vacant property.

15 BY MR. SECHEN:

16 Q. And the white storage facility, same  
17 question. Would that be the same answer, nothing  
18 incompatible there either?

19

20 MR. BLAZER: Objection, foundation.

21 THE HEARING OFFICER: Objection overruled.

22 THE WITNESS: That would be true. Also, again,  
23 I'm not aware of what's happening inside the  
24 building. They just appear to be -- they are on

1 the site, and they could be used.

2 MR. BLAZER: Mr. Hearing Officer, if I may.  
3 Mr. Karlovics has just had a very good suggestion.  
4 Could I just have the record reflect I have a  
5 standing objection to every one of Mr. Sechen's  
6 questions?

7 THE HEARING OFFICER: Every one of his  
8 questions forever or every one of his questions  
9 regarding compatibility?

10 MR. BLAZER: Every one of his questions with  
11 this witness. I think Peter had a great idea.

12 THE HEARING OFFICER: Fair enough.

13 MR. BLAZER: That way I can stop interrupting.

14 BY MR. SECHEN:

15 Q. Now, the only thing that anybody has  
16 been -- maybe the property or the land use that we  
17 spent perhaps the most time talking about is the  
18 mobile home park at Timber Creek, I believe it is?

19 A. That's correct.

20 Q. And that's in excess of a thousand feet  
21 from the proposed facility; is that accurate?

22 A. Yes. It is outside the thousand-foot  
23 setback requirement.

24 Q. Now, let's take a walk outside the

1 proposed facility right toward Timber Creek to the  
2 closest point. What's the first thing we are going  
3 to go -- we're going to cross, what street would  
4 that be, Porter Drive I assume?

5 A. This is Porter Drive in this location.

6 Q. So right on the other side of Porter Drive  
7 is what?

8 A. Well, presently it's a vacant piece of  
9 property. It's zoned light industrial, and it's  
10 the depot business park that was just approved  
11 recently.

12 Q. And that's going to be a C&D processing  
13 facility; is that correct?

14 A. That's my understanding.

15 Q. Now, beyond that, how far are we -- what's  
16 the next land use? Is the next land use Timber  
17 Creek?

18 A. Depending on what corner you are speaking  
19 of, Mr. Sechen, this is the westerly property line.  
20 This is another piece of property, which is where  
21 the creek runs through. This piece is wooded. The  
22 piece of property immediately north of that is the  
23 hauling yard. Next to that on the south side is an  
24 open field, and then you get to the Timber Creek

1 project area.

2 Q. All -- I'm sorry. I almost cut you off  
3 there. All of those intervening land uses to some  
4 extent would buffer Timber Creek, is that accurate,  
5 from the proposed use?

6 A. Very much so. A number of things are  
7 solidifying that as a good buffer. We have  
8 distance. We have elevation, and we have  
9 vegetation. We additionally as it relates to the  
10 hauling operation, have that wall I spoke of  
11 earlier, but most importantly, we have berms and  
12 buffers in addition to that on our side, which is  
13 greatly removed from that side -- from that  
14 neighbor.

15 Q. In addition then to the berms that we  
16 talked about around the subject facility and their  
17 impact on noise, we have additional berms and walls  
18 closer to Timber Creek?

19 A. That is correct.

20 MR. SECHEN: Can I have just one second?

21 THE HEARING OFFICER: Yes, sir.

22 MR. SECHEN: It's really bad when you can't  
23 read your own handwriting.

24 Mr. Lannert, I have no further questions.

1 Mr. Hearing Officer, I tender the witness.

2 THE HEARING OFFICER: I have a few follow-up  
3 questions as clarification. Give me a second.

4 EXAMINATION

5 BY THE HEARING OFFICER:

6 Q. Why is there no landscaping on the north  
7 side?

8 A. On the north side of the property line?

9 Q. Yes.

10 A. Well, I guess maybe that's a term of art.  
11 I would call the open bio-swale, which is used for  
12 storm water, a landscape feature. And so,  
13 therefore, I would say that there is some landscape  
14 there.

15 Q. Vegetation, maybe that's a better  
16 question?

17 A. There is not any vegetation because of the  
18 physical requirements of conveying that water  
19 through the bio-swale as well as the existing fence  
20 on the adjacent lot, and then even more so, the  
21 walls of the two structures which are part of that  
22 facility are very close to the property line, and  
23 there is no need to screen or buffer those uses  
24 from this site.

1 Q. When you say the walls of that facility,  
2 you're talking about the walls of the adjacent  
3 facility?

4 A. Correct. There's two buildings there.  
5 There is solid walls. There is no windows. They  
6 are just warehouse industrial buildings.

7 Q. How wide, approximately, is the bio-swale,  
8 you know, halfway down the property line, which  
9 looks like it's probably its narrowest point?

10 A. I want to say approximately 20, 25 feet,  
11 but I have to check the engineering plans to  
12 confirm that.

13 Q. If you can go to -- again, I have the same  
14 problem as Mr. Sechen has about reading --

15 MR. SECHEN: But you don't have near as many.

16 THE HEARING OFFICER: -- reading my own notes.

17 BY THE HEARING OFFICER:

18 Q. Why the chain-link fence instead of a  
19 solid fence?

20 A. I did not -- I don't have an answer to  
21 that question.

22 Q. So that wasn't a decision you made?

23 A. Correct.

24 Q. Who made that decision; do you know?



1           A.    It was told to me that we have a  
2 chain-link security fence around the perimeter of  
3 the property, and that's what I've depicted.

4           Q.    You picked three areas of study, for lack  
5 of a better word. You picked thousand feet, half  
6 mile and a mile. Could you tell me why -- I think  
7 you made it very clear why you chose the thousand  
8 feet, and I think you also talked about why you  
9 chose the mile. What I didn't hear you talk about  
10 was why the half mile was chosen.

11          A.    That was a tiebreaker because it was such  
12 a slam-dunk in terms of a thousand feet. The  
13 one-mile study radius gained over two  
14 thousand acres of property, so I wanted to see if  
15 there was any linkage between the land uses between  
16 the mile and a thousand feet.

17          Q.    I may be the one person in this room or  
18 maybe not the one, but one of the people in this  
19 room who is not as familiar with everyone -- as  
20 everyone else with this particular area. So if  
21 someone could go back to that aerial that was up  
22 here, I would appreciate it. That one, yes.

23                From what I've heard, I'm assuming that  
24 Timber Creek is just to the west -- the southeast

1 corner of Timber Creek is what I would say is the  
2 yellow area to the east of the Baxter and the Groot  
3 facilities; correct?

4 A. That is correct. There is a common  
5 property line between Timber Creek, Baxter and the  
6 hauling operation.

7 Q. Okay. Is there -- what I'm trying to  
8 understand is where the Timber Creek homes ends.  
9 I'm trying to understand the depth of that property  
10 or that development, and to the extent you can  
11 explain it without just the pointer, I think it  
12 would be helpful for the record.

