

In the Matter Of:
HAYMARKET DuPAGE LLC

REPORT OF PROCEEDINGS

January 13, 2021

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1 PRESENT VIA VIDEO CONFERENCE:

2 MR. BRENDAN DALY, Chairman;
3 MR. FRANK CARELLO, Commissioner;
4 MS. LORI DRUMMOND, Commissioner;
5 MR. JEFFREY HOLMES, Commissioner;
6 MS. KRISTA RAY, Commissioner;
7 MR. ANTHONY RUSSO, Commissioner;

8 ALSO PRESENT VIA VIDEO CONFERENCE:

9 MR. MO KHAN, Village Planner;
10 MS. SHANNON MALIK JARMUSZ, Director of
11 Community Development;
12 MS. AMANDA MELONE, Recording Secretary;
13 MS. YORDANA WYSOCKI, Village Attorney;

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Appeared via video conference on behalf of
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I N D E X

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1 CHAIRMAN DALY: Okay. I have 7:00 o'clock.
2 Welcome to this meeting of the January 13th, 2021,
3 Itasca Plan Commission. I now call this meeting to
4 order. Will the secretary please call the roll.

5 RECORDING SECRETARY MELONE: Chairman Daly. 07:00

6 CHAIRMAN DALY: Present.

7 RECORDING SECRETARY MELONE: Commissioner
8 Carello.

9 COMMISSIONER CARELLO: Here.

10 RECORDING SECRETARY MELONE: Commissioner
11 Drummond. 07:00

12 COMMISSIONER DRUMMOND: Here.

13 RECORDING SECRETARY MELONE: Commissioner
14 Holmes.

15 COMMISSIONER HOLMES: Here. 07:00

16 RECORDING SECRETARY MELONE: Commissioner Ray.

17 COMMISSIONER RAY: Here.

18 RECORDING SECRETARY MELONE: Commissioner
19 Russo.

20 COMMISSIONER RUSSO: Here. 07:00

21 CHAIRMAN DALY: I declare a quorum present.

22 Good evening, everyone. This is
23 Wednesday, January 13th, 2021. The case before the
24 Plan Commission is PC 19-014, continued from last

1 Wednesday, January 6th. The petitioner and owner is
2 Haymarket DuPage, LLC. The location is the 860 West
3 Irving Park Road. The procedures for tonight's
4 meeting moving forward are as follows: We will begin
5 with petitioner calling the following witness,
6 Mr. Polach, to speak about the impacts to property
7 taxes.

07:01:

07:01:

8 Number two, the Plan Commission has
9 adopted new rules of procedure which are now in
10 effect.

07:01:

07:02:

11 Number three, we are proceeding
12 remotely due to COVID 19, and the public may watch
13 the proceedings through the Village's YouTube
14 channel.

15 Number four, anyone wishing to make
16 public comment will be able to do so after the
17 presentation of cases. They will need to sign up on
18 the Village's website.

19 Number five, anyone wishing to ask
20 questions of petitioner, Village staff, or other
21 parties will be able to do so after the presentation
22 of cases. The signup form is on the Village's
23 website.

24 And last, number six, remote Village

1 staff is monitoring the video streaming. If the
2 video streaming does not work during the proceedings,
3 we will stop and wait until the video streaming is
4 fixed or reschedule for another day.

5 With that, I would now like to 07:02
6 invite our Village corporate counsel, Mr. Chuck
7 Hervas, for his comments.

8 MR. HERVAS: Thank you, Mr. Chairman. I have
9 some brief remarks that -- I do make the same remarks
10 after -- at the beginning of each meeting, and so if 07:02
11 you've listened in before, you've heard these. If
12 not, I'm repeating this for your benefit.

13 My name is Chuck Hervas, and I am
14 the attorney that advises the Plan Commission in this
15 matter. This is a legal proceeding with legal 07:02
16 significance. A court reporter is swearing in
17 witnesses and is transcribing the testimony. This is
18 not a trial, but we are developing a record of
19 proceedings before the Plan Commission. This is a
20 legal public hearing on a zoning petition. 07:03

21 My job is to protect the rights of
22 the petitioner, any objectors, and the public. The
23 Plan Commission will make findings and a
24 recommendation to the Village Board. Please

1 understand that the Plan Commission is a recommending
2 body. The Village Board will make the final decision
3 on the Haymarket zoning petition.

4 Due to the pandemic and the
5 Governor's emergency orders, we are unable to meet in 07:03
6 person. A virtual hearing is certainly not the
7 preferred method for hearing this zoning petition.
8 However, the business of government must move forward
9 and a virtual hearing has been approved by state
10 statute and is used by local governments across the 07:03
11 state. Everyone is doing the best they can under the
12 circumstances.

13 The procedures used by the Plan
14 Commission for large hearings during the pandemic are
15 available on the Village's website. The website has 07:04
16 a lot of information, including a comprehensive
17 step-by-step guide about the hearing. The public
18 will have an opportunity to ask questions and to
19 provide public comment at the appropriate time.

20 Witnesses will be presented by the 07:04
21 petitioner and possibly by other interested parties.
22 Cross-examination will be allowed only by the
23 attorneys or anyone who has been legally recognized
24 as an interested party.

1 Finally, I would remind everyone
2 that this is a slow and deliberate process that
3 creates an appropriate record for a plan commission
4 hearing. I ask that you please respect this legal
5 process even if you do not agree with it.

07:04

6 Thank you, Mr. Chairman.

7 CHAIRMAN DALY: Thank you, Mr. Hervas. Thank
8 you for your service in this matter.

9 The business before the Commission
10 this evening is the public hearing on Case PC 19-014.
11 The request is for a petition for a planned
12 development by special use with exceptions and
13 Class 1 site plan approval all in order to permit a
14 mixed-use residential and healthcare facility and
15 other accessory uses in the B-2 community business
16 district at 860 West Irving Park Road.

07:05

07:05

17 I will now entertain a motion to
18 open this continued public hearing.

19 COMMISSIONER HOLMES: So moved. This is
20 Commissioner Holmes.

07:05

21 COMMISSIONER RAY: Second --

22 COMMISSIONER CARELLO: Second.

23 COMMISSIONER RAY: -- Commissioner Ray.

24 COMMISSIONER CARELLO: -- Commissioner

1 Carello.

2 CHAIRMAN DALY: There being a motion and two
3 seconds, will the secretary please call the vote.

4 RECORDING SECRETARY MELONE: Commissioner
5 Carello. 07:00

6 COMMISSIONER CARELLO: For.

7 RECORDING SECRETARY MELONE: Commissioner
8 Drummond.

9 COMMISSIONER DRUMMOND: For.

10 RECORDING SECRETARY MELONE: Commissioner
11 Holmes. 07:00

12 COMMISSIONER HOLMES: For.

13 RECORDING SECRETARY MELONE: Commissioner Ray.

14 COMMISSIONER RAY: For.

15 RECORDING SECRETARY MELONE: Commissioner
16 Russo. 07:00

17 COMMISSIONER RUSSO: For.

18 CHAIRMAN DALY: The motion carries. The
19 public hearing is now open.

20 Will Ms. O'Keefe, on behalf of the
21 petitioner, please introduce our witness for this
22 evening and have that witness sworn in. 07:06

23 MS. O'KEEFE: Good evening, Mr. Chairman and
24 members of the Plan Commission. Bridget O'Keefe

1 along with my co-counsel Mary Dickson here on behalf
2 of Haymarket DuPage, LLC, the applicant in this
3 matter. I would like to introduce to you Ken Polach,
4 who is an MAI appraiser and president of Polach
5 Appraisal Group. He is preparing to be sworn in, and
6 then he will give a brief introduction of his
7 credentials.

8 CHAIRMAN DALY: Will the court reporter please
9 swear in the witness. Thank you, Ms. O'Keefe.

10 (Witness sworn.)

11 CHAIRMAN DALY: Thank you. Please proceed.

12 MR. POLACH: Briefly, I would like to thank
13 the Commission for allowing me to speak this evening.
14 My name is Ken Polach. I'm a real estate appraiser.
15 I have been involved in the appraisal of real estate
16 for over 50 years.

17 As way of background, my education
18 includes a bachelor's degree in engineering science
19 as well as a master's degree in business
20 administration and various courses given by the
21 Appraisal Institute as well as other organizations
22 involved with the appraisal and financing of real
23 estate.

24 I'm a state certified general

1 appraiser in both the state of Illinois as well as
2 the state of Indiana. I have completed continuing
3 education classes as required by both the Appraisal
4 Institute as well as the state of Illinois. I have
5 served as a commissioner on the Wheaton Housing
6 Commission for 18 years, being chairman of that
7 commission for 12 years.

07:08

07:08

07:08

07:09

8 I have appraised all types of
9 property during my career, and as a result of my
10 education as well as my experience, I have achieved
11 the designations of MAI, SRA, and CRA. MAI is the
12 designation given to those who have the education and
13 the experience to qualify to appraise all types of
14 properties. The SRA refers to residential
15 properties. And the CRA is given by the American
16 Institute of Real Estate Mortgage Underwriters and
17 Review Appraisers and is a certified review appraiser
18 designation.

19 During my career, I've appraised all
20 types of properties; residential, commercial,
21 industrial as well as special purpose properties. I
22 have appraised these properties in other states as
23 well as in Illinois, but the vast majority of my work
24 has been within Illinois, with a large part of it

1 being within DuPage County having maintained an
2 office in DuPage County for many, many years.

3 Some of my clients that we have
4 served over the years include IDOT, the Illinois
5 Highway Authority, DuPage County, DuPage County
6 Forest Preserve, Metra, Pace, as well as having
7 appraised properties within every municipality within
8 DuPage County. I have also completed assignments for
9 corporations, individuals, attorneys for various
10 purposes, including tax appeal work, estate tax work,
11 market value appraisals, condemnation appraisals.

12 I've performed numerous impact
13 studies over my career. That includes studies on
14 over 50 different types of properties. These include
15 impacts on properties such as transitional homes,
16 shelters, nursing homes, hospitals, assisted living
17 facilities, as well as things such as landfills,
18 water towers, cell towers, power lines, airports, and
19 hotels. I think that briefly summarizes both my
20 education and experience in real estate appraisal.

21 MS. O'KEEFE: Mr. Chairman, I would like to
22 present Mr. Polach as an expert witness and ask that
23 you accept --

24 CHAIRMAN DALY: I would love to accept him as

1 an expert witness in this matter. His credentials
2 and experience speak for themselves. Thank you.

3 MS. O'KEEFE: Thank you, sir.

4 MR. POLACH: If we can look at the first
5 slide, please. 07:11

6 MS. O'KEEFE: We're going to be referring to
7 what is Exhibit 22, which is a PowerPoint
8 presentation that was prepared by Mr. Polach, which
9 we would like to introduce into the record,
10 Mr. Chairman. 07:11

11 CHAIRMAN DALY: Please do.

12 (Petitioner's Exhibit No. 22
13 identified.)

14 (Petitioner's Exhibit No. 41
15 identified.) 07:11

16 MS. O'KEEFE: And then we would also like to
17 refer -- we may refer to Exhibit 41 as a formal
18 report that was submitted as part of the original
19 application, but our focus will just be in on the
20 PowerPoint this evening. 07:11

21 CHAIRMAN DALY: Thank you.

22 MR. POLACH: The first slide is simply a list
23 of the things that we were asked to do in connection
24 with this assignment. These are steps that we take

1 that are normal in this type of assignment. But we
2 were asked to provide an opinion as to whether the
3 proposed use will diminish or impair the value of the
4 property within the vicinity of the subject property,
5 and we were asked to analyze the impact on other 07:12
6 uses, including residential, within the area. We, of
7 course, looked at the immediately adjoining uses,
8 which in this case are both commercial and industrial
9 in nature.

10 We were asked to analyze any impact 07:12
11 on economic development potential within the area.
12 This area is very well-developed as of this point in
13 time, but we still were asked to look at whether or
14 not it would impact any changes that we would see in
15 potential economic development in the future. 07:12

16 We were asked to analyze the impact
17 on marketing of other properties within the area;
18 whether or not the proposed use would deter the
19 marketing of those properties, and we were asked to
20 consider whether the proposed use is planned and to 07:13
21 be operated in a manner that public health, safety,
22 and welfare will be protected.

23 The second slide, please. This is
24 an indication of the proposal that is being requested

1 by the applicant, Haymarket, and what they're asking
2 is that the proposed health center be approved as a
3 special use and under the planned development
4 ordinance. Both of these are very familiar to, I'm
5 sure, everyone involved, so if we can move to the
6 next slide.

07:13

07:13

07:14

07:14

7 And this, again, is probably
8 familiar to most people involved. This is just a
9 summary of the subject property. The property is a
10 former hotel property, its location, its size, which
11 is a substantial sized site, and zoning, of course,
12 is B-2 community business district. The property is
13 a corner property on the corner of Spring Hill and
14 Irving Park and has access from Spring Hill. And the
15 property is improved with a present unused five-story
16 building with parking, which was built in 1973.

17 Next slide, please. This just gives
18 a location of the property so you can orient where
19 the property is located in relationship to the
20 roadway system. As you can see, it's located next to
21 a major interstate. However, there's no immediate
22 access at that location. It's also located on Irving
23 Park Road, which is a well-traveled roadway in the
24 area and in proximity to Route 53 to the west

1 providing sufficient access to the subject property.

2 If we could go to the next slide.

3 This shows the zoning of the subject property, which
4 is shown as B-2, and it's shown at the general center
5 of the exhibit. As you can see, the properties along
6 Irving Park Road with similarly zoned with business
7 classifications, B-2, B-3, and as you get further to
8 the east across I-290, the properties along Irving
9 Park Road are generally business zoned properties.

10 And then as you move off of Irving Park Road, the
11 zoning becomes residential. The area to the south
12 and southwest of the subject property is zoned office
13 research, which allows for business-type uses,
14 office, as well as industrial uses.

15 Next slide, please. This is a land
16 use plan, which, again, shows the subject property
17 and the surrounding area. The land use plan
18 generally conforms with the existing zoning within
19 the area.

20 Next slide. These are exhibits that
21 show the subject property. It's outlined in blue and
22 shaded in blue, again, showing its relationship with
23 the adjoining properties. The buildings along Irving
24 Park Road are separated from the subject property by

1 the large parking area. This provides a large
2 setback for the subject property both from Irving
3 Park Road as well as from the adjoining properties.
4 Similarly, to the south and to the west of the
5 subject property, there is a significant amount of
6 open space between those improvements.

07:17

07:17

07:18

07:18

7 It also shows the roadway system
8 within the area. I-290 to the east, which is very
9 significant since it provides a barrier toward
10 adjoining other uses as well as a buffer from the
11 adjoining uses going to the east. And the properties
12 to the north are separated from the subject property
13 by Irving Park Road and the overpass. And properties
14 both to the west, southwest, are separated by an
15 existing right-of-way. These are shown -- the
16 right-of-way is shown in the exhibit in the upper
17 right-hand corner. The property is shown in the two
18 bottom photographs showing primarily the improvements
19 on the subject property, the existing improvements.

20 Next slide, please. This is a brief
21 summary of some of the steps that were taken in our
22 analysis. They include an inspection, of course, of
23 the subject property and the surrounding area. And
24 we review a number of items. This includes the

1 zoning of the property; the various plans for the
2 property, the existing building plans as well as
3 proposed plans; various maps showing the area and the
4 subject property. I reviewed the special use, the
5 planned development application, the proposed
6 facility plans. And then, as shown, the various
7 studies that have been created by consultants as well
8 as the village staff.

07:19:

07:19:

07:19:

9 We also considered various market
10 data research that we performed as part of our
11 assignment. We looked at the market data with regard
12 to sales within the area of the subject property,
13 including residential sales. We analyzed this data,
14 and after analyzing it and studying it, we arrived at
15 an opinion with regard to the impact of the proposed
16 use on the surrounding area, the surrounding
17 properties. And then we prepared a report which has
18 been submitted to the Village.

