

# **PUBLIC COMMENTS**

Public Comments are submitted by the public and are not reviewed or endorsed by the Village.



Dear Barrington Hills Neighbor,

Countryside Elementary School, located in Barrington, has a very aggressive PTO that generously supports its teachers and 450 students. Over the years, many educational and recreational items have been fulfilled by the PTO's annual fundraising efforts, such as technology and sporting equipment. All of the PTO funds are generated and raised by the valuable and dedicated Countryside families.

This year, we are embarking on a true "Legacy" Project. With the support of the Barrington 220 School District, our PTO and the Barrington Hills Park District, we have embarked on a truly ambitious project.

"Hoop Dreams" is the installation of a *full-sized outdoor basketball/sport court* on the grounds of Countryside Elementary School. This project has a start date of June 2016 and the total cost is approximately \$72,000. Countryside Students will enjoy the basketball/sport court at recess and during physical education (PE) class. The PE department is enthusiastic about using the court for a variety of activities such as outdoor hockey, jump rope, four square and fitness stations, as well as basketball. In addition, the court will be available to the Barrington Hills Park District and community members outside of school hours.

As a valuable member of the Barrington community, we want to provide you with the opportunity to support and receive recognition for a legacy project in our community. We have developed various Hoop Dreams sponsorship programs that will provide you with the ability to be a permanent fixture of the courts and receive the recognition you deserve for helping Countryside Students.

Please take a moment to review the opposite page for the various budget-friendly sponsorship programs. By participating in any of the exciting sponsorship opportunities, you will also be helping us enrich the lives of the students of our school and the children in our community.

Your sponsorship or gift will make a difference. Please consider giving a tax deductible donation to our "Hoop Dreams" project. The Countryside PTO is a 501(3)(c) organization and the full amount of your donation will be earmarked for this Hoop Dreams project.

Thank you for helping us transform the way our children learn and play.

Sincerely,

Anne Horwath  
Hoop Dreams Chairperson



## Hoop Dreams Sponsorship Commitment Form

*Please print your information and check your level of commitment below:*

### **Slam Dunk (two available)**

Your family or corporate name will be affixed to one of the two main basketball poles. Special placement on the donor plaque permanently affixed inside the school. "Gold" shovel award at ground breaking. Ribbon cutting honors.

\$7,500 \_\_\_\_\_

### **Three Point Shot (four available)**

Your family or corporate name will be affixed to one of the four adjustable basketball poles. Special placement on the donor plaque permanently affixed inside the school. "Silver" shovel award at ground breaking.

\$5,000 \_\_\_\_\_

### **Buy A Brick**

**(See reverse side for order options)**

Your family or corporate name will be engraved and placed permanently into the brick paver walkway

\$1,000 \_\_\_\_\_

\$500 \_\_\_\_\_

\$250 \_\_\_\_\_

\$150 \_\_\_\_\_

### **Free Throw**

Your donation of ANY amount is greatly appreciated! 100% of donations will be earmarked to this project. Thank you!

Your choice \$ \_\_\_\_\_

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Individual/Corporate/Organization Name \_\_\_\_\_

Contact Person \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_ Telephone \_\_\_\_\_

Check # \_\_\_\_\_ Check Amount \_\_\_\_\_

*If you prefer to make a no fee credit card donation, please visit the Hoop Dreams website at [www.barrington220.org/HoopDreams](http://www.barrington220.org/HoopDreams).*

**Thank you for returning this form to the Hoop Dreams Team at the address below.**

For more information, please contact Anne Horwath at [anne@strategyskills.com](mailto:anne@strategyskills.com) or (312) 498-6774  
Hoop Dreams Initiative ▪ Countryside Elementary ▪ 305 W. County Line Road ▪ Barrington, IL 60010  
[www.barrington220.org/HoopDreams](http://www.barrington220.org/HoopDreams)

Leslie Coolidge Remarks  
Village Board of Trustees Meeting  
10/26/15

I delivered similar comments at the Finance Committee meeting on October 14<sup>th</sup>. I oppose the proposed issuance of a Police Pension Obligation Bond. I have the following concerns which are by no means comprehensive:

