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BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Rezoning from R-4 Single Family)
to B-2 General Business, and a) Z23-06
Conditional use for a gas station.) Lenny's

March 23, 2023

6:00 p.m.

PROCEEDINGS HAD and testimony taken
before the DU PAGE COUNTY ZONING BOARD OF APPEALS,
taken at the DuPage County Administration
Building, 421 North County Farm Road, Wheaton,
Illinois, before LINDA M. CIOSEK, C.S.R. a Notary
Public qualified and commissioned for the State of
Illinois.

BOARD MEMBERS PRESENT:

MR. ROBERT KARTHOLL, Chairman.

MR. DENNIS MORAN, Commissioner.

MS. JANICE ANDERSON, Commissioner, via
Zoom.

MR. CARL SCHULTZ, Commissioner.

MR. BARRY KETTER, Commissioner.

MR. ZAIN RAHMAN, Commissioner.

ALSO PRESENT:

MR. PAUL HOSS, Planning & Zoning.

MS. JESSICA INFELISE, Planning & Zoning.

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">Page No.</p> <p>1</p> <p>2</p> <p>3 Petitioner's Exhibits 1 and 2 8</p> <p>4 Petitioner's Exhibit 3 11</p> <p>5 Petitioner's Exhibit 4 12</p> <p>6 Petitioner's Exhibit 5 17</p> <p>7 Petitioner's Exhibit 6 18</p> <p>8 Petitioner's Exhibit 7 18</p> <p>9 Petitioner's Exhibit 10 21</p> <p>10 Petitioner's Exhibit 20 24</p> <p>11 Petitioner's Exhibit 19 25</p> <p>12 Objector's Exhibit 1 50</p> <p>13 Homeowner's Association Exhibit 1 62</p> <p>14 Objector's Group Exhibit 2 68</p> <p>15 Objector's Exhibit 3 82</p> <p>16</p> <p>17</p> <p>18 (Exhibits are not attached to transcript)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 4</p> <p>1 fast food restaurants with drive-through</p> <p>2 facilities.</p> <p>3 The petitioner is Lenny's Gas</p> <p>4 Station, the property is 12S355 Lemont Road in</p> <p>5 Lemont. It's about a ten-acre site serviced by</p> <p>6 water and sewer. The matter was published in the</p> <p>7 Daily Herald on March 8th, 2023.</p> <p>8 I've got comments from the</p> <p>9 various departments of the county indicating that</p> <p>10 they need more information if this matter goes</p> <p>11 forward. I've got quite a number of letters in</p> <p>12 opposition from various neighbors. The Village of</p> <p>13 Woodridge indicates that they don't have</p> <p>14 sufficient information to make substantial</p> <p>15 comments. The Forest Preserve essentially says</p> <p>16 the same. The Village of Lemont says no comments</p> <p>17 are -- no comments received yet. Darien, no</p> <p>18 objections. Downers Grove Township, no comments</p> <p>19 received.</p> <p>20 At this point the Township</p> <p>21 Highway says no jurisdiction. Lemont Fire and</p> <p>22 School District 213, no comments. The Forest</p> <p>23 Preserve has given us a letter, which is available</p> <p>24 to the petitioner.</p>
<p style="text-align: right;">Page 3</p> <p>1 CHAIRMAN KARTHOLL: I'll call to order</p> <p>2 Petition Z23-06, the Lenny's Gas N Wash petition.</p> <p>3 The matter was published for 6:00 this evening,</p> <p>4 March 23, for Room 3500-B. We have a bit of a</p> <p>5 crowd, so we have determined that it's best to</p> <p>6 call the meeting to order in this room and adjourn</p> <p>7 immediately to the cafeteria to accommodate a</p> <p>8 greater number of people. That has also been</p> <p>9 posted outside of the room here at 3500-B, and I</p> <p>10 note there is no one in the room here for the</p> <p>11 purpose of attending this meeting.</p> <p>12 So, we'll adjourn to the</p> <p>13 cafeteria.</p> <p>14 (Whereupon, the meeting was</p> <p>15 adjourned and convened in the</p> <p>16 cafeteria.)</p> <p>17 CHAIRMAN KARTHOLL: This is the DuPage</p> <p>18 County Zoning Board of Appeals. We're here for</p> <p>19 Z23-006. This is the Lenny's Gas Station. This</p> <p>20 is a request for rezoning from R-4 Single Family</p> <p>21 to B-2 General Business.</p> <p>22 Secondly, a conditional use for</p> <p>23 a planned development for a gas station,</p> <p>24 convenience store, car wash, fuel, ice sales and</p>	<p style="text-align: right;">Page 5</p> <p>1 I don't know what this is, it</p> <p>2 was left here. If it's introduced as an exhibit,</p> <p>3 we'll take it. I have, so far, two exhibits from</p> <p>4 the petitioner. The first is a group exhibit,</p> <p>5 various copies of surveys and topos. I'll take</p> <p>6 that as Group Exhibit No. 1. Typically we have a</p> <p>7 straight-forward survey, but we've got a number of</p> <p>8 topos, et cetera. And then I have Exhibit 2, a</p> <p>9 site plan.</p> <p>10 Can I recognize the petitioner</p> <p>11 to identify himself, identify all of your</p> <p>12 witnesses, please, and then I'll have all of your</p> <p>13 witnesses sworn in.</p> <p>14 MR. TIEMAN: Yes, thank you, Mr. Chairman.</p> <p>15 My name is Lyman Tieman, T-i-e-m-a-n. I am the --</p> <p>16 CHAIRMAN KARTHOLL: T-i-e --</p> <p>17 MR. TIEMAN: T-i-e-m-a-n, and I am the</p> <p>18 attorney for the petitioner Leonard McEnergy with</p> <p>19 Lenny's Gas N Wash. We have a number of witnesses</p> <p>20 that are here this evening that are going to be</p> <p>21 testifying regarding this matter. We also have a</p> <p>22 number of exhibits that have been distributed to</p> <p>23 the Board members in that packet that says Gas N</p> <p>24 Wash.</p>

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1 CHAIRMAN KARTHOLL: Is that this?
 2 MR. TIEMAN: Yes, that packet there, and
 3 all of those have been numbered. Some of those
 4 will be referred to directly by our folks as they
 5 proceed with describing what we're looking to do
 6 with this project.
 7 We have with us this evening
 8 Christian Kalischefski with the WT Group. The WT
 9 Group is the architect/engineer/planner for the
 10 project. Chris is the representative of that
 11 group. Chris is also accompanied this evening by
 12 Javier Millan who is on Zoom. He was somewhat
 13 sick this afternoon and didn't know whether or not
 14 he could make the meeting in person, but he's here
 15 from KLOA and he's going to be talking about
 16 traffic issues and studies in relation to the
 17 project. And also we have with us Bob Gorman from
 18 the Gorman Group who is an MAI appraiser who will
 19 be discussing highest and best use and any
 20 detrimental impact on adjoining properties. And
 21 we also have with us Leonard McEnery, the owner of
 22 Gas N Wash.
 23 With that, I would like to turn
 24 this over to Chris Kalischefski and have Chris

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1 begin --
 2 CHAIRMAN KARTHOLL: Wait a minute. First
 3 of all, is there a traffic study report?
 4 MR. KALISCHEFSKI: Yes.
 5 CHAIRMAN KARTHOLL: There is a traffic
 6 study report?
 7 MR. KALISCHEFSKI: Yes.
 8 CHAIRMAN KARTHOLL: Is that in our pocket?
 9 MR. KALISCHEFSKI: It should be. It was
 10 uploaded previously.
 11 CHAIRMAN KARTHOLL: I don't know what
 12 uploaded means. I'm a regular person, and I need
 13 a physical exhibit. So if you have a traffic
 14 study, introduce it as an exhibit.
 15 Is there an appraisal report,
 16 because highest and best use I don't understand to
 17 be a zoning issue?
 18 MR. TIEMAN: Yes, there is an appraisal
 19 report. It's part of that packet that you have
 20 there Gas N Wash. I believe it's Exhibit No. 23,
 21 if I'm not mistaken.
 22 CHAIRMAN KARTHOLL: Okay. Then next you
 23 indicated that your exhibits are numbered?
 24 MR. TIEMAN: Yes.

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1 CHAIRMAN KARTHOLL: I see. We take the
 2 survey as Exhibit 1 and site plan as Exhibit 2,
 3 and now I see that you've got your -- your
 4 numbering has to be redone, that's the bottom
 5 line, but we can't start with 1 because we already
 6 have 1.
 7 MR. TIEMAN: That's not a problem for us.
 8 We can take the survey as Exhibit 1 and the site
 9 plan as Exhibit 2 and renumber the others as we go
 10 through.
 11 CHAIRMAN KARTHOLL: Great.
 12 (Whereupon, the documents were
 13 marked Petitioner's Exhibits 1
 14 and 2 for identification.)
 15 CHAIRMAN KARTHOLL: Now let me go over the
 16 process this evening. We will allow the
 17 petitioner time to present his presentation
 18 concerning what is requested and develop what
 19 other information he wants to produce, then we'll
 20 usually ask questions from the Board, but we may,
 21 given the number of people in the audience, we may
 22 defer to public comment first. We're going to be
 23 about two hours this evening. If necessary, we'll
 24 reconvene. Our next available Thursday night is

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1 April 13th. I don't know if it's going to be
 2 necessary or whether we'll finish within our time
 3 limit, but that's the process.
 4 We do not make a decision
 5 tonight. When the record is closed after all of
 6 the public testimony and public hearing is
 7 presented, either tonight or at a follow-up
 8 hearing, then -- and all the written information
 9 is sent in, then the Board will convene at a
 10 recommendation meeting, which is usually heard in
 11 the first week of the month. We will make a
 12 recommendation which constitutes only a
 13 recommendation. That goes to the County
 14 Development Committee, and the County Development
 15 Committee will meet at its appointed time to
 16 consider the record in this case, undertake their
 17 vote and transmit the matter to the full County
 18 Board for the final administrative determination
 19 about this case. So that's about the best I can
 20 do to explain briefly the process.
 21 Let's go back to the petitioner
 22 for your presentation, sir. And anybody that
 23 wants to make a statement, please step up to the
 24 microphone.

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1 MR. TIEMAN: Thank you.

2 CHAIRMAN KARTHOLL: You can be sworn in

3 while you're walking.

4 THE COURT REPORTER: Would you raise your

5 right hands, please.

6 (Whereupon, the oath was duly

7 administered by the Notary.)

8 CHAIRMAN KARTHOLL: To each of you, when

9 you begin your testimony, at that point in time

10 indicate -- spell your name for us so we have it

11 for the record and indicate that you were sworn

12 in. Thanks.

13 MR. KALISCHEFSKI: Good evening, my name is

14 Chris Kalischefski, K-a-l-i-s-c-h-e-f-s-k-i, from

15 WT Group. I'm an architect by education and

16 licensure.

17 We'd like to start off and

18 thank you for this opportunity to make this

19 presentation. We are located right here.

20 CHAIRMAN KARTHOLL: Hold the music. What's

21 that? Is that an exhibit?

22 MR. KALISCHEFSKI: Yes, sir.

23 CHAIRMAN KARTHOLL: Do we have a copy of

24 that exhibit someplace?

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1 MR. KALISCHEFSKI: Yes, sir, in the packet

2 that you have in front of you.

3 CHAIRMAN KARTHOLL: Give me a number and a

4 title, it's no longer Exhibit 1. It must be 3?

5 MR. KALISCHEFSKI: Yes, it will be Exhibit

6 3.

7 CHAIRMAN KARTHOLL: And what's the title,

8 aerial?

9 MR. KALISCHEFSKI: It's an aerial view of

10 the site.