07:20:

19 Next slide, please. Briefly, some
20 of the factors that we considered included the
21 proposed use of the health center. We investigated
22 the types of uses that were going to occur within the
23 improvements. Considered the fact that the uses will
24 be contained within the existing building. The

1 building itself will not be altered in any
2 significant manner. Considered the access from the
3 secondary road as well as the highway network in the
4 area. Considered the existing property. As I said,
5 this is a former hotel property, which is no longer
6 being used for a hotel. We considered the fact that
7 this is a commercially zoned property, and we
8 considered the prior use of the property. This use
9 was a use that had become less than viable and,
10 considering the current COVID situation, has been --
11 would be considered even less viable than it was
12 previously.

13 We considered the fact that the
14 existing landscaping will be maintained and will be
15 enhanced as part of the proposed use. Considered the
16 traffic generation of the existing and the proposed
17 use. I believe that was extensively examined by the
18 traffic engineer and has been already testified to.
19 Considered the fact that the health center activity
20 will be limited to the interior of the improvements,
21 so the activity will not be apparent from the
22 exterior of the building by anyone passing by the
23 building.

24 The health center will be staffed,

1 including security, 24 hours a day, 7 days a week,
2 and patient transportation will be provided by the
3 applicant. Of course, there will also be
4 transportation provided by private autos to the
5 property.

07:22

6 We also considered the fact that the
7 improvements are such that if the health center, for
8 some reason, should ever close, the property could be
9 used for commercial purposes as allowed by the
10 zoning. However, with Haymarket's experience of over
11 45 years and their experience in operating similar
12 facilities, it's unlikely that that would happen in
13 the near future.

07:22

14 Next slide, please. This is a
15 listing of the generally adjoining properties. The
16 property to the north is an industrial building that
17 was formerly David's Flooring and is now still
18 operated as a flooring company but by a different
19 corporation name. To the northwest are industrial
20 and -- an industrial and commercial building.

07:23

07:23

21 To the south is an industrial
22 building, Stephen Gould, which is located just along
23 the south property line with the subject property.
24 However, there's a sufficient yard area between the

1 two to provide sufficient buffer from that use. The
2 properties located to the east are separated and
3 aren't immediately adjoining the subject property.
4 These properties are separated from the subject by
5 the interstate roadway, which is a major factor
6 within the area.

7 And across the roadway going further
8 east is the Springbrook Nature Center as well as
9 various other uses, including the Village hall and
10 the police department, the library, as well as a
11 water park. The properties to the west of the
12 subject include a multi-tenant building. The
13 property at the southwest corner of Irving Park Road
14 and Spring Hill drive is occupied as a toy and hobby
15 shop. The property to the immediate west of the
16 subject is occupied by Glass Solutions.

17 These are all commercial as well as
18 industrial uses within the immediate area of the
19 subject property. All of the uses that are in the
20 immediate area are industrial or commercial in nature
21 with residential uses being located further to the
22 east as well as further to the west beyond the
23 industrial and commercial uses to the west.

24 One of the primary things that we

1 did in looking at the proposed use are the
2 immediately adjoining properties.

3 And you could go to the next slide,
4 if you would. As shown, this is a visualization that
5 shows the nearest residential properties. The
6 nearest residential that are facing the subject
7 property are the ones along Route 53, which is just
8 outside of the quarter mile distance from the subject
9 property. The nearest ones within Itasca are located
10 to the north and east of the subject property, and
11 those, again, are just outside of the quarter mile
12 radius as shown on this diagram.

13 If we look at the commercial and
14 industrial properties that are located in the
15 immediate area of the subject, these are properties
16 that have been used in the past both for their
17 intended purposes; commercial being primarily located
18 along Irving Park Road with the industrial being
19 located further away from Irving Park Road. As you
20 can see, these uses extend significantly to the south
21 of the subject property.

22 And if you go to the north, you are
23 looking at the uses along Irving Park Road, and then
24 you have the railroad, which provides another buffer,

1 which separates the neighborhood of the subject
2 property. The neighborhood of the subject actually
3 would probably be defined as the uses south of the
4 railroad to the east of Route 53 and to the west of
5 the interstate and extending, as you can see, off of
6 the aerial to the south.

7 As we look at these uses, those
8 would be ones that would have substantial concern
9 with respect to what impact there might be for those
10 adjoining uses. As we looked at those uses, we could
11 see that these uses can still be used. There's
12 nothing about the subject property that would
13 interfere with the present use of these properties.
14 Both customers to clients as well as employees could
15 access these properties; could use them for the same
16 purposes that they're presently being used for.

17 Most of the traffic -- as far as
18 auto traffic, most of the traffic within the area
19 that would utilize these various properties would be
20 automobile traffic. There's very little likelihood
21 of accessing these properties by foot or by other
22 means. So the primary mode of access for these
23 properties would be individual autos. This can
24 continue and will continue with the proposed use.

1 There's nothing about the proposed use that would
2 prevent this access.

3 We also looked at the normal things
4 that we would look for in a study of this type; is
5 the improvement level of the subject's property going 07:29
6 to be changed in any significant way that would
7 result in some type of impact on the surrounding
8 properties? And in this case, it's very
9 straightforward. The building will remain exactly as
10 it is. There will be improvements made, of course, 07:29
11 within the property, but these will not be visible
12 from the exterior of the property.

13 The exterior will have additional
14 landscaping, improvements to the landscaping. There
15 will be a patio area that will be fenced and located 07:30
16 at the rear of the structure. These will not cause,
17 in any way, any detriment to either customers or to
18 employees or anyone accessing or using the adjoining
19 properties.

20 We also looked at things such as 07:30
21 noise, dust levels, traffic. The traffic, of course,
22 has been discussed in great detail. The traffic
23 engineer has indicated that there would be no
24 significant difference from levels that had been

1 occurring with the prior use. As a matter of fact, I
2 believe he had indicated that there would be less
3 traffic as a result of this use compared to that
4 prior use. This is a commercial property and
5 commercial zoned property. Any use of the property
6 is going to result in some level of traffic.

7 We looked at the separation of these
8 properties from the proposed use of the subject
9 property. To the north we have a substantial area of
10 parking. The building itself is set back from Irving
11 Park. It's not particularly visible from the
12 frontage along Irving Park Road. It also, as a
13 result, is set back from the various commercial and
14 industrial uses along Irving Park Road. The property
15 also has sufficient setbacks from the other adjoining
16 properties in the southerly and westerly direction.

17 So we looked at these from the same
18 way that we look at the impact as a result of any of
19 the types of uses that I've looked at with regard to
20 impact. Whether or not there's something in the
21 activity on the property, the use on the property, or
22 things that might spill over onto adjoining
23 properties, such as noise, light levels, dust levels,
24 things of that nature. None of that is going to be

1 an issue with the proposed use of this property.

2 As a result of looking at those
3 uses, we also looked at what the residential impact
4 might be. And the only reason that we did that was
5 because of the concern with regard to the residential
6 impact on surrounding properties; the property value
7 issue with regard to residential properties.

8 Residential properties, as we found in most of our
9 studies, if not all of them, are more sensitive to
10 other uses than commercial and industrial properties.

11 Commercial/industrial properties are
12 much more tolerant of other uses in the area. They
13 are located within areas that adjoin each other.
14 They, as a result, very seldom would have a
15 significant impact on the surrounding properties that
16 are allowed under the same or similar zoning as the
17 subject property. So as part of our study, we did
18 look at the residential uses in the area to see
19 whether or not there would be an impact upon the
20 residential uses.

21 You can change to the next slide,
22 please. One of the steps that we took in doing this
23 and looking at whether or not there would be an
24 impact on residential uses was to look at similar

1 The second property that we looked
2 at was the Lutheran Services, social services,
3 property in Elgin. This is a property that is
4 adjoined by single-family homes also, and by
5 single-family, these are within 75 feet of that
6 existing use. This use is an outpatient facility
7 primarily but it is still advertised as a residential
8 facility. So if someone were purchasing a home in
9 the area, they might consider the fact that this had
10 been used previously for residential purposes and
11 would have the potential for being done so again. If
12 you look at the average sale prices, again, for these
13 properties, they're very close. There's not a large
14 difference between those two averages.

15 The third property that we looked at
16 was the Gateway Aurora property. This property is in
17 an area that contains a number of healthcare uses.
18 It has a separation from the residential uses in the
19 area. As a result, there are intervening uses that
20 would buffer it from those residential uses, and so
21 we had to go out to a larger radius to look at any
22 potential impact. So we included homes within a half
23 mile of that facility and then homes that are a mile
24 from the facility to see whether or not there was an

1 impact. This one was chosen because of the fact that
2 it was a similar facility, and it also is a facility
3 that is some distance from the adjoining residential
4 properties in the area, which in some ways makes it
5 more similar to the subject situation, where they do
6 have residences but they are located a substantial
7 distance from the proposed use and are separated from
8 the proposed use by not only the interstate but also
9 a railway and right-of-way.

10 We looked at both the commercial as
11 well as industrial and residential properties in
12 relationship to the subject property. We see that
13 not only the ones that we have looked at specifically
14 but a number of facilities throughout DuPage County
15 are located adjacent to various types of uses. These
16 include commercial, industrial, as well as
17 residential uses. These have existed for a
18 substantial period of time and generally would be
19 seen to have no impact on their use or the property
20 values.

21 If we can see the next slide,
22 please. I should also say that we have not only
23 looked at those particular uses but we have also
24 looked at two facilities in Chicago. The Rosecrance

1 facility on the north side of Chicago, which is a
2 facility that was established in 20 -- I believe
3 2013. And that gave us an opportunity to take a look
4 at the potential change that may have occurred as a
5 result of the establishment of that use within the
6 neighborhood.

07:40

7 And what we found in that instance,
8 was that, in spite of the fact that the facility was
9 established in that area, significant increase in
10 property values has taken place over the period of
11 time that that use has been in existence with
12 apparently no detrimental impact on the surrounding
13 property uses or value.

07:40

14 We also looked at the Haymarket
15 Center in Chicago, which is a large facility which is
16 located in a well-developed area. This facility is
17 located in an area with substantial commercial as
18 well as residential development which has occurred
19 over the period of time that Haymarket has been in
20 existence. These properties that have been developed
21 adjoining the Haymarket Center include various
22 commercial properties, including banks and
23 restaurants, offices. A number of headquarters have
24 been established there, McDonald's, Google. So I

07:40

07:41

1 think everyone is familiar with the development that
2 has occurred in that area.

3 It also includes a school, a
4 Montessori school is located across the street from
5 the existing use, and includes substantial 07:41
6 residential use and development with development
7 across the street of residential uses. And these
8 properties command substantial prices. I believe the
9 average price in the area is over 700,000 with homes
10 that are selling as high as \$4 million or more. So 07:42
11 we did look at those examples of existing facilities
12 in the area to see whether or not we could see any
13 existing impact as a result of these uses.

14 We also considered other
15 considerations. The surrounding properties for the 07:42
16 subject, the proposed property, are primarily
17 industrial and commercial in nature, and, as I said,
18 they're separated from residential by substantial
19 barriers, buffers, including roadways, railroad, and
20 other commercial and industrial use properties. 07:43

21 The area is well-developed and has
22 been developed for a long period of time. The
23 neighborhood is established. There's no immediate
24 likelihood of a change in the uses occurring within

1 that area. It would be expected that the properties
2 in the area would continue to be used for commercial
3 and industrial uses similar to those that are
4 occurring presently. The proposed use will not alter
5 the potential development of the area. Again, the 07:43
6 area is primarily developed at this stage, and it's
7 unlikely that there will be significant
8 redevelopment. So the proposed use will not
9 interfere with any potential changes in use in the
10 subject area. 07:44

11 The property has been designed,
12 located, and will be operated to protect the public
13 health, safety, and welfare. This is an organization
14 that has been in existence, again, for 45 years; has
15 been working on protecting exactly what it states, 07:44
16 the public health, safety, and welfare. It's a
17 nonprofit organization that has shown a history,
18 probably greater than any other similar organization
19 within the area, of doing that. So I'm sure that
20 they will continue to do so at this facility and 07:44
21 there's no reason to believe that they would not.

22 The property would have enhanced
23 landscaping included in the design. This is one of
24 the changes that would occur with the property, but

1 these are minimal and would not affect the use or the
2 values of adjoining properties.

3 Next slide, please. I think we may
4 have missed one slide.

5 MS. O'KEEFE: I didn't have that. 07:45

6 MR. POLACH: You didn't have that?

7 MS. O'KEEFE: No.

8 MR. POLACH: That's okay.

9 One of the other things that we had
10 done in connection with our work was to look at 07:45
11 published studies of similar uses and their impact on
12 adjoining properties. One of the studies that had
13 been referred to in literature that had been passed
14 out in connection with the application was a study
15 that was prepared in the area of Richmond, Virginia. 07:46
16 And it studied the surrounding property values, the
17 values adjoining a substance abuse treatment center.

18 This was looked at because of the
19 fact that it had been brought up, it had been shown
20 in information that had been passed around, and it 07:46
21 did show in their study that homes adjoining these
22 uses had a negative impact of approximately 8
23 percent. It also indicated that properties within
24 the area of a treatment center, if it was a methadone

1 clinic, would potentially have an impact on property
2 values of 17 percent. So we looked at that study to
3 determine how that would apply to the subject
4 property, since it does show that there could be a
5 potential detrimental impact to residential property
6 values.

07:47

7 And one of the things that we noted
8 with regard to this study is that the properties that
9 were studied were within an eighth of a mile of these
10 uses. Eighth of a mile is 660 feet. This is
11 significantly less than what is proposed for the
12 subject use. The subject use is a quarter mile from
13 any residential properties and is separated from
14 those properties by, again, a substantial roadway as
15 well as Irving Park Road and the railroad
16 right-of-way. So the subject is substantially
17 different from what is shown by this study.

07:47

07:48

18 The study also concluded that the
19 difference occurs with regard to distance from the
20 use, so they looked at how far from the use a
21 potential impact would occur. And as they moved
22 further out, any impact that did occur dropped
23 substantially. Another difference with the study was
24 that when they had looked at those that caused the

07:48

1 greatest reduction, it was the ones that were
2 adjoining methadone clinics. That's a different type
3 of facility than is being proposed for the subject
4 property, and Dr. Lustig could probably comment on
5 that much better than I could. But what is being 07:49
6 proposed would not be considered a methadone clinic,
7 so what we're looking at was the lower level of
8 impact, should there be an impact. And this was a
9 study that was done at -- in an area that contained
10 29 centers and was done in 2014. 07:49

11 We also looked for other studies
12 that had been done which also addressed whether or
13 not there's an impact on residential properties as a
14 result of these types of uses. And we did locate a
15 more recent study that was done in January of 2019. 07:50
16 This was a study that used a different method of
17 establishing the relationship of the property values
18 with the location of a treatment center. This study
19 was a larger study. It included a larger number of
20 properties. It included an average of 54 treatment 07:50
21 centers that were studied.

22 And this study looked within a
23 radius of .2 miles versus .2 to .4 miles. Again,
24 the .2 miles, which they used as the area that could

1 be impacted as a result of proximity to a treatment
2 center, is less than the distance the nearest
3 residential properties are to the subject property.
4 And then this study looked at the prior study, the
5 2014 study, and commented that the 2014 study used a
6 methodology that is less acceptable in current
7 studies. And this study, after looking at that prior
8 study and completing their own study of uses -- and
9 this was done in the Seattle, Washington area --
10 indicated that there was no evidence that treatment
11 centers affect property values.

12 Now, we looked at these studies, and
13 I think the more important thing is to look at the
14 specific location of the subject property. These
15 studies were done with regard to single-family
16 residential/residential properties that were in
17 closer distance, proximity, to these treatment
18 centers than the subject property. Again, the
19 subject property is well-insulated, well-buffered
20 from any impact as a result of the proposed use.