- The notion that the pension plan investments will earn sufficiently to cover the bond interest expense is pure speculation. While such speculation might be appropriate for a business entity, I believe it is inappropriate for a governmental entity. The Board should be exercising fiscal prudence and minimizing risk rather than increasing our risk profile.
- William Blair indicated at the September 28<sup>th</sup> Board meeting that this type of transaction doesn't happen very often and that these are taxable bonds both of which are red flags to me. I also interpreted their statements to mean that these bonds are issued by government entities that can't meet their obligations as a financing of last resort. Barrington Hills is by no means in this dire financial situation.
- I believe that the essence of this transaction is to gamble with residents' property taxes. To the extent investment returns are not what you assume, you will be forced to raise property taxes to cover the bond interest payments. The investment manager for the Police Pension Fund has not historically delivered returns at the level you assume and the Village does not control the investment decisions.

In summary, I believe it would be a breach of your fiduciary duty to move forward with this speculative transaction, but if you believe it is wise, I would encourage you to hold a referendum to ensure the residents support you gambling with their money.

Petition regarding ZBA's Public Hearing currently scheduled for September 21<sup>st</sup>, 2015

RE: the Sanfilippo Family 1999 Generation Skipping Trust

We, the undersigned, object to the holding of the ZBA's Public Hearing currently scheduled for September 21<sup>st</sup>, 2015 in the Notice of Public Hearing for Application for Special Use Permit for the Sanfilippo Family 1999 Generation Skipping Trust. Our reasons to seek and demand cancellation of this Public Hearing is that the Sanfilippo Family 1999 Generation Skipping Trust has failed to comply with the REQUIRED Rules of Notice and Petition. These failures to comply with ZBA Rules with our specific references and comments are enumerated below as numbers 1-9.

I. Relating to Rules of Notice and Petition: Cancellation of the September 21<sup>st</sup> Hearing

1. *"One Original and eight copies of the type written petition and all supplemental attachments (surveys, legals, plats, plans, etc) shall be provided when the petition is filed, at least 30 days before the hearing date."*
  - a. Letter by Daniel Strahan (Village Engineer) dated August 27, 2015 states the final plans have not been completed or received for his review.
  - b. Daniel Strahan reviewed an application which was not completed or signed by the property owners for the Lake County Watershed Development (LCWD) indicating that while the LCWD application was almost completed it was not submitted for review as required in Rule (7) b. The Rule 7 (b) must be completed before any application can be set for public hearing.
  - c. The petitioner fails to acknowledge in their petition that the change of the lake is to accommodate a Fragrance Gallery. This Fragrance Gallery is to be added to a larger business that is operating outside of village code for an R-1 Zone and the Petitioner has failed to file for a Special Use permit for this Fragrance Gallery. The Special Use petition for the Lake must be considered in light of the Fragrance Gallery and the related building permits and applications for the same Fragrance Gallery.
2. *"The Petition shall be signed by the legal owner(s)..."*
  - a. The Owner of Record and Beneficiaries of the 789 Plum Tree Road property is the Trust of *The Sanfilippo Family 1999 Generation Skipping Trust*. Jasper B. Sanfilippo, James J. Sanfilippo, Jeffrey T. Sanfilippo, John E. Sanfilippo and Lisa Sanfilippo are beneficiaries and controllers of this trust.
  - b. The Sanfilippo Family 1999 Generation Skipping Trust: Jasper B. Sanfilippo and James J. Sanfilippo are the Co-Trustees and Jeffrey T. Sanfilippo is the designated spokesperson.
  - c. Jasper B. Sanfilippo and James J. Sanfilippo are the Co-Trustees and Jeffrey T. Sanfilippo are the parties who are responsible for this special use permit. Therefore, all have a direct and indirect interest in 789 Plum Tree Road.
3. *"The Petition **Shall be Sworn To**"*
  - a. The affidavit signed stating *"that all information contained within is true and correct to the best of our knowledge"* is signed and dated on 6-10-15 by Jasper B. Sanfilippo and James J. Sanfilippo, **however the signatures are affirmed by the Notary 2.5 months later on 8/20/15.**
  - b. This date discrepancy is an unexplained oddity especially considering three studies submitted in the report were not completed at the date the affidavit was signed: The Mionx Corporation study is dated June 16<sup>th</sup>; DK Environmental Services Study is dated July 20<sup>th</sup> 2015; and the TLI Survey is dated 8/17/15. **It is impossible the full application was reviewed by the signers of the petition on June 10, 2015.**
4. *"A plat of survey shall be provided detailing the improvements involved and where necessary, or in cases where they may be affected, detailing the improvements or uses of adjoining properties"*