13 So maybe what we should do is start at  
14 that southeast corner. Okay. And if we go to the  
15 west, directly to the west, until I get to what I'm  
16 going to call the blue line on sheet number one of  
17 your report -- do you see the blue and orange line  
18 there?

19 A. Yes. That is the corporate limit line  
20 between Round Lake Park and Round Lake.

21 Q. Is that the western border of Timber  
22 Creek?

23 A. Yes, it is.

24 Q. Okay. So if I go from that corner to the

1 north and say on that municipal border, is Timber  
2 Creek all the way the area in yellow up to the  
3 north until I see green?

4 A. Yes, until you get to the green or until  
5 you get to that intersection of our half-mile study  
6 area.

7 Q. Okay. And so would it be fair to say that  
8 Timber Creek is really that "U" area in yellow  
9 right at that point?

10 A. "U" from the standpoint that it wraps  
11 around this purple use, but this corridor that  
12 comes down between them, there is only one roadway  
13 joining the east and west side of Timber Creek  
14 through that green area, which is part of the creek  
15 that runs all the way down under 120 and further to  
16 the south. But everything as you've described it  
17 over to the Groot and Baxter line is Timber Creek.  
18 As Mr. Blazer said yesterday, there is over 400  
19 homes within that area. But like most  
20 industrial -- like most mobile home parks, those  
21 are always spread out, and mobile homes sit between  
22 the units, not on the ends of the units.

23 Q. Okay. But the northeast border, for lack  
24 of a better word, of Timber Creek is the railroad

1 line approximately?

2 A. Yes, but there is a large increased  
3 setback for their facility off the roadway.

4 Q. Okay. Thank you. I see areas  
5 particular -- and again, I'm looking at drawing one  
6 of your report. In the southwest quadrant, for  
7 lack of a better word, that are bordered by both  
8 the orange and purple, do you see those areas?

9 A. Yes.

10 Q. There is two of them. What does that  
11 signify, both the orange and the purple?

12 A. That signifies unincorporated areas that  
13 are still within the jurisdiction of the county.

14 THE HEARING OFFICER: I have nothing further.  
15 Mr. Helsten?

16 MR. HELSTEN: Mr. Hearing Officer, I have no --  
17 conditionally have no redirect. This is somewhat  
18 tongue in cheek. Unless you're going to allow  
19 Mr. Blazer recross when I have no redirect, because  
20 if that's the case, then I'll ask one limited  
21 question in redirect and object to anything beyond  
22 the scope of that. I'm being somewhat --

23 THE HEARING OFFICER: Here is the problem I  
24 have, and the problem is that we have cross

1 examinations that may or may not be cross  
2 examinations. And I know I went through this  
3 yesterday, but some of these questions have  
4 actually expanded on your direct rather than the  
5 cross-examining. So it kind of puts people in a  
6 situation -- and I'm trying to keep it very much  
7 into clarification, so I am going to allow  
8 clarifications, but please, if people go beyond  
9 that into areas that they could have crossed about  
10 before, I'm going -- feel free to object, and I  
11 will sustain those objections.

12 MR. HELSTEN: For the record, and with all due  
13 respect to you, I'm going to make a motion to bar  
14 recross for the record if I can, and here is my  
15 basis.

16 To your credit, and I mean this sincerely,  
17 consistent with the spirit of this siting  
18 ordinance, you have allowed exhaustive cross, as  
19 you've just recognized, so that all participants  
20 and members of the interested public have had the  
21 ability to ask all of the questions they may want.

22 Mr. Mueller, I'm not going to submit that.  
23 I'm just going to orally argue.

24 All of those questions which you allow, to  
29

1 your credit, expansive questions, have been duly  
2 asked and answered. Therefore, I saw no need for  
3 redirect. In turn, if there is no need for  
4 redirect, there is no need for recross.

5 I think, going further, the siting  
6 ordinance itself, 160.06(g)(2), specifically sets  
7 forth the order, which is -- which says,  
8 "Examination of the witnesses shall" -- and this is  
9 in quotes -- "shall be subject to reasonable direct  
10 examination, cross examination, redirect  
11 examination and recross," meaning that there will  
12 be recross if there is redirect. And I would  
13 respectfully submit recross without redirect does  
14 not comport with the ordinance.

15 Going further, I'll cite two cases. They  
16 are criminal cases, but the principle for which  
17 they stand I think is important here. One is  
18 People versus Williams, 161 Ill. 2d 1, 1994 and  
19 People versus Franklin, 135 Ill. 2d 78, 1990.

20 In those particular cases, there was,  
21 pursuant to the rules of criminal procedure in that  
22 particular situation, there was no redirect of a  
23 government witness. However, the defendant's  
24 attorney then said, well, even though there wasn't

1 no redirect, I want to recross because after all,  
2 we have due process rights and constitutional  
3 rights involved there.

4 In both cases, the appellate court said  
5 no, if there is no right -- if there is no  
6 redirect, there is no right to recross, and that  
7 doesn't violate any constitutional right.

8 My point would be we are not governed by  
9 constitutional rules here, only due process. And  
10 if there is no right to recross when there has been  
11 no direct in a constitutional due process framework  
12 or context, there certainly can't be here.

13 I just want to make the objection for the  
14 record.

15 THE HEARING OFFICER: Is there a response?

16 MR. BLAZER: I have no further questions for  
17 this witness.

18 THE HEARING OFFICER: Okay. Well, let's do  
19 this. Before I rule on something I may not have to  
20 rule on, does anyone have anything they wish to ask  
21 this witness at this point?

22 Hearing none, I will deny the motion with  
23 leave to re-file or re-bring it, Mr. Helsten, and  
24 we will let Mr. Lannert sit down.

1 MR. HELSTEN: Thank you very much, Mr. Hearing  
2 Officer.

3 THE WITNESS: Thank you.

4 THE HEARING OFFICER: Mr. Helsten, your next  
5 witness.

6 MR. HELSTEN: Mr. Mueller will be presenting  
7 Mr. Poletti.

8 MR. BLAZER: Can we take a five-minute break,  
9 Mr. Hearing Officer?

10 THE HEARING OFFICER: Yes. Let's come back at  
11 3:45 or 3:48, something like that, but let's keep  
12 it quick so we can keep this moving.

13 (A short break was taken.)

14 THE HEARING OFFICER: Mr. Mueller, you may call  
15 your next witness.

16 MR. MUELLER: We will call Pete Poletti.

17 (Witness sworn.)

18 PETER J. POLETTI, Ph.D.,  
19 called as a witness herein, having been first duly  
20 sworn, was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. MUELLER:

23 Q. State your name, please.

24 A. My name is Peter Joseph Poletti.



1 Q. Mr. Poletti, you are here today to testify  
2 with regard to which criterion?

3 A. Second part of criterion three.

4 Q. And you have, in fact, prepared a section  
5 of the siting application that addresses that  
6 criterion?

7 A. That is correct.

8 Q. Can you tell the board briefly what the  
9 second part of criterion three is?

10 A. The second part of criterion three is the  
11 facility is located so as to minimize  
12 incompatibility with the -- excuse me. Let me  
13 start again.