21 In conclusion, we concluded that --
22 I'm sorry, if you could go back there. I would like
23 to just quickly hit on some of those factors that are
24 shown. We conducted a study to determine whether or

1 not -- I'm sorry, could you go back? No, you had the
2 right one. Nope, too far back.

3 MS. O'KEEFE: Second to the last slide,
4 please.

5 MR. KHAN: Okay, sorry. 07:53

6 MR. POLACH: That's it. Thank you.

7 We were asked to determine whether
8 or not it would cause substantial injury to the value
9 of other property in the neighborhood in which the
10 proposed use is located or be injurious to property 07:53
11 values or improvements in the vicinity of the subject
12 property. Now, we also looked at whether or not it
13 would impact development potential within the area.

14 So some of the factors, again, the
15 physical characteristics, the separation, the 07:53
16 roadways, the railroad right-of-way, those are all
17 part of the location of the subject property and
18 would serve as buffers to adjoining properties. The
19 building setback we talked about. It's set back both
20 from the roadways as well as set back from adjoining 07:54
21 properties. Again indicating that there would be
22 less of a potential impact.

23 We looked at the existing
24 improvements, which are suitable. They're very

1 suitable for the proposed use and provide a use of an
2 unused property at this point. We looked at the
3 zoning, which is commercial. The proposed use is
4 included as a special use under the zoning,
5 indicating that it was felt that it would be 07:54
6 compatible with other commercial uses that are
7 allowed within that zoning district.

8 The surrounding improvements are the
9 type and character which can coexist and this is seen
10 with other similar uses throughout the area that 07:55
11 adjoin both commercial and industrial uses. Detailed
12 studies, as I indicated, have shown that the subject
13 property would have no impact on the existing
14 residential uses which are located a substantial
15 distance from the subject. And we did our own review 07:55
16 of similar properties, similar uses, within the area
17 to see whether or not there is an impact that is
18 evident in the market data that is available. And
19 these, again, indicated that there would not be a
20 substantial impact on the surrounding property 07:55
21 values.

22 The income loss or potential loss,
23 as it's referred to, is minimal, as is shown by the
24 various studies that have been performed and have

1 been testified to with regard to the various forms of
2 income that had been produced by the subject
3 property, which may or may not continue with the
4 proposed use.

5 The former property's tax level for 07:56
6 the subject property, which would likely have been
7 diminished as a result of the economic viability --
8 or lack of a viability of that property, only
9 produced a fraction of a percent of the total taxes
10 that are generated from property within Itasca. So 07:56
11 the change, again, is very minimal.

12 And we also considered our
13 experience in performing impact studies. As I said,
14 I have done numerous impact studies on various types
15 of uses using the same methodology that was employed 07:57
16 in this study. And looking at my experience as well
17 as all of the factors that have been summarized, I
18 saw no reason to believe that there would be a
19 significant impact on the surrounding property
20 values. 07:57

21 If we could go to the next slide.
22 Just summarizing the conclusions, based on my
23 analysis of the proposed used and my experience, it
24 is my opinion that the proposed use will not prevent

1 the use of the adjoining properties. The
2 commercial/industrial properties can continue to be
3 used for their current and potential uses, just as
4 before establishment of the proposed use. As is
5 evidenced by the existing uses within the subject
6 area, we have concluded that the proposed use will
7 not impede the normal and orderly development and
8 improvement of surrounding property for their
9 permitted uses.

07:58

07:58

07:58

07:58

10 And based on my analysis of the
11 proposed special uses being sought by the petitioner,
12 my analysis of the existing uses within the subject
13 area, and my experience in real estate appraisal, it
14 is my conclusion that the proposed use will not cause
15 substantial injury to the value of other property in
16 the neighborhood in which it is located and will not
17 be injurious to property values or improvements in
18 the vicinity of the subject property.

19 Thank you very much for your
20 patience, and I will be available for questions.

21 MS. O'KEEFE: Mr. Chairman, I would like to
22 ask just one question before we turn it over for
23 cross examination.

24 CHAIRMAN DALY: Please do.

1 DIRECT EXAMINATION

2 BY MS. O'KEEFE:

3 Q. Mr. Polach, in your expert opinion, would
4 you consider the proposed use to be residential in
5 nature?

07:59:

6 A. Absolutely not. It is not residential in
7 nature. This use is a health center. If it were a
8 residential use, it would be classified under a
9 residential zoning classification, which it is not.
10 This is not a residence in the form of a permanent
11 living situation for someone to live in for an
12 undetermined length of time. I have seen nowhere in
13 my experience where a health center such as this
14 would be classified as a residential use.

07:59:

15 Q. Would you consider this a mixed-use
16 development?

08:00:

17 A. No. It is a health center and that's a
18 specific use and not a mixed use.

19 MS. O'KEEFE: Thank you, Mr. Polach.

20 CHAIRMAN DALY: Ms. O'Keefe, if I may, your
21 line of questioning right now for Mr. Polach, I think
22 I understand where you're going with that line of
23 questioning. But I guess my question is, based on
24 Mr. Polach's experience as an appraiser and not

08:00:

1 necessarily a land planner or someone who interprets
2 zoning law, is that an appropriate line of
3 questioning for us to lend his previously testified
4 to experience to this matter based on your two
5 questions?

08:00

6 MS. O'KEEFE: Yeah, I definitely think it is,
7 because he has to consider the nature of uses when he
8 appraises them, and so he has seen various -- you
9 know, over 50 years, he has seen many different kinds
10 of uses, and he has to identify them and identify the
11 impact of them. And that's why I think it's a very
12 appropriate question for Mr. Polach.

08:01

13 CHAIRMAN DALY: Okay. Thank you.

14 I would like to turn the questioning
15 over now to the attorneys for the interested parties.
16 And if we may start with Mr. DiNolfo to keep with
17 tradition?

08:01

18 MR. DI NOLFO: Actually, Mr. Ellenbecker wants
19 to go first, so I'll defer to him. And I'll follow
20 up after him, if that's okay.

08:01

21 CHAIRMAN DALY: That is perfectly fine with
22 me. Please proceed.

23 MR. ELLENBECKER: Mr. Chairman, I won the
24 arm-wrestling contest so --

1 MR. DI NOLFO: I let him win.

2 CHAIRMAN DALY: Well done.

3 CROSS-EXAMINATION

4 BY MR. ELLENBECKER:

5 Q. Good evening, Mr. Polach. 08:01

6 A. Good evening.

7 Q. I've seen your name pop up over the
8 years. It's nice to finally meet you. Before I get
9 too far down the road and into the weeds of my
10 examination, I just want to address a few issues 08:01
11 directly that you brought up in your initial exam.

12 You indicated earlier that it's
13 your -- I guess it's your position that the Holiday
14 Inn, prior to Haymarket's interest in the property,
15 was not a viable business. Do you recall saying 08:02
16 that?

17 A. I believe I had indicated that there were
18 indications that it was not a viable business, yes.

19 Q. Yeah. Where did you get your information
20 on which you can base your professional 08:02
21 determination? You know, what data or information
22 did you look at to develop that opinion on your own?

23 A. What I considered was the fact that the
24 property owners were willing to sell the property,

1 for one thing. If it was a very profitable business,
2 it would have been unlikely that they would have been
3 interested in the sale of the property.

4 Secondly, it was indicated by the
5 property owner, I believe, that the income from the 08:02
6 property had been reducing. I think there were
7 factual statements with regard to the income that
8 indicated that the property was producing less income
9 over the past few years.

10 Q. Okay. Did you personally talk to the 08:03
11 former owners of the Holiday Inn?

12 A. No, I did not.

13 Q. So when you are making statements about
14 what the owners said and maybe what the business
15 numbers showed, did somebody tell you what those 08:03
16 numbers showed? Was it a lawyer? Was it someone at
17 Haymarket? Where did you acquire this information
18 about what the owners said?

19 A. Well, I didn't say that the owners said.
20 I had not spoken to the owner. And what information 08:03
21 I had gotten was from various documents that I had
22 been provided probably through the attorneys for
23 Haymarket. But in addition to considering that, I
24 also considered the current situation. The current

1 COVID situation would make this even less of a viable
2 use for that property.

3 Q. You would agree, though, that if the
4 property remained a private commercial property, that
5 regardless of what business was on that, so long as 08:04
6 it wasn't a not-for-profit, that there would still be
7 property taxes owed on that property; correct?

8 A. There would probably be taxes unless, as
9 you say, it was a non-profit owner that had applied
10 for and received a tax exemption. 08:04

11 Q. Exactly. You indicated earlier also, in
12 talking about the Stephen Gould business on the
13 adjacent property, you used the terms -- you
14 determined that there was a sufficient buffer between
15 860 West Irving Park Road and the Gould property. 08:04

16 My question to you is why do you
17 think the buffer was needed between 860 -- or the
18 proposed use at 860 West Irving Park and the Gould
19 property?

20 A. That's another factor that we look at. 08:05
21 Whenever we look at the impact of a use on an
22 adjoining property, you look at the distance.
23 Impacts are very related to distance. In other
24 words, in the studies that we've seen, the closer a

1 proposed use is to another use, the more potential
2 there is for an impact. And the further away they
3 are, the greater the separation, the more barriers
4 that there exists between the two properties, the
5 less of an impact.

08:05

6 Q. Okay.

7 A. And you find that impacts drop off
8 significantly with distance.

9 Q. All right. How much distance would you
10 say would be required? You've mentioned a buffer
11 provided by a parking lot on the north. How much --
12 you know, is there that extensive a buffer on the
13 south side of this property? I think you said
14 100-plus feet. There's not a 100-plus feet on the
15 south side, is there?

08:05

08:06

16 A. As I recall, there's more than a hundred
17 feet. I mean, as far as the property line, the
18 property lines, of course, adjoin each other and
19 there are required setbacks that have to be complied
20 with. But the existing building is what I was
21 referring to, and the building is set back
22 substantially. There's a large open-space area
23 between the buildings, enough so that there wouldn't
24 be any potential impact as a result.

08:06

1 Q. Okay. You indicated -- and Ms. O'Keefe
2 was asking you questions about health center versus
3 planned development or residential development. And
4 you understand that the proposed development is going
5 to have 144 recovery home patients; is that right? 08:06

6 A. Yes.

7 Q. And how many of those recovery home
8 patients are actually going to receive treatment on a
9 daily basis?

10 A. That I don't recall offhand. You could 08:07
11 probably ask Dr. Lustig for more specifics on that.

12 Q. Right. And if a recovery home patient is
13 just living in the recovery home and not receiving
14 treatment, you would agree that that person is just
15 living at that facility; correct? 08:07

16 A. They're staying in that facility. It's
17 not a residential use. It's not like living in an
18 apartment. This is a use similar to a hospital or a
19 clinic where someone is going for treatment for a
20 period of time under a medical -- under medical 08:07
21 supervision. So it's different than being a
22 residence, an apartment, for example.

23 Q. Okay. You know, you laid out all your
24 expertise at the beginning, and noticeably absent was

1 any expertise in the operation, management, and
2 treatment at a substance use disorder treatment
3 facility. You agree you have no expertise in that
4 area; correct?

5 A. That's correct. My expertise is in 08:08
6 appraisal and in providing opinions with regard to
7 property values, not in the medical field.

8 Q. Right. And with regard to any of the
9 activities, the comings and goings of recovery home
10 patients or outpatients, that's not something you 08:08
11 have any expertise in; right?

12 A. I have no expertise in their treatment or
13 the -- their -- I'm trying to think of -- I mean, I'm
14 aware of the traffic, but other than that, the
15 treatment facilities and the level of treatment and 08:08
16 so on I have no expertise in.

17 Q. Okay. In your PowerPoint presentation,
18 you had a slide that had "nearest residential" on the
19 top, and then you had a shaded green circle around
20 it. Do you recall that? 08:08

21 A. Yes.

22 Q. And you chose to limit that circle to
23 cover .25 miles; correct?

24 A. Yes.

1 Q. All right. And you would agree that if
2 we go to the northeast corner of that circle, while
3 your circle may not touch the nearest residential,
4 the nearest residential from the proposed facility is
5 about 440 meters; correct? It may not be 400, but it 08:09
6 might be 440; correct?

7 MS. O'KEEFE: Would you like to us pull up the
8 page, Mr. Ellenbecker?

9 MR. ELLENBECKER: We can.

10 MS. O'KEEFE: For members of the public. They 08:09
11 might have questions.

12 MR. ELLENBECKER: Okay. That's it right
13 there, No. 11. Right there.

14 BY MR. ELLENBECKER:

15 Q. Can you see the screen now, Mr. Polach? 08:09

16 A. Yes, I can.

17 Q. And if we look in the top right corner --
18 well, there aren't corners on a circle. But in the
19 quadrant of that circle, we see that the circle just
20 barely misses the nearest residential on the 08:10
21 northeast; right?

22 A. Yes. That was shown to indicate the
23 distance to the nearest residential properties.

24 Q. Right. And you indicated that the

1 nearest residential there wasn't, you know, 400
2 meters away, but when you look at this exhibit, the
3 nearest residential is about 420 meters; correct? I
4 mean, it's just right outside the circle; correct?

5 A. Well, the circle is an approximation. 08:10:
6 It's drawn from the approximate center of the
7 improvements on the subject property. So to be more
8 exact than that, I couldn't be. This is just an
9 exhibit to show the general distance to those
10 adjoining properties, not the exact distance. 08:10:

11 Q. Yeah, that's fair. So if we went from
12 the property line of 860, instead of the improvement
13 on the property, we would be well within a quarter
14 mile and be smack dab in that residential area to the
15 northeast; correct? 08:11:

16 A. That's true. But the activity that would
17 take place on that property is not going to be
18 occurring at that property line. The activity is
19 within the improvements, so that's why the center of
20 the improvements was used. 08:11:

21 Q. Well, there's been testimony in this case
22 already that there will be considerable pedestrian
23 and bike traffic going to and from the proposed
24 facility --

1 MS. O'KEEFE: Objection; I don't think there
2 was any testimony provided that there was going to be
3 considerable pedestrian and bike traffic. That was
4 something that you alleged, but no one's testified to
5 that.

08:11:

6 MR. ELLENBECKER: Ms. O'Keefe, let me get my
7 whole question out before you start your objection.
8 All right?

9 MS. O'KEEFE: Well, it's an objection --

10 MR. ELLENBECKER: You objected to the
11 relevance of the question.

12 MS. O'KEEFE: Well, then why don't you reframe
13 it to not use the objectionable phrase.

14 MR. ELLENBECKER: I'm going to ask my question
15 the way I'm going to ask it.

08:12:

16 MS. O'KEEFE: Well, let's hear what Mr. Hervas
17 has to say, because we don't have a foundation laid.

18 MR. HERVAS: Yeah, let's have a complete
19 question asked, and then we can deal with any
20 objection.

08:12:

21 BY MR. ELLENBECKER:

22 Q. Mr. Polach, there's been testimony in
23 this case that there will be foot traffic and bike
24 traffic in and out of the proposed facility. Did you

1 at any point factor bike and foot traffic by visitors
2 and patients alike into your evaluation?

3 A. Yes, I considered that there might be
4 some foot or bicycle traffic. I would expect that
5 that would be minimal. This property is a suburban 08:12
6 location. Unfortunately, most people in the suburbs
7 use their automobiles more than any other form of
8 transportation. And I think the transportation
9 impact was addressed by the traffic engineer and the
10 fact that there may be some foot or bicycle traffic 08:13
11 would be a very small factor and probably a nominal
12 factor.

13 Q. Well, I read your report, and I didn't
14 see the reference to pedestrian or bike anywhere.
15 Are you telling us now that you did factor in bike 08:13
16 and foot traffic into your evaluation?

17 A. Of course I considered it, just like any
18 other means of transportation. Yes, that's possible,
19 but it was so minor that I didn't feel that it was
20 necessary to address it. 08:13

21 Q. You indicated at the start that you have
22 evaluated over 50 different types of properties;
23 correct?

24 A. That's correct.

1 Q. Have you ever done a property valuation
2 study or impact study involving a large multi-bed
3 rehab and detox facility?