**The full engineering plans, or a completed plat of survey have not been presented as required by Rule 4.**

  - a. The study that was conducted by Mionx Corporation is inappropriately included as an engineering study in the petition for the reasons stated below which are quoted from "Page 6 Introduction" of the study.
    - i. *"The ALL Appropriate Inquiry Phase One Environmental Site Assessment is exploratory in nature and is not meant to define problems as no samples were taken during the visit. The assessment was visual only and was restricted to only those items that were viewed and which were in plain sight."*

1. Moving a lake which impacts two Wetlands – at the very least – requires more than a visual inspection of the surface area of some of the property in question and should include assessment of elements below the surface of both the land and water.
- ii. *“Observations and recommendations are the results of practices and conditions observed, and information obtained by Mionx Corporation at the time of the site visit, and do not purport to imply or guarantee full compliance with Local, State or Federal regulations which may be applicable to such practices and conditions, nor do assessments, reports or recommendations signify or imply that other hazards do not exist.”*
  1. What is the value of this study in meeting the requirements for (4) if these basic risks and requirements are not included in the report? Potential risks and required laws are not accurately explored or reported on in the petition.
- iii. *“This report cannot be used for demolition, development, or remodeling purposes.”*
  1. The Petition involves all three actions: demolition, development, and remodeling.
- iv. *“This report is exclusively for the use and benefit of Mr. Jeffrey Sanfilippo, and is not for the use or benefit of, nor may be relied upon by any other person or entity, without the express written consent of Mionx Corporation”*
  1. The Petition fails to provide evidence that this consent was granted for this report to be included in the petition by the entity known as the Sanfilippo Family 1999 Generation Skipping Trust.
  2. This statement specifically forbids the use of this study for this petition.
- b. The Mionx Study (page 56) makes this incredible statement of fact: *“No previous Environmental Site Assessment or engineering reports relevant to Recognized Environmental Conditions were reported to Mionx Corporation regarding the property”*
  - i. This study was completed on June 16<sup>th</sup> and affirms no Environmental Site Assessment or engineering reports studies were made available to them. This affirms that the study is incomplete in its assessments.
- c. Page 60 which is part of the questionnaire filled out for the study states in question (12) *“If the property is served by a private well or non-public water system, have contaminants been identified in the well or system that exceed guidelines applicable to the water system, or has the well been designated as contaminated by any government environment, or health organization?”*  
The Property Owner marks the answer as UNKNOWN. We believe that such a test should be conducted before any consideration of shifting water systems in the 2 wetlands on the property should be made.
5. *“Special Uses involving artificial lakes.... Shall require soil boring data, elevation and/or topographical surveys, and engineering studies addressing existing and changed conditions for drainage, topography, vegetation, etc.”*
  - a. According to TSC’s April 22, 2015 report written by Michael Machalinski, (page 1 and 2) **the soil boring study presented was done strictly for the Fragrance Gallery**. The boring map included in the report clearly illustrates that the area of the Lake was not tested.
    - i. The report states: *“The analysis and recommendations submitted in this report are based upon the data obtained from three (3) soil borings performed at the locations indicated on the Boring Location Plan. This report does not reflect any variations which may occur between these borings or elsewhere on the site, the nature and extent of which may not become evident until during the course of constructions”*
      1. Therefore the three boring samples submitted are not valid as the map shows ALL three locations to be specifically located under the gravel and clay foundation of the proposed Fragrance Gallery and not in the wetlands where the lake is situated.
  - b. The FEMA Flood Map included in the petition indicates that this property is in a “moderate or special flood zone”. The impact of moving the lake should be studied in light of this fact.