11 (Whereupon, the document was

12 marked Petitioner's Exhibit 3

13 for identification.)

14 MR. KALISCHEFSKI: Our location of our site

15 is right here at the northeast corner of the

16 intersection of Davey and Lemont Road. You can

17 see the overall area right here, a large

18 industrial park, the residential area developed

19 right here in 1998. This industrial park was

20 annexed in in 2008, and you can kind of see the

21 context from there.

22 The next exhibit that I'd like

23 to show is the boundary survey which will be

24 Exhibit No. 4.

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1 CHAIRMAN KARTHOLL: That's Exhibit No. 1,

2 sir.

3 MR. KALISCHEFSKI: Okay. No. 1 is the

4 survey, and basically this is our parcel. It

5 consists of two parcels, approximately 4.7 acres

6 on each side. We are a total of just over 8

7 and-a-half acres for the combined parcel, and

8 roughly we're 1200 feet in length here and 187 for

9 each portion of the parcels there. The existing

10 homes right here, structures, and there's one

11 house sitting on this parcel, no buildings within

12 this area at all.

13 For our next exhibit, I'd like

14 to show the site plan just roughly, and then we'll

15 get to the landscape plan that will show there is

16 more in general. So this will be Exhibit 4.

17 THE COURT REPORTER: Isn't that 2, Mr.

18 Chairman?

19 CHAIRMAN KARTHOLL: The site plan we've

20 already marked it as 2.

21 MR. KALISCHEFSKI: And the site plan itself

22 consists going from the east to the west -- sorry,

23 from the west to the east direction, auto islands

24 in the front, convenience store in the center, a

Page 13

1 couple of drive-throughs that I'll go through, car

2 wash, and then finally the CFL. The additional

3 property goes back to 1200 feet, and we've just

4 discontinued it in this area here.

5 Basically what we have in this

6 area is that the allowable FAR ratio is 0.25, and

7 our proposed FAR ratio is only one-seventh of the

8 allowable FAR ratio.

9 I'm going to show this next

10 exhibit. The next exhibit is the colored site

11 plan, which will now be Exhibit 4.

12 (Whereupon, the document was

13 marked Petitioner's Exhibit 4

14 for identification.)

15 MR. KALISCHEFSKI: And we want to show a

16 couple of items on this plan. And I'm just going

17 to take a moment to open up my paperwork here.

18 Give me one moment, please.

19 We have a north boundary area,

20 we have a south boundary area. This very dark

21 landscape green area you can see is from 15 to 20

22 feet beyond our property line, and from 20 feet to

23 187 feet beyond our property line. The purpose of

24 making that point is that we have a very heavy and

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1 strong landscape buffer already without us doing
 2 anything. But in addition to that, we will be
 3 doing over a 900-foot landscape fence on the north
 4 side with an abundance of landscaping, and I just
 5 want to get the points for that. We're over the
 6 required landscape points. The points require a
 7 7,590, and we're at 8,866. And that's true for
 8 the south border as well, where in the south we
 9 have over the 1100 square lineal eight-foot high
 10 sound barrier fence.

11 And so what we're doing here is
 12 this is the auto island that we mentioned. It has
 13 a return canopy to the C-store facility.

14 Patrons, we very purposely separate the truck
 15 traffic from the car traffic. Of course a gas
 16 station is a siphoning-type use, it does not
 17 generate any new traffic in the sense that you're
 18 not sitting at home and thinking, oh, I've got to
 19 fill up my car, you're already on the road going
 20 to work or coming home from work, or on the
 21 weekends you're doing your errands, and that's
 22 when you're fueling. And so, this is designated
 23 as a siphoning-type use.

24 This is the intersection with

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1 Davey in this area here, and the automobile
 2 traffic is basically contained on the west side of
 3 the site, and a portion on the north for the car
 4 wash itself.

5 This is an express-style car
 6 wash where the patrons will come through, they'll
 7 line up at the auto gates, make their selection
 8 for the wash, they stay within the wash itself and
 9 go through the car itself. Which the buildings
 10 are full masonry-bearing buildings with hollow,
 11 pre-cast concrete planks, all to confine any type
 12 of sound.

13 These are the vacuums on the
 14 south side of the car wash itself, and then just
 15 for depiction sake, this is the U shape for the
 16 drive-through, which would be a Dunkin Donuts-
 17 type use, and then the second drive-through would
 18 be in this area here, and that would be a Pops and
 19 chicken offering in the area. And then their exit
 20 is there. So additional parking in the back, and
 21 then this would be for the commercial fueling lane
 22 such as the landscapers with trailers, with box
 23 trucks that are on the road, and any day runners.

24 One of the elements here that

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1 we want to clearly define is that this is not a
 2 truck stop in a sense of there's no showers,
 3 there's no full-serve restaurant, and there's no
 4 short-term or long-term truck parking at all.
 5 They literally turn around, they come through
 6 here, and then they exit back out. So that type
 7 of traffic is all separated from the auto traffic.
 8 It's very purposeful in doing that.

9 Again, we just want to
 10 emphasize the strong landscape buffer that we have
 11 around our property, and then the additional
 12 landscaping that we're showing, plus a sound fence
 13 as well that adds way beyond what the requirements
 14 are.

15 Also, this last half, this 1.5
 16 acres, which is defined by this line right here,
 17 and all the property going to the east would be
 18 donated to the Forest Preserve. And so we've been
 19 in conversation with them back and forth. We did
 20 clear up a couple questions they had, and they're
 21 taking this under consideration now.

22 One of the things that was --
 23 that we want to make very clear in terms of when I
 24 said earlier that this was not a truck stop, we

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1 have two exhibits, and this is your pamphlet. And
 2 we'll have to renumber all these pamphlets.
 3 We have it as Exhibit 7, we're now at Exhibit 5, I
 4 believe.

5 (Whereupon, the document was
 6 marked as Petitioner's Exhibit
 7 for identification.)

8 MR. KALISCHEFSKI: By the Institute of
 9 Traffic Engineering, the trip generation model,
 10 they define a land use No. 950 truck stop
 11 description: "A truck stop is a facility located
 12 adjacent to an interstate highway interchange."
 13 So that's one of the key points, that it's
 14 adjacent directly to a highway interchange. It
 15 also has "service areas, specific needs for the
 16 truckers, showers, on-site truck parking areas, as
 17 well as a truck maintenance facility". This is
 18 the slide No. 7 in your pamphlet that we handed
 19 out today.

20 And so, this is an example of
 21 it. This is a very large building, the buildings
 22 are roughly about 20,000 square feet. You can see
 23 the abundance of parking along the perimeter, as
 24 well as the additional fuel lanes, at least about

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1 seven fuel lanes.
 2 This exhibit, which will be No.
 3 6, will also depict the same thing.
 4 (Whereupon, the document was
 5 marked Petitioner's Exhibit 6
 6 for identification.)
 7 MR. KALISCHEFSKI: This is on -- this was
 8 on the southeast side of Chicago, this is on the
 9 northwest side right at the interchange of 20 near
 10 Marengo, and this is on 90. Again, this is the
 11 Loves facility here, this is a TA facility. You
 12 can see the large truck parking areas, the very
 13 large CFL canopies, so we just want to make that
 14 clear distinction that what we are proposing is
 15 not a truck stop by the definition of the Traffic
 16 Engineering Trip Generation Manual.
 17 One of the things that we had
 18 mentioned -- I'm on exhibit -- it says No. 8 in
 19 the pamphlet. It's just in comparison, which is
 20 No. 6 now.
 21 THE COURT REPORTER: No, 7.
 22 (Whereupon, the document was
 23 marked Petitioner's Exhibit 7
 24 for identification.)

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1 MR. KALISCHEFSKI: 7, I'm sorry. There is
 2 some existing stations here listed Harlem and
 3 Homer Glen. We just wanted to show the proximity.
 4 Harlem is 0.93 miles from the interchange, Homer
 5 Glen is 0.13 miles from the interchange. And you
 6 notice a number of trucks using the facilities.
 7 If we look just at the semis --
 8 CHAIRMAN KARTHOLL: Are you getting into
 9 the traffic study now?
 10 MR. KALISCHEFSKI: I'm just going into
 11 comparisons of what the numbers are. Javier will
 12 be talking about the traffic study.
 13 CHAIRMAN KARTHOLL: Okay. We're on a sort
 14 of -- I got a lot to get done tonight, so you're
 15 the architect, why don't you stay with general
 16 concept and we'll have KLOA talk about the traffic
 17 study and various assumptions made in the traffic
 18 study.
 19 MR. KALISCHEFSKI: Okay. Long story short,
 20 we were saying there would be 20 trucks and that
 21 evidence kind of showed that as well.
 22 One of the things that we want
 23 to state here, the State Fire Marshal in the State
 24 of Illinois is one of the stringent -- most

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1 stringent requirements for an underground fueling
 2 facility. Everything needs to be double walled,
 3 everything needs to be monitored, so all
 4 double-walled tanks, dispensers, all the
 5 monitoring.
 6 In 1993 the Clean Air Act
 7 provided for Stage 2 vapor recovery, and that was
 8 instituted in Illinois. And in 2012 that was
 9 actually removed because of the improvements of
 10 all the vehicles and such. And so, the gasoline
 11 vapor-controlled program was discontinued because
 12 of the quality of the air that's now occurring due
 13 to the advanced technology in the autos.
 14 In 2010 diesel exhaust fluid,
 15 or DEF, was instituted. It basically takes the
 16 exhaust of a diesel vehicle and changes it into
 17 nitrogen and water. And so that was done in 2010.
 18 And so, again, just stating the changes in
 19 technology, a retail fueling facility is not like
 20 the old gas station with leaky tanks and metal
 21 tanks and all that. We have everything in
 22 fiberglass, everything is double-walled,
 23 everything meets the State Fire Marshal
 24 requirements, which are very stringent in the

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1 State of Illinois, and then also the industry
 2 itself from the Environmental Protection Agency
 3 has instituted steps that create a better
 4 environment because of restricting the types of
 5 exhaust that come out of the vehicles.
 6 Your next exhibit on Exhibit 10
 7 is just a photometric. We just want to state that
 8 we meet all the photometric requirements,
 9 basically a 0.0 around our property line, or 0.5
 10 food candles at the maximum. So, we meet all
 11 that. We use LED lighting, which is horizontal
 12 cut-offs.
 13 (Whereupon, the document was
 14 marked Petitioner's Exhibit 10
 15 for identification.)
 16 MR. KALISCHEFSKI: And then our last item
 17 from the building standpoint, if you just go a
 18 couple pages you see the photometrics. Item No.
 19 10 would be the view of the tree line to our
 20 north, just showing both in the winter and in the
 21 summer, that it's very -- I'm looking at this
 22 picture right here. It's very heavily landscaped.
 23 And so what we're saying is that's what's
 24 represented in the dark green here, and provides a

Page 22

1 natural barrier or something that we cannot even
 2 touch. We cannot go over our property line, of
 3 course, and so we will not be reducing that
 4 existing buffer at all.
 5 The elevations of the building
 6 are, as I said, four-sided. They are masonry all
 7 around. It's a real stone base with real 8-inch
 8 masonry bearing, and it's around the entire
 9 building itself.
 10 We also have the T-shaped
 11 canopy return, which is very important. One of
 12 the points I'm making is that our standard is all
 13 brick masonry buildings, much more expensive
 14 construction-type, and even our columns at the
 15 canopies are all surrounded by masonry as a
 16 standard. And just simple things like this
 17 T-shaped canopy coming back to the building itself
 18 adds a lot of cost to the construction, but it's
 19 done at the convenience of the customer. And so,
 20 we just want to state the quality of the
 21 materials, the landscaping and all that goes into
 22 making a very community-friendly facility. A
 23 little bit later on we'll be showing that we have
 24 letters from several mayors that have residential