4 A. No, I've done other types of facilities
5 that would have an impact. As I said, things such as 08:14
6 transitional homes, shelters, things that would be
7 considered similar with regard to any potential
8 impact. Each property is unique, and I cannot say
9 that I've done one that's exactly the same as the
10 subject property. But the methodology that's used 08:14
11 and the factors that are considered are the same in
12 all of these types of studies.

13 Q. Well, but if every facility is unique,
14 how much can you benefit from looking at non-similar
15 facilities and extrapolating your experience from 08:14
16 those onto this unique, very large substance use
17 disorder treatment center?

18 A. Well, first of all, every property is
19 unique. So to say you cannot compare any property to
20 any other property, isn't -- isn't logical. I mean, 08:15
21 you have to have some comparisons.

22 So what you do is look at, as I
23 said, the same factors that are considered. You look
24 for things that potentially would cause an impact on

1 the adjoining properties. You look at studies. You
2 study the patterns of sales, the market data that
3 have occurred. You look at studies that have been
4 done with regard to these types of properties.

5 Q. Okay. Does your report -- to your 08:15
6 knowledge, does your report contain any analysis,
7 opinion, or conclusions that a reasonable valuer
8 would not believe is justified?

9 A. I believe that anyone that looked at the
10 same information, had the same experience that I 08:16
11 have, would come to the same conclusions that I have.

12 Q. Okay. And did you -- did you provide any
13 appraisal or consulting work for Haymarket with
14 regard to its purchase of 860 West Irving Park Road?

15 A. No. 08:16

16 Q. Did you consult or provide any services
17 for Haymarket when it attempted to get approval for a
18 much smaller facility in Wheaton?

19 A. No.

20 Q. Did you know that Haymarket tried to get 08:16
21 approval for a facility in Wheaton?

22 MS. O'KEEFE: Objection; relevance.

23 MR. HERVAS: Mr. Ellenbecker, any response?

24 MR. ELLENBECKER: Yeah, the response is I

1 believe he's a resident of Wheaton, he's been on
2 commissions and plan commissions in Wheaton, and I'm
3 wondering, based on that and based on his position
4 here that it would have no impact, I wonder if he
5 knew what the claimed impact was going to be of a
6 much smaller facility by the same organization in his
7 town.

08:17:

08:17:

08:17:

08:17:

8 MS. O'KEEFE: Objection; this is a totally
9 different case in a different locality. He was not
10 retained in any way to evaluate the Wheaton project,
11 so this is irrelevant.

12 MR. HERVAS: To the extent that the witness --
13 it impacts his opinions in this case, it is -- it is
14 relevant. And so I'm going to allow it.

15 But, Mr. Ellenbecker, there's only
16 so far you can go with that. But you've only
17 introduced the subject matter at this point, and
18 let's hear what the witness has to say. Let's just
19 say, as you've heard before, it's going to be a short
20 leash.

21 MS. O'KEEFE: Could you repeat the question,
22 Mr. Ellenbecker?

23 MR. ELLENBECKER: Sure.

24 BY MR. ELLENBECKER:

1 Q. Did you know -- as someone who has been
2 part of committees and organizations in the town of
3 Wheaton, did you know that Haymarket tried to seek
4 approval for a much smaller facility in Wheaton?

5 A. Yes, I was aware of it. My office is 08:18
6 located probably within a quarter mile of that
7 proposed use.

8 Q. And in the course of your work, you
9 testify for applicants, like you are here, and
10 objectors; correct? 08:18

11 A. Yes.

12 Q. And when you're testifying for
13 applicants, you know it's in their best interest for
14 you to either present information that is going to
15 have a positive or a neutral impact on the community 08:18
16 in which the proposed facility is going to go;
17 correct?

18 A. No, no, when I testify, I testify to my
19 work, my opinion, regardless of who the client is.

20 Q. Right. But that's not the question I 08:18
21 asked. If you're representing an applicant,
22 regardless of your process and where you come out,
23 you know that from a zoning perspective, that
24 applicant needs to show that the proposed facility

1 will have no financial or value impact or will have a
2 positive impact to have the best opportunity to get
3 their application granted; correct?

4 A. Well, I believe many of the ordinances
5 say no significant impact. But as a general 08:19:
6 statement, yes, if it's beneficial to their
7 application, then they would present my work.

8 Q. Right. And on the flip side, when
9 representing objectors, you know that from an
10 objectors standpoint, it's in their best interest 08:19:
11 that a demonstrated negative value impact could be
12 shown; correct?

13 A. Again, I believe that they would hope
14 that that would be the case.

15 Q. Right. I mean, I saw one you had done 08:19:
16 in, I think, 2012. You represented or were hired by
17 objectors in McLean County, and you said that the
18 presence of a gravel pit in that county was going to
19 decrease adjacent properties by up to 25 percent;
20 correct? 08:20:

21 A. I don't recall the exact amounts, but I
22 did provide an impact study in that instance.

23 Q. Okay. Now, you agree that your
24 assessments and appraisals are only as good as the

1 comps or the comparison facilities you select;
2 correct?

3 A. As far as providing opinions of value,
4 yes.

5 Q. Yes. And you thought comps or
6 comparisons were important enough to include in
7 your Polach Appraisal Group Impact Study in this
8 matter; correct?

9 A. Yes.

10 Q. And with regard to the facilities you
11 ultimately included in your report, did you or
12 someone at your group select those facilities all on
13 your own? Or did somebody suggest those to you?

14 A. No, I selected them.

15 Q. Did you have any conversations with any
16 of the people at any of those facilities?

17 A. No.

18 Q. And I notice that your study was signed
19 by Mark Polach as well. Did he also write the
20 report?

21 A. He probably wrote parts of the report,
22 yes.

23 Q. Okay. So back to the comps. The comps
24 you selected in this matter included a facility --

1 one of them was a facility in Woodridge; correct?

2 A. That's correct.

3 Q. And you would agree that the population
4 of Woodridge is around, what, 33, 34,000 people?

5 A. Probably. 08:21

6 Q. And you selected a facility in Aurora;
7 correct?

8 A. Yes.

9 Q. And Aurora has a population of over
10 200,000; correct? 08:21

11 A. That's correct.

12 Q. All right. And you selected a facility
13 in Elgin; right?

14 A. Yes.

15 Q. And Elgin has a population in excess of
16 110,000 people; correct? 08:21

17 A. I don't know the exact number, but that
18 sounds about right.

19 Q. And you also selected Haymarket West Loop
20 and Rosecrance, which are both in the City of
21 Chicago; correct? 08:22

22 A. Correct.

23 Q. And, obviously, the City of Chicago
24 has -- what are we up to now? Millions of people;

1 correct?

2 A. Correct.

3 Q. All right. And the size of Itasca is
4 what, sir?

5 A. The population is somewhat under 10,000. 08:22

6 Q. Okay. In the 8,000s; right? Maybe 88,
7 8,900?

8 A. I thought I saw some numbers in the 9,000
9 range.

10 Q. All right. We'll say 9. We'll split the 08:22
11 difference, 9,500. Does that sound about right?

12 A. Sure.

13 Q. Okay. Now, what is the size of the
14 actual facility in Woodridge?

15 A. I don't know the exact size. I think the 08:22
16 number of beds was 39.

17 Q. Okay. And when I asked size, that's what
18 I was referring to, so thanks for going -- I wasn't
19 looking for the footprint. So 39 beds. Do you know
20 when Woodridge opened? 08:23

21 A. Not offhand.

22 Q. Okay. Do you know what type of range of
23 services Woodridge Interventions provides?

24 A. Not specifically, no.

1 Q. Does it just treat adults or does it also
2 treat adolescents?

3 A. Adolescents.

4 Q. Does it do any medical assisted detox?

5 A. That I don't know. 08:23

6 Q. And I asked about medically assisted
7 detox, because when you were running through the two
8 different studies that we're going to talk about in a
9 little bit, the one from 2014 and the one from
10 2019 -- at least a publish date of '19 -- you talked 08:23
11 about a potential impact of Methadone or opioid
12 medically assisted treatment on property values;
13 correct?

14 A. In one of the studies, they isolated
15 those and referred to that, yes. 08:24

16 Q. Right. And as it pertains to one of your
17 comps, Woodridge Interventions, you don't know if
18 they provide medically assisted treatment; correct?

19 A. No, not offhand I don't.

20 Q. Did you know that Haymarket plans to 08:24
21 provide medically assisted treatment?

22 A. I believe so.

23 Q. So you would agree that looking at the
24 potential impact on property values for residential

1 properties located near Methadone or medically
2 assisted treatment would be a reasonable comparison
3 as it relates to the proposed Haymarket facility;
4 correct?

5 A. Well, it would be different from 08:24
6 methadone clinics, and I think Dr. Lustig can
7 describe the differences better than I can. So
8 there's a distinguishing feature between the
9 methadone clinics that were used in the one study and
10 what's proposed for the subject. 08:24

11 As far as the specific levels of
12 treatment at these various facilities, I do not know
13 the specifics of their treatments. But what is known
14 is that they are addiction treatment centers, and
15 this is typically what a purchaser of properties in 08:25
16 the area would know.

17 Q. Okay.

18 A. Very rarely would you find someone
19 purchasing a property in those areas that would be
20 able to tell you what levels of treatment were being 08:25
21 provided by that facility.

22 Q. Right. But, like you, they could call up
23 and find out there were only 39 beds in the facility;
24 correct?

1 A. If they chose to, yes.

2 Q. And you would agree that the Woodridge
3 Interventions facility is actually located in the
4 middle of woods; right? It's surrounded by trees?

5 A. No, there's some landscaping, but the 08:25
6 nearest home is about 250 feet away, which is
7 substantially closer than any of the residences to
8 the subject proposed facility.

9 Q. And what's the buffer between Woodridge
10 Interventions and that residential facility? 08:26

11 A. As you said, there's some landscaping,
12 trees, that are between the two of them.

13 Q. Are you aware that Mr. Dominik,
14 Haymarket's public safety impact expert, testified
15 that the Woodridge Interventions was not a suitable 08:26
16 comparison facility as it relates to Haymarket's
17 proposed facility in Itasca?

18 A. It may not have been suitable for his
19 purposes, but he's looking at a different factor than
20 I am; which is, a treatment center would be perceived 08:26
21 by the purchasers of property as that, as a treatment
22 center, and they would not generally be aware of the
23 details of that treatment.

24 Q. What was the size of Lutheran Social

1 Services? How many beds?

2 A. I don't recall what they had previously.
3 Currently, they are not providing residential
4 treatment at that facility. It's only an outpatient
5 treatment. They are still advertising on their 08:27:
6 website, if you look up their website, so that a
7 purchaser of property in the area that was
8 investigating them would still see an indication of
9 treatment, residential treatment.

10 However, being an outpatient 08:27:
11 treatment, I looked at it, since the subject property
12 is also providing potentially -- providing outpatient
13 services.

14 Q. How many outpatients is Lutheran Services
15 treating per day? 08:27:

16 A. I thought at any one time, outpatient,
17 strictly outpatient, I think would be in the area of
18 50. But that was something you would have to verify
19 with Dr. Lustig.

20 Q. All right. And in terms of Lutheran 08:28:
21 Social Services -- I can't remember if I asked you
22 this -- do you know when that facility was opened?

23 A. Not offhand.

24 Q. All right. And then Gateway Aurora has,

1 what, about 49 beds?

2 A. I thought about 44 but in that range.

3 Q. Okay. And when was that facility opened?

4 A. Sometime ago but I don't have an exact
5 date.

6 Q. And is medically assisted detox provided
7 at Gateway Aurora?

8 A. Again, I don't know specifically.

9 Q. And Gateway Aurora is actually located on
10 a medical campus; correct? On Mercy Drive?

11 A. Yes, it is.

12 Q. And we talked a little bit about the size
13 of the proposed Itasca facility. We talked about 144
14 recovery home beds, but then there's an additional 96
15 inpatient treatment beds considered as well; correct?

16 A. I thought the number was 140, but other
17 than that, I think you're correct.

18 Q. Okay. I looked on page 1 of your report,
19 and it's not a big deal, but I think you have 240
20 beds; 144 recovery home beds and 96 treatment beds.
21 So if it's on page one of your report, would you
22 agree with those numbers?

23 A. That's probably more accurate.

24 Q. You would agree that in terms of size

1 alone, right, if we're talking about number of beds
2 alone, your comps don't compare to the proposed
3 Itasca facility; right?

4 A. No, if you're talking about physical
5 size, yes. As far as the uses, I would say they are 08:29
6 comparable. These are the same types of facilities
7 and they are facilities that are located in closer
8 proximity than the residential uses are to the
9 subject property.

10 Q. But you don't know the range of services 08:30
11 offered at any of the comps we've talked about at
12 Gateway Aurora, Lutheran Services, or Woodridge;
13 correct?

14 A. Not specifically, no.

15 Q. You also talked about Rosecrance and 08:30
16 Haymarket West Loop, and we indicated those are both
17 in the city. Do you know how many beds Rosecrance
18 has?

19 A. I believe that was about 35.

20 Q. And with regard to Rosecrance and 08:30
21 Haymarket West Loop, you would agree that those are
22 both in large urban settings; correct?

23 A. Correct.

24 Q. And based on your vast experience, you

1 would agree that property value impacts and other
2 economic assessments of proposed uses can vary
3 drastically between dense urban settings and suburban
4 settings; correct?

5 A. If you say they "can," that's possible, 08:31
6 yes.

7 Q. Okay. On page 22 of your report and in
8 your presentation earlier, you made reference to the
9 NBER working paper series, substance use disorder
10 treatment centers and property values, which is dated 08:31
11 2019. Do you remember that?

12 MS. O'KEEFE: Mr. Ellenbecker, before we get
13 into this range of questions, would you mind if we
14 took a five-minute break?

15 MR. ELLENBECKER: I don't, if the chairman 08:31
16 doesn't mind.

17 MS. O'KEEFE: I should have addressed the
18 chairman with that.

19 CHAIRMAN DALY: I agree that a five-minute
20 break is appropriate. Thank you for bringing it up. 08:31
21 Let's reconvene in five minutes, please.

22 MS. O'KEEFE: Thank you, sir.

23 (Recess taken.)

24 CHAIRMAN DALY: Also, I would like to thank

1 everyone who's involved in this process for their
2 patience with the fact that we're all dealing with
3 this case remotely because of COVID and everyone's
4 patience with each other due to technical issues or
5 otherwise. And personally -- this is not from the 08:39
6 Plan Commission -- but personally I do appreciate
7 everyone in this endeavor as we're trying to move
8 forward, so thank you to all.

9 And Mr. Ellenbecker please continue.

10 MR. ELLENBECKER: Thank you. 08:39

11 BY MR. ELLENBECKER:

12 Q. Mr. Polach, just before the break, I was
13 referring to one of the studies that you had
14 mentioned in your presentation, and it's the 2019
15 NBER working paper series. You recall that paper; 08:39
16 correct?

17 A. Yes.

18 Q. And in that paper, they make reference to
19 looking at a directory of all the Substance Abuse and
20 Mental Health Service Administration's directories. 08:40
21 Did you, as part of your work, do anything or look at
22 any resources from the Substance Abuse and Mental
23 Health Services Administration?

24 A. No.

1 Q. Okay. Did you do any sort of independent
2 research to try to find a facility somewhere in the
3 United States with -- serving patients to the
4 magnitude that the proposed Haymarket facility is
5 going to service? 08:40

6 A. No, looking for properties that would be
7 similar to the proposed health center in other areas
8 of the United States would not necessarily be
9 indicative of the impact on the surrounding
10 properties due to the proposed use. 08:41

11 Q. And you would agree, though, in terms of
12 the 2019 study -- which I believe you said was better
13 or better done than the 2014 study -- the researchers
14 there, the authors there, analyzed data points based
15 on years that substance use disorder treatment 08:41
16 centers were opened and closed; correct?