6. *"The petition shall contain the following minimum information.... (a) – (e)"*

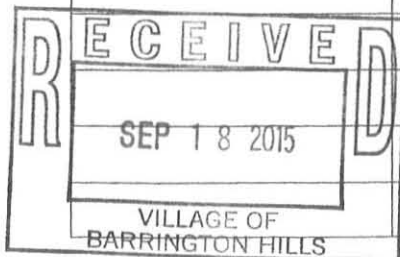
- a. Part (d) and (e) require *"specific descriptions"* and *"factual statements"*. The petitioner fails to identify the fact that the Fragrance Gallery will require a Special Use permit as it is not a normal or permitted usage for an R-1 zone.

7. *"Petitioner shall conform to the following notice requirements..."*

- a. *"Shall serve notice of the petition and the hearing date upon the owners of all contiguous or adjoining properties within 250 feet of the petitioner's property.... If petitioner, directly or indirectly, owns or controls adjoining or contiguous property, notice shall be given to the owner of the next contiguous or adjoining property."*
  - i. The Owner of Record and Beneficiaries of the 789 Plum Tree Road is the Trust of: The Sanfilippo Family 1999 Generation Skipping Trust. Jasper B. Sanfilippo, James J. Sanfilippo, Jeffrey T. Sanfilippo, John E. Sanfilippo and Lisa Sanfilippo are the beneficiaries of this Trust.
  - ii. Jasper B. Sanfilippo, James J. Sanfilippo, Jeffrey T. Sanfilippo control the activities of the Sanfilippo Family 1999 Generation Skipping Trust and therefor the property of 789 Plum Tree Road.
  - iii. All 5 members of the Sanfilippo family have ownership and beneficiary interest in the Sanfilippo Family 1999 Generation Skipping Trust and multiple contiguous properties to 789 Plum Tree, **therefore the owners of all properties that are contiguous to 789 Plum Tree were not notified.**
  - iv. The list of properties that are contiguous includes both James J. and Jasper B.'s homes. These two families have both direct and in-direct control of 789 Plum Tree, and the petition itself.
  - v. All Contiguous Property Owners were not served notice and must be identified in the petition and so noticed for the scheduling of the Public Hearing by the ZBA.
- b. *"The petitioner shall be responsible to provide notice to state or federal agencies of their opportunity to provide comment on the purpose of the petition"*
  - i. Petitioner fails to identify all state or federal agencies that should be notified.
  - ii. Petitioner failed to identify any state or federal agencies that were notified.
  - iii. Petitioner filled out an application for the LCWD but failed to apply for the actual permit thus preventing LCWD's opportunity to comment on the purpose of the petition.
  - iv. The DK Environmental Services Inc study identified that there are two wetlands impacted by this project and that the US Army Corp of Engineers has jurisdiction over these wetlands. The Petitioner failed to provide proof that they notified the Army Corp of Engineers of the project.
  - v. The same study (page 40) states that *"Generally the following three steps must be attempted before authorization is issued"* by US Army Corp of Engineers
    1. *Avoid wetlands and waters of the US*
    2. *Minimize wetland and waters of the US fill and*
    3. *Provide compensatory mitigation*Conditions 1 and 2 were not met by the petition and condition 3 is not adequately outlined especially since the engineering plans for actual lake re-construction have yet to be submitted.
  - vi. The Petitioner's own study states the Army Corps has jurisdiction and that the current lake is in a Wetland A and the property drains into a second Wetland B which is Spring Creek and Riparian Zone.
    1. The Village Engineer should commission a Wetland Engineer to study the impact of the current lake on Wetland B because it is easy to see that the silt from the current lake has already dammed up some of the waters that run through the property.
    2. This should especially be done since the Petitioner has seemingly admitted in the Mionx study that environmental impact studies were not done for the first lake.