14 The facility is located so as to minimize  
15 the effect on the value of surrounding property.

16 Q. And, Mr. Poletti, are you qualified to  
17 opine on that criterion?

18 A. Yes, I am.

19 Q. Have you prepared a PowerPoint  
20 presentation that is consistent with your report in  
21 the application which you would like to present  
22 with your testimony?

23 A. Yes, I would.

24 MR. MUELLER: I would ask for leave to let the

1 witness proceed in a narrative fashion.

2 THE HEARING OFFICER: Leave is granted.

3 BY MR. MUELLER:

4 Q. Let me ask you to proceed starting with  
5 the qualifications that make you expert on this  
6 criterion.

7 A. Yes. As I said, my name is Peter J.  
8 Poletti. I'm the president of Poletti &  
9 Associates, Incorporated. I've been a company  
10 since 1987. We do reports on a variety of  
11 different kind of properties. We are located in  
12 Collinsville, Illinois. And I guess to put a  
13 little levity in this serious proceeding, for those  
14 who manage -- Cub fans who manage to come down to  
15 St. Louis, we are about 15 miles east of St. Louis,  
16 and it's very likely you may have stayed in one of  
17 our motels in our town.

18 Poletti & Associates over time since 1987  
19 deals in a variety of different kinds of properties  
20 for a variety of different corporations and  
21 individuals over that time frame.

22 I'm also the Collinsville township  
23 assessor since 1977, and in our township anyway in  
24 our county, which is Madison, the assessor --

1 township assessor does it all. We literally do all  
2 -- our staff does all of the measuring, does all of  
3 the valuing, puts it all on the cards and  
4 ultimately defends the assessments in front of  
5 first the local complaint board and then eventually  
6 to the property tax appeal board for the State of  
7 Illinois if necessary.

8           So our township has something like 17,000  
9 parcels, and again, I've seen a lot of different  
10 kinds of properties over that time.

11           In terms of real estate experience, I have  
12 something like -- I guess I should make that 37  
13 years of experience because the assessor's office  
14 certainly does count for real estate experience for  
15 what we do.

16           I have also provided expert witness  
17 testimony in over 30 solid waste-related projects,  
18 and this is throughout the State of Illinois.

19           In terms of formal education, I hold a  
20 bachelor of science in forest management from the  
21 University of Illinois at Urbana.

22           I hold a master's of arts in cultural  
23 geography from Southern Illinois University of  
24 Edwardsville.

1           I also hold a Ph.D. in American studies  
2   from St. Louis University.

3           I should also add that from approximately  
4   1980 until about 2001 or something like that, I was  
5   an adjunct professor in the economics department at  
6   the University of Missouri at St. Louis.

7           I hold a certified general appraiser  
8   license in five states, including the State of  
9   Illinois and the surrounding states, such as  
10   Wisconsin, Indiana, Commonwealth -- Missouri and  
11   Arkansas I believe is one.

12          I have an MAI designation. MAI  
13   designation means I'm a member of the Appraisal  
14   Institute, which is generally considered to be the  
15   top designation that you can receive in the  
16   appraisal business. To receive that designation,  
17   you have to take an entire series of different  
18   courses, which I did take and passed that courses,  
19   write two demonstration reports at the time I did  
20   it, which is a long, detailed study of certain  
21   types of property, sit for an eight-hour exam, and  
22   have five years' worth of your experience of  
23   appraisals reviewed by MAIs to see if you are  
24   qualified to become an MAI.

1 I've also previously been a certified  
2 instructor for the Appraisal Institute where I  
3 taught some of the upper level courses, which is  
4 the report writing, advanced income courses.

5 Besides that, I'm a certified Illinois  
6 assessing officer, and I hold professional  
7 associate membership -- association of the  
8 Appraisal Institute as well as the International  
9 Association of Assessing Officers.

10 Q. Mr. Poletti, if I can interrupt you for a  
11 second, the position as township assessor, is that  
12 an elected position?

13 A. Yes, it is.

14 Q. And so you are, in fact, a public official  
15 working in the real estate appraisal area?

16 A. That is true. In fact, I think my next  
17 term starts January 1st.

18 Q. Now, Mr. Poletti, have you worked with  
19 Mr. Lannert before?

20 A. Yes, I have.

21 Q. And do the two of you work collaboratively  
22 with regard to presenting a unified approach to the  
23 two aspects of criterion three in siting?

24 A. Yes, we do.

1           Q.    Do you rely on his work as is relevant in  
2   terms of the property value assessments and impact  
3   that you have considered?

4           A.    Yes, I do.

5           Q.    With that then, I would ask you to proceed  
6   with your presentation in terms of what you did at  
7   this site.

8           A.    Okay.  As I stated a little bit earlier,  
9   my scope of my work here is to look at the facility  
10  is located so as to minimize the effect on the  
11  value of the surrounding property.

12                   I think the working term here is  
13  "minimize" because we're looking to see -- the  
14  state government basically at the time they wrote  
15  this made the assumption that there was an effect  
16  or potential effect on the value of surrounding  
17  property, and they deem it necessary to minimize  
18  that effect.

19                   To do that, we are really going to be  
20  looking at basically the proposed transfer site.  
21  You've seen this map with Mr. Lannert, so I'm going  
22  to save some time this afternoon, and I'm not going  
23  to reiterate all of the different aspects of the  
24  things that he went through except to point out

1 once again that the site is located right here at  
2 the corner of Porter Drive and Belvidere Road or  
3 120, and again, the various land uses which I did  
4 take into account in my analysis.

5 Some of the information sources we would  
6 look at: Personal inspection of the site and area,  
7 drive around, look around, see what the land use is  
8 being used for and so forth, and Mr. Lannert and I  
9 did do that together.

10 A review of some of the published  
11 literature that's occurred concerning transfer  
12 stations, publicly available transaction data  
13 around existing transfer stations. In other words,  
14 this study -- and I'll get into a little more  
15 detail in a little bit, but this study is really  
16 two parts. It's -- the major part of this study is  
17 a qualitative type of study, what could be done to  
18 minimize impact. The second part is a quantitative  
19 study. In other words, we are looking at actual  
20 sales that have occurred around transfer stations,  
21 existing transfer stations, and see if there is an  
22 impact on property values.

23 Those sales and those studies, those  
24 quantitative studies, really basically collaborate

1 with some of these other types of qualitative  
2 analyses that we do.

3 I also look at previous studies done by my  
4 own company, Poletti & Associates, Incorporated.

5 Review the surrounding land use, certainly  
6 not in as much detail as Mr. Lannert did, but we do  
7 look at that.

8 View the host agreement and the siting  
9 application, site design, building design, proposed  
10 operations.

11 The methodology involved is a review of  
12 the proposed lake transfer station design, which I  
13 think Mr. Moose has talked about extensively.

14 Inspect the lake transfer station  
15 property, which, of course, at this point in time  
16 is vacant.

17 Review of land use in the surrounding  
18 area, which I think Mr. Lannert went through in a  
19 great deal, but just to reiterate, we have some  
20 vacant land or open space. We have industrial uses  
21 what I recall in the vicinity, which is where we  
22 have my concept which later on we'll call our  
23 target area.