Page 23

1 right adjacent to our sites, literally the same
 2 condition, and how pleased they have been with the
 3 operations and how there have been no complaints
 4 by the neighbors in those facilities.
 5 CHAIRMAN KARTHOLL: In order to expedite
 6 this, because I've got a lot of public comments,
 7 I'll take --
 8 MR. KALISCHEFSKI: I'm wrapping it up.
 9 CHAIRMAN KARTHOLL: -- notice of the fact
 10 that we have Tinley Park mayor, I guess two people
 11 from Tinley Park; one person from Shorewood;
 12 Village of Shorewood Police Department; some mayor
 13 of Mokena; New Lennox and Stickney all think
 14 you're solid citizens, so that's very nice. To
 15 the extent that any of them get a vote on this
 16 case, I'm sure they would all vote in your favor.
 17 But we don't need to get into that. So let's move
 18 along, if we could.
 19 MR. KALISCHEFSKI: Okay. Basically we have
 20 in your exhibits, as I'm just paging through, we
 21 have a noise study that shows that the existing
 22 homes to the south are not affected by the car
 23 wash. The homes to the north, we will be
 24 providing a sound barrier wall at the exit end of

Page 24

1 the car wash, and none of the noise that we'll be
 2 generating will exceed the ambient -- the current
 3 ambient sound levels. And that's more in detail
 4 in the report itself.
 5 We have -- what this says in
 6 your booklet, like page 17, 18 and 19, are just
 7 views from the north on page 17, and views from
 8 the south page 18, and that's just showing the
 9 strong barrier and what can or literally what
 10 cannot be seen of the development itself. And,
 11 again, that's showing the SimTek sound barrier
 12 fence as well. And 19 shows another view from the
 13 south residents.
 14 Finally we have a rendering on
 15 Exhibit 20 that shows the soft lighting that we
 16 use, the growing effect, the mansard canopy that
 17 we will be having for all the canopies. We'll
 18 have a mansard image. As you can see, that really
 19 ties it in to the residential flavor.
 20 (Whereupon, the document was
 21 marked Petitioner's Exhibit 20
 22 for identification.)
 23 MR. KALISCHEFSKI: And with that, we would
 24 like to turn it over to Javier Millan to discuss

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1 the circulation route, which is Exhibit No. 19.
 2 (Whereupon, the document was
 3 marked Petitioner's Exhibit 19
 4 for identification.)
 5 MR. KALISCHEFSKI: So, Javier, take it
 6 away, and I'll just point to the items that you're
 7 talking about.
 8 MR. MILLAN: Sure. Good evening, my name
 9 is Javier Millan, I'm a principal with KLOA,
 10 Incorporated. Can you hear me?
 11 CHAIRMAN KARTHOLL: Yeah, go ahead, Javier.
 12 MR. MILLAN: Thank you. So we conducted a
 13 traffic study following all industry guidelines
 14 from the State of Illinois requirements. So as
 15 you have heard, and as proposed, access to the
 16 site will be provided via full-movement access
 17 drive aligning opposite with Davey Road at a
 18 signalized intersection of Lemont Road via a
 19 right-in right-out access drive approximately 235
 20 feet north of Davey Road.
 21 So in order to accommodate the
 22 fourth leg, and as part of the development, the
 23 following improvements will be provided at the
 24 intersection: The proposed east leg will provide

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1 two westbound lanes striped for an exclusive
 2 left-turn lane and a shared-through right-turn
 3 lane. The left-turn lane will provide 315 feet of
 4 storage. New mast arms with new signal equipment
 5 will be provided for all four legs. New radar
 6 detection will be provided for the east and west
 7 legs. A new high-visibility crosswalk connecting
 8 the site to the existing crosswalk system on the
 9 west side of Lemont Road and pedestrian signal
 10 equipment for this crosswalk will also be
 11 provided.

12 The southbound left-turn
 13 movements onto the proposed east leg will be
 14 accommodated within the existing southbound
 15 left-turn lane. I want to point out that an
 16 Intersection Design Study, an IDS, showing the
 17 proposed improvements have been submitted and
 18 approved by the DuPage County Department of
 19 Transportation. As such, we're in the process of
 20 preparing signal plans and submitted there for
 21 construction permits.

22 As I mentioned, additional
 23 access will be provided to the north via right-in
 24 right-out access drive that will be located

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1 approximately 235 feet north of Davey Road. The
 2 access drive will provide one inbound lane and one
 3 outbound lane restricted to right-turn only
 4 movements via striping, signage and a raised
 5 triangular median. The outbound movements from
 6 this access drive will be under stop sign control.

7 So, pedestrian access to the
 8 development will be provided via a proposed
 9 sidewalk on Lemont Road along the site frontage.
 10 This sidewalk will connect to the existing
 11 pedestrian system via the previously mentioned
 12 crosswalk at the intersection of Lemont Road with
 13 Davey. In addition, the sidewalk will extend to
 14 the north side boundary line to allow for future
 15 connection to the parcel north of the site.

16 So, typically of any traffic
 17 study, the number of trips to be generated by the
 18 proposed development are based on the Institute of
 19 Transportation Trip Generation Manual, which is
 20 the standard utilized by the federal government,
 21 state, county, and municipalities. That traffic
 22 was then assigned to the area roadways and access
 23 drives based on the travel patterns derived from
 24 the traffic counts.

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1 We don't analyze in a vacuum,
 2 as you know, and we actually increased the
 3 existing traffic volumes by a regional growth
 4 factor provided to us by CMAP to reflect year, in
 5 this case, year 2027. These expanded traffic
 6 volumes, we added the traffic that will be
 7 generated by the gas station, and that was our
 8 future traffic volumes.

9 The intersection of Lemont Road
 10 and Davey Road, with the addition of the fourth
 11 leg and the proposed improvements that I discussed
 12 early on, will have sufficient reserve capacity to
 13 accommodate the additional traffic to be generated
 14 by the proposed fuel center.

15 Also, the northbound right-turn
 16 lane that will be provided on Lemont Road serving
 17 the right-in right-out access drive will help
 18 vehicles peel off and go into the pumps.

19 And in conclusion, as it was
 20 stated in the traffic study, the proposed access
 21 system will be adequate to accommodate the traffic
 22 projected to be generated by the proposed fuel
 23 center.

24 Any questions, I will be more

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1 than happy to answer them.

2 CHAIRMAN KARTHOLL: Let's go over again,
 3 your traffic study was submitted somehow online;
 4 is that right?

5 MR. MILLAN: Yes. Well, the traffic study
 6 was submitted to the county, the county approved
 7 it. I believe the traffic study has been
 8 submitted also online to you, and I could be
 9 wrong, but for the county has reviewed it.

10 CHAIRMAN KARTHOLL: Okay. Well, I don't --
 11 am I missing it? No one up here has it, so we'll
 12 have to get that.

13 UNIDENTIFIED SPEAKER: What about the
 14 public? We don't have anything.

15 CHAIRMAN KARTHOLL: I don't blame you.
 16 Okay, Javier, I have one
 17 question.

18 MR. MILLAN: Yes?

19 CHAIRMAN KARTHOLL: And you can go into
 20 detail or not on this. When we get your written
 21 traffic report, I know it will obviously address
 22 the things that you just discussed, but this is a
 23 jam-packed site. There's some indication of
 24 interior circulation, et cetera. I would have to

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1 study it for a long, long time to determine
2 whether I think that it is safe. Does your -- so
3 my question is: Does your traffic study make any
4 conclusions one way or the other as to the
5 efficiency of the internal circulation at this
6 site and the safety, or are all these trucks and
7 cars going to be driving into each other?
8 MR. MILLAN: We did not get directly into
9 the internal circulation, but as it was mentioned,
10 and if you look at the site plan, as it was
11 planned and proposed, it is actually very good in
12 separating truck traffic as much as possible from
13 vehicular or passenger vehicle traffic.
14 I'm going to start with the
15 main access drive, which is the one opposite Davey
16 Road. As you notice, truck traffic will actually
17 drive eastbound without overlapping anybody, they
18 go to the east, they make a U-turn to get to the
19 pumps, and when they exit, they don't have to
20 cross anybody, they just make a right and they
21 exit.
22 Internally if you look at the
23 site plan, all of the drive-through facilities,
24 the outbound movements will be under stop sign

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1 control. And they're separated by medians and
2 also reliefs -- what I call a relief value for an
3 opening has been provided in all of them. In the
4 unlikely event that something happens and the
5 drive-through is not working, people are able to
6 actually exit.
7 Typical of these gas stations,
8 and I understand your concerns, we have seen them,
9 but they are actually very much self-regulated
10 with the low traffic speeds because of what's
11 going on.
12 I'm going to look in here at
13 the drive aisle immediately between the
14 convenience center and the gas pumps, if you
15 notice goes in a north/south direction. So, we
16 recommend that southbound, it should be under stop
17 sign control, so there should be a stop bar right
18 there when they get to the main drive aisle. And
19 northbound, the northbound movement could also be
20 under stop sign control, just as the car wash
21 exiting is under stop sign control. That way the
22 flow of inbound traffic into the site flows
23 freely.
24 CHAIRMAN KARTHOLL: Well, assuming that

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1 it's all choreographed properly. I mean you're
2 inviting people to the site for one or two food
3 service facilities, car washes, various filling
4 stations, diesel and regular gas, and is there
5 anything I missed there? Oh, yeah, the
6 convenience store.
7 MR. MILLAN: Right. A lot of these things
8 tend to be interaction trips in which a person
9 might actually put gas, go into the convenience
10 store, and then just go into the car wash and then
11 just exit. So, many of these trips are just
12 basically going to be captured internally.
13 CHAIRMAN KARTHOLL: Okay. Well, thank you.
14 And you indicated you followed the standard
15 models. What kind of a facility did you model
16 against?
17 MR. MILLAN: Yes. ITE, or the Institute of
18 Transportation Engineers, this one would be the
19 gas service station convenience market, not as it
20 was mentioned like a trucking-type facility like
21 the ones that you see in the interstates, so this
22 is more in gear with what ITE says is a gas
23 service station with convenience.
24 CHAIRMAN KARTHOLL: You cut out a little

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1 bit.
2 MR. MILLAN: I'm sorry, I apologize.
3 The ITE land use, it's a gas service station with
4 convenience market for this one, and it's based on
5 the number of fueling positions. That's how you
6 do the trip generation based on the number of
7 fueling positions. We also did trip generation
8 for each individual use, in this case the
9 drive-through window that was assumed to be a
10 coffee/donut shop, also a fast food restaurant
11 drive-through, and also the commercial fuel lanes
12 with the three positions for the trucks.
13 CHAIRMAN KARTHOLL: Okay, thank you.
14 MR. MILLAN: You're welcome.
15 MR. KALISCHEFSKI: Before we go to the next
16 speaker, just as an example we have five different
17 sites that have two drive-throughs, as well as the
18 car wash, the auto, and the CFL. So we can give a
19 list to the Board of those sites of existing Gas N
20 Wash sites that have the same use if you're
21 interested in seeing how they actually function
22 quite well. And as you can see, we've got even a
23 favorable recommendation from the police chiefs of
24 the communities that we're in.

