

**ZONING BOARD MEETING OF THE ZONING BOARD CHAIRMAN AND ITS
MEMBERS,
THE VILLAGE OF McCULLOM LAKE,
4811 W. ORCHARD DRIVE
McCULLOM LAKE, IL 60050
AUGUST 5, 2026**

Zoning Board Chairman Bitterman called the meeting to order at 7:00 P.M.

Meeting is being tape recorded

Pledge of Allegiance

Roll Call: By the Village Clerk, Sherri L. Messina

Present: Chairman Bitterman, Attorney Shaw, Members B. Bitterman, Cross, Klapperich, Nelson, Phillips, Spatol

Subject: Application for Special Use Permit for Planned Unit Development (PUD) and variations under the Provisions of the McCullom Lake Zoning.

Swearing in of petitioner Ben Valletta by Chairman Bitterman.

Chairman Bitterman for those of you looking at the agenda the first item will be changed it's going to be the Text Amendment, Special Use Permit and at this point our legal council Attorney Shaw is going to read the Text Amendment. Attorney Shaw: So effectively there are two (2) requests going on tonight. One deals with the Memory Care Facility, the other one (1) is what's called a Text Amendment. Effectively the Code has to be amended certain ways to address Memory Care Facilities such are being presented here tonight. All the Text Amendment does is that it makes changes to four (4) different sections of the Code, and it effectively creates a Memory Care Facility definition under a Group Home setting but there were other sections that needed to be amended as well but just for the purposes of making sure everyone's familiar with what we're proposing. This has nothing to do with approving the project for the Memory Care Facility at the moment, but you will get a chance to ask questions, if you have them. Section 3.53-5 Memory Care Facility generally falling under the category of Group Homes subject to all applicable State and Federal regulations, licensing and operating requirements as amended from time to time and operated under the Authorization and restrictions of a Special Use Permit in the allowable zoning districts under this code. Section 16.11-6 G, that the Petitioner shall demonstrate the ability to comply with and stay in compliance with all State

and Federal regulations, rules, approvals and procedures that may apply to the Ownership and operation of the proposed use. Section 16.11-7 C, the Board may determine on case by case basis as to whether the Special Use Permit is granted to the Petitioner or as an entitlement to the real property and set reasonable time limitations for the duration of the purposed use, nothing herein shall prevent the Board from issuing a Special Use Permit in perpetuity provided that the standards have been met and the Petitioner has demonstrated the ability to maintain and operate a Special Use pursuant to all applicable regulations. Section 16.11-9 Revocation in any case where a Special Use has not been established one (1) year from the date of the granting thereof. The Petitioner shall make appeal to the Board of Trustees demonstrate reasonable tangible progress towards the establishment of the Special Use, where such reasonable progress can be demonstrated the Board of Trustees shall grant such additional times required to establish the Special Use, in any case where the operator of the Special Use violates the Provisions of the Village's Code of Ordinances, or State and Federal regulations or Laws and such violations go uncorrected after written notice of such violation have been served on the operator of the such Special Use after reasonable due process and hearing may revoke the Special Use Permit. All this does is set up parameters so that this Petitioner requesting a Memory Care Facility or any other petition that might come in requesting the same would be addressed under our Code of Ordinances.

Mr. Valletta will bring everything before the board and wants to maintain the forest. The entrance will be from Ringwood Road and no access to current Village roads. His roads will be private roads. He has talked to the City of McHenry to bring in city water to his facility, and the City of McHenry will be liable to maintain that water line. There are six (6) sixteen (16) Assisted Living Lodges and ten (10) independent living cottages with the opportunity to age in place. Mr. Valletta stated that the SBA is pushing towards a Solar Farm for the loan.

Chairman Bitterman opened the floor for public comments. Joe Zakrocky: There was no mention on a Solar Farm in his original plan when it was presented to the Village Board. Joe's suggestion would be to put solar panels on the roofs. Mr. Valletta replied that it is an option to put the panels on the roof. Resident: What is the age limit? Mr. Valletta: No one under fifty-five (55). It is a Senior Care Facility and not Section 8, it is all self-pay. Resident: What about our park. Mr. Valletta: That park is still owned by the Village. Resident: How long will the construction be and will it be five (5) days a week? Mr. Valletta: Construction could be approximately three (3) years, and he cannot commit that the workers might be out on a Saturday. Resident: Is there a turn bay need for the road is there a turn lane? Mr. Valletta: All construction will be coming in and out on Ringwood Road. There will be an emergency access to Orchard with either a chain or gate that will only be available to First Responders

Chairman Bitterman asked for a roll call vote to recommend these additions. Member Cross made a motion for the recommended additions; seconded by Member Klapperich. Voice vote: Bitterman, Cross, Klapperich, Nelson, Phillips, Spatol=ayes. All in favor, motion carried.