17 A. They considered the facilities over a
18 13-year period, and during that period, yes, there
19 would have been properties that opened and closed.
20 The average, I think, was about 54 facilities opened. 08:41

21 Q. Right. And it said, in particular,
22 substantial use disorder treatment centers opening
23 and closings offer the variation that the authors
24 used to identify substance use disorder treatment

1 center effects; right? Do you recall that?

2 A. Well, they would look at the impact on
3 surrounding property values of both the opening, to
4 see if there was any detrimental impact as a result
5 of the opening, and then they would look at the 08:42
6 closing of those facilities to see whether or not --
7 if they closed, whether there was an increase in
8 property values or a change in property values at
9 that point. So they looked at it from both ends.

10 Q. Right. In fact, on page 20, it says, 08:42
11 "for its SDT model, SUDC openings and closings offer
12 the variation that we used to identify SUDTC effects
13 in our model." Do you recall that?

14 A. That sounds correct.

15 Q. Right. Now, your research or comparison 08:42
16 as it related to your comps in Woodridge, Elgin,
17 Aurora, the city, you used a different methodology
18 than that one; correct? You didn't -- you didn't
19 look for openings and closings other than the one at
20 Rosecrance; correct? 08:43

21 A. Well, we looked for them, but we couldn't
22 find any that had sufficient characteristics to lend
23 themselves to study. But as you say, we did look at
24 the Rosecrance facility, which was open, and we were

1 able to look at the sales there.

2 What we did was look at sales
3 immediately in the vicinity of these facilities and
4 then compared those sales to sales further away from
5 the facility to show whether or not there was any
6 impact.

08:43

08:43

08:44

08:44

7 Q. Right. But unlike the 2019 study
8 authors, other than Rosecrance, your methodology
9 involved going back 24 months regardless of when the
10 facility opened; correct?

11 A. Oh, that's correct, yes. They had the
12 ability to look at a large number of facilities and
13 were able to find a number of facilities that had
14 opened and closed, so it allowed them to do that.

15 Q. Right. And -- and, sure, maybe they had
16 greater resources. But my point is that without
17 tying -- by only going back 24 months and not having
18 a data point tied to the opening or closing of a
19 facility in Aurora, Elgin, or Woodridge, your data
20 might merely reflect what are already depressed
21 property values; correct?

22 A. No, because what we were looking at was
23 the effect on a property in proximity to these
24 treatment centers. And we were looking at these

1 treatment centers that are located as close as 250
2 feet or, in one instance, 75 feet from the treatment
3 center and comparing that to properties that are
4 further away, which would be less likely to have any
5 impact as a result and looking at the difference in 08:44
6 prices between those two. So it should -- if there
7 were an impact, it should show that in the pricing.

8 Q. And how far out did you go, Mr. Polach,
9 in terms of a radius from your comparable facilities?

10 A. The comparable facilities went about a 08:45
11 half mile or a mile in the one instance.

12 Q. Right. And by only going out a mile, you
13 acknowledged in your presentation that the 2014
14 study, the effect of substance abuse treatment
15 centers on property values in the Richmond metro 08:45
16 area, they demonstrated or identified reduced
17 property values up to one-and-a-half miles away;
18 correct?

19 A. They looked at properties one-and-a-half
20 miles away so that they could determine that those 08:45
21 weren't impacted or shouldn't have been impacted. So
22 they looked at them, I believe, .6 miles, they looked
23 at them one mile, and they looked at them a
24 mile-and-a-half away as a variable. And they said,

1 okay, if properties close by show an impact, let's
2 look at properties further away to make sure that
3 there isn't an impact on those properties. So they
4 looked at those at that distance, and in comparing
5 those at .6 miles, a mile, and a mile-and-a-half,
6 they showed that there was no difference in their
7 results.

08:46

08:46

08:46

08:47

8 Q. Right. That study, the 2014 study, did
9 show reduced property values up to one-and-a-half
10 miles away from the facility; correct?

11 A. No, no, what it was showing was in
12 comparison to the properties that were nearby. What
13 they did was study the properties at different
14 radiuses going further out in comparison to the
15 properties that were nearby.

16 Q. Okay.

17 A. The ones that were nearby were the ones
18 that were -- that they showed had an impact; the ones
19 that were within 660 feet of the treatment center.

20 Q. Well, let me reduce it to a mile. You
21 would agree the 2014 study showed a reduced property
22 value within one mile of the proposed -- or the
23 studied facilities; correct?

24 A. I don't believe so, no.

1 Q. Okay.

2 A. Again, I think that was used as a
3 comparison. What they were doing was showing that --
4 they were testing, in effect, their hypothesis, that
5 as you go further out, that there would be no impact 08:47
6 on the property -- no different impact on the
7 property values.

8 And that's what they found, was that
9 they had an impact within an eighth of a mile, which
10 was 660 feet, and then they tested it by looking at 08:47
11 sales at different radiuses going further out and
12 found that it verified their study that there was an
13 impact nearby.

14 Q. Well, in that study they refer to
15 Exhibits 5 and 6, which assess the impact 08:48
16 one-and-a-half, .6, and one mile from a facility, and
17 they say both exhibits show that homes near substance
18 abuse centers, treatment centers, are still
19 negatively impacted and by approximately the same
20 magnitudes. Do you recall that? 08:48

21 MS. O'KEEFE: Mr. Ellenbecker, would you mind
22 referring me again to what page you're discussing?

23 MR. ELLENBECKER: Sure, the bottom of page 81.

24 MS. O'KEEFE: Thank you. Give us a second to

1 get there. Could you repeat that one more time,
2 please?

3 BY MR. ELLENBECKER:

4 Q. Sure. Page 81, it's at the bottom of
5 last paragraph. The last paragraph starts with "as a
6 robustness check."

08:49

08:49

08:50

08:50

7 A. Yes. And what they were doing there, if
8 you look at their exhibit, Exhibit 5, where they show
9 within half mile, a mile, and .6 miles, under the
10 first variable, they have the rehab center and
11 one-eighth mile. So what they were doing was
12 comparing that one-eighth mile radius and the data in
13 there, and they were showing that it was about 7.6
14 percent compared to properties within a
15 mile-and-a-half of the treatment center.

16 And then in the second instance,
17 again, they still have that same variable factor as
18 the rehab center at one-eighth mile, but they are
19 comparing it to properties within one mile. So those
20 describe the target properties, the control
21 properties, that they were comparing, and they found
22 even if they went further out, it didn't affect the
23 impact that was shown for properties within
24 one-eighth mile.

1 Q. And you see the bottom of page 81,
2 Mr. Polach? It talks about Exhibits 5 and 6?

3 A. Uh-huh.

4 Q. And it says, "we estimate the same
5 regressions as Exhibit 4 but confine the sample to 08:50
6 homes that are located within one-and-a-half miles,
7 one mile, and .6 miles of a rehab facility
8 respectively." Do you see that?

9 A. Yes.

10 Q. And it says, "the results are consistent 08:51
11 with the initial pre SOS estimates in Exhibit 4 and,
12 by extension, the initial ORS estimates in Exhibits 2
13 and 3. Both exhibits show that homes near substance
14 abuse treatment centers are still negatively impacted
15 by approximately the same magnitudes." Do you see 08:51
16 that?

17 A. Yeah, that's correct, because what they
18 were doing, again, is comparing those within 660
19 feet, and they were using it in the control group
20 areas further and further out to see if that made a 08:51
21 difference.

22 Q. Right. And it says --

23 A. They're not saying that --

24 Q. Go ahead.

1 A. Sorry.

2 MS. O'KEEFE: You were saying they're not
3 saying?

4 BY THE WITNESS:

5 A. Yeah, they're not saying that those 08:51
6 properties are impacted. They're using those as the
7 control group.

8 BY MR. ELLENBECKER:

9 Q. Then it says, "given that this is already
10 a within-neighborhood estimation by controlling for 08:52
11 location, the fact that the substance abuse treatment
12 center result is robust when the control group is
13 reduced to one mile and .6 miles indicates that
14 unobserved spacial heterogeneity is not likely
15 driving the core results of this paper. More 08:52
16 intuitively, this provides strong evidence that the
17 substance abuse treatment center effect is not simply
18 a bad part of town effect." Do you see that?

19 A. That's correct.

20 Q. Okay. Now, in terms of the NBER paper, 08:52
21 they made -- well, you've heard the term dis-amenity;
22 correct?

23 A. Yes.

24 Q. What's a dis-amenity?

1 A. Those would be factors that would cause a
2 decrease in property values as a result. I think
3 they gave us a few examples, such as railroad tracks.
4 I can't remember the others, but there were a number
5 of examples that they used as dis-amenities.

08:53

6 Q. And are substance use disorder treatment
7 centers, at least in the literature, characterized as
8 dis-amenities?

9 A. That's what they were trying to find out.
10 That was the purpose of the study, to see whether or
11 not it would be considered an amenity or a
12 dis-amenity or what impact it would have on property
13 values.

08:53

14 Q. Right. And, interestingly, on page 10 of
15 the 2019 study, the authors cite a Brooks, Humphreys,
16 and Nowak 2016 study saying the effect of strip clubs
17 on residential property values in Seattle,
18 Washington, the same location that we examined using
19 a SDT model, the authors find that club openings and
20 closings have no statistically significant effect on
21 the value of nearby residences. Do you see that?

08:53

08:53

22 A. Yes, I do.

23 Q. Now, just using that example of a
24 dis-amenity that was cited in the 2019 paper, you

1 disagree with regard to whether the dis-amenity of a
2 strip club negatively impacts property value;
3 correct?

4 A. Disagree with what?

5 Q. Well, according to the Brooks, Humphreys, 08:54
6 and Nowak study cited in the 2019 study comparing
7 dis-amenuities, the conclusion by Brooks, et al., was
8 that strip clubs have no negative impact or
9 significant effect on the value of nearby residences;
10 correct? 08:54

11 A. Yes, I would disagree with that
12 particular study. I don't know exactly where they
13 studied or what they studied. I did my own study
14 with regard to adult uses.

15 Q. Right. 08:54

16 A. And found that there were impacts in some
17 instances.

18 Q. Yeah. In fact, you testified in front of
19 the DuPage County Ad Hoc Adult Business Committee,
20 and you said that adult uses can have a profound 08:54
21 impact on residential property value; correct?

22 MS. O'KEEFE: You know, I need to object. I'm
23 not sure what the relevance of this is? I mean,
24 we're not -- that's not the nature of this case, and

1 I'm not understanding where you're going with this
2 question.

3 MR. ELLENBECKER: It's not. But, Ms. O'Keefe,
4 Mr. Polach said the 2019 study had far better
5 methodology and was better than the 2014 study. And 08:55
6 I'm pointing out that there are aspects and
7 assumptions within the 2019 study that Mr. Polach
8 doesn't even agree with.

9 MS. O'KEEFE: No, that's not what he's saying.
10 He said the author -- 08:55

11 MR. ELLENBECKER: You made your objection. I
12 responded. I'll live with what Mr. Hervas decides.

13 MS. O'KEEFE: This is -- the quote is that
14 you're saying --

15 MR. HERVAS: The objection will be overruled. 08:55
16 This goes to Mr. Polach's opinions, and we're going
17 to his interpretation of the studies and we're
18 looking at consistency. We may not have gotten to
19 the conclusion yet, because we don't know
20 specifically what Mr. Polach has to say, but the 08:56
21 questioning will be allowed.

22 CHAIRMAN DALY: And this is the chairman, if I
23 could just weigh in for one second. I understand
24 that this hearing is being -- I don't want to say

1 prosecuted, because that also is a legal term, but
2 for a lot of people on this call and for the benefit
3 of the audience, we're not versed in legal speak.
4 And I hear a lot of double negatives in sentences, so
5 I personally have a hard time following along with
6 where we are going with these questions. So if
7 there's a way to possibly simplify language for those
8 of us following along, I would appreciate it.

08:56

9 MR. ELLENBECKER: Okay.

10 BY MR. ELLENBECKER:

08:57

11 Q. Mr. Polach, you remember the question I
12 asked?

13 A. No, I'm afraid I don't.

14 Q. Okay. Let me do it this way: The 2019
15 paper, at least part of it was based on a premise
16 from the Brooks paper that said the dis-amenity of a
17 strip club did not significantly affect the value of
18 nearby residences. And you've already agreed that
19 you did your own study on the effect of that type of
20 business and you disagree, because you found that
21 adult-type entertainment does affect property values;
22 correct?

08:57

08:57

23 A. Well, first of all, they didn't rely on
24 the conclusions of that study. They just reported it

1 as an example of dis-amenities that were studied. So
2 their conclusions weren't based on that particular
3 study. That was a study on a totally different type
4 of property. So my own studies with regard to adult
5 uses showed a different conclusion than that study.

08:58

6 Q. Right.

7 A. How it compares to that study, I couldn't
8 say, because I haven't read that study.

9 Q. In fairness, on page 10 of the 2019 study
10 with regard to the Brooks paper, the authors say
11 "this study is important for our work as it focuses
12 on a dis-amenity that may plausibly impose similar
13 costs and benefits on the neighborhood as a SUDTC.

08:58

14 So the conclusion in that study was
15 important to the authors of the 2019 study; correct?

08:58

16 A. Only that it showed a similar type of
17 study, not the particular use, and it doesn't apply
18 to specific properties. This only addresses how they
19 perceived their study, how they went about their
20 study.

08:59

21 Q. Okay. Now, on page 15 of your report,
22 you cite briefly to the public safety impact report.
23 You would agree you didn't have any part of writing
24 that report; correct?

1 A. Of writing what?

2 Q. The public safety impact report that was
3 submitted by Haymarket in support of its application
4 in this case?

5 A. No, I did not write that one. 08:59

6 Q. And would you agree that if the findings
7 of that public safety impact report were wrong and
8 there is a profound impact on Itasca emergency
9 services in Itasca, that that could have a negative
10 impact on residential property values in the Village? 08:59

11 A. I have no reason to believe that that
12 study was wrong. If I had information that was
13 different than that, I would have to analyze it and
14 see whether or not it changed my opinion.

15 Q. Well, let me ask it this way: In your 08:59
16 experience, if the perception or the reality is that
17 a village's emergency services are insufficient, you
18 would agree that can have an effect on property
19 value; correct?

20 A. Well, first of all, there's a difference 09:00
21 between perception and reality, and what we're trying
22 to look at here is reality and determining whether or
23 not it's realistic. With regard to the projections
24 that have been made, I have seen nothing that

1 indicates that the projections are that inaccurate
2 they would somehow affect the opinion that this
3 proposed facility has no detrimental impact on
4 surrounding property values.

5 Q. Does the quality of a town's schools
6 affect property values?

09:00

7 A. Certainly.

8 Q. And isn't the quality of a school, based
9 on prospective residential buyers, based on
10 perception?

09:01

11 A. I hope not. I hope it's based on the
12 actual quality of the schools.

13 Q. Okay. And how is that assessed by a
14 proposed residential buyer, if you know?

15 A. Well, more currently, they can find
16 school ratings of the various schools in the area,
17 how they compare to other schools.

09:01

18 Q. And if -- and I know you're talking about
19 reality. Let's propose that the reality is that the
20 proposed Haymarket facility is going to make demands
21 on Itasca's emergency services that Itasca can't
22 meet. If that's the reality, can that effect
23 property value?

09:01

24 A. Well, so far that's not the reality, from

1 what I have been hearing and from the reports that
2 I've seen. So that's a speculative question, and I
3 couldn't answer that without knowing what you're
4 proposing would be different.

5 Q. So you can't tell me, based on your vast 09:02
6 experience, whether there's an effect on property
7 value if emergency services are deemed insufficient?