- ## II. Violation of State and Local Laws and Breach of R-1 Zoning Regulations and Laws in Barrington Hills:

Signed by

[illegible]



[illegible]



[illegible]

- c. **The petitioner is required to file a petition that is viable to go forward on the date of the hearing.** This is the SECOND time this petitioner has filed a fatally flawed petition. This is an extreme inconvenience to the neighborhood and the property owners who have contiguous properties.
8. ***“ZBA Shall Cause Publication...” – Why has the ZBA scheduled and posted this Public Hearing when their own rules that regulate and authorize such actions are not complied with?***
9. ***“No Publication shall be made or hearing scheduled until the petitioner conforms to all the above rules and necessary filing fees is deposited with the Village Treasurer.”***
  - a. The filing fee was filed on August 25<sup>th</sup>. The letter from VLK Law was signed and dated August 21<sup>st</sup> – proving that the Hearing was improperly scheduled before the filing fee was paid.
  - b. The fees were paid and the petition filed on August 25<sup>th</sup>. This is 27 days before the scheduled hearing. Rule (1) mandates “at least 30 days” before the hearing date. **Rule 9 requires that filing fee and full petition to have been filed at least 30 days before the hearing.**

## II. Violation of State and Local Laws and Breach of R-1 Zoning Regulations and Laws in Barrington Hills:

**1. The Sanfilippo Family 1999 Generation Skipping Trust and the beneficiaries of this Trust are operating multiple business at 789 Plum Tree Road.** We respectfully request the Village of Barrington Hills to immediately conduct a full analysis of the business activities at 789 Plum Tree Road and to require that the Sanfilippo Family and their multiple enterprises comply with all state and local laws as well as all laws and regulations in Barrington Hills for an R- 1 Zone.

Signed by

[illegible]



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Signed by

[illegible]



On Monday September 21<sup>st</sup>, the ZBA made numerous errors in the public meeting regarding the Special Use Permit for an Artificial Lake at 789 Plum Tree Road. These errors must be addressed by the Barrington Hills Board, and this complaint requests that the permit be denied altogether or at least until the issues addressed within are answered and until the concerns of the 22 residents' are addressed.

The protesters Petition is labeled as Exhibit (2). The 22 individual signatures that signed the petition is labeled as exhibit (1).

**This letter is a formal complaint that seeks answer and resolution for the following reasons.**

**A) 5-10-7 (D)**

**The ZBA lacked jurisdiction to grant this Special Use Permit until the issue of whether all contingent owners were notified is definitely determined.**

**Rule 7(a) requires that if petitioner, directly or indirectly, owns or controls adjoining or contiguous property, notice shall be given of the next contiguous or adjoining property"**

Attached as Exhibit (1) Proof of Service for the hearing was delivered to 12 households that were incorrectly identified as ALL of the Contiguous properties. 5 of these 12 homes officially petitioned the Village Board not to grant this permit. The Village Board has failed to respond to any of these 5 contingent property owners.

The Board failed to notify these concerned parties about this vote tonight.

**The evidence that all contingent owners were not notified:**

1) In tax records for the Sanfilippo Foundation (Exhibit 8 and 9) list James, John, and Laura Sanfilippo as Trustees and Foundation Managers. This Foundation lists in its tax records that the Foundation operates out of multiple facilities at 789 Plum Tree. The Sanfilippos residing at 799 Plum Tree Road, (James) and 777 Plum Tree Road (Jasper and Laura) have a beneficial interest in the Sanfilippo Foundation. They also have control over the activities of the Sanfilippo Foundation.

2) The beneficiaries of the Sanfilippo Family Generation-skipping Trust includes the Sanfilippos residing at 799 Plum Tree Road, (James) and 777 Plum Tree Road (Jasper and Laura). These Sanfilippos have a beneficial interest in all of the non-profit and for profit business that operate out of the multiple facilities at 789 Plum Tree Road. They also control the same Trust so they benefit and control the activities that go on at 789 Plum Tree Road.

3) The Sanfilippo Foundation tax records from 2013 state that Jasper Sanfilippo owns 789 Plum Tree Road – This confuses the issue of who exactly owns this property, when (or if) ownership has legally shifted, and/or if the tax records for the Foundation are false.