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1 The next speaker would be Mr.
 2 Gorman in regards to the property appraisal.
 3 CHAIRMAN KARTHOLL: Mr. Gorman, I recognize
 4 that you were sworn in.
 5 MR. GORMAN: Yes, I have been sworn in. My
 6 name is Robert Gorman, G-o-r-m-a-n, and I promise
 7 to be concise. I was asked to do --
 8 THE COURT REPORTER: Can you speak into the
 9 microphone, please.
 10 MR. GORMAN: I was asked to do a highest
 11 and best use analysis of the land, and I did. And
 12 my conclusion was that the highest and best use
 13 has changed over the years and would be for
 14 commercial development today. The whole area has
 15 changed with the development of the industrial
 16 park on the other side of the street.
 17 CHAIRMAN KARTHOLL: Okay, folks, hold it
 18 down, please.
 19 MR. GORMAN: Other than that, I would only
 20 say I've looked at a number of these gas stations,
 21 and they do seem to be very well -- I'm going to
 22 use the word sheltered -- so they don't disturb
 23 the properties. And I've done studies for you
 24 folks before on gas stations to see if they

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1 impacted the value of the properties adjacent, and
 2 they do not seem to.
 3 So, if you have any questions,
 4 I would be glad to answer.
 5 CHAIRMAN KARTHOLL: Well, your report makes
 6 a conclusion about highest and best use, and it
 7 makes a conclusion that commercial property is
 8 ordinarily more valuable than residential
 9 property.
 10 MR. GORMAN: That's correct.
 11 CHAIRMAN KARTHOLL: That's all I see. I
 12 don't see anything about diminished value.
 13 MR. GORMAN: That wasn't part of what I was
 14 asked, I was only asked to do the highest and best
 15 use.
 16 CHAIRMAN KARTHOLL: It's part of the zoning
 17 rules; right?
 18 MR. GORMAN: Perhaps it is, but I was asked
 19 to do a highest and best use analysis.
 20 CHAIRMAN KARTHOLL: Okay. Well, you did a
 21 very good job, thank you.
 22 Next?
 23 MR. KALISCHEFSKI: The next speaker will be
 24 Mr. McEnery.

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1 MR. MC ENERY: Hi, I'm Len McEnery, L-e-n
 2 M-c-E-n-e-r-y. Hi, everybody. I'm the -- I'm the
 3 owner of Gas N Wash. We've been in the business
 4 for over 50 years; we started Gas N Wash 12 years
 5 ago. I've been part of approvals, building and
 6 operating 150 locations over the years. We
 7 currently own and operate 24 locations with 8
 8 bordering on residential. We have 700 employees
 9 and another 700 in the food service tenants. We
 10 also have 3 under construction and 6 in the
 11 approval process. I speak to you from experience,
 12 and our development team has many years of
 13 experience also. I'm not defending our company,
 14 but explaining why it fits into your county.
 15 I choose this location because
 16 it is an underserviced area for food and fuel.
 17 Not much from 135th and Archer to north of I-55 on
 18 the Lemont Road, except for the one Speedway
 19 station at 103rd Street.
 20 We build union and operate a
 21 quality and needed business, as you've seen in our
 22 other locations. That's not the question here.
 23 The site is on a major traveled highway. Our team
 24 has presented and addressed lighting, traffic,

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1 noise, pollution, safety and home values. If it's
 2 not, after you can contact me.
 3 This is not a truck stop, but
 4 labeled that for attention. Less than 2 percent
 5 of all the vehicles are semi trucks. We have good
 6 relationships with all our villages and
 7 neighborhoods, as you've seen from the letters.
 8 We have been through this approval process, and
 9 after we've been approved, there has been zero
 10 complaints from the neighborhood. The complaints
 11 don't become real. We live in these places every
 12 day. They are more quiet than you can imagine
 13 with the sound barrier fence also. I've been
 14 outside with the sound engineering before, and the
 15 road noise is always more. This isn't a guessing
 16 game for us. If you're driving north from South
 17 Archer to 100 -- to I-55, where are you stopping?
 18 We bring 75 new jobs, needed
 19 services and tax dollars, I believe we've shown as
 20 plus \$500,000.00 a year. Gaming has grown into
 21 part of our business. Local residents play games
 22 for a while and leave. It's quiet and adds safety
 23 to our stores with people around. We've had zero
 24 problems with 20 gaming locations. This is not a

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1 bar for servicing liquor.

2 CHAIRMAN KARTHOLL: Are you saying you're

3 also going to have gaming at this site, or is this

4 just another general background fact about your

5 company?

6 MR. MC ENERY: We would apply for a gaming

7 license if approved here, but it is background

8 also.

9 We are not bringing you a

10 development with problems. I remember the -- I

11 remember the village approval in Shorewood a few

12 years ago with 100 residents in attendance, and

13 the mayor stated that if he had listened to all

14 the neighbors against Target, Home Depot,

15 Portillo's, we wouldn't have any in the village.

16 As you make your decision, not

17 tonight, but is this project a needed service and

18 a more modern way to help DuPage County? It's not

19 the monster that will be drawn out tonight.

20 I appreciate your support.

21 Thank you.

22 MR. KALISCHEFSKI: Just to wrap up real

23 brief, basically the seven elements of the

24 standards of conditional uses and the seven

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1 elements of the map amendment, we feel that we do

2 meet all of those requirements. In light of the

3 time, I won't go through each of the points.

4 One of the things we do want to

5 say is we meet all the zoning regulations. We've

6 already been reviewed by the county's Department

7 of Transportation and approved. We are a type 2-C

8 construction-type building, so over and above the

9 industry standards. So we meet and exceed all the

10 regulations from zoning, building, civil

11 engineering, utilities, roadway, et cetera. And

12 so we are always wanting to add to the community

13 that we are in. We build beautiful facilities, we

14 maintain them in excellent fashion, and we are a

15 good neighbor as the letters in your packages

16 support. And with that, in light of the interest

17 of time, we conclude our presentation.

18 CHAIRMAN KARTHOLL: Counsel, does that

19 conclude your presentation?

20 MR. TIEMAN: Yes, it does. I would like to

21 offer into evidence the exhibits that we have. We

22 understand that we have to renumber two of them,

23 but we have a total of 25 exhibits that were

24 presented to you this evening. We would like to

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1 offer those into evidence.

2 CHAIRMAN KARTHOLL: All right, if you would

3 work with our staff.

4 MR. TIEMAN: I'll be more than happy to do

5 that. We have to switch a couple numbers around.

6 CHAIRMAN KARTHOLL: Yes, but some of them

7 are in and renumbered; in other words, the survey

8 and site plan are duplicated.

9 MR. TIEMAN: Right.

10 CHAIRMAN KARTHOLL: So that confuses the

11 numbering that I tried to do, but if you would

12 work with the staff and renumber, we can create --

13 MR. TIEMAN: I'll be more than happy to do

14 that. With that, we are concluding our

15 presentation.

16 CHAIRMAN KARTHOLL: All right, thank you.

17 With respect to the process

18 here, I think I'd like to go to public comment

19 first to accommodate the members of the public

20 rather than ask questions from the Board now.

21 Your issues may give us a little guidance as to

22 issues that we haven't thought about.

23 So, once again, you can submit

24 written information, which you have done in many

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1 cases. If that information is submitted in

2 writing, it's not necessary for you to repeat it

3 at the witness stand here. You can sign the

4 petition that's been circulated in the back, you

5 can follow up with written comments after this

6 evening and it will be made part of the record,

7 and we will take some public comment this evening

8 from those who wish to testify in front of us

9 tonight. If you've already given us written

10 testimony, you don't need to do it again.

11 So, how many people would like

12 to speak about this petition? All right, would

13 all of you people -- you know what, ordinarily I

14 take homeowners' associations, not you know, I'm

15 the secretary of a homeowners' association so I'd

16 like to tell you about how I feel. If you are

17 officially representing a homeowners' association

18 this evening, we'll take you early on. If there

19 are municipalities or government bodies here,

20 we'll take you early in the process. And if there

21 are attorneys who represent a group of people,

22 we'll take you early in the process. Then we get

23 to neighbors.

24 So, is there anybody from a

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1 municipality or governmental entity that wants to
 2 testify this evening?
 3 UNIDENTIFIED SPEAKER: Homeowners'
 4 association?
 5 CHAIRMAN KARTHOLL: Hold on. And do you
 6 represent the homeowners' association, sir?
 7 UNIDENTIFIED SPEAKER: Riverview
 8 Subdivision.
 9 CHAIRMAN KARTHOLL: Are you speaking on
 10 behalf of the group of people from your
 11 homeowners' association?
 12 UNIDENTIFIED SPEAKER: Right.
 13 CHAIRMAN KARTHOLL: All right, come on up
 14 and we'll get you early on in line.
 15 Mr. Luetkehans, do you
 16 represent a group?
 17 MR. LUETKEHANS: Yes, sir.
 18 CHAIRMAN KARTHOLL: Why don't you go first
 19 and then we'll take -- you don't want to go first?
 20 MR. LUETKEHANS: Well, no, he wanted to go.
 21 He was standing at the lectern.
 22 CHAIRMAN KARTHOLL: All right, let's -- I'm
 23 going to swear in the homeowners' association
 24 representative and Mr. Luetkehans at the same

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1 time, and then we'll get to the rest of you.
 2 (Whereupon, the oath was duly
 3 administered by the Notary.)
 4 MR. LUETKEHANS: For the record, Phil
 5 Luetkehans, I represent several homeowners on
 6 Naples Drive just directly to the north. I guess
 7 I have a couple questions. I know this isn't the
 8 ability to cross-examine, but I think it would be
 9 important to understand when the Board asks
 10 questions. One is what's the volume of fuel they
 11 anticipate? And, two is, is this the same site
 12 plan that was presented to Woodridge? It appears
 13 to me -- and the reason I ask that is because I
 14 have studies from that I'm going to cite, and I
 15 wanted to --
 16 CHAIRMAN KARTHOLL: Well, we don't know
 17 that.
 18 MR. LUETKEHANS: I know.
 19 CHAIRMAN KARTHOLL: Why don't you ask the
 20 petitioner right now. Where is the counsel for
 21 the petitioner? The lawyer left? Why don't we
 22 all. Oh, there he is right there.
 23 Sir, can you tell us if this is
 24 the same plan that -- who's presenting here, the

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1 lawyer or the architect?
 2 MR. TIEMAN: Yes, sir, it's essentially the
 3 same site plan. The car wash is ten foot further
 4 away from the residences.
 5 MR. LUETKEHANS: That's fine. Thank you,
 6 that helps.
 7 I'm going to go through the
 8 standards of rezoning and talk -- use that kind of
 9 as the outline. First is existing uses of
 10 property within the general area of the property
 11 in question. As you saw, I had an aerial, but
 12 I'll use this one so we don't have multiples.
 13 CHAIRMAN KARTHOLL: I'd just like to say,
 14 Mr. Luetkehans, there was zero testimony presented
 15 and the petitioner said his case-in-chief is
 16 concluded. There was zero testimony presented
 17 about rezoning standards, so I don't think the
 18 Board is going to try to make the case by asking
 19 questions to solicit those required items, but go
 20 ahead.
 21 MR. LUETKEHANS: Yeah, and nor -- but I do
 22 think it's important to see this area. They
 23 mentioned the area to the east -- or excuse me, to
 24 the west which is industrial, no doubt about it,

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1 but it's separated by a four- or five-lane
 2 highway. You have to the north and to the south
 3 along the entire side of Lemont for a long
 4 distance, you have residential property. This
 5 does not fit that residential property. The
 6 zoning they're seeking is B-2 with conditional
 7 uses, when all the property, including this one
 8 we're involved here, is all residential.
 9 In fact, nextdoor is R-4, and then you have the
 10 subdivision to the north of that, which is in
 11 Woodridge, of high-end, you know, 6, \$700,000.00
 12 homes it appears.
 13 The property directly to the
 14 north is a high-end home, and as you go south,
 15 it's a little less high end, but there's still
 16 residences all the way down to the south, I think
 17 until you probably get to the Hindu Temple, which
 18 is about a half mile down.
 19 CHAIRMAN KARTHOLL: And religious
 20 institutions are favored in residential.
 21 MR. LUETKEHANS: As we know, it's very hard
 22 to deny a religious institution for a lot of
 23 reasons, which we won't get into.
 24 Two, B, zoning classification

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1 for property within the general area, I just kind
 2 of told you what that is. You have industrial
 3 across the street, you have residential on the
 4 east side.