24 Analyze the local property transactions



1 near existing transfer stations and evaluate the  
2 effect of those other existing transfer stations on  
3 surrounding property values.

4 So what are some of the things we are  
5 looking at when we are looking at the qualitative  
6 part of the study? We are looking to minimize the  
7 effect of this station, this potential station, on  
8 surrounding property values.

9 And there are certain things in my  
10 experience as an appraiser would tell me that these  
11 things work not just for this type of a property,  
12 but for others, too, in all of my experience I've  
13 seen both as assessor, as a private appraiser.

14 The proposed transfer station will be  
15 constructed of concrete steel and all transfer  
16 activities will occur inside of the building. So  
17 it's going to be a covered station. It's going to  
18 be inside. It's not going to be out in the open or  
19 things like that.

20 The facility design includes berms,  
21 landscaping, a bio-swale and a storm water basin.  
22 Those are again on the property. So those provide  
23 buffers. They provide -- as Mr. Lannert indicated  
24 earlier, they provide buffers. They provide

1 filtered views of the site.

2           You're not going to see just a building  
3 set out onto an open table. It's going to be  
4 covered, and this is an important thing, again, in  
5 any kind of property you're concerned with the  
6 value or a loan or for tax assessment or for this  
7 type of an evaluation here. So we are looking --  
8 you know, one of the first things I've always  
9 looked at is how are the aesthetics or how does  
10 that attribute to things.

11           Automatic rubber doors will be used in the  
12 morning hours as a precautionary measure to assure  
13 minimization of noise.

14           Significant roadway and intersection  
15 improvements are proposed. We'll be hearing from  
16 Mr. -- the traffic person.

17           The proposed transfer station has a  
18 comprehensive operating plan that details waste  
19 acceptance and handling procedure, nuisance control  
20 procedures, staffing and equipment requirements and  
21 cleaning procedures. I think those are all  
22 important because what they are really addressing  
23 here, those operating procedures and that are  
24 addressing, in fact, that we are going to be

1 operating in compliance with all requirements we  
2 need to, and we are going to be a well-run and  
3 well-operated facility, which again helps to  
4 minimize the property, its impact or potential  
5 impact on the property.

6 THE HEARING OFFICER: Just a moment.

7 (Discussion off the record.)

8 MR. KARLOVICS: Let the record reflect that  
9 Linda Lucassen has arrived at 3:00 p.m.

10 THE HEARING OFFICER: Please proceed.

11 THE WITNESS: Also, we are going to have  
12 off-site street sweeping and litter collection are  
13 proposed within the operating plan. Again, that  
14 goes to the operating -- as I said, a well-run  
15 operating facility to tend to minimize -- I can't  
16 really hear anything.

17 THE HEARING OFFICER: It's going.

18 THE WITNESS: Will tend to minimize any impact  
19 on the surrounding property values.

20 I want to note here that these things are  
21 located on the property, on the property itself.

22 Some of the off-site things we looked at,  
23 and again will help to minimize the impact on  
24 surrounding property values; the proposed transfer

1 station is buffered from surrounding residential  
2 areas by distance; intervening industrial and open  
3 space land uses and vegetation.

4 I think one of the things we pointed out  
5 that we are well -- we can go to the next one  
6 first. The open space and the industrial land use  
7 count from Mr. Lannert's -- 59 percent of the area  
8 within a one-mile radius of the proposed site, open  
9 space industrial land. As you get closer and  
10 closer, it becomes more dominant as the two uses.  
11 73 percent of the area is within a one-half mile  
12 radius of the proposed site, and 100 percent of the  
13 area is within a thousand-foot radius of the  
14 proposed site. And there is no residential  
15 property or dwellings located within 1,000 feet, as  
16 mandated by state law.

17 Q. Now, Mr. Poletti, all of the things that  
18 you've talked about now are the things that the  
19 developer and owner have done in terms of design  
20 and location; is that correct?

21 A. That is correct.

22 Q. And these, as you indicated, to reiterate,  
23 are the kinds of things that you evaluate routinely  
24 as part of your job as an assessor and an appraiser

1 as the kinds of things that will tend to minimize  
2 the impact or potential impact of the property on  
3 surrounding values, correct?

4 A. That is correct.

5 Q. Based upon your analysis of what this  
6 developer has done by way of location, buffering  
7 and design of the facility, do you have an opinion  
8 as to whether the developer has minimized the  
9 potential impact on surrounding property values?

10 A. Yes. It is my opinion that they have  
11 minimized the potential impact on surrounding  
12 property values.

13 Q. Now, even though you are confident in your  
14 own opinion based upon all of the years that you  
15 have in this field, did you also perform a  
16 quantitative analysis at other transfer station  
17 sites to see if that would corroborate your  
18 qualitative opinion?

19 A. Yes, I did.

20 Q. And can you tell the village board about  
21 the quantitative study that you performed?

22 A. We looked at three existing transfer  
23 stations: The Glenview transfer station in  
24 Glenview, Illinois, operated by Groot. This is

1 sometimes called the SWANCC station. It's located  
2 -- I'll get into a little bit more where it's  
3 located after I explain the other two.

4 The second station is the Elburn transfer  
5 station, Elburn, Illinois, which I think was  
6 referenced before. That's operated by Waste  
7 Management.

8 And the third one is the Bluff City  
9 transfer station in Elgin, Illinois, which is also  
10 operated by Waste Management.

11 Now, case study methodology is a  
12 comparison of sale prices of similar properties  
13 between a target area and a control area at similar  
14 operating facilities.

15 The target area is the surrounding area  
16 where property values may be affected by proximity  
17 to a transfer station.

18 You then take whatever information you got  
19 there, and you look at for a control area, you want  
20 to find some place pretty similar but relatively  
21 close by but away from the transfer station. In  
22 this scenario where property values are not  
23 affected, it would not be expected to be affected  
24 by a transfer station. You're basically comparing

1 two things.

2 Q. Who selects the target and control areas?

3 A. I would be the one selecting the target  
4 and control areas.

5 Q. And what are your criteria for making that  
6 selection?

7 A. The criteria is based on my experience and  
8 knowledge of these types of facilities and 30 some  
9 years in the real estate business really.

10 Q. And how many of these types of studies  
11 with target and control areas have you performed in  
12 the past?

13 A. Well, they go beyond the ones for the  
14 waste facilities. There is other types, too, where  
15 I've also used the same procedures.

16 Q. Is this something that other appraisers  
17 also use in terms of methodology?

18 A. Yes, they would.

19 Q. I am sorry to interrupt.

20 A. If we go back, and I'll probably really,  
21 really bore you at this point. What we are going  
22 to do is we are going to look at the sale price,  
23 but we have to look at them from a statistical  
24 thing, and I'm not going to go into a lot of detail

1 and tell you all about the statistics and how we do  
2 it. So I want to try keep that relatively short,  
3 but we want to make sure that these are not just  
4 differences that are random. So let's take a look  
5 at this in a little more detail, but not too much.