**4) The Sanfilippos failed to disclose that they conduct tours from 789 Plum Tree that go from the Sanfilippo Estate to the Fisher Nut Corporate store in Elgin Illinois.** The Sanfilippos residing at 799 Plum Tree Road, (James) and 777 Plum Tree Road (Jasper and Laura) all have direct beneficial interest in Fisher Nuts. Purchases are made at this store which they receive benefit from both directly and indirectly.

5) The Sanfilippo Special Use Permit failed to disclose that Jasper Sanfilippo owns "Victorian Palace" which is a separate for-profit business that is run from 789 Plum Tree Road. The Barrington Hills Village Board needs to establish whether or not the Sanfilippos residing at 799 Plum Tree Road, (James) and 777 Plum Tree Road (Jasper and Laura) have a beneficial interest in this previously undisclosed business which is ALSO operating from 789 Plum Tree Road. (Exhibit 11)

Exhibit 8 and 9 – Tax records: *"In addition to the foundation's assets being housed in the building, personal collectibles of Mr. Sanfilippos, as well as assets of 'Victorian Palace' (A corporation formed and owned by Mr. Sanfilippo) are also contained within the facility. The Victorian Palace has a collection of restored automated musical instruments."*

This Board needs to establish in the public record **all of the businesses** that are currently operating out of 789 Plum Tree Road before it can be established if all potential contingent property owners have been notified.

#### **B) Rule 5-10-7 (D)**

Rule 5-10-7 (D) requires a 2/3rds vote from the Board of Trustees for any permit to be granted if 20% of adjacent property owners file a written protest. **These 5 signers represent 41.67% of the 12 adjacent property owners.**

Christopher and Monica Chudy  
Elizabeth Doheny  
Carol Tucker  
Robert and Donna Plitchta  
Randy Raven and Isabell Kendl

#### **C) Neighborhood Concerns not responded to:**

In addition to these 5 contingent properties, a total of 22 residents who live within a block of the Sanfilippos signed the petition objecting to the Special Use Petition and petitioning the Village Board to formally conduct an investigation of the activities at 789 Plum Tree which are not in compliance with R-1 Zoning. The results of this investigation have not been made public and the 22 complainants who signed the petition have not had any relief to their request or concern. The petition is quoted below as II.

#### **II. Violation of State and Local Laws and Breach of R-1 Zoning Regulations and Laws in Barrington Hills:**

**1. The Sanfilippo Family 1999 Generation Skipping Trust and the beneficiaries of this Trust are operating multiple business at 789 Plum Tree Road.** We respectfully request the Village of Barrington Hills to immediately conduct a full analysis of the business activities at 789 Plum Tree Road and to require that the Sanfilippo Family and their multiple enterprises comply with all state and local laws as well as all laws and regulations in Barrington Hills for an R- 1 Zone.

#### **D) Failure to Submit Proper Rulings:**

The ZBA Chairman failed to establish in the official Record "Findings of Fact" Rulings to the concerns addressed by the 22 petitioners as required in "Overview of the Barrington Hills Zoning Board of Appeals" and The Chair failed to make official rulings to the concerns expressed as required in "Rules of Notice and Petition".

ZBA rules requires that *"The decision of the Chairman shall be final in all matters concerning conformance to these rules."* The Chairman failed to make clear that he was making final decisions on many complaints such that his decision can be litigated at a later time.

#### **E) 5-10-7 (E) Failure to Find: Standards require this Board to find the following are true:**

**1. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

Besides the 5 adjacent owners, multiple other residents who live in the immediate neighborhood and are impacted by this decision, signed the protest petition essentially complaining that public health, comfort and general welfare are impacted.

**2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**

The protest petition complains that this special use permit impacts the R-1 usage of their neighborhood and thus violates this section. The specific use of the movement of the lake is for a Fragrance Gallery which is an expansion of business operations which are currently operating

**3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

This special use permit is to make accommodation to a fire system for a "Fragrancy Gallery" which is not a permitted use under R-1 zoning. This is an expansion of the current non-conforming uses at 789 Plum Tree Road. This impacts the entire residential neighborhood and the residents' concerns have not been addressed.

