

MINUTES OF THE LIVINGSTON COUNTY  
ZONING BOARD OF APPEALS  
HELD ON OCTOBER 10, 2024, STARTING AT 6:00 PM  
IN THE LIVINGSTON COUNTY HISTORIC COURTHOUSE  
112 W. MADISON ST. PONTIAC, ILLINOIS

The meeting was called to order at 6:07 p.m.

Roll call was taken.

Members Present: Bill Flott, Dave Randolph, Joan Huisman, Neil Turner, and Richard Runyon

Members Absent: Joe Stock, Richard Kiefer

Others Present: Board Members: Bob Weller, Gerald Earing, Craig Monson, Jim Carley; Zoning Administrator Brittney Miller, Executive Director Alina Hartley, Seth Uphoff (Uphoff Law), Becky Taylor (Livingston County Soil and Water Conservation District), Chaim Krausz (Yeshivas Kesser Yonah), Jay Bider (Yeshivas Kesser Yonah), Bill French (Sunvest Solar, LLC), Mitch Gilfillan (Quinn Johnston), Brenene Brady, Dean Hansen, Robert Weiss, Carol Weiss, Judy Campbell, Roy Mackinson

**Approval of Agenda:**

Chair Huisman called for any amendments or corrections to the agenda. Motion by Flott, second by Randolph to approve the written agenda. **Motion carried on roll call vote with all ayes.**

**Ayes:** Flott, Randolph, Runyon, Turner, and Huisman **Nays:** None **Absent:** Stock, Keifer

**Approval of Minutes:**

The ZBA reviewed the minutes of the August 8, 2024 meeting. Motion by Randolph, second by Runyon to approve the minutes as written. **Motion carried on roll call vote with all ayes.**

**Ayes:** Flott, Randolph, Runyon, Turner **Abstain:** Huisman **Nays:** None **Absent:** Stock, Keifer

**Business to be reviewed:**

**Case SU-18-24 Yeshivas Kesser Yonah**

This zoning case pertains to the review of a proposed special use to operate a private retreat center/camp in an Ag, Agriculture/FP Flood Plain District. The property is located on a 50.22-acre tract of land in an AG, Agriculture District located in Section 34 of Newtown Township in unincorporated Manville.

Miller gave an overview of the zoning case to the ZBA members.

Chaim Krausz informed the members that Yeshivas Kesser Yonah is a Jewish school in Chicago looking to provide a place out of the city for high school and post high school male students to continue learning in a different environment outside of regular school hours. Jay Bider detailed the forthcoming plans, noting that the property will be a private campus and will only house staff, students, and members of the students' families. Bider mentioned that the property currently has accommodations for staff and students, but with future growth, additional housing facilities will be added.

Members questioned if the land can accommodate the number of intended students including staff, whether students will be driving, the fencing plans, and the planned timeframes for property use. Bider and Krausz mentioned that there will be 80 students and approximately 15-20 staff members, noting that the property previously accommodated 300 students. Additionally, it was noted that students will utilize the campus during the summer and a few weekends throughout winter. Bider explained that the students' lifestyle prohibits them from driving, using outside communication devices, consumption of alcohol, use of illicit substances and/or cigarettes, and will have gender segregated living quarters, therefore, they do not anticipate any issues with individuals entering or exiting at all times. A member questioned if the property will have full time maintenance, in which it was noted that the property will have full time maintenance and surveillance.

There was discussion regarding the definition of a campground and if the intended use falls under the correct definition. The general consensus was that the intended use should not be classified as a campground, but rather a retreat/camp.

Bider presented the members with a pending site plan of future housing accommodations.

The floor was open to audience for questions.

Carol Weiss questioned how many houses are intended to be placed in the future and where they will be located. Bider stated that he estimates 12 prefab homes in the northwest corner off the property and are strictly intended for the school.

Judy Campbell questioned if the lighting can be shielded to protect too much lighting facing her property and if the students will be utilizing the shared creek for outdoor activities. Bider stated that the creek is not intended to be utilized for outdoor activities.

The floor was open to the audience for testimony.