6 This is the Wheeling transfer -- Glenview,  
7 excuse me, transfer facility down here in the lower  
8 right-hand corner located -- this is U.S. 45 or  
9 Des Plaines River Road.

10 This area right here is the Maryville  
11 Academy, I believe, and just south is the Shrine of  
12 Our Lady of Guadalupe.

13 Just to the west of it is our target area,  
14 which is located right here, about 800 feet from  
15 the building -- from the facility. Excuse me.

16 Q. And the target area is outlined in yellow,  
17 correct?

18 A. The target area is outlined in yellow.  
19 The control area is the area to the north of here.  
20 These are fairly similar areas. There are some  
21 differences, but I think they are fairly similar.

22 And as I said, we looked at this both from  
23 a -- just looking at the plain averages of two  
24 areas, size of housing -- or based on the size --



1 price per square foot.

2 THE HEARING OFFICER: Mr. Mueller, I don't mean  
3 to interrupt, but at this point now you're  
4 referring to document -- to photographs in this  
5 report. I think maybe we should mark this as  
6 Applicant's Exhibit 6 so that -- or refer to this  
7 picture is also in the report. Either way, however  
8 you wish to do it.

9 MR. MUELLER: Mr. Helsten is going to mark it.  
10 (Whereupon, Applicant's Exhibit  
11 No. 6 was marked for  
12 identification.)

13 MR. KARLOVICS: I don't know if the record  
14 reflected I made a previous request to indicate for  
15 the record that Mayor Linda Lucassen is present at  
16 4:03 p.m.

17 THE HEARING OFFICER: Thank you.

18 For the record, Mr. Poletti's report has  
19 been marked as group or Applicant's Exhibit 6.  
20 That is, I'm sorry, his PowerPoint presentation.

21 You may proceed. I apologize,  
22 Mr. Mueller.

23 BY MR. MUELLER:

24 Q. Mr. Poletti, so that the written record is  
49

1 clear, you're looking at your slide number 12,  
2 correct?

3 A. That is correct.

4 Q. Can you tell the village board what the  
5 numbers on that slide mean?

6 A. The numbers on there talk about the target  
7 and control area for the Glenview transfer station.

8 We give the sample size, how many houses  
9 sold, and we did look at every house that is sold  
10 in both the target and the control area.

11 Am I talking loud enough? I'm used to  
12 talking to huge classes. I'm sorry. I think this  
13 is easier.

14 We also looked at the sample mean for  
15 those two areas. The mean for the target area is  
16 \$162.01, while for the control area is \$154.97.

17 Now, to make sure that that isn't just  
18 random -- the random pick of the sample that is  
19 available to us, we have to look at that  
20 statistically. I will tell you that there is no  
21 measurable statistical difference between those two  
22 means and that we would have to say there is no  
23 difference in price.

24 I want you to know, though, in this case

1 the target area was slight -- somewhat higher, at  
2 least on the raw numbers, from the control area,  
3 but statistically there is no difference.

4 We also looked at it in terms of a  
5 multiple regression analysis. Now, this is a big  
6 word that gets a lot of people going, but basically  
7 what it does, it starts -- this is something that  
8 models more closely with the way you buy a house,  
9 make it relatively somewhat more closely.

10 MR. CLARK: Mr. Hearing Officer, I can't hear  
11 him.

12 THE HEARING OFFICER: I think you have to go  
13 back to the microphone. The one thing I found, if  
14 you put it more out, it seems to work better.

15 THE WITNESS: Okay. In this case, what you're  
16 looking for is the sale price of the house. And we  
17 looked at this based on a series of variables that  
18 are available through the public record.

19 One is proximity. Proximity is a variable  
20 that reflects whether it's in the target area or  
21 the control area. The second one is the size of  
22 the house. The third one is the sale date, age of  
23 the house, whether it's brick or frame, full  
24 basement or not, partial basement or not, a

1 recreation room, a garage, the baths and a  
2 fireplace. And again this is subjected to a test.  
3 Again, it's what we call a t-test, which is the  
4 standard operating type of thing that statisticians  
5 look at. And the number here, over here in this  
6 column, are t-stats. I will tell you that at this  
7 level is insignificant. Again, there is no  
8 difference between prices between -- no measurable  
9 difference between prices located near an operating  
10 transfer station. This one is the Glenview one and  
11 some distance away.

12 We also looked at the Elburn transfer  
13 station. I want to spend a tiny bit more time on  
14 the Elburn one because this is an interesting one.

15 The Elburn station has been in operation  
16 since the early 1990s. I think since 1992. It's a  
17 Waste Management facility. It's located on  
18 Keslinger Road west of Geneva, just slightly east  
19 of LaFox, Illinois.

20 The area here, the stations up -- sorry  
21 about that. The station is located up here to the  
22 north of Keslinger Road. To the south is we have a  
23 senior citizen center which is being constructed,  
24 assisted care senior citizen center, a very

1 high-upscale one, and a public school.

2 This entire area through here is the Mill  
3 Creek development, which all occurred after -- all  
4 of this development, in fact, south of Keslinger  
5 Road occurred after the transfer station was  
6 operating.

7 We again looked at the target control  
8 areas for those two. Again, the target area is the  
9 in the yellow. The control area is in the blue.  
10 And the target area had a sample mean of \$139.79 a  
11 square foot while the control area had a sample  
12 mean of \$138.72 a square foot. Again,  
13 statistically there is no measurable difference  
14 between those two samples.

15 Also looked at it, of course, from a  
16 multiple regression standpoint. And I'll just read  
17 off the variables here because I think they are  
18 slightly different than they are for the ones in  
19 Glenview.

20 Again, proximity variable, size, sale  
21 date, age, basement finished, garage, baths,  
22 fireplace, golf course, and open space.

23 Now, these -- this, as I said, this is a  
24 community where they have golf courses. It's an

1     upscale community, too. And again, we looked at  
2     the t-statistic for that variable proximity, and  
3     again it's less than the standard t that you would  
4     get out of a -- there is no measurable difference  
5     between the two areas that I could --

6           Q.    Let me interrupt you for a second. When  
7     you say "proximity," proximity to what?

8           A.    Proximity represents the target area and  
9     control area.

10          Q.    So you're saying that there is no  
11     statistical -- statistically significant difference  
12     first with sale prices in your two areas based upon  
13     proximity?

14          A.    That is true.

15          Q.    And the multiple regression analysis also  
16     controls for other variables that may cause  
17     differences in home prices, right?

18          A.    Controls for all of those different  
19     variables that we have listed here that affect --  
20     even the primary ones that affect home prices.

21          Q.    Can we go back to the picture of the  
22     Elburn transfer station?

23          A.    Right there.

24          Q.    And you indicated most of this development

1 occurred after the station was built and began  
2 operating?