5 Suitability of the property in
 6 question for the uses permitted under the existing
 7 zoning classification, it can clearly be used as
 8 an estate lot. Many estate lots in this area are
 9 used as residential, both north and south. What
 10 is not appropriate is placing a B-2 use, and a
 11 special use at that, in the middle of this
 12 residentially-zoned and utilized district.

13 I'm not sure if I can say this
 14 is spot zoning, but it's pretty darn close, if it
 15 isn't. We're throwing a B-2 in the middle of no
 16 B-2. You got -- you know, there's just nothing
 17 that's B-2 in this area. You're specifically
 18 creating a zoning district, in essence, for this
 19 one piece of property.

20 And we'll talk about it, I'm
 21 sure more, but the land use plan, and I know it's
 22 old, in DuPage County we haven't done a great job
 23 of updating it, but the current land use plan is
 24 residential in this area. The current Woodridge

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1 plan is residential in this area.

2 Not only is this a gas station,
 3 we do have a fueling station for trucks, we have a
 4 very large car wash. As you heard, we have two
 5 different restaurants with drive-throughs, we have
 6 a possibly gaming station, which we kind of heard
 7 by accident almost, but that creates -- that all
 8 kins into this use. And I don't know how many
 9 people go into the game station, I'm sure -- I
 10 think if you have fueling, I think you can go up
 11 to 8 or 9 by right. So, there is a -- and this
 12 may constitute a truck stop underneath those rules
 13 for gaming, I just don't know.

14 Trend of development, as I
 15 said, the comprehensive plan for the county land
 16 use plan looks at this area as a residential.
 17 There is no B-2, no commercial that is going on in
 18 this area anywhere near. Yes, it's industrial
 19 across, but nothing that's business, no kind of
 20 commercial retail uses that have been developed in
 21 the last three years.

22 Length of time the property has
 23 been vacant and zoned considered in the context of
 24 the land development area, this property was not

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1 -- this property -- well, half the property
 2 currently still has a resident in it, it's not a
 3 vacant property, they didn't buy a vacant
 4 property. The other half of the property, my
 5 understanding is it was also a residence that they
 6 tore down just recently. So this is not an area
 7 that's blighted that needs redevelopment or
 8 anything like that. It has been used for its
 9 essential purpose under both the Zoning Ordinance
 10 and the land use plan.

11 You'll hear from the people on
 12 the north and the south.

13 F, the extent to which property
 14 values are diminished by particular zoning: We
 15 didn't hear anything like that. We heard highest
 16 and best use, we didn't hear, hey, this is not
 17 going to diminish property values in this
 18 neighborhood. We have no reports to that. We
 19 haven't heard that, oh my gosh, these properties,
 20 which is really what rezoning is, the property is
 21 losing value because it's not been rezoned.
 22 That's not what we've heard, there's no evidence
 23 to that effect.

24 I'll talk real quick about the

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1 special use standards, because some of them
 2 obviously overlap. But the first one and the most
 3 important, the granting of any conditional use is
 4 in harmony with the general purpose and intent of
 5 this chapter, will not be injurious to the
 6 neighborhood, detrimental to the public welfare,
 7 or in conflict with the county's comprehensive
 8 plan. We know it's in conflict with the county's
 9 comprehensive plan. We also know that any time
 10 you put a business commercial use in the middle of
 11 a residential neighborhood, you affect the
 12 neighborhood.

13 We haven't heard -- again,
 14 number three under special use standards are
 15 diminish the value of land and buildings in the
 16 vicinity of the proposed conditional use: There's
 17 been no evidence to that. We haven't seen a
 18 matched pair analysis, we haven't seen a before
 19 and after that we see when we see appraisers come
 20 in and actually prove this standard.

21 Four is unduly increase traffic
 22 congestion in the public streets and highways.
 23 I'll be honest, I haven't seen the traffic study,
 24 I don't know if Mr. -- if KLOA's traffic study

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1 even goes that far, so I really can't comment on
 2 it. But what I can comment on is the one they
 3 provided to Woodridge, and we will make an exhibit
 4 here, is that at least the intersection at Davey
 5 and Lemont is going from A level service to D.
 6 Now I know D is acceptable, but that's a huge
 7 change in service at an intersection for this
 8 particular residential neighborhood.
 9 I'll hand out the traffic study
 10 for the Woodridge hearing.
 11 CHAIRMAN KARTHOLL: We'll take it as
 12 Objector's Exhibit 1, prior traffic study.
 13 MR. LUETKEHANS: Thank you.
 14 (Whereupon, the document was
 15 marked Objector's Exhibit 1 for
 16 identification.)
 17 MR. LUETKEHANS: We heard a lot of
 18 testimony about the need for the use. It's not
 19 one of the standards, as this Board knows better
 20 than I do. That's not what we're dealing with
 21 here. The only thing I could think of that we
 22 have, at least nearby, this size of a car
 23 wash/truck fueling/car fueling is the Pilot on
 24 North Avenue at Gary, that's it. It's a pretty

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1 big station, it's 12 acres, about a third of it is
 2 not used. This is an eight-acre site, so it's a
 3 little bigger, probably 33 percent bigger than the
 4 Pilot over there, but anybody who's seen that,
 5 that's a huge station. Huge. This isn't like
 6 your corner gas station, this isn't like the
 7 Speedway down the street. This isn't even like
 8 the stuff at 355 and North Avenue, which are 3
 9 and-a-half acre sites. This is a big site. Now
 10 that helps the circulation, I'm not going to deny
 11 that, KLOA may be correct. But I'll tell you what
 12 it also does, it changes the character of this
 13 neighborhood. And that's what we're here to make
 14 sure does not happen.
 15 You heard from the Forest
 16 Preserve. Now I will say I kind of looked at,
 17 just to be fair, I think the number of car pumps
 18 is about the same as the Pilot up here, but it is
 19 about half the number of fueling stations, so I
 20 don't want to --
 21 The Forest Preserve District,
 22 we heard that they're trying to donate land, we
 23 don't know if they're going to be able to. We do
 24 know from the letters in the file that was sent

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1 that the Forest Preserve District commented that
 2 they don't have enough information. They
 3 commented that they want Dark Skies, we haven't
 4 heard the Dark Skies limitation, which I did a
 5 property down the street had to have.
 6 Did they comply with that? They were aware back
 7 in the Woodridge area that the Forest Preserve
 8 District was seeking the Dark Skies Ordinance-type
 9 of thing. We haven't heard they're doing that, we
 10 just saw here's our photometric plan, which they
 11 have to comply with the county standards anyway.
 12 You know, I'm not really worried about that, but I
 13 am -- the Forest Preserve District is looking for
 14 this night sky or dark skies thing next to their
 15 property, and we haven't heard that they're
 16 willing or able to comply with that.
 17 I already talked about traffic.
 18 Sound, they don't have Mr. Thunder -- Dr. Thunder
 19 here, and I've worked with Dr. Thunder, I think
 20 he's been before this Board a number of times. If
 21 you go to page 2 -- and I couldn't keep track of
 22 the exhibit numbers, so I apologize. It was the
 23 original Exhibit 15, I don't know if that's still
 24 15 or something else now, but we heard tonight

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1 that the car wash is not going to be above the
 2 ambient noise level. I'll wait until you're
 3 there. It's actually a big page, it's a colored,
 4 it's got a sound level analysis, or it's got -- I
 5 forget what they call this, plotting of the noise
 6 levels and the dBA's. You see at the bottom of
 7 page 2, it says the hourly car wash sound level
 8 drops from 60 dB during the busy hours to 58 dBA
 9 during the evening hours. I assume dB was
 10 supposed to be dBA. As how in figure 1, hourly
 11 car wash noise would exceed the hourly background
 12 noise.
 13 So to say, oh, we're never
 14 exceeding hourly background noise, that's a
 15 mistake. It's wrong. Their own sound engineer
 16 said it, it does that. And he goes on to say on
 17 page 3, "Our impression continues to be that a
 18 well-designed barrier would significantly reduce
 19 the noise; however, the extent and height of the
 20 barrier would need to be confirmed by computer
 21 modeling." We don't know what that means. Are
 22 you going to require a 10-foot, a 6-foot, a
 23 14-foot fence? And if it's a 14-foot fence, it
 24 has other issues; right? I don't think -- I think

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1 it's 8 feet is probably what's allowed in that
 2 area. We also don't know how much it's going to
 3 reduce. It doesn't say it will reduce it below
 4 the IPCB limits for nighttime, because as you know,
 5 the IPCB limits are at one level during daytime
 6 and they reduce from 10:00 a.m. to -- 10:00 p.m.
 7 to 7:00 p.m. Those dBA -- those decibel limits
 8 per hertz have to be decreased, and we haven't
 9 seen that. We don't know how much they're being
 10 decreased. We know they're above the ambient now,
 11 and they admit they have to be reduced. We don't
 12 know how much, and we don't know if that's even
 13 possible.

14 Appraisal, I've already talked
 15 about that.

16 Let's talk about no new
 17 traffic. I have a real hard time believing
 18 there's not going to be any new traffic when you
 19 have two restaurants, a fueling station, and gas
 20 and cars. It may not be new completely to the
 21 area, but it may be a heavier use on Lemont Road,
 22 and we know it is because we've seen -- or I've
 23 seen a traffic study, and I'll give it to you,
 24 that says that one intersection from A to D, as in

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1 David. So we know there's new traffic, increased
 2 traffic, otherwise there would be no reduction.

3 Finally, real quick, the
 4 Woodridge Plan Commission looked at this exact
 5 same plan in October, 2022. And I know it's not
 6 -- you don't have to rely on that, but it is
 7 interesting that Woodridge, which is within its
 8 planning district, was asked to annex this land
 9 and asked that it be rezoned. The plan commission
 10 unanimously recommended denial, the applicant then
 11 withdrew its petition so it wouldn't get a denial
 12 at Woodridge, and then came to you. Most
 13 importantly, this is just a bad use when
 14 surrounded by residential properties. It's the
 15 wrong place for this project. This isn't -- it's
 16 not even a small gas station, it's a very large
 17 one with a lot of other uses, as we've seen. And,
 18 you know, now you're adding gaming, at least the
 19 possibility of gaming, that's going to also bring
 20 more people. This is not just, hey, we're
 21 stopping by on our way. This is not Roosevelt
 22 Road in Glen Ellyn where people stop on their way
 23 to work.

24 So, it doesn't fit, creates

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1 traffic issues, this is just bad zoning and land
 2 use for the site, bad idea for this property, and
 3 I thank you for your time.

4 CHAIRMAN KARTHOLL: You need to give your
 5 indication of who you represent to the staff and
 6 your exhibit, if you would.

7 MR. LUETKEHANS: I'll give that to staff.

8 CHAIRMAN KARTHOLL: Homeowners' association
 9 person?

10 MR. FEEHAN: You said you didn't want us to
 11 go over everything twice, and he pretty much went
 12 over everything as well as anybody could.

13 CHAIRMAN KARTHOLL: If you could just
 14 indicate your name and say I agree with the
 15 remarks of the prior speaker.