8 A. Well, again, if they're shown in some
9 manner to be insufficient in some way, I would have
10 to see what that was based on and to what extent, and 09:02
11 that isn't the reality of what I've seen and heard so
12 far.

13 Q. Okay. And the only thing you've heard or
14 seen on the issue is what Haymarket's shown you;
15 right? 09:02

16 A. I've heard the testimony that has been
17 given by the consultants that are qualified experts
18 in their areas.

19 Q. Right. Haymarket's experts and
20 consultants; correct? 09:02

21 A. No. These are consultants that have been
22 hired to provide studies and to analyze these various
23 issues, and, as professionals, I would hope that
24 they're providing independent opinions with regard to

1 their studies.

2 Q. Right. And those experts, regardless of
3 how qualified they are or not, you understand that
4 they were retained by Haymarket?

5 A. Well, they certainly were retained by
6 Haymarket, and from what I have seen, they are
7 qualified.

09:03

8 Q. All right. With regard to this NBER
9 paper, the 2019 study, did you find that study as
10 part of your work or did somebody find that for you
11 and ask you to look it over?

09:03

12 A. I believe I found that in my research.

13 Q. Okay. And you indicated that it's
14 centered around an area of Seattle. It actually
15 looked at King's county; is that right?

09:03

16 A. I believe that's one of the areas, yes.

17 Q. Okay. And King's county has a population
18 of a little over 2 million; is that right?

19 A. I believe that's approximate, yes.

20 Q. In fact, the authors say, "thus our
21 effects, the effects of our study, are representative
22 of a large pacific coast U.S. city"; correct?

09:04

23 A. Yes.

24 Q. All right. And you would agree that

1 Itasca is neither a pacific coast nor a large city;
2 correct?

3 A. That's true.

4 Q. And you would agree that, with regard to
5 controversial business projects, that urban areas are 09:04
6 more likely to be amenable to having these types of
7 uses as neighbors? As you get further away from the
8 densely populated areas, it becomes more and more of
9 a factor of having an impact on the surrounding
10 properties? You agree with that; right? 09:04

11 A. Not necessarily. That was their
12 indication from their study and what they were
13 looking at. You have to look at the specifics of a
14 certain location. You cannot generalize to try to
15 imply that that is the case in every instance. 09:04

16 Q. Right. But at least on page 45 of the
17 ad hoc committee on April 19, 2019, you told the
18 DuPage County Ad Hoc Committee that as you get
19 further away from the densely populated areas, it
20 becomes more and more of a factor of having impact on 09:05
21 the surrounding properties; right?

22 A. That sounds correct, yes.

23 Q. Okay. Did you know that with regard to
24 the study period in the 2019 study, that housing in

1 Seattle doubled in pricing starting in 2012?

2 A. Yes.

3 Q. And that would have an effect on sales
4 prices' median or average; correct?

5 A. Well, that would have an effect on those 09:05
6 measures, but those were the things that the study
7 took into account when they were providing their
8 research and adjusting for those factors. So they
9 took that into account in coming to their
10 conclusions, not just -- 09:06

11 Q. Right. And what they also had to take
12 into account is that at the time of the study in
13 King's county, there was a shortage of affordable
14 housing options; correct?

15 A. Yes. 09:06

16 Q. And the effect of a double in housing
17 prices, a shortage of affordable housing options, can
18 lead to a situation that's immune to dis-amenities;
19 correct?

20 A. To some extent, yes. 09:06

21 Q. Seattle, or King's county, also had large
22 corporations there, like Amazon, Starbucks,
23 Nordstrom, Cosco, Microsoft, Expedia? Companies like
24 that; correct?

1 A. Yes.

2 Q. And in terms of the type or size of the
3 facility that the 2019 study focused on, do you know
4 what size of a facility they were evaluating as it
5 related to effect on property values?

6 A. They were looking at various sizes. It
7 wasn't one facility. It was numerous facilities.

8 Q. And I might be able to help you out.

9 If you look at page 13 of the 2019
10 study, it's about smack dab in the middle of page 13.
11 Do you see a sentence that starts with "this modality
12 of care"?

13 A. Yes.

14 Q. All right. And if you go toward the end
15 of that sentence, it says, "and substance use
16 disorder treatment centers are large in size with
17 approximately 88 patients on any given day receiving
18 treatment." Do you see that?

19 A. Yes.

20 Q. All right. So the proposed Haymarket
21 facility is looking at 96 outpatient patients alone
22 per day; correct?

23 A. Yes.

24 Q. All right. And with regard to common

1 treatment, these authors looked at common treatment
2 that was only going to have a duration of 30 days,
3 and you recognize or know that the Haymarket facility
4 is proposing up to 360 days of treatment?

5 A. No, I think what they were looking at was 09:08
6 they had indicated that these were averages that they
7 had obtained with regard to these types of treatment
8 centers. This does not describe the specific
9 treatment centers that they actually studied. The
10 treatment centers that they studied were various 09:08
11 sizes. They weren't just 88 patients. Some of them
12 may have been larger, some of them may have been
13 smaller.

14 Q. Okay.

15 A. So I think you're mixing averages with 09:08
16 what they studied, which was different.

17 Q. Okay. Well, I'm just reading what they
18 said, and they said, "and SUDTCs are large in size
19 with approximately 88 patients on any given day
20 receiving treatment." That's what the authors said; 09:09
21 correct?

22 A. That was based on calculations from a
23 survey, which, again, is an average.

24 Q. Right. I'm just reading -- I read what

1 the authors said correctly; correct? And you read
2 the footnote?

3 A. Yes.

4 Q. Okay. And they characterize facilities
5 seeing 88 patients a day as large in size; correct? 09:09

6 A. Approximately 88 patients a day, yes.

7 Q. Right. And Haymarket Itasca is going
8 to -- under the proposal, would see 96 outpatient
9 patients, have another 144 in recovery, and another
10 96 in intensive inpatient treatment; correct? 09:09

11 A. I'm not sure of your exact numbers, but,
12 yes, it's a significant number of patients.

13 Q. Okay. Also with the 2019 study, they
14 acknowledged, didn't they, Mr. Polach, that where the
15 substance use disorder treatment centers were, that 09:10
16 they were routinely situated in areas that were
17 already depressed in terms of values; correct?

18 A. In many instances, yes.

19 Q. Right. Is the proposed area at 860 West
20 Irving Park Road in an area that you would say is 09:10
21 historically a depressed financial area?

22 A. No.

23 Q. Are the residential areas within 440 to
24 800 meters of the proposed facility what you would

1 consider to be depressed value areas?

2 A. No.

3 Q. The study goes on to say that -- well,
4 let me ask this: Didn't the 2019 study acknowledge
5 that there were reduced property values that they
6 connected or associated with substance use disorder
7 treatment centers?

8 A. No, I don't believe so.

9 Q. Okay. Let's look at page 23, the bottom
10 of page 23 of the 2019 study. And, actually, excuse
11 me, that's talking about the depressed property
12 values. Let's go to page 28. And specifically the
13 last paragraph on page 28. Let me know when you're
14 there.

15 A. Okay.

16 Q. And what they say there is "when we do
17 not account for endogenous location choice, we find
18 that SUDTCs reduce residential property values by 3.4
19 percent to 4.6 percent." Correct?

20 A. Yes.

21 Q. And did you make any sort of assessment
22 as to what the effect of a 3.4 to 4.6 reduction in
23 property value, what effect that would have on
24 Itasca's residential owners?

1 A. There's no need to. The 3.4 to 4.6 is
2 what they're indicating is if you don't take into
3 account location choices. In other words, if you
4 look at the fact, as you said, that many of these are
5 located in poorer -- or I shouldn't say poorer but
6 lower priced areas, if you don't take that into
7 account, then, yes, the indication is that there's
8 this 3.4 to 4.6 reduction but --

09:12

9 Q. Right. And you told me a bit ago that --

09:12

10 MS. O'KEEFE: Let him finish his answer,
11 please.

12 MR. HERVAS: Let's let him finish answering
13 the question, please.

14 MR. ELLENBECKER: Sure.

15 BY THE WITNESS:

16 A. The next sentences says, "however, after
17 accounting for such location choices through use of
18 an SDT model, we find no statistically significant
19 evidence that SUDTC entrance or exits influences
20 residential property values," which was the
21 conclusion of their report.

09:13

22 BY MR. ELLENBECKER:

23 Q. Right. But you told me just a bit ago
24 that Itasca, specifically 860 West Irving Park Road,

1 nor the residential areas in Itasca were these
2 historically depressed areas. So we wouldn't be
3 taking those into account like the study did with
4 their SDT model; correct?

5 A. No. What you're looking at is a study 09:13
6 which says there's no impact on property values when
7 you consider the location factors that are involved.
8 So that does not imply that because you're locating
9 it in Itasca that it's going to have an impact. It's
10 just the opposite. It's saying that if you ignore 09:13
11 those locational factors or you take those into
12 account, there's no significant impact.

13 Q. Right. It says, "when we do not account
14 for endogenous location choice." And when the
15 authors talked about "endogenous location choice," 09:14
16 they were talking about areas that were historically
17 reduced in value already by 2.2 percent; correct?

18 A. Those were the ones that they said if you
19 don't take that location into account, it shows an
20 impact. 09:14

21 Q. Right.

22 A. If you do consider the fact that they're
23 already lower priced in value, then it shows there is
24 no impact. So that would support the fact that if

1 you locate it in a higher priced area, there would be
2 no impact.

3 Q. Well, we can agree to disagree on that.

4 But the very next sentence says,
5 "indeed, in our preferred SDT models, we can rule out
6 declines in property values following SUDTC entrance
7 larger than 2.2 to 3.8 percent"; correct?

8 A. Yes.

9 Q. So they can't rule out no reduction in
10 property value. They're just saying under their
11 proposed SDT model applied in King's county with the
12 type of facilities they evaluated that they can agree
13 that it wouldn't be larger than 2.2 to 3.8 percent;
14 correct?

15 A. That's correct. And that was --

16 Q. Okay.

17 A. -- applied to properties that are much
18 closer in distance than what is being proposed in the
19 subject instance.

20 Q. Did you do any sort of assessment to
21 determine the financial impact on the Village of
22 Itasca if residential property within one to
23 one-and-a-half miles of the proposed facility was
24 reduced by 2.2 to 3.8 percent?

1 A. No, there was no reason to.

2 Q. Okay. And at the end of this study, the
3 authors understood that this one study didn't answer
4 all the questions; right? Specifically, they said on
5 page 30, "future studies are needed in more areas to
6 fully understand the effect of SUDTCs on residential
7 property values"; correct?

8 A. Oh, more studies are always needed.

9 Q. Right. What they acknowledged was, even
10 though we found that there was likely some reduction,
11 we can't apply the limitations of our paper to every
12 region in the country; correct?

13 A. No, just the same as you can't apply it
14 to every instance. You can't apply it to every
15 property. Each of them are unique.

16 Q. Okay. And we already talked about it a
17 bit, but the 2014 study was looking at the Richmond
18 metro area; correct?

19 A. That's correct.

20 Q. And unlike King's county at over
21 2 million people, Richmond metro gets a little bit
22 smaller. It's about half that; correct?

23 A. Yes.

24 Q. And what you indicated on there was -- at

1 least out to some radius from the proposed substance
2 use disorder treatment center, that there was a
3 robust negative impact on property values; correct?

4 A. For properties within 660 feet, they did
5 indicate that their study showed that there was an
6 impact.

09:17

09:17

7 Q. Were you able to find any studies
8 analyzing the impact of a substance use disorder
9 treatment center treating 240 people on any given day
10 in a town as small as Itasca?

09:18

09:18

11 A. Not that specific, no.

12 Q. Were you able to find the effect of a
13 substance use disorder treatment center that was at
14 120 patients on any given day? So in other words,
15 half the size on a town of just over 9,000 people?

16 A. No, the studies don't get that specific
17 where you could identify individual properties such
18 as that. There may be larger properties and smaller
19 properties in these studies, but they are not broken
20 down to that fine of detail.

21 Q. Are you familiar with what a
22 comprehensive plan is for a town?

23 A. Yes.

24 Q. And I think specifically you use a zoning

1 map from -- in your PowerPoint presentation. It
2 doesn't have a page number on it, but it's called
3 Figure 4, Land Use Plan?

4 A. Yes.

5 Q. And the source for that is Village of
6 Itasca comprehensive plan; right?

7 A. Yes.

8 Q. And have you ever read the Village of
9 Itasca comprehensive plan from 2015?

10 A. At least parts of it, yes.

11 Q. Do you know what the comprehensive plan
12 spoke to with regard to the area in and around 860
13 West Irving Park Road?

14 A. Yes, I believe it called for commercial
15 use.

16 Q. All right. You saw that they said they
17 should be of a smaller scale and intensity and be
18 comprised of a mix of uses that does not typically
19 attract shoppers from the larger region?

20 A. That's correct.

21 Q. Would you agree that based on the traffic
22 study, based on maybe the public impact safety study,
23 and your only analysis that Irving Park Road is a key
24 corridor in and out of Itasca?

1 A. Yes, it is.

2 Q. Okay. And you would agree that the
3 proposed use of 860 West Irving Park Road is not
4 retail, dining, or lodging; correct?

5 A. That's correct. 09:20

6 Q. And the proposed use would not serve the
7 daily needs of the Spring Lake Business Park or
8 Itasca residents; correct?

9 A. No, I disagree with that.

10 Q. Okay. You think that Haymarket's 09:20
11 proposed center would serve the daily needs of the
12 Spring Lake Business Park?

13 A. It may, if there are people in that area
14 that need the treatment that would be offered at
15 Haymarket, yes. 09:20

16 Q. Okay. Assuming that no one in Spring
17 Lake Business Park who comes in to work needs the
18 treatment at Haymarket Center, would you agree that
19 the proposed facility doesn't serve the daily needs
20 of those people? 09:20

21 A. I wouldn't make that assumption. If you
22 look at the need for treatment centers, which is
23 well-established both by the information that has
24 been provided by Dr. Lustig as well as daily

1 newspapers, daily television programs, daily radio
2 programs, the assumption that there's no one in the
3 business park or in Itasca that wouldn't need this
4 facility is a pretty big assumption.

5 Q. Well, now you're getting out of your 09:21
6 element and, Doctor, you're not a rehab needs
7 specialist, are you?

8 A. Well, no, I think the question was out of
9 my element, no, I'm not. But I think to ask me to
10 make that assumption, I can tell you that I find that 09:21
11 a very hard assumption to make.

12 Q. Okay. I'll change the question for you,
13 Mr. Polach. Other than someone in the Spring Lake
14 Business Park who might need Haymarket's proposed
15 services, would you agree that Haymarket's proposed 09:22
16 facility would not serve the majority of the daily
17 needs of Spring Lake Business Park?

18 A. Again, I think you're trying to split
19 hairs here. There are people in that area that
20 probably could use the facilities that would be 09:22
21 provided by this treatment center.

22 Q. Okay. Where did you get that information
23 from?

24 A. Again, it's pretty unusual for me to

1 believe that in a population of close to 10,000 and a
2 daily population in the area of office workers,
3 industrial workers, that there's no one that wouldn't
4 need a facility such as this nearby.

5 Q. Right. And I'm just asking have you 09:23
6 looked at any data or report that tells you that?
7 That's all I'm asking.

8 A. As I said, the information that I've
9 looked at is what you can find in any newspaper, on
10 television, in any reporting media -- 09:23

11 Q. Okay.

12 A. -- and --

13 Q. Would you agree that the proposed
14 facility will not broaden Itasca's tax base?

15 A. It depends. If they are able to achieve 09:23
16 a non-profit status, then it would not broaden the
17 tax base, that's true.

18 Q. Okay. Well, Dr. Lustig testified earlier
19 that they intend to seek tax exempt status. So not
20 only would the proposed facility not broaden it, it 09:23
21 would actually decrease it; correct?

22 A. Well, the amount of taxes would still be
23 the same. In other words, the tax level for all of
24 the taxing bodies would remain the same, so it would

1 not increase or decrease the tax assessments.