3 A. That's true.

4 Q. The same is true with Glenview, isn't it,  
5 in terms of the homes, that you analyzed there?

6 A. Yes. The fact is in Glenview, the target  
7 area, there is a number of homes there that were  
8 bought, existing homes, they demolished them and  
9 they are building very expensive homes in their  
10 place. It is being continued to be developed.  
11 That area, as I said, begins 800 feet away from the  
12 transfer station.

13 Q. So you're telling me that there is  
14 actually in close proximity to the transfer station  
15 teardowns of older homes so that people can put up  
16 new, big, mega homes?

17 A. Yes.

18 Q. Can we move on then to the third facility  
19 that you studied?

20 A. This is the Bluff City transfer station,  
21 which is located up here in the red area here.  
22 Again, we have the target area in yellow with the  
23 control area in blue. We have two different  
24 control areas in this one.

1           Some of this development occurred before  
2   the transfer station was there and some of this  
3   occurred after the transfer station had been there.  
4   The transfer station was developed sometime around  
5   2003 to '4, in that general area.

6           Again, we looked at it from a statistical  
7   standpoint and looked at it from an average price  
8   standpoint. The target area had a sample mean of  
9   134.29 per square foot, and the control area had a  
10   sample mean of \$137.76 per square foot. Again,  
11   statistically there is no difference in prices  
12   between those two averages. The difference is  
13   really --

14         Q.   Now, Mr. Poletti, at the three transfer  
15   facilities that you studied, was there any evidence  
16   that the operation of a solid waste transfer  
17   station impairs development in the immediate  
18   vicinity?

19         A.   No, there is no evidence of that.

20         Q.   Based upon the quantitative studies that  
21   you did, do you have an opinion as to whether or  
22   not they corroborate the --

23         A.   Do you want me to do --

24         Q.   Oh, I'm sorry.



1 THE HEARING OFFICER: You know what,  
2 Mr. Poletti. I don't think she was able to get  
3 that, at least I wasn't. So if you could say that  
4 again.

5 THE WITNESS: I just asked if you wanted to  
6 know -- if you wanted me to summarize the multiple  
7 regression analysis we did on Bluff City.

8 BY MR. MUELLER:

9 Q. Please, go ahead.

10 A. The multiple regression analysis involved  
11 again proximity, size, sale date, age, if it has a  
12 full basement, partial basement, a rec room,  
13 garage, bath, fireplace. And again statistically  
14 there was no difference between the two areas.

15 Q. So what do these quantitative studies tell  
16 you, sir?

17 A. Well, what it tells me is that it  
18 corroborates what I suspected from a quantitative  
19 study that we did -- qualitative study that we did  
20 and that those types of things that they do around  
21 transfer stations, well-run transfer stations,  
22 designed -- well-designed, operating in compliance  
23 with the various government authorities, and  
24 especially with the State of Illinois, has no

1 measurable effect on property values and minimize  
2 that -- and we have, in fact, minimized the  
3 potential impact on surrounding properties.

4 Q. Now, you drove by the Glenview station, I  
5 assume?

6 A. Yes, I did.

7 Q. That's the one operated by the applicant  
8 here, correct?

9 A. Correct.

10 Q. Can you tell the village board what you  
11 physically observed when you viewed that facility  
12 and the surrounding area?

13 A. That facility is located -- there is trees  
14 along Des Plaines River Road. You drive into that  
15 facility. It's a fairly similar type of facility,  
16 a little different construction and certainly  
17 larger than what the proposed one is, but it's a  
18 fairly similar facility.

19 I saw absolutely no evidence of blowing  
20 trash or any other operation types of things that  
21 would be detrimental. Trucks were coming in,  
22 pulling into the building. We went into the  
23 building and actually went through the viewing  
24 gallery that they had of that facility. We

1 looked -- looked at what was going on. It was a  
2 very well-run facility.

3 Q. And visually did it fit into the  
4 surrounding area?

5 A. Yes.

6 Q. So, Mr. Poletti, once again, based upon a  
7 reasonable degree of scientific and professional  
8 certainty, do you have an opinion as to whether or  
9 not the proposed lake transfer station is so  
10 located as to minimize the effect on surrounding  
11 property values?

12 A. Yes. It is my professional opinion that  
13 the facility is located so as to minimize the  
14 effect on surrounding property value.

15 Q. And the basis of that opinion, sir?

16 A. The basis is the proposed transfer station  
17 design includes numerous features and operating  
18 procedures that will minimize the effect on the  
19 surrounding property value.

20 The proposed transfer station is buffered  
21 from the surrounding residential area by distance,  
22 intervening industrial and open space land use and  
23 vegetation.

24 An analysis of three similar operating

1 transfer stations indicate there was no  
2 statistically measurable difference in sales prices  
3 for properties located near those facilities and  
4 those some distance away, thereby corroborating  
5 what my qualitative analysis would indicate.

6 MR. MUELLER: Thank you, Mr. Poletti. We have  
7 no further questions and would tender the witness.

8 THE HEARING OFFICER: Mr. Blazer.

9 MR. BLAZER: Thank you.

10 CROSS EXAMINATION

11 BY MR. BLAZER:

12 Q. Mr. Poletti, in you capacity as an  
13 appraiser, did you appraise any properties here?

14 A. No, I did not.

15 Q. All right. Well, then I take it your role  
16 is an assessor. Did you assess any properties  
17 here?

18 A. I don't think that's legal.

19 Q. All right. Well, in the last five years,  
20 could you tell me how many properties you appraised  
21 within a one-mile radius of the proposed site?

22 A. I have not appraised any properties within  
23 a one-mile radius.

24 Q. And I assume it's safe to say that you

1 haven't assessed any properties within a one-mile  
2 radius of the proposed site?

3 A. Well, since I don't think I'm not the  
4 elected official here for that position, I would  
5 say that's true.

6 Q. In your report -- you didn't mention these  
7 in your presentation here -- you say that there  
8 have been several studies of transfer stations in  
9 the Chicago area, right?

10 A. That is true.

11 Q. And you identify four of them in your  
12 report?

13 A. I don't remember how many I identified,  
14 but there are several in there.

15 Q. Well, one of those was a 1997 report by a  
16 William McCann for the company that applied for  
17 siting approval for the DuKane transfer station,  
18 remember that?

19 A. Yes.

20 Q. And that's a transfer station that is  
21 currently owned by Groot?

22 A. Yes.

23 Q. And the other three reports that you cited  
24 in your report were all done by Integra Realty

1 Resources; is that correct?

2 A. I believe so.

3 Q. And all of those were also done for the  
4 companies that were seeking siting approval,  
5 correct?

6 A. I believe so.

7 Q. Did you identify any reports in your  
8 report for any projects in Illinois that weren't  
9 written by people working for them -- for, excuse  
10 me, for waste companies?

11 A. In Illinois?

12 Q. Yes.

13 A. No, I did not.

14 Q. You also say in your report that the  
15 subject property is located -- this is on page 14,  
16 I'm sorry, of your report -- that the subject  
17 property is located such that the most proximate  
18 residential areas are an industrially zoned mobile  
19 home park located to the northwest and several  
20 townhome units located along Huntington Drive and  
21 Chatham Lane; is that correct?