Chairman Bitterman has given all Zoning Members a copy of what the Planned Unit Development (PUD) is by definition from our Illinois Municipal Code and book. Also, within the packet is a letter from Mr. Valletta about his site and what his plans are for the Memory Care Units. Mr. Valletta has brought along his site plan.

Attorney Shaw: What the petitioner is requesting in order to accomplish the construction of a Memory Care Facility; you can see from the site plan if you've had a chance to look at it. Effectively what we are going to end up with is one (1) parcel of property that has multiple buildings placed on that property. In order to make that happen what he is requesting is called Planned Unit Development. It's something that's recognized not only in our code but under State Statute. Which effectively allows the Zoning Board to make recommendations on and ultimately the Board of Trustees to consider a plan based upon a site plan that looks very similar to this. There is a variation that he is requesting that our Code currently mandates that if you have a twenty (20) acre parcel the request is for a variance to allow this to occur on a twelve (12) acre parcel, but in order to get a Planned Unit Development that allows construction like he's proposing he needs to request a Special Use Permit under our code. So, to eliminate the confusion the Special Use Permit allows him to get the Planned Unit Development under our code is effectively what he is requesting.

Chairman Bitterman opened up any discussion from the audience. Attorney Shaw did mention that there has been a plan approved out there since 2005 and as it sits right now anybody who had money to fund a single family development out there with 2500 hundred to 3500 hundred square foot homes could literally just apply for building permits and build homes. It has already been approved and it's been on the books and the records with the county and the Village for around twenty-one (21) years. What you are going to hear tonight is that is sat vacant because that project is just no longer feasible. The property has been slated for development for over twenty years and the owner has a right to build it and this board is just considering whether or not that plan makes sense for the Village. The zoning cannot be reversed once you grant zoning it stays with the property in perpetuity and for this board to take action that would remove that zoning is a property taking and effectively we would be liable to the owner for the demission and value.

Mr. Valletta shared his site plan with the Zoning Board and audience.

Chairman Bitterman: The audience did a thorough job asking questions. Chairman Bitterman stated that he was Chairman twenty-one (21) years ago that the Zoning Board recommended to the Village Board R-2 is because they didn't want things to change where somebody put up apartment buildings, high rise condos. R-2 made the most logical sense and not only that it would allow buildings to be put up that would blend into the complex of our Village and you might remember also if for some reason the Village Board or Mr. Valletta do not come to an understanding it will still be R-2 and somebody could in fact develop it and put in all of the aforementioned homes and it would be in his opinion a much more tragedy than what Mr. Valletta is proposing. Do any members of the board have any questions for Mr. Valletta? Response was no. Attorney Shaw: for the purposes of the code standards, he has questions for Mr. Valletta to answer. Under the standards for variations Ben is it your testimony that the property in question cannot yield a reasonable return if permitted to be used under conditions allowed by the regulations in the district that it is located? Mr. Valletta: Yes, it is. Attorney Shaw: And is your property unique as compare to other similarly situated properties within the Village? Mr. Valletta: Definitely. Attorney Shaw: And if granted will the variation alter the essential character of the locality? Mr. Valletta: I don't believe so. Attorney Shaw: And is the particular physical shape and topographical condition of the property such that it would be very difficult to develop in a standard manner if not for the variation of the PUD acreage? Mr. Valletta: It is my belief. Attorney Shaw: And the conditions upon which the variation would be granted would not generally be applicable to any other property in the Village is that correct? Mr. Valletta: Yes. Attorney Shaw: And it's not based exclusively upon a desire to make more money out of the property? Mr. Valletta: No. Attorney Shaw: Have you had anything to do with the creation of the hardship that is subject to the variation tonight. Mr. Valletta: I have not. Attorney Shaw: Will it be detrimental to the public safety or welfare? Mr. Valletta: It will not. Attorney Shaw: And will it impair an adequate supply of light or air to the adjacent properties, will it increase congestion in the public street or increase the danger of fires? Mr. Valletta: No. Attorney Shaw: Those are the conditions as found under the Village Code for variation. Chairman Bitterman opened up the floor for limited comments from the audience and please state your name. Joseph & Sara Zelek have a letter for the board which is a check list for this Planning Committee and also subsequently to the Village Board to look at the specific items that affect all of us. Mr. Zelek asked for his copy of the letter to be signed by Chairman Bitterman. Corey Huff: Is it going to raise property taxes? How will this benefit our Village, will we be getting revenue for the Village? I understand that there is not going to be road traffic from this development through our neighborhood, but what are the benefits? Mr. Valletta: His intention is to add value to the community. He wants people to understand the overwhelming need for this type of housing. From a tax revenue perspective he has no idea how much of the tax revenue will trickle down to the