Robert Weiss expressed concerns regarding the amount of housing, noting that from an outside perspective, the property would appear to be a subdivision. Weiss highlighted that the County's mission is to preserve agricultural lands and that allowing the school to use the property contradicts this goal. A member asked Weiss about the previous Nazarene Camp located on this property and the time frame that the property was utilized. Weiss stated that the previous Nazarene Camp utilized the property on the weekends during the summer. Weiss concluded by urging members to uphold the integrity of the county's agricultural lands.

Krausz and Bider concluded by acknowledging the neighbors' concerns and emphasized their efforts to be good neighbors, highlighting their commitment to being transparent and receptive to feedback.

Motion by Flott, second by Turner to recommend approval of SU-18-24 as presented with special conditions, as well as amendment of title to Retreat/Camp. **Motion carried on roll call vote with all ayes. Ayes:** Flott, Randolph, Runyon, Turner, and Huisman **Nays:** None **Absent:** Stock, Keifer

## **SU-19-24 Aero Acres II**

This zoning case pertains to the review of a proposed special use to operate an airport on property located on an 80-acre tract of land in an AG, Agricultural District in Section 29 of Round Grove Township in unincorporated Dwight.

Miller gave an overview of the zoning cases to the ZBA members.

Brady informed the members that her family owns Aero Acres I and have had intentions to build Aero Acres II in 5-10 years, however, the approved wind farm would not allow Aero Acres II to be built. Brady stated that Aero Acres II will replicate Aero Acres I, in terms of being a grass runway, as well as selling lots along the runway to future homeowners.

A member questioned if all of the lots along Aero Acres I are sold, and if not, why expand now. Brady responded that there is one lot to be sold off and that the family has asked to expand now before the wind farm prevents them from doing so. A member showed concern regarding the direction of the runway and noted that the homeowners would not have access to the road. As a result, the homeowners would need to share a drive way and obtain an easement.

The floor was open to audience for questions.

Gilfillan, representing nearby homeowners, questioned Brady about the annual traffic of Aero Acres I, any surveys or studies conducted by the applicant, the economic impact of the airstrip, and any plans if the airstrip negatively impacts the neighbors. Brady replied that that the amount of air traffic varies and could be several instances per year. Brady mentioned that the only study that was done for the area was the required Water and Soil Conservation Study, she was unaware of any economic impacts, and that Aero Acres II would be a great flying community with no expected negative impacts to the neighbors.

Uphoff, representing Heritage Prairie Wind, questioned Brady about her knowledge of the new airport ordinances, how her application aligns with them, why the airport application followed the wind farm approval, and the timeline for the airport's construction. Brady replied that she was unaware of the new ordinances and requirements. Brady explained that the family had always planned for Aero Acres II but could not proceed with the wind turbines in place, and that construction for Aero Acres II would begin once all the lots in Aero Acres I are sold.

The floor was open to the audience for testimony.

Gilfillan introduced neighbor Dean Hansen to address questions. Hansen stated that he owns property 1/8 of a mile to the proposed Aero Acres II property. Gilfillan raised questions regarding Hansen's economic interest and the potential strain to the neighbors if the airport is constructed. Hansen stated that he and his neighbors would benefit from the approved wind turbines in the area, and that removing them would possibly lead to an economic strain to themselves and future generations. Gilfillan noted that Hansen's parents live ¼ mile from the proposed airport. Hansen expressed concerns about potential air traffic over the residence, but noted that he hasn't seen much air traffic from Aero Acres I. Hansen mentioned that his parents are struggling with water access and pointed out that the applicant has not conducted additional studies to confirm the availability of wells, sewage, and other utilities for potential residences along the airport. He expressed concerns that there should have been more studies and research done before applying for a special use permit.

Uphoff asked the board to take judicial notice of the previously approved special use permit of Heritage Prairie Wind in terms of the economic impact and asked the members to deny the special use permit.

Gilfillan made a closing statement asking the members to think of the economic impact on the neighbors and deny the special use permit.