2 Q. Okay. Would the Village still be getting
3 tax revenue from 860 West Irving Park Road?

4 A. If they were successful in applying for
5 non-profit status and were able to achieve that,
6 then, no, there would not be taxes paid.

09:24

7 Q. Mr. Polach, did you know that Haymarket
8 first submitted its first application to the Village
9 of Itasca on, I believe, July 5th, 2019?

10 A. I don't recall the date.

09:24

11 Q. If I told you that's when they first
12 filed an application, can you accept that fact?

13 A. I would assume that that's accurate.

14 Q. And you did an assessment of property
15 values in Itasca, and I think it's on page 19 of your
16 report.

09:25

17 MR. ELLENBECKER: Mo, are you able to pull up
18 Mr. Polach's report? Specifically page 19?

19 MR. KHAN: Yeah.

20 MR. ELLENBECKER: Yeah, page 19. There's a
21 chart on that page. There it is.

09:25

22 BY MR. ELLENBECKER:

23 Q. You assembled this report, didn't you
24 Mr. Polach?

1 A. Yes.

2 Q. You went out a half mile and one mile;
3 correct?

4 A. That's correct.

5 Q. And you did it in 2018, 2019, and 2020,
6 year to date; correct?

7 A. That's correct.

8 Q. And with regard to average sale price in
9 the town of Itasca -- and let's look at half mile.
10 If we look at a half mile, we have, in 2018, 296,000,
11 in 2019, 343,000, and in 2020, it's 274,000; correct?

12 A. Yes.

13 Q. Based on your research to date, since
14 word of the proposed facility through the application
15 or the Daily Herald or other means was published,
16 Itasca has seen the lowest average sale price on
17 properties a half mile from the facility in the year
18 2020; correct?

19 A. That was year to date, and it would be
20 difficult to compare that to the other figures,
21 because those were for an entire year, and those may
22 have been impacted by COVID.

23 Q. Okay. Well, it's interesting you bring
24 up COVID, because on page 19 of your report, if we go

1 a little bit lower, you decided to cast a net farther
2 out of Itasca; right? You actually looked at sales
3 throughout the Village of Itasca; right?

4 A. Yes.

5 Q. And you said based on that analysis of 09:27
6 the whole town that the sales had an average price of
7 253,000 and in 2020, it was 251,000, so just a drop
8 of about \$2,000; right?

9 A. Yes.

10 Q. So if we look at the whole town, COVID or 09:27
11 otherwise, 2020 was a drop of 2,000, and if we look
12 at within a mile, we're looking at a drop of \$46,000
13 in the average sale price between 2019 and '20;
14 correct?

15 A. That's what the figures show, yes. 09:28

16 Q. Right. And the figures also show an
17 equally -- well, almost an equally steep drop in the
18 median sales price between 2019 and 2020; correct?

19 A. That's correct.

20 Q. And you would agree that that drop in 09:28
21 price, median or average, between '19 and '20 one
22 mile out from the proposed facility is a greater drop
23 than what you found for that same time period across
24 the whole village; correct?

1 A. Yes.

2 MR. ELLENBECKER: Sir, I think that's all I
3 have. I thank you for your time.

4 THE WITNESS: Thank you.

5 CHAIRMAN DALY: Thank you, Mr. Ellenbecker. 09:28

6 Who would like to cross-examine the
7 witness next? Would that be Mr. DiNolfo?

8 MR. DI NOLFO: I would be happy to go,
9 Mr. Chairman, and I think I'll be very brief since
10 Mr. Ellenbecker was very thorough. 09:29

11 CROSS-EXAMINATION

12 BY MR. DI NOLFO:

13 Q. Mr. Polach, I just have a few clarifying
14 questions, I think, more so than getting into any
15 great detail of your report. 09:29

16 You mentioned something to
17 Mr. Ellenbecker in cross concerning -- I think he
18 inquired of you if you had been able to find any
19 substance abuse treatment facilities in the suburban
20 setting anywhere in the country in a similar size, 09:29
21 nature, and scope of what Haymarket is proposing for
22 Itasca. And I think you said it would not be helpful
23 for you to do that research. Did I hear you
24 correctly?

1 A. Well, what I was indicating is that I did
2 not look throughout the country. I did look for
3 similar facilities within the DuPage area, and to go
4 further out to find a facility in another part of the
5 country in a different state, for example, might lead
6 to questions about whether or not that was really
7 comparable because of the distance and the fact it
8 was in a different part of the country.

9 Q. And based on that answer, I guess I don't
10 quite understand, then, why would you rely on studies
11 conducted in Richmond or in the Seattle area, given
12 that they are so far removed from DuPage County in
13 this case as a basis to help you come to your
14 conclusions? Because it would seem to have the same
15 faults that you would have trying to look at
16 facilities yourself outside of the area?

17 A. No, it's a different circumstance in that
18 if you're looking for a specific size of a facility
19 such as what is being proposed here, you're only
20 looking at one particular area and one particular
21 size, which may be affected by other factors.

22 The studies that were done looked at
23 large numbers. They were able to look at hundreds of
24 property sales and look at multiple locations to see

1 whether or not there was an impact. And they
2 adjusted for location, so they were able to -- by
3 using larger numbers, you're able to statistically
4 show whether or not there is an impact or not. By
5 looking at one particular facility in one location in 09:31
6 a different state, you wouldn't necessarily be able
7 to show what they were able to do by studying these
8 large numbers of circumstances.

9 Q. And I wasn't saying look just for one. I
10 was asking you to find any facilities. Did you 09:31
11 conduct any research outside of the suburban area of
12 DuPage to see if there's a facility, or facilities
13 plural, of the same size or nature that's being
14 proposed here at Haymarket? The more numbers you
15 get, the more likely you would be able to use those; 09:32
16 fair?

17 A. That's true. If I had the ability to go
18 to a large number of states and compare them and be
19 able to make the adjustments and consider all the
20 factors that are considered in a study such as those 09:32
21 that had been done, that would be fine. We don't
22 have that ability to do that. It's not productive to
23 do that in this instance.

24 Q. Okay. And I think you were asked -- I

1 understand that you've done nursing homes and
2 hospitals. You've never -- have you ever done a
3 report like you've done here today for any drug
4 rehabilitation facility as proposed by Haymarket?

5 A. I don't recall. I have done, as I said, 09:32
6 numerous studies, over 50 studies. They had similar
7 facilities or similar types of uses that might be
8 considered in analyzing the impact. Those included
9 shelters, halfway houses, transitional homes, adult
10 uses, as I said. The same technology, the same 09:33
11 methodology, is used in studying those as I applied
12 to this case.

13 Q. I appreciate that. But the simple answer
14 to my case is, no, you've never done a drug treatment
15 facility similar to what's being proposed here by 09:33
16 Haymarket; fair?

17 A. I cannot recall doing a drug treatment
18 facility of the size of the Haymarket facility or in
19 the same type of location as the Haymarket facility,
20 no. 09:33

21 Q. All right. Now, in your report -- and if
22 you want, it's page 1 of your report -- you state
23 that the proposed use has been planned to be operated
24 in a manner that the public health, safety, and

1 welfare would be protected. And you touched on this
2 on one of your slides.

3 Are you referring to the health
4 safety and welfare of the Village of Itasca at large,
5 or are you referring to the people that are seeking 09:34
6 and obtaining services at the proposed facility?

7 A. That would be applying to the Village at
8 large and the adjoining properties to the subject
9 property.

10 Q. And where did you get that the proposed 09:34
11 use planned to operate in that manner that you've
12 just stated? Where did you get that information
13 from?

14 A. The information was obtained both from
15 testimony that I have heard in the course of these 09:34
16 hearings as well as the documents that have been
17 provided with regard to the operation and the
18 purposes of the facility. So it was based on that
19 information.

20 Q. So it's based on the testimony of the 09:34
21 individuals from Haymarket as well as the documents
22 and the exhibits prepared by Haymarket?

23 A. No, it was done partially on that. Also
24 with knowing their history, having been in the

1 business, in effect, of health for 45 years and
2 running a successful facility for that period of
3 time, there's no reason to believe that a non-profit
4 organization would do anything other than protect the
5 health, safety and welfare of not only their clients
6 but also everyone else in the community.

09:35

7 Q. Do you know the number of police calls
8 that are required to be dealt with at the Haymarket
9 facility in the West Loop?

10 MS. O'KEEFE: Objection to relevance. I'm not
11 sure what that would be relevant to with regard to
12 what you're asking Mr. Polach and his report.

09:35

13 MR. DI NOLFO: The public health, safety, and
14 welfare that he testified since they have been in
15 business for 45 years. I believe I have a right to
16 see what his knowledge about what their business for
17 the last 45 years.

09:36

18 MR. HERVAS: You really need to tie that to
19 Mr. Polach's opinion, if it goes -- if that
20 particular piece of knowledge goes directly to one of
21 his opinions. I'm going to ask you to rephrase the
22 question or tell us where you're going with that.

09:36

23 MR. DI NOLFO: Sure.

24 BY MR. DI NOLFO:

1 Q. You just shared with me, Mr. Polach, that
2 you base that conclusion about the proposed manner in
3 which it's going to be operated on based on the way
4 that the facility in the West Loop has been run for
5 the last 45 years; is that correct? 09:36

6 A. Partially, yes.

7 Q. Okay. And that's part of the factor that
8 you consider for your opinion as to what impact, if
9 any, the proposed facility will have; fair?

10 A. Yes. 09:36

11 Q. All right. So I guess my question is,
12 then, do you know the number of police or fire or EMS
13 calls generated by the facility in the West Loop so
14 that you can come to that conclusion that you relied
15 upon? 09:37

16 A. No, not offhand.

17 Q. All right. Couple more questions.

18 In your report, you list in there
19 steps you had taken in your analysis. It's on
20 page 2, if you want to look at it. And you said you 09:37
21 reviewed a consideration of prior studies. Are those
22 studies concerning the appraisal of properties in the
23 area? Or are those studies generated by other
24 witnesses that have testified here? Page 2, it's

1 like the fourth from the bottom of the bullet points,
2 "review of consideration of prior studies."

3 A. Yes, that included the studies that are
4 referenced in the report itself as well as other
5 studies that I've reviewed in connection with this 09:38
6 assignment.

7 Q. Okay. And kind of going along with that,
8 Mr. Ellenbecker touched on this, it's your
9 understanding and I think you've shared with us that
10 there's going to be certain activities at the 09:38
11 location, some of which would require people to go to
12 and from the facility, those seeking treatment in an
13 outpatient manner; correct? That's going to be
14 vehicles, train, bus, walk, bike, whatever it takes;
15 true? 09:38

16 A. Yes.

17 Q. All right. Does the manner in which
18 people are coming to Haymarket for treatment, can
19 that have an impact on the valuation of the
20 surrounding property? 09:38

21 A. Yes.

22 Q. Okay. And has Haymarket provided you any
23 information as to the modes of transportation that
24 they expect people to be using to get to their

1 facility?

2 A. I believe there has been prior testimony
3 with respect to that, including testimony by the
4 traffic engineer.

5 Q. All right. So you would agree with me 09:39
6 that you would rely on what the traffic engineer said
7 about the various methods that people would come to
8 and from Haymarket? You would defer to him?

9 A. I would consider his report. I would
10 consider the studies that he has done and the impact 09:39
11 that he has indicated.

12 Q. All right. Now, you also include in your
13 report a list of materials and information that you
14 considered in your analysis. And it's on the bottom
15 of page 7 and it goes on to -- close to the bottom of 09:39
16 page 8. And I'm not going to ask you anything
17 specific about it, but these are reports and
18 documents that you used in formulating your opinion
19 as to the impact; correct?

20 A. Yes. 09:40

21 Q. And for those individuals that have
22 specialties, like the traffic engineer, the
23 economist, you're going to rely on their conclusions
24 and assume they've done that correctly for purposes

1 of your analysis?

2 A. I would consider the information that was
3 provided by the qualified experts, yes.

4 Q. Sure. And obviously you have to assume
5 that what they've done is accurate; true? 09:40

6 A. I would look at it to see if I felt that
7 it was accurate. Unless I had some reason to believe
8 that it wasn't, I would think that qualified
9 consultants would perform their job competently.

10 Q. Right. And I assume that if you didn't 09:40
11 think it was accurate, you wouldn't rely upon it?

12 A. That's correct.

13 Q. All right. And one of the other reports
14 that you relied upon that Mr. Ellenbecker touched on
15 was the Polaris report; correct? 09:41

16 A. That's one of the ones I considered.

17 Q. Okay. And I think I understood your
18 answer, but I want to make sure. You, yourself, and
19 nobody in your group did any analysis on the
20 potential impact this facility will have on police, 09:41
21 fire, and EMS; correct?

22 A. We did not do an independent study. We
23 are not experts in that area. So we considered the
24 information that was provided by the experts in that

1 area.

2 Q. And you relied solely on the Polaris
3 report for that information?

4 A. Well, we have no other information
5 contesting that. 09:41

6 Q. Understood. And you took their
7 conclusion at face value based on their experience?

8 A. I considered their information, yes.

9 Q. All right. And you felt comfortable
10 enough that you actually cited it in your report on 09:41
11 page 15; correct?

12 A. Yes.

13 Q. All right. Now, you understand that
14 there's going to be other witnesses in this matter
15 presented by perhaps me or Mr. Ellenbecker? Are you 09:42
16 aware of that potential?

17 A. There's that potential. I don't know of
18 any other witnesses.

19 Q. I agree with you. So far it's only been
20 Haymarket's case. I agree with you on that point. 09:42

21 However, if there is subsequent
22 testimony from other witnesses that calls into
23 question the methodology used by Polaris, you would
24 need to see that information because it could impact

1 your opinion?

2 A. I would have to see it.

3 Q. And if through testimony from other
4 witnesses the conclusion reached by Polaris is called
5 into question, you, again, would have to see that
6 because it could impact your opinion?

09:42

7 A. I would have to see that.

8 Q. Right. You would have to see it because
9 it could have an impact?

10 A. It may or may not. I don't know until I
11 see it.

09:42

12 Q. Exactly my point. That's the purpose of
13 seeing it; it could impact it, it may not; correct?

14 A. Yes.

15 Q. Give me one minute. I'm just about done.

09:43

16 I just want to get a little
17 clarification. Mr. Ellenbecker spent some time
18 talking to you about your comps. Woodridge, Lutheran
19 Services, and, I think, Gateway were the ones he
20 talked about a little bit with you and I think some
21 others came up. You had made mention that if someone
22 was interested in moving to the area, they might look
23 at the websites to get an idea of what each of those
24 facilities offers to the people they're caring for?

09:43

1 A. Yes.

2 Q. Would the fact that certain aspects of
3 the treatment they provide are not on the facility
4 that you listed -- for instance, if Lutheran Services
5 does its medical detox in the City of Chicago and 09:43
6 that's on the website -- could that impact the
7 valuation or the potential negative impact the
8 facility would have on pricing?

9 A. No.

10 Q. Okay. So Lutheran Services, if they were 09:44
11 just the headquarters and didn't do any services
12 there, that would have the same impact, in your
13 opinion, as if it were a full-blown treatment center?
14 There's no difference?

15 A. No, no, the facilities had different 09:44
16 functions. Some of them -- one was an outpatient
17 clinic currently. The others have residential
18 treatment. That is what would possibly be known by
19 purchasers of property in the area. Most purchasers
20 will only know that it's a treatment center, an 09:44
21 addiction treatment center. They will not
22 necessarily know the specifics of the type of
23 treatment or the level of treatment, and so their
24 decision would be based on the fact that it was a

1 treatment center. So we looked at that, the fact
2 that these are treatment centers, and looked at sales
3 that occurred within the area of those treatment
4 centers.