16 MR. FEEHAN: Thomas Feehan, and I do agree
 17 with everything he said.

18 THE COURT REPORTER: Can you spell your
 19 last name?

20 MR. FEEHAN: F-e-e-h-a-n.

21 CHAIRMAN KARTHOLL: Now, those others of
 22 you who --

23 MR. REIGLE: Homeowners' association.

24 CHAIRMAN KARTHOLL: I'm sorry, I didn't see

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1 you. Are you, like, did you pass a resolution or
 2 something in your homeowners' association, or are
 3 you here just because you represent the sentiment
 4 of the body?

5 MS. REIGLE: The sentiment of the body.
 6 I've received comments from the community.

7 CHAIRMAN KARTHOLL: Okay. Let me just --
 8 go right ahead.

9 Here, for the homeowners'
 10 association people, if you could indicate that
 11 your homeowners' association passed a resolution
 12 or had a meeting and made a vote or whatever, and
 13 send us that on your homeowners' letterhead, we'll
 14 supplement the record with that.

15 Could you identify yourself?
 16 You were sworn in?

17 THE COURT REPORTER: Yes.

18 CHAIRMAN KARTHOLL: I don't want to go
 19 through this every time, so everybody else who
 20 expects to make a comment, please raise your hand
 21 and be sworn in.

22 You know what, I've got these
 23 people in the front row, but could you others kind
 24 of queue up over here. And everybody keep your

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1 hands in the air because you're about to be sworn
 2 in.
 3 (Whereupon, the oath was duly
 4 administered by the Notary.)
 5 MR. REIGLE: Hi, my name is Laura Reigle,
 6 I'm with the Pleasant Vale Voluntary Civil
 7 Association.
 8 THE COURT REPORTER: Can you spell your
 9 last name?
 10 MS. REIGLE: R-e-i-g-l-e. I'm going to
 11 give you a little background about myself. I
 12 worked at Argonne National Lab as a chemical waste
 13 generator as one of my duties; I have a degree in
 14 Applied Science. I did some research from the --
 15 some information to the EPA regarding --
 16 CHAIRMAN KARTHOLL: Is this related to the
 17 homeowners' association?
 18 MS. REIGLE: It's related to the project
 19 and it's related to the project in the sense that
 20 I'm concerned about the topography and any dirt
 21 levels being brought in, along with the runoff of
 22 any chemicals because our communities are
 23 connected through the same aquifers for our well
 24 water that we currently use, and we already have

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1 the Forest Preserve which uses garlon as a
 2 chemical in there with runoff that goes into the
 3 ground.
 4 But currently the State of
 5 Illinois has 8,591 clean-ups that they need to
 6 produce, which has been in the 2011 and 2004
 7 report, and we're number four in Illinois out of
 8 all the 50 states for having the most clean-ups
 9 that need to be done. And those clean-ups are
 10 basically from car washes, from gas stations, and
 11 the chemicals that end up seeping into the soil
 12 that don't immediately. Chicago Water Reclamation
 13 District at the bottom of the canal, very close to
 14 where this gas station is going to go in,
 15 currently has a remediation project that hasn't
 16 been done, but it was estimated to cost over \$2
 17 million for the clean-up for the gas station that
 18 was there at one point in time.
 19 My concern is this: Yes, we do
 20 change things from how we store fuel underground.
 21 We do put in sensors, but we end up down the road
 22 having flaws in those. And the gas stations that
 23 we have right now, we have three gas stations at
 24 Woodward and Boughton, which is Costco, Shell and

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1 Amoco. And then we have another Shell on the
 2 other side of Lemont Road and I-55. We have the
 3 Speedway on Lemont Road right there, and then if
 4 you go through the industrial park on Joliet Road,
 5 we also have a truck stop. So we have a lot of
 6 gas stations in this area which have run-offs --
 7 could potentially have run-off issues. They all
 8 pretty well have car washes, and those chemicals
 9 possibly getting into our aquifers by the rock
 10 formation.
 11 CHAIRMAN KARTHOLL: You understand that is
 12 all very highly, highly regulated.
 13 MS. REIGLE: Yes, but we also realize that
 14 there is flaws in those regulations and they
 15 appear once in a while, so we do do that.
 16 CHAIRMAN KARTHOLL: I understand your
 17 concern.
 18 MS. REIGLE: The other issue that I have is
 19 the sound and the engine braking noise we have
 20 that goes on, because right now on Lemont Road
 21 with the current gas station we have engine
 22 braking. And we also have trucks, even though
 23 there isn't a truck stop there, that stop on the
 24 sides of the road. They stop on Lemont Road and

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1 the adjoining side roads, and park on the
 2 shoulders. So, adding additional, even though
 3 it's not there, it's still used in that context.
 4 And those are concerns that we
 5 have going forward with the project. I do thank
 6 you for your time. I'll let the other speakers
 7 speak.
 8 CHAIRMAN KARTHOLL: If you represent a
 9 homeowners' association, please tell us the name
 10 of the homeowners' association, and whether or not
 11 you object to this petition, briefly state the
 12 reasons why, but tell me this is the position of
 13 the homeowners' association, and I can confirm
 14 that by virtue of the fact that we had a meeting
 15 and whatever. It's not, well, you know, my sense
 16 is that everybody feels this way.
 17 MR. MONTERO: Good evening, DuPage County
 18 Board members, thank you for your time and
 19 allowing me to speak tonight. My name is Jayce
 20 Montero, I am the president of International
 21 Estates Homeowners' Association, my address is 908
 22 Stonebridge Way in Woodridge.
 23 I speak on behalf of the
 24 community at International Estates when I say we

<p style="text-align: right;">Page 62</p> <p>1 do not want to come off as being opposed to 2 business. We understand the importance of 3 supporting new business endeavors which, in turn, 4 supports job creation and tax revenue generation, 5 and all that is needed to run a sustainable 6 government and community; we get that. Our issue 7 is with the proposed location. We think the 8 project is ill-suited for many reasons, which you 9 have or will hear about tonight from other 10 residents in the surrounding community. 11 Rezoning areas to commercial 12 should always raise red flags as to potential 13 impact. In this case we're questioning why this 14 particular residential location makes sense over 15 other commercial areas. I have, as representative 16 of the IEHA, 49 signed signatures from our 17 community members. We also have over 1200 online 18 signatures. Thank you. 19 CHAIRMAN KARTHOLL: Thank you, sir. You 20 can submit that. 21 Folks, you're just delaying the 22 process. We're not here to sort of gauge the 23 applause from the audience. 24 I'm going to take this as</p>	<p style="text-align: right;">Page 64</p> <p>1 I'm just stating what I feel. 2 CHAIRMAN KARTHOLL: Okay, great. Thank 3 you. Next? 4 MR. KESLER: Hi, my name is Scott Kesler, 5 K-e-s-l-e-r. I represent International Estates II 6 Homeowners' Association. We're just north of the 7 association that James represented. One thing I 8 want to raise a series of questions I didn't see 9 presented in the materials tonight, basically on 10 our experience with Woodridge. I didn't see how 11 they were planning to address anything from a -- 12 really from a water or a sewer sanitary 13 perspective. Most of the homes immediately south 14 and west of Lemont are on wells, so are they 15 planning on taking -- 16 CHAIRMAN KARTHOLL: The property is 17 serviced by water and sewer public. 18 MR. KESLER: It's unincorporated right now. 19 Originally that was not -- my understanding is 20 they would have to be part of the village to do 21 that. So that was something I wasn't sure how 22 that was being addressed. 23 Again, not to duplicate a lot 24 of other things that have been said, I think</p>
<p style="text-align: right;">Page 63</p> <p>1 Homeowners' Association Petition. There's some 2 requirements that we have here that we can 3 resolve. The gentleman from the homeowners' 4 association, we have some formalities about how 5 this is to be formatted, so if you could work with 6 the staff to resolve that. 7 (Whereupon, the document was 8 marked Homeowners' Association 9 Exhibit. 1 for 10 identification.) CHAIRMAN KARTHOLL: Next? Who 11 are you? 12 MR. HEJKA: My name is Art Hejka, I'm just 13 a homeowner in the area. A-r-t H-e-j-k-a. 14 CHAIRMAN KARTHOLL: Do you have something 15 -- 16 MR. HEJKA: I just wanted to say we got 17 eight gas stations in the general area over there. 18 One a minute north, one two or three minutes 19 farther north, three truck stops on the other 20 side. I mean, eight. What do we need another gas 21 station here for? It's just crazy to me. It's 22 just money. Everything in this area is going to 23 change because of this just because they want some 24 money or just want to put a stupid gas station up.</p>	<p style="text-align: right;">Page 65</p> <p>1 there's been a lot of studies, awareness in the 2 news about chemicals that are left behind. The 3 chemicals are in the air particularly NBTBE, 4 benzene, ozone, particulate matter. I think we 5 all know those are carcinogenic. I understand the 6 technology, you know, has helped to try to 7 mitigate, but study after study has shown that 8 historically regardless of what's done, those 9 chemicals are left behind, and the residents in 10 the community is left to deal with it. 11 CHAIRMAN KARTHOLL: All right, thank you, 12 sir. For the record, your homeowners' association 13 opposes this petition? 14 MR. KESLER: Yes, we oppose it, and I've 15 spoken personally to each member, so I know. 16 CHAIRMAN KARTHOLL: Great, thank you. 17 MR. HUNZINGER: Hi, my name is Les 18 Hunzinger, I live in International Estates. 19 THE COURT REPORTER: Can you spell your 20 last name, please? 21 MR. HUNZINGER: H-u-n-z-i-n-g-e-r. And 22 I've done my online research, and in July 25th, 23 2022, the same Gas N Wash proposed the same set up 24 at 750 yards away at Bluff Road and Lemont Road,</p>

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1 and went to the Board in Lemont. I can't find out
 2 if it was denied, but they had a lot of objections
 3 to it environmentally, traffic, they wanted a
 4 traffic light put in there. They asked for
 5 different -- they opposed it being changed from
 6 residential to commercial because the whole thing
 7 wasn't there. The case number is 2022-3 Bluff
 8 Road. So when that was denied, it got moved to
 9 Woodridge up the road 750 yards, and they did the
 10 same proposal, except they want to put in 24-hour
 11 service, including gaming rooms and liquor sales.
 12 And when it went to the Board, the Zoning Board
 13 denied it, it was going to go to the village, and
 14 as we're all getting ready to go to the village
 15 hall, we got an email alert saying it was
 16 canceled.
 17 CHAIRMAN KARTHOLL: Yeah, we got that
 18 background. We don't have the background about
 19 the prior case, so could you give that to our
 20 staff?
 21 MR. HUNZINGER: Yeah, I'll give that to
 22 them.
 23 CHAIRMAN KARTHOLL: We'll put that in our
 24 record.