**4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.**

This special use permit was granted before final engineering plans were submitted, before the Army Core of Engineers, Lake County Watershed Development, or FEMA had the opportunity to comment on the environmental impact. This violates Rules of Notice and Petition (4)

This special use permit impacts two wetlands and a FEMA flood plain. This petition failed to comply with Rules of Notice and Petition (7)(b)

This special use permit failed to submit appropriate boring soil samples as required in "Rules of Notice and Petition (5)

Section Two of the resolution as written for the vote today will permit for the special use to go forward even if the environmental issues are not adequately resolved. The resolution fails to address FEMA's interest in this matter because they have identified it as a flood plain.

**5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads.**

This special use permit is specifically for a Fragrance Gallery which is an add-on to a public museum, convention center, and amusement park which all operate outside of an R-1 usage. (Exhibit 3)

There was no demonstration or discussion of the impact this has on traffic in the neighborhood by the ZBA and no determination found by the Village Board of Trustees.

The Tax records of the Sanfilippo Foundation indicate that they bring in over 7000 visitors a year. Adequate parking is not provided. Traffic control is not addressed, and this is not a R-1 usage. The Sanfilippo Foundation, other tour companies, and private groups (including schools, corporations and a wide variety of various other groups) also brings in tour buses on a weekly basis.

**6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the board of trustees pursuant to the recommendation of the zoning board of appeals.**

This special use permit fails to meet this standard. The sole purpose for this special use is to move the lake to build a Fragrance Gallery.

This Fragrance Gallery is an expansion of the non-conforming use of this property. Barrington Hills Village Rules forbid adding to any building that is non-conforming. Therefore the current facility (as labeled in the tax records but also called Jasper's residence) that is used for concert halls and the museum cannot be expanded upon.

The owner of the Fragrance Gallery is Jeffrey Sanfilippo. This Gallery adds another business to 789 Plum Tree Road. The petitioners should know if Jeffrey Sanfilippo also has a foundation that supports his Fragrance Gallery.

**F) The ZBA treated the village residents who came to complain with rude disregard in direct contradiction to ZBA Rules.**

1) Jan C. Goss yelled at village resident, Sharon Meroni. While Ms. Meroni was preparing to leave, and not attempting to communicate with Mr. Goss or any other people on the ZBA, Mr. Goss approached her and got up close to her face looming over her, (Goss is over 6 feet tall and Meroni is 5'3) and made the following derogatory statement:

***"You are as stupid as Messner"***

Mr. Goss made several other unprovoked insults and in general showed disregard and hostility to a village resident who was at a public hearing that impacts her residence.

**G) R-1 Zoning Violations:**

The protesters petition submitted requests that the Village Board of Trustees do a full assessment of the way that Jasper and Marian Sanfilippo are using the property outside of the R-1 zoning and without following required health and safety laws. (Exhibit 7)

The "facilities" at 789 Plum Tree Road are listed as visitor and convention go-to's" on both McHenry And Lake County websites. Lake County also promotes the events to assist the Sanfilippos Foundation in selling tickets. (Exhibit 7 and Exhibit 5)

As previously stated, multiple non-conforming businesses are operated from 789 Plum Tree.

Exhibit 5 shows how Jasper and Marian Sanfilippo are hosting large parties on a near weekly basis.

The Tax records provide testimony that Jasper and Marian Sanfilippo rents or loans his facilities to nonprofits who are not based out of Barrington Hills. (Exhibit 8 and 9)

*"The property of the foundation is housed in a building owned by the founder Jasper Sanfilippo.  
The space holding the foundation's exhibits is provided free of charge."*

These documents show that Jasper and Marian Sanfilippo advertise to the public the rental or leasing of their property for charitable, school, and corporate events, and for various travel agencies to book their facilities for their own events.

**H) 5-10-7 (A):**

This Village board of Trustees must consider this special use permit in according to 5-10-7 (A) 2 because this Special Use permit does in fact give rise to unique problems which impact neighboring properties. The expansion of the Sanfilippo public museum, Victorian Palace, the unlicensed amusement park and the related uses by adding a Fragrance Gallery are not zoned for an R-1 usage.