22 A. Yes, sir.

23 Q. And the mobile home park, of course, that  
24 you referred to is Timber Creek?

1 A. Yes.

2 Q. And you are aware that that's legal use?

3 A. Yes.

4 Q. Mr. Helsten asked you -- excuse me.

5 Mr. Mueller asked you, and I believe you answered  
6 in the affirmative, that you worked collaboratively  
7 with Mr. Lannert on this project; is that correct?

8 A. Yes.

9 Q. And you relied on his work as part of the  
10 basis for your report; is that correct?

11 A. Yes.

12 Q. What parts of his work did you rely on as  
13 part of the basis for your report?

14 A. Basically his expertise in designing the  
15 berms and the on-site things such as that,  
16 affirming the plants.

17 Q. Can we see slide 8, please? That's the  
18 one. That's one of your slides, right?

19 A. Yes.

20 Q. It looks amazingly familiar to one of  
21 Mr. Lannert's slides. Where did you get those  
22 percentages?

23 A. Those came from Mr. Lannert.

24 Q. Would it be safe to assume that you didn't

1 discuss with him the advisability of stating the  
2 combined percentages of commercial and open space?

3 A. We never discussed that.

4 Q. Or the combined percentages of residential  
5 and open space, you didn't discuss that either?

6 A. No, we did not.

7 Q. I didn't see anywhere in your report any  
8 mention of this proposed facility's operating  
9 hours. Is there any mention in your report of this  
10 facility --

11 A. No, there is not.

12 Q. What are the hours of operation as you  
13 understood it?

14 A. My understanding is they are going to be  
15 something like 4:00 o'clock to I think 6:00 o'clock  
16 normally with potential to be 24 hours.

17 Q. And then could you pull up slide 7 for a  
18 moment? The third bullet there, it says, Automatic  
19 rubber doors will be used in the morning hours as a  
20 precautionary measure to assure minimization of  
21 noise.

22 Did I read that correctly?

23 A. Yes.

24 Q. And by "morning hours," I assume you mean



1 4:00 a.m. to 8:00 a.m.?

2 A. I believe something on that order.

3 Q. Where did you get that information from?

4 A. From Mr. Moose.

5 Q. And did Mr. Moose tell you that other than  
6 those four morning hours, these doors will be open  
7 twenty hours a day?

8 A. Yes.

9 Q. When did he tell you that?

10 A. Before I finished the report.

11 Q. Before the application was filed?

12 A. I believe. I don't know.

13 Q. Okay. You talked about three transfer  
14 stations when you did your multiple regression  
15 analysis, correct?

16 A. That's correct.

17 Q. The first one was the Glenview station?

18 A. Yes.

19 Q. And has anybody told you that the  
20 operating hours for the Glenview station are Monday  
21 through Friday, 6:00 a.m. to 9:00 p.m., Saturday  
22 6:00 a.m. to noon?

23 A. I believe I knew that.

24 Q. When did you know that?

1           A.   Probably more recently than four -- I'm  
2   not quite sure -- I'm not sure when I knew that.

3           Q.   Did you learn that after you submitted  
4   your report?

5           A.   I'm going to say it may have been after I  
6   submitted the report.

7           Q.   So it would have been after this  
8   application was filed?

9           A.   No, I don't believe it was after this.

10          Q.   The next one that you talked about is the  
11   Elburn transfer station?

12          A.   Yes.

13          Q.   And did anybody tell you that the  
14   operating hours for that station are Monday through  
15   Saturday 6:00 a.m. to 6:00 p.m.?

16          A.   No.

17          Q.   And the third one is Bluff City?

18          A.   Yes.

19          Q.   That's the one in the mining operation?

20          A.   I don't know if I would characterize it as  
21   a mining operation.

22          Q.   Did anybody tell you that the operating  
23   hours for that facility are Monday to Saturday,  
24   4:00 a.m. to 8:00 p.m.?

1           A.    I thought those -- they had potential to  
2 go 24 hours on that.

3           Q.    What led you to think that?

4           A.    As I stand here, I can't tell you --  
5 really tell you, but I believe --

6           Q.    You have no idea?

7           A.    No.

8           MR. BLAZER: That's all I have.

9           THE HEARING OFFICER: Mr. Grossmark?

10                               CROSS EXAMINATION

11 BY MR. GROSSMARK:

12           Q.    Sir, when did you learn that there was a  
13 possibility that the site --

14           THE HEARING OFFICER: Mr. Grossmark, you're  
15 going to have to speak up a little bit. It got a  
16 little muffled for us up here.

17 BY MR. GROSSMARK:

18           Q.    Sir, when did you learn that the proposed  
19 site could operate 24 hours a day?

20           A.    Sometime before I submitted the report.

21           MR. GROSSMARK: I don't have any more  
22 questions. Thank you.

23

24

1 THE HEARING OFFICER: Mr. Clark.

2 CROSS EXAMINATION

3 BY MR. CLARK:

4 Q. Why did the application state that it was  
5 going to be a 24-hour operation?

6 A. I don't know if I've ever looked at the  
7 hours in any of these applications.

8 Q. Have you reviewed other portions of the  
9 application?

10 A. I've looked at those, yes.

11 Q. Does that state that there was going to be  
12 a 24-hour operation?

13 A. I believe I got that from Mr. Moose or  
14 Mr. Lannert.

15 Q. How many hours have you spent reviewing  
16 the area around the proposed site?

17 A. Here?

18 Q. Yes.

19 A. I'm going to say probably a total of two,  
20 three days.

21 Q. Eight hours a day?

22 A. About eight hours in any one day. It  
23 would be several trips up, several trips back.

24 Q. So how many total hours would you say

1     you've spent inspecting the area?

2           A.     Well, somewhere between 16 and 24 I would  
3     say, something on that order.

4           Q.     You did an analysis of three different  
5     transfer stations, one of which is operating -- the  
6     Glenview site operated by Groot, correct?

7           A.     Correct.

8           Q.     Why didn't you do an analysis of some of  
9     the other Groot facilities?

10          A.     Well, the one I'm somewhat familiar with  
11     is DuPage, more than the other ones. There is --  
12     the problem with DuPage in doing my type of study  
13     is I primarily look at residential property because  
14     that's the most sensitive type of properties that  
15     would be affected by -- potentially could be  
16     affected. And if I look at the Groot facility in  
17     DuPage, what we have is it's an industrial area.  
18     It's located within an industrial area on Powis  
19     Road. Right across from the street from that you  
20     have the DuPage Airport with jets flying in and  
21     out. And the nearest residential property of any  
22     consequences is a set of townhouses probably I want  
23     to say a half a mile away.

24          Q.     And did you do an analysis originally for

1     that facility?