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1 MR. HUNZINGER: And so what that does show
 2 on this plan E there is the exit coming out of the
 3 site comes right onto Naples Avenue off Lemont
 4 Road, which has an easement coming from our road
 5 into our neighborhood, and that road will be
 6 blocked with this site. So the traffic coming out
 7 of the gas station will block the off road to
 8 Naples Avenue. It's just above the street here,
 9 and they don't show it on the map deliberately.
 10 So that's a problem for the traffic flow there.
 11 And the final thing I have is
 12 that whole area is managed by Argonne Labs for
 13 environmental EPA uses with the whole Waterfall
 14 Glen Forest Preserve, which butts up against that.
 15 I went online today and I printed off the three
 16 environmental studies that control and manage all
 17 the property between Cass Avenue and Lemont Road
 18 with all the water runoffs, chemicals and
 19 everything else. And I'll leave this here with
 20 the --
 21 CHAIRMAN KARTHOLL: Do you want to make it
 22 an exhibit?
 23 MR. HUNZINGER: I'll make it an exhibit.
 24 CHAIRMAN KARTHOLL: Then it's Objector's

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1 Exhibit 2. Put your name on the top there so we
 2 can identify that.
 3 MR. HUNZINGER: 2, 3 and 4.
 4 CHAIRMAN KARTHOLL: We'll make it Group
 5 Exhibit 2, all of them will be in the same group.
 6 (Whereupon, the documents were
 7 marked Objector's Group Exhibit
 8 2 for identification.)
 9 MR. HUNZINGER: Okay, that's what I have.
 10 Thank you.
 11 CHAIRMAN KARTHOLL: Thank you, sir. Next?
 12 MR. LENTINE: Thank you. My name is Frank
 13 Lentine, I live at 929 Naples Lane.
 14 THE COURT REPORTER: Can you spell your
 15 last name, please.
 16 MR. LENTINE: L-e-n-t-i-n-e. I'm opposing
 17 the proposed zoning change and the proposed
 18 development due to its location in the middle of a
 19 residential area and its many potential adverse
 20 impacts.
 21 Now, admittedly, many of the
 22 impacts are somewhat subjective. How much noise
 23 is too loud? How much lighting is too bright?
 24 But there's at least one group of impacts that are

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1 not subjective, but an incontrovertible fact, that
 2 the adverse health effects from fuel vapor
 3 releases from normal refueling operations and
 4 normal tank filling and venting.
 5 In our public comments that we
 6 submitted in writing, I and others have provided
 7 you with references to numerous scientific studies
 8 of adverse health effects that support minimum
 9 safe separation distances from residences of as
 10 much as 500 feet. Many jurisdictions in many
 11 states have placed minimum separation distances in
 12 their zoning requirements of 300 feet for
 13 residences and 500 feet for parks and other places
 14 where people may congregate. And although we
 15 didn't state it explicitly, we have many
 16 residences within 160 feet of the proposed
 17 development, much less than the generally-accepted
 18 300-foot limit.
 19 Now, the applicant has
 20 presented you with results of studies of some of
 21 the more subjective impacts such as noise. But
 22 has the applicant presented you with any studies
 23 that support no adverse health effects at a
 24 distance of 160 feet? The answer is no. And I

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1 don't think any such studies exist. The studies
 2 that do exist demonstrates the contrary.
 3 So I urge you to follow the
 4 science, follow a course of action that protects
 5 life and not endangers it, reject the proposed
 6 zoning change and do not allow the Gas N Wash at
 7 this location.
 8 CHAIRMAN KARTHOLL: Thank you, sir. I'm
 9 going to clear the room the next time I hear a
 10 disruption from applause. I asked several times.
 11 This is not a theater production that you are to
 12 applaud.
 13 All right, go ahead.
 14 MS. WROBLEWSKI: My name is Debbie
 15 Wroblewski, W-r-o-b-l-e-w-s-k-i. I live at 925
 16 Naples Lane, but we also own the property at
 17 12S331 Lemont Road. And as Frank was talking
 18 about, the adverse health effects and the gas
 19 fumes at 160 feet, my two in-laws, both in their
 20 80's, live -- there's no street, you know, it was
 21 farm country, so the property line is the property
 22 line. And we understand they can build five feet
 23 off the property line, and if that's the case,
 24 then they're looking at about 15 feet away from

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1 the gas station. And the way the house is built,
 2 it's a home built into the ground, so they have a
 3 front door which faces west, and all of their
 4 windows will face the gas station. That's their
 5 entrance, that's their window, because they don't
 6 have regular windows, it's all sliding glass and a
 7 sunroof because the roof of their home is in the
 8 ground. So, we have our 85-year-olds at the gas
 9 station, which I absolutely am opposed to.
 10 And if I could ask a quick
 11 question, I know at the Speedway they can only
 12 turn right, you can only exit right from the gas
 13 station. Where can you exit from the proposed gas
 14 station? Is there a right-turn only? Can you
 15 turn left? I don't really get an answer when I've
 16 asked. Nobody really knows.
 17 CHAIRMAN KARTHOLL: Do you want to answer
 18 that now, petitioner, or in your summary remarks?
 19 MR. KALISCHEFSKI: Whatever would be your
 20 preference.
 21 CHAIRMAN KARTHOLL: I don't care. Do it
 22 now.
 23 MR. KALISCHEFSKI: Basically we have at the
 24 light --

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1 THE COURT REPORTER: You're going to have
 2 to speak into the microphone.
 3 MR. KALISCHEFSKI: At the light at Davey
 4 you will have a full intersection that you can
 5 turn right or left, so this would be able to go
 6 north, or you could go south at the northern part
 7 of our property you would be able to go right
 8 right onto Lemont Road. We are not even close to
 9 Naples Drive, we are not blocking that.
 10 CHAIRMAN KARTHOLL: Okay, thank you.
 11 MS. WROBLEWSKI: That's all I have.
 12 CHAIRMAN KARTHOLL: Thank you very much.
 13 Next?
 14 MR. BURKE: My name's James Burke. I'm a
 15 resident at 10521 Rothenburg Road in International
 16 Parkway -- my name is James Burke, I live at 10521
 17 Rothenburg Road in International Parkway
 18 Subdivision. I have two young daughters, ages 9
 19 and 5 that attend St. Alphs/St. Pat's pre-K to 8th
 20 grade school. The one thing that has not been
 21 discussed by anybody from Lenny's, or addressed at
 22 all, is a school, which I don't think they're
 23 aware of, is less than four-tenths of a mile from
 24 the proposed site directly off of Davey Road.

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1 Currently Davey Road from Lemont Road all the way
 2 to Woodward, which I think it's called Moray
 3 actually at that point, is currently zoned no
 4 trucks over five tons. If you should Mapquest
 5 direction for any truck to go to this proposed
 6 site, it will automatically filter it through
 7 Davey Road, which again, is against the way the
 8 road is zoned. And the way the road was zoned is
 9 my belief, along with common sense, is that you
 10 have a school full of children of roughly 200 that
 11 is thriving and growing, which is trying to
 12 prevent any truck traffic. The only ones that are
 13 allowed a truck over five tons must have a direct
 14 delivery. We currently are challenged with that
 15 today without any increased traffic. We have a
 16 three-way stop at Davey at the school, and it
 17 consistently gets run all times of the day. Why
 18 do I know this? There's constant notifications
 19 sent home to us as parents. I also walk the area
 20 often, both take my children to and from school,
 21 as well as I walk my dog, and I have neighbors who
 22 do the same.
 23 So the concern is a safety
 24 issue, it's a health issue. We heard about the

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1 concerns of the fumes. Not only that, it's our
 2 neighborhood. We're growing as a residence.
 3 There was a statement made that we're growing
 4 commercially in the area. Not true. We're
 5 growing much faster. We added over 12 percent of
 6 homes this year with plans to add more just in our
 7 subdivision, not counting some of the others. So,
 8 you know, to justify to put a commercial property
 9 that's being proposed, not on an adjacent to
 10 residential, in the middle of a residential, it's
 11 just not safe. It's not responsible. I
 12 appreciate you hearing me.
 13 CHAIRMAN KARTHOLL: Thank you, sir.
 14 MR. BURKE: If I could, I have an exhibit.
 15 It's a letter --
 16 CHAIRMAN KARTHOLL: Is it the same letter
 17 that we have?
 18 MR. BURKE: It's from the principal. I'm
 19 not sure if she got it to you.
 20 CHAIRMAN KARTHOLL: We already have it.
 21 Well, it says the same things that you just
 22 testified to; is that right?
 23 MR. BURKE: It should, yeah.
 24 CHAIRMAN KARTHOLL: Yeah, okay.

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1 MS. USELOVA: Hello, my name is Denise
 2 Uselova, U-s-e-l-o-v-a. I live on the 19W661 Hill
 3 Crest Lane, which is just southwest of the
 4 property where Gas N Wash wants to build a gas
 5 station. We all residents at the property are on
 6 the wells and septic. Can you imagine what will
 7 happen in case of accidents? I know that they
 8 told us they will use the state-of-the-art
 9 technologies, but what if something happens, who
 10 will help us?
 11 Another thing is that we have a
 12 lot of ravines on our properties, especially we
 13 have huge ravine which takes like all the
 14 rainwater from our street and it drains towards
 15 the river, and it's also across the street on like
 16 east side of the Lemont Road, the same thing.
 17 They have a lot of ravines which goes towards the
 18 river. And if you drive to the Bluff Road, there
 19 is like always like flooding if it's, like, heavy
 20 rain, and it all drains to the river.
 21 Another thing, we already heard
 22 about the safety, pollution and noise. I would
 23 also like say that in the last three years we all
 24 learn how important is for our mental health

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1 nature. Please consider that we live right near
 2 Waterfall Glen Forest Preserve, which is one of
 3 the most visited forest preserves in the
 4 Chicagoland and maybe in all Illinois.
 5 Another very close forest
 6 preserve is Keepataw Forest Preserve, which is
 7 like very small but important habitat of the
 8 dragonfly, emerald dragonfly. And I am sure you
 9 are familiar with it, because this insect actually
 10 caused significant delay of 355 extension. I'm
 11 sorry, but I had to mention it.
 12 So, another thing which I would
 13 really like to point out, that even U.S. Post
 14 Office thinks that Lemont Road is so dangerous and
 15 busy with the traffic, they won't deliver posts to
 16 the residents who live directly on Lemont Road,
 17 they have to collect it on our street.
 18 And one more thing, like during
 19 the week the Lemont Road is very busy, so we are
 20 glad on weekends it's kind of quiet, we can open
 21 our windows, you know. So with two fast-food
 22 restaurants, the car wash, I mean, you know, we
 23 have already two or three car washes in Lemont,
 24 and I see that on weekends they are most busiest.

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1 So who is coming to wash the car on the weekend or
 2 weekday? So it will be still very busy for us.
 3 Please take it in consideration. Thank you for
 4 your time.
 5 CHAIRMAN KARTHOLL: Thank you. Next?
 6 MR. RIVERA: Good afternoon, Adrian Rivera,
 7 12S423 Lemont Road. I'm opposed to this
 8 development. I do just have a question. I think
 9 it was discussed it was the same plan as submitted
 10 at Woodridge. During that zoning meeting, it was
 11 discovered that the top of the pavement elevation
 12 when you compare it to the top of the south side
 13 fence was actually what was being proposed as an
 14 8-foot fence was only four feet coverage. Is that
 15 still the case, or did you increase that fence by
 16 another four feet?
 17 MR. KALISCHEFSKI: Should I?
 18 CHAIRMAN KARTHOLL: I don't think the fence
 19 is resolved yet, but go ahead.
 20 MR. KALISCHEFSKI: That fence has been
 21 moved to the top of the curb at the street, so it
 22 will be a full 8-foot high fence.
 23 MR. RIVERA: And I 100 percent agree, I
 24 won't go down to the details, my parents just live

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1 south of here and a few of us directly south of
 2 them with well water. Please consider this to be
 3 just a bad zoning, bad mistake in a residential
 4 area. Thank you.

5 CHAIRMAN KARTHOLL: Thank you, sir. Next?

6 MS. SHAW: Hi, my name is Cathy Shaw,
 7 S-h-a-w. I live in Lemont down the street from
 8 the properties. No one should have to live next
 9 to a gas station. The repeated high exposure to
 10 gasoline, liquid or vape form, can cause lung,
 11 brain, and kidney damage. The ground level ozone
 12 by gasoline fumes also cause respiratory problems,
 13 asthma, and cancer-causing chemicals. There are
 14 underwater hazards; the underground storage tanks
 15 can leak into the ground, the car wash, water
 16 waste and sludge drainage. The residents around
 17 the properties have well water and rely on clean
 18 water from their wells that will now be unsafe for
 19 them to drink, not to mention all the water waste.
 20 A regular tunnel car wash wastes 30 gallons of
 21 water per vehicle.