**I) BH Village Ordinance: 63-1, 4-1-63:**

The Sanfilippos signed a covenant and a village ordinance was established forbidding any use of 789 Plum Tree Road outside of an R-1 Zone. See Exhibit (4) Ord. 63-1, 4-1-63.

This is very important. Before the Village Board approves another special use for the lake, they should first ascertain if the covenant Jasper and Marian Sanfilippo signed was kept. The petitioners would say it has not been kept.

**(J) 5-10-7 (F) Conditions And Guaranties:**

*"Prior to the granting of any special use, the zoning board of appeals may recommend, and the board of trustees shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in subsection (E) of this section. In all cases in which special uses are granted, the board of trustees shall require such evidence and guaranties as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with."*

This Board needs to first determine if the usage for moving this lake is for a permitted use and also investigate the current usage on the property and whether or not Jasper and Miriam Sanfilippo have violated the last special use permit for the lake (Ord. 63-1, 4-1-63) by building a museum and amusement park which is open to the public in a R-12 zone.

**(K) Violation of Rules of Notice and Petition (7)c.**

This petition was not ready to move forward when it was heard and therefore violated Rules of Notice and Petition (7) c.

**(L) Violation of Rules of Notice and Petition (9).**

This special use petition should not have been scheduled in the first place because it violates Rules of Notice and Petition (9) in that it was an incomplete application. The engineering plans and approvals from jurisdictional agencies still has not been granted. The protesters petition lays this out in I.1

**(M) Improper Notice of Purpose for the Special Use Permit:**

The letter to the petitioners alerting them of the special use petition states: *"The Applicant is seeking a Special Use Permit for the purpose of modifying an existing artificial lake"* (Exhibit 10) But the actual application and the ordinance up for a vote today "allows for the construction, use and maintenance of an artificial lake on the Property" (See: Section One – Ordinance, The actual petition and the ZBA vote.)

**(N)** The Sanfilippos have been holding illegal firework displays for years. They hold these for Marina's birthday, around the July 4<sup>th</sup> holiday and during other various parties. These are against the law and disrupt the neighborhood. They have never applied for a permit.(Exhibit 6)

**(O)** The Carousel being operated at 789 Plum Tree Road is not strictly for private use or for the use of the Sanfilippo Trust, and therefore it needs to be licensed by the State of Illinois. This is a Class A crime.

**(P)** The Sanfilippo Trust is operating a convention and concert business and serving alcohol without state or Village of Barrington Hills permits. After these parties, cars squeal out of the driveway and have even been heard drag racing. **The sale of alcohol at this business needs to be done according to state and local laws.**

**(Q)** Jasper and Marian Sanfilippos are apparently operating a catering business from one of their building. This business is not functioning according to health codes.

**(R)** The Sanfilippos are selling souvenirs from their various businesses (tax forms 2011 and 2013) and apparently are not collecting or paying state or local taxes for these sales.

**(S)** The petitioners want to know if there is gambling activity going on with the working gambling machines.

**(T)** Jasper and Marian Sanfilippo promote raffles to be held at various events. Are these conforming to Barrington Hills Village laws?

**(U)** Besides R-1 violations, as much as these points (N-T) are true, it means there are potentially multiple laws being broken by Jasper and Marian Sanfilippo.

We ask the Barrington Hills Village Board to delay any vote until all residents in the neighborhood have been given notice of these proceedings and provided an opportunity to express their concerns

We ask that the Barrington Hills Village Board not approve this special use permit until the concerns in this letter (A-U) are addressed and resolved

We ask that the Barrington Hills Village Board launch an immediate investigation into the multiple nonconforming businesses being operated from 78 Plum Tree Road.

Signed:

A handwritten signature in cursive script, appearing to read "Brian", followed by a long horizontal line extending to the right.



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Card Tuck  
Sharon Meroni  
Kristen Min

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A handwritten signature in black ink, appearing to be "J. Sanfilippo", written over a horizontal line.