Village. It will provide opportunities for employment. He believes his concept fits the overall look of Forest Glen and he feels that this is something the entire community is overall going to be proud of. Joe Zakrocky: What percentage of the taxes actually goes to the Village? Attorney Shaw: About four (4) percent typically. Resident: Is there going to be a central area where people congregate and have dining halls and activities is that going to be something in the future in this plan? Mr. Valletta: Each one of the lodges has its own kitchens. The center of that wooded area is to be able to bring people outside. He appreciates the concern for lighting, he is not trying to make it a Home Depot parking lot that is not going to happen and it is not his vision for what he wants to do. Resident: How many people will be living in this complex? Mr. Valletta: About one hundred twenty (120). Resident: This type of living facility is very expensive, are you planning on not taking all these people's money and then when they are out of money are you kicking them out? Also if you have somebody that has dementia and they get out, is there going to be a fence around this? Mr. Valletta: We are not looking at that kind of number, but Senior care is expensive. The State doesn't allow them to have a facility that doesn't have a security level high enough for that to happen to somebody. There are key fobs for people to get in and keypads and dementia patients cannot operate a key fob. The only time a dementia patient will be out of that building will be with a caregiver. Mike Walter: You said you are not going to have rentals are the single family homes, are they going to be bought by the person. Mr. Valletta: His operation company owns the entire community. Residents pay a monthly fee for services provided. Nobody owns the building other than for Forest Glen Venture LLC. They are not renting the homes they are being provided a service to live there. Resident: Would like to see Mr. Valletta work with conservationists' and make it more natural. Terry Counley: For the last year and a half he and the whole Board have been dealing with Ben. All of the concerns by residents he has addressed. When it was going to be single family homes there was going to be about 150 vehicles and how were these people going to get out of the Village. People would be going down Orchard or Maple Hill long story short that got shot down there will be no access. Who's going to maintain the roads and property up there, Mr. Valletta will. He also brought up the trees, Ben is planning on keeping as many trees as he can. Him and Mr. Valletta attended a meeting with the City of McHenry on water and one of the staff member on the City council after seeing the plan concept like his proposal so much they asked if they could annex it. There is a real shortage of these kind of facilities. Terry has talked to the Mayor of McHenry and there's about 95% approval rate on the water to come there. The city water will not be available to Village residents it stops up there. We've addressed everyone's concerns and he's made changes when asked to make changes and he can't move forward unless it's approved. Chairman Bitterman: At this time the Public Hearing is closed. Chairman Bitterman is asking for a motion from the Board for approval of the Special Use Permit for the construction of the Memory Care Facility with the variation for the

required twenty (20) acres to twelve (12) acres based upon substantial performance with the presented site plan. Member Nelson made a motion to approve the Special Use Permit along with the variation for the required twenty (20) acres to twelve (12) acres; seconded by Member Cross. Voice vote: Members Bitterman, Cross, Klapperich, Nelson, Phillips, Spatol=ayes. All in favor, motion carried. The recommendation will be passed along to the Village Board.

Member Bitterman made a motion to adjourn the meeting at 8:21 P.M.; seconded by Member Klapperich. Voice vote: Bitterman, Cross, Klapperich, Nelson, Phillips, Spatol=ayes. All in favor, motion approved.

Tom Bitterman
Zoning Board Chairman

Sherri Messina
Village Clerk