22 The surrounding properties will
 23 lose their value of their homes. The proposed gas
 24 station/car wash/convenience store/

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1 restaurants/drive-through and liquor store will be
 2 a problem for the surrounding residents' daily
 3 lives. Noise, pollution, tanker trucks that come
 4 fill up the gas tanks, litter, extra traffic,
 5 truckers that park and sleep in the station, the
 6 lighting at night when the residents are trying to
 7 sleep, and crime. Places like this prove to bring
 8 in drug deals, other illegal activity and
 9 unsupervised teenagers.

10 The tendency for gas stations
 11 are being built larger and larger. They should
 12 not be located in a residential area by family
 13 homes and next to a forest preserve. How can we
 14 protect the land and wildlife then install all the
 15 gasoline storage tanks, loud construction, bright
 16 lights, loud trucks and traffic coming through and
 17 think we're protecting our beautiful Waterfall
 18 Glen Forest Preserve and wildlife? Many people
 19 walk through Waterfall Glen exercising, bike
 20 riding, and just enjoying nature. I would not
 21 want that ruined by Lenny's Gas N Wash.

22 They are not building this gas
 23 station next to their own home, it does not
 24 benefit the community, it only benefits the owners

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1 who are not looking out for our community or our
 2 residents' well-being, only making money for
 3 themselves.

4 There's a Speedway on Lemont
 5 Road half a mile north of the proposed gas
 6 station. Not to mention the increase in electric
 7 vehicles and a decrease of gas vehicles. The
 8 owner said that this was the modern way, but
 9 electric fuels and hybrids are the modern way.

10 Building another gas station is
 11 excessive and unnecessary, harming the surrounding
 12 residents' everyday life, health and wildlife and
 13 nature that we're trying to preserve.

14 Please picture your homes and
 15 having a gas station right nextdoor. Would you
 16 want that for you and your family? Please turn
 17 down this plan and deny the request for rezoning.

18 And I have some pictures
 19 because my mother- and father-in-law live right
 20 nextdoor, so I can give them to you or put in
 21 evidence. These are geese in their back yard of
 22 their four acres. I have deer that are in the
 23 back yard, more deer. And then right across the
 24 street, because they say it's not like a truck

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1 stop, but either is the Speedway. I was driving
 2 by, look at all the trucks that will stop and park
 3 and sleep there.

4 CHAIRMAN KARTHOLL: So, okay. We need to
 5 know when the photos were taken and who took them.

6 MS. SHAW: I took them from my car just
 7 driving by, because I drive by every day. I did
 8 it right before we were going to Woodridge, so in
 9 October. I could do it on a weekly basis and show
 10 you all the trucks.

11 CHAIRMAN KARTHOLL: I don't think we need
 12 --

13 MS. SHAW: I mean it's always there.

14 CHAIRMAN KARTHOLL: I don't think we need
 15 pictures of the geese.

16 MS. SHAW: Yeah, I'm just saying it's just
 17 beautiful in the back yard, and with all that
 18 noise, it will be scared away.

19 CHAIRMAN KARTHOLL: What about this last
 20 photograph, what's that?

21 MS. SHAW: Well, I have the trucks from
 22 Speedway. I have different views of just all the
 23 trucks that park, and it's not a truck stop but
 24 it's a gas station and they still park there and

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1 sleep.

2 CHAIRMAN KARTHOLL: Do you want to make

3 that an exhibit?

4 MS. SHAW: Sure, yeah, I would.

5 CHAIRMAN KARTHOLL: We'll take that as

6 Objector's Exhibit 3.

7 (Whereupon, the document was

8 marked Objector's Exhibit 3 for

9 identification.)

10 CHAIRMAN KARTHOLL: And then the final

11 speaker?

12 MR. JOHNSTON: I'm sorry I didn't get up

13 before, but I did raise my hand.

14 CHAIRMAN KARTHOLL: Were you sworn in?

15 MR. JOHNSTON: Yes. I couldn't stand in

16 line that long.

17 CHAIRMAN KARTHOLL: That's no problem, I

18 should have said that. Do you want to go right

19 now?

20 MR. JOHNSTON: Hi, my name is James

21 Johnston, J-o-h-n-s-t-o-n. I live at 917

22 Stonebridge Way, Woodridge. I just have two quick

23 observations. The gentleman that owns the

24 business indicated his willingness to try to

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1 accommodate us in every way he can, and I respect

2 that, but I have a lot of experience with

3 businesses, and I know businesses change

4 ownership. So assuming, because he's a gentleman

5 of about my age, I'm guessing, and I've been

6 retired for quite a while, assuming at some point

7 he decides to sell the business, is the new owner

8 going to make the same commitments to us that he

9 has? Is he going to honor those commitments, or

10 is it going to change with new ownership? That's

11 number one.

12 Number two, there was a remark

13 made that at the other gas station locations the

14 property values were not injured. Well, it was

15 kind of it's no problem. I didn't hear any

16 support or see any evidence to back up that

17 statement. So, my question on that is: Are our

18 current property values going to be guaranteed by

19 the business, or that we suffer no financial harm

20 from this?

21 CHAIRMAN KARTHOLL: Sir, what do you think

22 the answer to that question is?

23 MR. JOHNSTON: I know what the answer is.

24 The point I'm trying to get at --

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1 CHAIRMAN KARTHOLL: The whole question of

2 values has been asked and answered, discussed

3 several times. We get the point.

4 MR. JOHNSTON: Okay, my apologies. I'm

5 done. Thank you.

6 CHAIRMAN KARTHOLL: Great. Thank you, sir.

7 Sir, your daughter spoke on

8 your behalf. Didn't you just speak for him?

9 MR. WROBLEWSKI: No, that's my wife.

10 CHAIRMAN KARTHOLL: Didn't you just --

11 you're the one -- okay, whatever. Go ahead, sir,

12 I'll give you a minute. I don't want any

13 duplicate remarks.

14 MR. WROBLEWSKI: I oppose the gas station

15 nextdoor to me. I live at 12S331 Lemont Road, and

16 I have COPD. That's why I moved here, so please

17 consider that.

18 CHAIRMAN KARTHOLL: What's your name?

19 MR. WROBLEWSKI: Richard Wroblewski.

20 CHAIRMAN KARTHOLL: Spell it, or did he

21 spell his name already?

22 THE COURT REPORTER: I have it.

23 CHAIRMAN KARTHOLL: Good. Thank you, sir.

24 MR. RAMIRO RIVERA: You're really scary,

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1 Robert, I'll do my best here.

2 CHAIRMAN KARTHOLL: I'm doing my best, too.

3 MR. RAMIRO RIVERA: Thank you, sir. Ramiro

4 Rivera, Jr., 11S251 Carpenters Street. I'm also

5 representing my father Ramiro Rivera, Sr. That's

6 R-a-m-i-r-o River-a.

7 One thing I think we didn't

8 mention is that we have ten acres within a half a

9 mile from the property they're trying to buy, that

10 it's commercial use. So if Len would spend a

11 little more money, he can move there.

12 My parents and I have been

13 there 28 years. They worked hard; U.S. citizens.

14 In the 28 years I've been there, it's been safe.

15 We never had to call the cops. We did, however,

16 call the cops, I did, as I was an eye witness to a

17 fatality of two women. It's really scary up here,

18 I'm doing my best. So that the speed change makes

19 it a drastic area for accidents, it happens all

20 the time. My mother herself was hit on Lemont

21 Road.

22 Leonard himself today said this

23 is a major highway. That you'd put a major gas

24 station on the highway, now that would be fairly

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1 dumb.

2 I also have reports from

3 Lemont. At Lemont and Archer, the gas station has

4 been burgled five times this year, especially last

5 year. I have the paperwork, and the internet

6 doesn't lie; right?

7 Residents are friendly, they're

8 strong, they're smart, we're tradesmen,

9 electricians, we're doctors. This is definitely

10 going to create pollution. I'm not going to get

11 into the Bambi, you know, my wife is -- loves

12 animals, and it's very important to us.

13 Lenny's is creating gambling.

14 There's definitely going to be pollution, salt.

15 He's promoting DUI's. I mean, let's put a liquor

16 store right next to a major highway. That is

17 another issue.

18 I also have a report here where

19 Lenny's gas station in Mokena was hit with fraud.

20 There was thousands of dollars stolen, and I have

21 that in here, sir.

22 I also have in Mokena today I

23 was doing a Google search. When I got more into

24 it, I have a picture of him cleaning up the gas

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1 from the diesel truck, and I have that. I ask you

2 to reconsider and really think about -- I know

3 these people came up here and insulted some of the

4 owners here, but they care about their property

5 and I appreciate your time here tonight. Thank

6 you.

7 CHAIRMAN KARTHOLL: Thank you very much.

8 Now, we're going sort of in

9 reverse order. Is there anyone on the Board that

10 wants to ask a question about this petition?

11 (No response.)

12 CHAIRMAN KARTHOLL: I don't see anybody.

13 Closing remarks from the petitioner then, please.

14 Now just one speaker to make a closing statement.

15 MR. KALISCHEFSKI: Is it possible I could

16 bring up the civil engineer to address some of the

17 stormwater?

18 CHAIRMAN KARTHOLL: You can answer any

19 questions that were asked, yeah.

20 MR. KALISCHEFSKI: I would like to have Jim

21 Glascott from WT Group, Civil Engineering.

22 CHAIRMAN KARTHOLL: I'm not going to reopen

23 your presentation, sir. If there were questions

24 that were asked, you may answer those questions.

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1 MR. KALISCHEFSKI: There were, about the

2 runoff and the grading and drainage.

3 CHAIRMAN KARTHOLL: All right.

4 MR. GLASCOTT: My name is Jim Glascott,

5 principal in charge of civil engineering at WT

6 Group.

7 Specifically the questions

8 regarding the stormwater, we did not submit full

9 engineering as part of this application as we're

10 just going through the zoning process at this

11 point. We have made some minor site plan changes

12 from the original presentation to Woodridge, but

13 through that process we did fully design the site

14 and address the county's stormwater requirements,

15 including water quality control, treatment devices

16 to potentially clean up any potential

17 hydrocarbons, fuel runoff, and reduce the runoff

18 rate from the site to meet the county

19 requirements. So we are taking into account all

20 of the necessary stormwater management challenges

21 on the site.

22 CHAIRMAN KARTHOLL: All right, thank you.

23 MR. KALISCHEFSKI: Just some general

24 questions in terms of ownership. This is a

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1 family-run business, and the next generation is

2 taking over the business.

3 In regards to electric

4 vehicles, we provide 480 service to the site.

5 Typically a site like this would take 120/208

6 three-phase. We're actually bringing in 408 volt

7 service -- 480 volt, I'm sorry, and that is to

8 make plans for the chargers. Level three chargers

9 require 480 volts, and so we'll be putting an

10 internal transformer in our buildings to step down

11 the power accordingly, but we are making plans at

12 certain locations, running conduit runs. We're

13 assessing the many options that are out there, and

14 we know that it is the way of the future and we

15 are planning accordingly.

16 In regards to -- sorry, there

17 was one other item that I wanted to address. Some

18 of the things were the same things that we did

19 point out. Ambient noise level, we did say that

20 the house on the north, that the sound to the

21 north would exceed the ambient and that's why

22 we're putting in that sound barrier wall. That

23 would be designed by Dr. Thunder. And so it's

24 just we're not that far along yet, but that would

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