5 Q. Can the level of services at a treatment 09:45
6 facility impact house pricing negatively?

7 A. In general, no, because most buyers of
8 property would not be aware of those levels of
9 treatment. In other words, as I said, they would
10 know that it may be a residential treatment center, 09:45
11 an addiction treatment center, but they very, very
12 seldom, if ever, would investigate the precise levels
13 of treatment that were occurring at that facility.

14 Q. And I guess my question is what do you
15 base that conclusion that they wouldn't research -- I 09:45
16 mean, you talked about them researching schools,
17 obviously, if they have kids going to school. If
18 they're moving next to a drug treatment facility,
19 what evidence do you have to support that they
20 wouldn't research what that facility offers? 09:46

21 A. Oh, it's possible. I'm saying that the
22 majority of people would not. The majority of people
23 that I have been in contact, buyers, sellers of
24 property over the past 50 years, I don't recall

1 anyone ever saying that they had researched the level
2 of treatment that was available at the treatment
3 center that was located in the area.

4 Q. So this isn't a professional opinion?
5 This is just your experience in life that, at least 09:46
6 people you associate with, don't take the time with
7 the advent of the Internet to go and search what a
8 drug treatment facility has to offer if they're
9 moving in close proximity to it? At least that's
10 your experience? 09:46

11 A. No, no, my experience is my professional
12 experience in appraising property for 50 years,
13 talking buyers, sellers. And, yes, certainly someone
14 can currently go to the Internet and find out general
15 information about a treatment center. Are they going 09:47
16 to find out specific information about that
17 treatment? No, they are not generally going to do
18 that.

19 Q. Okay. I guess when you say they don't
20 find out specific treatment, if you go to the 09:47
21 Lutheran Services' website, it tells you all the
22 services they provide; right? Inpatient, outpatient,
23 medical detox? They tell you all of those things are
24 occurring, don't they?

1 A. Yes, I did look, and it shows general
2 categories of treatment. It doesn't get more
3 specific than that. If someone has an objection to
4 being located near a treatment center, they're not
5 going to be concerned with the exact levels of
6 treatment that are available in that treatment
7 center. They are just going to look at the fact that
8 there is a treatment center there, they know it
9 provides certain services in general, if they go that
10 far, and that's what they're going to base their
11 decisions on.

09:47

09:48

12 Q. All right. One more question on this
13 topic. Does the size of the facility that offers
14 this substance abuse treatment, can that negatively
15 impact property values?

09:48

16 A. In my opinion, the size of the Haymarket
17 facility does not impact the property values in the
18 area.

19 Q. I understand that --

20 A. So size -- if you'll let me finish.

09:48

21 Q. I apologize.

22 A. Size does not equate to impact. You can
23 look at size -- you have Hamilton Lakes Development.
24 There are large buildings in there. That's in

1 Itasca. You have the Point Bridge -- Bridge Point
2 development that's taking place with large facilities
3 in the area. Just because they're large, does not
4 mean that they have a negative impact.

5 Q. All right. And I appreciate you talking 09:49
6 about Hamilton Lakes and all that, but you're not
7 testifying that a five-person recovery home is
8 considered in the same vein as a 240-bed multilevel
9 treatment facility? They're distinctly different?
10 You would agree with me on that? 09:49

11 A. Certainly there's a size -- the
12 difference between five and larger sizes is
13 different.

14 Q. Right. And you would agree, or maybe 09:49
15 not, that -- in your professional experience, would a
16 240-bed facility like the one proposed at Haymarket
17 have a greater potential impact on property values
18 than a five-person recovery home?

19 A. No. If you look at the location of the
20 proposed facility, there's no reason to believe that 09:49
21 it would have an impact in spite of the size.
22 There's no evidence to show that a larger facility in
23 that location would impact property, whether it was
24 five persons or larger.

1 Q. So the key -- at least if I hear you, the
2 key distinction is given the location of where
3 Haymarket is proposed, it doesn't have an impact. If
4 we were to take, for instance, the Woodridge comp you
5 used, if they were to double its size in its current
6 area, would that potentially have a negative impact
7 on property values?

09:50

09:50

09:51

8 A. Possible. I would have to look at what
9 was occurring in that area. In that instance, you
10 have homes that are located within 125 feet of the
11 treatment center. That's a much different situation
12 than we have with the proposed facility.

13 MR. DI NOLFO: Okay. That's all I have.
14 Thank you, sir.

15 THE WITNESS: Thank you.

16 CHAIRMAN DALY: Thank you, Mr. DiNolfo and
17 Mr. Polach. Ms. Smith, do you have any
18 cross-examination questions for the witness?

19 MS. SMITH: I do have some.

20 CHAIRMAN DALY: Please proceed.

21 CROSS-EXAMINATION

22 BY MS. SMITH:

23 Q. Good evening. First question is about
24 the scope of your opinion, and maybe you've been

1 somewhat asked about this before. But you gave an
2 opinion about the subject's -- or the proposed
3 Haymarket building, that former Holiday Inn building
4 property's area, neighborhood, or vicinity. That was
5 the scope of what you gave an opinion about; is that
6 right?

09:51

09:51

09:52

09:52

7 A. I'm not quite sure what you mean by those
8 different categories. You know, there are
9 neighborhoods, areas, vicinities. I'm not sure how
10 you're defining them.

11 Q. Well, I'm defining them the way that
12 you -- in your transmittal letter, you said that
13 you've conducted a study to determine whether the
14 proposed health center at the address will cause
15 substantial injury to the value in the neighborhood
16 in which it's located or be injurious to the property
17 values or improvements in the vicinity of the subject
18 property. So I'm trying to confirm -- you used the
19 words "neighborhood, vicinity." I'm confirming that
20 was the scope of your opinion that you gave; right?

21 A. Those words are what's defined in the
22 ordinance. If you look at the ordinance, that's what
23 is required, and it depends on how you define those.
24 And there is no definition given in the ordinance.

1 So, you know, neighborhood is generally defined by
2 certain boundaries, roadways, railroad, other natural
3 barriers. That might be considered the neighborhood.
4 The vicinity might be a larger area. That might
5 include, you know, several areas outside of what you
6 would call the immediate neighborhood. Area is
7 another undefined factor.

09:53

09:53

09:53

09:53

8 What we looked at was everything. I
9 mean, because of the vagueness of that wording, you
10 know, we looked at the immediate uses, the adjoining
11 uses. We looked at the ones that are in the -- what
12 you would consider the neighborhood of this property.
13 And then we also looked at the ones that are further
14 away. The ones in the vicinity, which might be
15 considered the nearby residences.

16 And with respect to the impact on
17 other properties, we looked at the entire village
18 with regard to the economic impacts as studied by the
19 other consultants, because they didn't confine
20 themselves to only one neighborhood or one area.
21 Those are defined -- or looking at the entire village
22 for their studies.

23 Q. But as far as your study, are there parts
24 of Itasca that were not part of the area, the

1 neighborhood, or the vicinity that you specifically
2 studied?

3 A. No. I mean, we looked at -- again, we
4 looked at everything. I mean, we looked at the
5 properties that are close by. We looked at the ones 09:54
6 that are further away. Of course, the further away
7 you get from any potential use or proposed use, the
8 less of an impact you would have. And, generally,
9 what -- with regard to any property values, we looked
10 at, you know, those that were immediately adjoining 09:54
11 first and then we looked at those that are a little
12 further away. And then we looked at the overall
13 impact for the entire community.

14 Q. Okay. So, I mean, because -- so you
15 think that you looked at the impact on all of Itasca? 09:54
16 Based on the data that you have in there about the
17 quarter mile and half mile, you felt that exhausted
18 the amount of information you needed to make a
19 conclusion about all of Itasca?

20 A. Well, we looked at that. We also looked 09:55
21 at, as I said, the information with regard to the
22 economic impact, which would entail all of Itasca.
23 So we did look at, you know, all of the community,
24 not just the ones that were nearby, but we

1 concentrated on the ones that are nearby as far as
2 specific impacts because of the proximity of those
3 uses. Those would be the ones that would be most
4 impacted, should there be any impact.

5 Q. Okay. On -- in your report -- and we can 09:55
6 go there if you need to refresh -- but I think you'll
7 recall that you cite a demand for the use. Does that
8 sound familiar?

9 A. Yes.

10 Q. Have you considered whether this use 09:56
11 could be accommodated elsewhere in DuPage County?

12 A. Not specifically. We were not asked to
13 look for other sites that would accommodate this use.
14 That wasn't part of our analysis.

15 Q. You've testified to extensive experience 09:56
16 and expertise in the area professionally. Are you
17 aware of other sites large enough to accommodate this
18 use in DuPage County?

19 A. Well, you would not only have to look for
20 something that's large enough, you'd also have to 09:56
21 look at something that has appropriate zoning, which
22 is why we're involved in this process. This is a use
23 that is permitted as a special use under this
24 particular zoning. So you would have to find a

1 number of factors. I have seen a list that someone
2 had submitted that indicated other possible sites
3 that Haymarket could have looked at. They indicated
4 that they had looked at over 500 different sites in
5 order to come up with a list of a few sites that they
6 felt were sufficiently usable by Haymarket.

09:57

7 None of those sites would be as
8 appropriate for this use or as accommodating for this
9 use as the current site. In other words, if you look
10 at them, there were things such as a small
11 hotel/motel, I forget, maybe 20 units or something,
12 on a couple acres of land, and that was suggested as
13 a possible alternative. Well, that's just a land
14 site. They would have to build a facility, which
15 would be much more costly than adapting this unused
16 facility to their use.

09:57

09:57

17 So you would have to find some other
18 building that was equally suitable and economically
19 feasible to do this. I mean, when they purchased
20 this property, they not only purchased the real
21 estate, they also purchased the personal property
22 that was there. So they have things such as kitchen
23 equipment and bedding that is ready to be used for
24 this particular use. So to try and find another site

09:58

1 within DuPage County with these same characteristics
2 would be very, very, very hard.

3 Q. Okay. But --

4 CHAIRMAN DALY: Excuse me, Ms. Smith. I'm
5 sorry to interrupt. We are two minutes to 10:00
6 o'clock and 10:00 o'clock is our hard stop on these
7 meetings. So I would ask, if you would please excuse
8 me, if we could request that you pick up the
9 questioning at this point at the next meeting. And I
10 appreciate your patience. You waited through the
11 entire hearing to get to your questions and now you
12 got three in and now we've got to stop.

13 But at this point, I would just
14 thank everyone for being here. I would ask
15 Ms. O'Keefe if you would please -- based on the way
16 this evening went, if you could give us an outline of
17 what we're looking at for next week, and then I would
18 request the motions to conclude and adjourn.

19 MS. O'KEEFE: Mr. Chairman, I was informed
20 shortly before this hearing that we have an
21 unavoidable conflict for next week, so we'd like to
22 request a deferral of this matter until February 3rd
23 since we have this issue that has just arisen.

24 CHAIRMAN DALY: Just so I can clarify that, is

1 it the -- so are you asking that we do not have a
2 hearing specific to Haymarket next week? Or are you
3 saying specific to Mr. Polach and his testimony and
4 cross-examination?

5 MS. O'KEEFE: I'm saying specific to 10:00
6 Haymarket. We would defer this matter to
7 February 3rd.

8 CHAIRMAN DALY: Okay. I personally don't have
9 an issue with that. Mr. Hervas, could you please
10 weigh in? 10:00

11 MR. HERVAS: We are in the midst of the
12 petitioner's case, and it is taking a long time. But
13 it is their case, and if they're asking for the
14 additional time, if the Plan Commission is willing to
15 grant it, that's fine. 10:00

16 CHAIRMAN DALY: Do we have to vote on that or
17 is that something we can do by voice vote or straw
18 poll or otherwise?

19 MR. HERVAS: If any of the Plan Commissioners
20 have an objection to that, they can raise it now so 10:00
21 that it can be discussed. Otherwise, you would just
22 get the motion to continue it to the stated date
23 of -- I think it was February 3rd.

24 CHAIRMAN DALY: That was my understanding.

1 MR. HERVAS: We didn't know about this. We're
2 just hearing this for the first time now, so I'm
3 trying to manage it.

4 CHAIRMAN DALY: That's fine. I would ask at
5 this time, then, to the Plan Commission, would you 10:01
6 please -- if you have an objection to the deferral,
7 please weigh in. Otherwise, I have no personal
8 objection to that.

9 Hearing none, Ms. O'Keefe, we are
10 fine with that. We'll make a motion here in a few 10:01
11 minutes to continue to February 3rd. And at that
12 time, is there anything you would like to add about
13 who the witnesses might be or who we might hear
14 testimony from?

15 MS. O'KEEFE: You know, we're going to have to 10:01
16 check scheduling. I don't want to --

17 CHAIRMAN DALY: That's fine.

18 MS. O'KEEFE: We haven't had a chance to ask
19 Mr. Polach if he's available on February 3rd -- he's
20 nodding his head. We would start with Mr. Polach and 10:01
21 finish, and then I have to check with my other
22 witnesses for their availability. But we'll let you
23 know in a very timely fashion.

24 THE COURT: Okay, that's fine. We appreciate

1 that. And I appreciate everyone's time and patience
2 in this matter. At this point, I would ask for a
3 motion to continue this hearing until February 3rd.

4 COMMISSIONER HOLMES: So moved. This is
5 Commissioner Holmes. 10:02

6 COMMISSIONER RAY: Second, Ray.

7 CHAIRMAN DALY: Will the secretary please call
8 the vote.

9 RECORDING SECRETARY MELONE: Commissioner
10 Carello. 10:02

11 COMMISSIONER CARELLO: For.

12 RECORDING SECRETARY MELONE: Commissioner
13 Drummond.

14 COMMISSIONER DRUMMOND: For.

15 RECORDING SECRETARY MELONE: Commissioner
16 Holmes. 10:02

17 COMMISSIONER HOLMES: For.

18 RECORDING SECRETARY MELONE: Commissioner Ray.

19 COMMISSIONER RAY: For.

20 RECORDING SECRETARY MELONE: Commissioner
21 Russo. 10:02

22 COMMISSIONER RUSSO: For.

23 CHAIRMAN DALY: The motion carries. This
24 hearing is continued until February 3rd.

1 May I please get a motion to
2 adjourn.

3 MR. HOLMES: So moved.

4 MS. RAY: Ray, second.

5 CHAIRMAN DALY: Will the secretary please call 10:02
6 the vote.

7 RECORDING SECRETARY MELONE: Commissioner
8 Carello.

9 COMMISSIONER CARELLO: For.

10 RECORDING SECRETARY MELONE: Commissioner 10:02
11 Drummond.

12 COMMISSIONER DRUMMOND: For.

13 RECORDING SECRETARY MELONE: Commissioner
14 Holmes.

15 COMMISSIONER HOLMES: For. 10:02

16 RECORDING SECRETARY MELONE: Commissioner Ray.

17 COMMISSIONER RAY: For.

18 RECORDING SECRETARY MELONE: Commissioner
19 Russo.

20 COMMISSIONER RUSSO: For. 10:02

21 CHAIRMAN DALY: Thank you. This meeting is
22 adjourned. Everyone have a good and safe week, and
23 we will reconvene on February 3rd. Good night.

24 * * * * *

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

3 I, Lynette J. Neal, CSR. No. 84-004363, RPR,
4 do hereby certify that I reported in shorthand the
5 proceedings had at the hearing of the above-entitled
6 cause and that the foregoing Report of Proceedings,
7 Pages 1 through 134, inclusive, is a true, correct,
8 and complete transcript of my shorthand notes taken
9 at the time and place aforesaid.

10 I further certify that I am not counsel for
11 nor in any way related to any of the parties to this
12 suit, nor am I in any way, directly or indirectly
13 interested in the outcome thereof.

14 This certification applies only to those
15 transcripts, original and copies, produced under my
16 direction and control; and I assume no responsibility
17 for the accuracy of any copies which are not so
18 produced.

19 IN WITNESS WHEREOF I have hereunto set my hand
20 this 1st day of February, 2020.

21 

22
23 Certified Shorthand Reporter

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