Brady concluded by stating that the airport would be a joy to the flying community and would not negatively affect the neighbors. She noted that air pollution would be similar to emissions from cars and emphasized that her family would benefit more from the airport than the wind farm.

Motion by Randolph, second by Turner to table SU-19-24 Aero Acres II to allow for the applicant to obtain additional information. **Motion carried on roll call vote. Ayes:** Randolph, Runyon, Turner, and Huisman **Abstain:** Flott **Nays:** None **Absent:** Stock, Keifer

Huisman called for a recess at 7:45 p.m.

Huisman called the meeting back to order at 7:59 p.m.

### **V-11-24 SV CSG North Creek 1, LLC**

This zoning case pertains to the review of a proposed variance to meet the required 20-acre lot size for a proposed 2.125 MW solar farm, located on an 18.80-acre tract of land in an AG, Agriculture District, in unincorporated Pontiac.

Miller gave an overview of the case.

French gave a brief overview of the case, confirming that the parcel has been changed from 19.39 acres to 18.80 acres. A question was raised regarding the larger parcel across the road, also owned by the same owners, indicating that the parcel would meet zoning codes. French stated that the owners were not willing to lease the larger parcel.

### **V-10-24 SV CSG North Creek 1, LLC**

This zoning case pertains to the review of a proposed variance to eliminate the living vegetative buffer on the eastern side of a proposed 2.125 MW solar farm, located on an 18.80-acre tract of land in an AG, Agriculture District, in unincorporated Pontiac.

Miller gave an overview of the case.

French gave a brief overview of the case, stating that Route 66 is located along the eastern angled portion of the project and that a living vegetative buffer would not align with the project. French proposed pollinator seed mix along the fence and no berm.

### **SU-20-24 SV CSG North Creek 1, LLC**

This zoning case pertains to the review of a proposed special use to develop a 2.125 MW solar farm on approximately 18.80 acres of an 18.80-acre tract of land in an AG, Agricultural District, located in section 11 of Pontiac Township, in unincorporated Pontiac.

French introduced Sunvest Solar and presented the site plan for the proposed solar farm and battery energy storage systems (BESS). He indicated that the entire project will cover the entire 18.80 acres and highlighted the parking, access road, fencing, and landscape design. French stated that the solar farm will not generate extra traffic after construction, will have a semi-annual routine inspection, and will be monitored 24/7. It was noted that the applicant is proposing single axis trackers and are expected to be about 7'10" in height at maximum tilt.

A member showed concern regarding the access road reaching the southern most point of the parcel and questioned if the local fire department had comments for this particular issue. French stated that Sunvest Solar will discuss this issue with the local fire department when obtaining an emergency response plan.

There was discussion regarding the required noise study, and it was noted that the noise study must be submitted with the building permit application to show compliance with the ordinance.

A member requested clarification on the decommissioning plan, as three separate decommissioning plans were submitted. French indicated that one decommissioning plan was for the BESS, one was for the solar array, and another one was not the updated decommissioning plan and should not have been submitted. A member questioned which decommissioning plan needs to be submitted, to which French stated that the correct decommissioning plan for the solar arrays comes to \$24,600 not including salvage, and the decommissioning plan for BESS comes to \$118,900 not including salvage.

The floor was open to the audience for questions.

Mackinson posed numerous questions showing concern of the ordinance and why there was consideration for the project if the ordinances were not met. Mackinson indicated that he farms in the area and asked about the plan for when weeds spread to neighboring fields. French responded that a vegetative maintenance plan is in place, which includes trimming the area and spot-treating weeds.

**Adjournment:**

Motion by Randolph, second by Turner to recess the meeting. **Motion carried on roll call vote with all ayes. Ayes:** Flott, Randolph, Runyon, Turner, and Huisman **Nays:** None  
**Absent:** Stock, Keifer

The meeting was recessed at 9:00 p.m.

Materials regarding these proceedings are on file at the Livingston County Regional Planning Office, located in the Livingston County Historic Courthouse, 112 W. Madison St., Pontiac, Illinois.

Respectfully submitted,

Angie Teske, Zoning Administrative Assistant  
Livingston County Regional  
Planning Commission