2           A.    I did one some years ago.

3           Q.    Was that part of a local siting?

4           A.    Excuse me?

5           Q.    Was that -- did you do a local siting on  
6     that facility?

7           A.    No, I did not.

8           Q.    Have you done a local siting for any  
9     other -- any of Groot's other facilities?

10          A.    No, I have not.

11          Q.    If you -- someone did a review, correct,  
12     for their other facilities?

13          A.    You mean for the DuPage one?

14          Q.    Yes.

15          A.    I'm not sure -- possibly either Integra or  
16     Payne (phonetic).

17          Q.    Well, had you done an analysis of that  
18     facility, wouldn't that verify their conclusion in  
19     that hearing?

20          A.    Well, I think what I just stated was that  
21     the houses that are located -- and I would be  
22     primarily looking for houses are located so far a  
23     distance from that, as well as the influence from  
24     the airport, that any kind of reliability of that

1 study would be very questionable in my mind, from  
2 my experience.

3 Q. Groot runs four transfer stations in the  
4 area, is that correct, or more?

5 A. They probably own some other ones, yes.

6 Q. Wouldn't this have been of value to the  
7 village board had you done a review of one of those  
8 facilities where they are actually operating, and  
9 they are operating experience will be reflective  
10 upon the property values?

11 A. We did at Glenview.

12 Q. That's the only one, correct?

13 A. Yes.

14 Q. On page 4 of your report at the top, you  
15 define a control area, and I'm going read it. Tell  
16 me if it's correct.

17 Control area is a region removed from the  
18 target area and the operating transfer facility,  
19 and it's defined by professional experience such  
20 that the property values would not be affected by  
21 the use of the study.

22 A. Correct.

23 Q. Is that correct?

24 A. Yes.

1 Q. And so you picked both the control areas  
2 as well as target areas, correct?

3 A. Yes.

4 Q. So your study is as good as the control --  
5 as good as you are in picking the control areas and  
6 the target areas, correct?

7 A. I don't think -- you know, I have a lot of  
8 experience doing this. I've done this on several  
9 different occasions, including at least once for  
10 you. So I, you know, I feel that I'm very  
11 confident in the areas I picked.

12 Q. So your conclusion, and I believe it's on  
13 one of the slides, is that -- if you can find the  
14 slide for me.

15 The basis of your opinion is that there is  
16 no statistically measured difference in sales  
17 prices for properties located near those facilities  
18 and those some distance away from the facilities?

19 A. No. The basis of my opinion is the fact  
20 that we have done all of these things to minimize.  
21 We do a qualitative type of analysis. The  
22 quantitative, which is the statistical analysis,  
23 collaborates that opinion.

24 Q. That statistical analysis is as good as



1 the picking of the control and the target areas,  
2 correct?

3 A. I would think that if you have experience  
4 doing them, you can tell where you want to put --  
5 those areas should be.

6 Q. Have you ever testified in opposition to  
7 an application for local siting?

8 A. No.

9 Q. You also come to the opposite conclusion  
10 that, in fact, that the effect of a transfer  
11 station affects both properties near and not so  
12 near?

13 A. No.

14 Q. You said there is statistically no  
15 difference between the values of properties control  
16 areas --

17 A. Maybe I misunderstood --

18 THE HEARING OFFICER: One second, Mr. Poletti.  
19 Let him finish the question.

20 MR. MUELLER: I think the witness misunderstand  
21 the last question.

22 THE HEARING OFFICER: And, Mr. Mueller, that's  
23 fine. The point is she can't take down both.

24 Okay. So if --

1 MR. CLARK: I'll rephrase the question.

2 THE HEARING OFFICER: Please.

3 BY MR. CLARK:

4 Q. You said statistically there is no  
5 difference between your target areas and your  
6 control areas, correct?

7 A. Correct.

8 Q. And because there is statistically no  
9 difference, you've created an opinion, correct?

10 A. I created an opinion based upon a  
11 qualitative analysis that we did collaborated by  
12 the statistical or quantitative analysis.

13 Q. Isn't the opposite conclusion just as  
14 likely, that, in fact, a transfer station affects  
15 the value of property farther away equally to the  
16 effect it has to residential property close?

17 A. What do you mean by "far"?

18 Q. I don't know. You're the one picking the  
19 target area and the control area.

20 A. And I feel that the distance that we had  
21 chosen for the control areas is more than adequate  
22 to represent where there would not be an effect  
23 from the transfer station.

24 Q. So, again, your opinion -- your picking of

1 the target area is integral to your opinion,  
2 correct?

3 A. Say that again, please.

4 Q. The control area that you pick is integral  
5 to your conclusion, correct? If you pick the wrong  
6 control area, all of your results are skewed.

7 A. No. I'm going to look for control areas  
8 that are similar in nature to my target area.

9 Q. And you looked at a number of different  
10 variables, correct?

11 A. Yes.

12 Q. And you had different variables for a  
13 couple of the different transfer stations that you  
14 looked at?

15 A. Two of them, yes.

16 Q. Okay. Why do you use different criterion  
17 for different facilities?

18 A. Because the data available in Kane County  
19 is different than the data available online in Cook  
20 County. If you notice the two Cook County ones had  
21 the same variables. The Kane County one has a  
22 different set of variables within their assessor's  
23 office records.

24 MR. CLARK: I don't have anything further,

1 Mr. Hearing Officer.

2 THE HEARING OFFICER: Mr. Sechen.

3 CROSS EXAMINATION

4 BY MR. SECHEN:

5 Q. Very briefly. Professor Poletti, is it  
6 accurate that the multiple regression analysis  
7 takes care of many of Mr. Clark's perceived  
8 problems?

9 A. Yes.

10 MR. SECHEN: No further questions.

11 THE HEARING OFFICER: Mr. Mueller?

12 MR. MUELLER: Pardon me?

13 THE HEARING OFFICER: Do you have any redirect?

14 MR. MUELLER: If I can turn this on, we have no  
15 further questions for Professor Poletti.

16 THE HEARING OFFICER: Okay. I don't really see  
17 much there that needs to be -- there wasn't much  
18 there on cross, or otherwise unless somebody has a  
19 particular question they wish to ask, is there  
20 anybody? Hearing none, thank you, Mr. Poletti.

21 It is now 4:45. How long do we think  
22 Ms. Seibert's direct is going to take, Mr. Mueller  
23 and Mr. Helsten?

24 MR. HELSTEN: I would think it would take an

1 hour. I could be wrong, maybe not quite that long.

2 Maybe the direct would not take quite that long.

3 THE HEARING OFFICER: Well, maybe this is a

4 good time to take a break. We haven't had one.

5 We'll take our dinner break now. I would like the

6 attorneys to come up, and if anyone -- everyone is

7 amenable to going off the record and trying to

8 discuss scheduling of the next couple of days. And

9 then why don't we plan on being back here at ten to

10 6:00 or let's make -- let's start at 6:00 and try

11 and get Ms. Seibert done tonight. Thank you.

12 (Whereupon, further proceedings

13 in said cause were adjourned to

14 September 24, 2013, at 6:00

15 p.m.)

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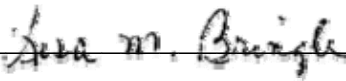
24

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF COOK )  
4

5 LISA M. BRINGLE, 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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Lisa M. Bringle, CSR

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Lic. No. 084-003301

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