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Date: 05/08/2021 12:08 PM

Subject: Denial of Philip Estates application is only option

Dear Trustees:

Under Long Grove law you have no discretion but to deny Philip Estates' application (item 10 on the 5-11-2021 Agenda).

According to the general standards for issuance of special use permit in the Village of Long Grove **'th e own er shall establish'** the permit application is predicated on: 1) protecting the health, safety and welfare of the public, and 2) will not cause substantial injury to the value of neighboring lots at its location, among other things.

Without this the Board has no discretion but to deny the application, pursuant to 5-11-17(E)(1) of the Code of Ordinances*.

In order to help you determine whether Philip Estates (PE) has established and met these standards, we requested the following records from the Village to which we received nothing responsive:

1. Any and all records (hereafter ' " ') that state; **a)** the health effects of building homes next to a [yet abandoned] multi-lane divided highway, and **b)** how Philip Estates will operate to protect against any resulting negative public health effects (if the highway is not finally abandoned), including disclosing the possible [long] list of effects to potential buyers.
2. " establishing details of how a radium mitigation plan will operate to protect the health of PE and Glenstone residents in the event PE and

Glenstone subdivisions' water must be pumped from Glenstone's deep well (as for example, in the case of a drought, or in an emergency from a burnt out swallow well pump).

3. " establishing how PE's water use plan will adequately operate that specifically takes into account having to service not only existing homes in Glenstone Unit II and proposed PE homes, but also four un-built Glenstone Unit II residential lots, an un-built 24 home development (Glenstone III) and the Glenstone Unit I office building, the latter which are all included in the current Glenstone subdivision declaration. [N.B.: The PE water plan failed to even mention any of the latter and therefore, is incomplete on its face.]
4. " establishing that the PE fire protection plan has been review and approved by Glenstone and the LGFPD to operate to protect the Glenstone water system and also for the safety of PE residents. [We have seen recently (at 3159 RFD) what happens when an owner has an inadequate fire protection plan and water. Given this, your vote in the affirmative is also a vote to possibly repeat this disaster knowing the consequences.]
5. " establishing that PE's proposal will not cause substantial injury to the value of the property at 3807 Turnberry Lane, Long Grove or any other neighboring property. This would include taking into account the terms of an unrecorded [and secreted] 'side' utilities agreement, without following the formal legal custom of conforming and recording an amendment to Glenstone's current declaration.
6. " establishing that PE's plan(s) are in strict compliance with all local, State and Federal laws, including [therein] Glenstone's declaration, so as to protect the public welfare by the proper enforcement thereof.

These include life or death issues. They are not trivial or in the realm of a private dispute that you can ignore as others have done. Furthermore, it is not the public's duty or ours to establish PE's noncompliance with the law, but PE's to establish compliance, which it fails to do. As such you have no discretion at this time according to law but to deny PE's incomplete and defective application.

On the other hand, I can find nowhere that it is your duty to maximize an owner's revenue or profit at the expense of the public's health, safety and welfare. In others words you have no duty to turn an owner's bad investment into a good one by short-changing the public and ignoring incontrovertible law it is your sworn duty to enforce.

Regards,

Phillip and Cynthia Goldberg

* No special use permit *shall* be recommended or granted... unless *the owner shall establish* that: ... (b) it is so design, located and proposed to be operated that the public health, safety and welfare will be protected; (c) It will not cause substantial injury to the value of other lots in the neighborhood in which it is located...