

Staff Responses to Council Questions

November 11, 2014

9. FIRST READING AGENDA

A. Resolution: Authorize a Subdivision Improvement Agreement with Downers Grove TPM Real Estate, LLC

Where will existing residents on Jefferson park their cars when access to their driveways is not available due to construction activity?

If a resident's driveway on Jefferson is inaccessible due to improvements taking place on the driveway, the developer has agreed to provide temporary parking for the resident within Nelson Court. If parking is needed prior to the construction of Nelson Court, the developer shall provide temporary parking in a location approved by the Village staff. The approved temporary parking must be located in an area near the affected houses.

Who will plow snow on Jefferson Street when the site is under construction and the public improvements for the new development have not yet been dedicated to the Village?

The Village will plow snow on Jefferson Street.

How will emergency access to the existing houses on Jefferson Street be provided when the site is under construction?

The existing half street will remain open and accessible to emergency vehicles during construction.

Did the staff assessment and recommendation of the existing trees located in the Brookbank right-of-way change from the original SIA in 2006 and now? If so, please indicate what changed.

There is no change between the 2006 SIA and the current SIA. The trees within the Brookbank right-of-way were considered to be in poor condition in 2006 as well.

Is there a regulation that prohibits idling trucks on a construction site?

There are no ordinances which prohibit idling trucks on a construction site during permitted work hours.

Please explain the process, reasoning behind and timing of installing the final lift on a newly constructed street. Please provide a picture of the binder course.

The pavement's surface course is generally installed after the majority of construction has occurred. The reasoning behind this is that the base and binder courses together provide an adequate structural and wearing surface for construction traffic. Construction traffic can include equipment with sharp edges, like scrapers and metal boxes, which damage the smooth surface course. For these reasons the surface course is typically installed toward the end of a project, as homes are being completed.

This is a photograph of a typical binder course. It looks very similar to a surface course, however, the stone is generally larger and more visible.



Please provide the existing municipal code regulations and requirements for demolition and construction

See the attachment from Chapter 7 - Section 7.1801 of the Municipal Code regarding Site Management.

Questions from a Resident: We never asked for a "sidewalk" which would endanger the walnut trees. What we have always been looking for, is an open route that cannot be closed off and fenced at a future time. The recorded easement accomplishes that. Would you please clarify for the record that NO changes are being made to the recorded Plat, and that the referenced pedestrian easement REMAINS in force. Neighborhood connectivity is very important to us, as neighbors of the Nelson Meadow subdivision. In particular neighborhood connectivity between the east end of Jefferson Avenue and the west side of Jeffereson Avenue. This is a well-used route, to school and for recreation.

Thus there is a statement in your REPORT FOR THE VILLAGE COUNCIL MEETING NOVEMBER 11, 2014 that requires clarification:

"The proposed sidewalk along the south side of the stormwater detention basin near the black walnut trees at the southeast corner of the site has been removed due to the increased size of the detention facility and in an effort to protect the existing black walnut trees along the south property line."

I must point out that there never was a "sidewalk" planned for this location. Instead, at the recommendation of the Village Forester, a wood fibre path was proposed and agreed. Please reference Sheet 7, Geometric Plan, submitted and filed with the 2006 Subdivision Improvement Agreement, where you find this notation:

*"PROPOSED 5'
WIDE WALKING PATH
(EXCAVATE 4 INCHES BELOW EXISTING
GRADE AND PLACE 6 INCHES OF WOOD FIBRE CHIPS OR MULCH. DO NOT
COMPACT EITHER THE SUB-GRADE OR THE
WOOD FIBERS. COORDINATE WITH THE
VILLAGE FORESTER FOR APPROPRIATE
MATERIAL SOURCES.)"*

I believe the "sidewalk" language was only recently re-introduced by staff, perhaps reflecting the notation on the recorded Plat, "7.5 FT. SIDEWALK EASEMENT." We never asked for a "sidewalk" which would endanger the walnut trees. What we have always been looking for, is an open route that cannot be closed off and fenced at a future time. The recorded easement accomplishes that.

Would you please clarify for the record that NO changes are being made to the recorded Plat, and that the referenced pedestrian easement REMAINS in force.

No changes are being made to the recorded plat of subdivision. The 7.5 ft. sidewalk easement will remain on the plat; however, the Developer is not proposing and staff is not recommending the installation of any type of path/walkway within the easement. The proposed woodchip walkway shown on the 2006 plans along the south side of the stormwater detention basin has been removed due to the fact that it does not comply with accessibility guidelines. While other options to provide an accessible walkway exist, they require expensive and extensive maintenance activities (i.e. boardwalk). The construction of a traditional sidewalk would increase the risk of damage to the existing black walnut trees along the south property line. Furthermore, constructing a walkway near a detention basin with retaining walls up to four feet in height creates an increased risk of liability to the Village.

Online Comments

There are two online comments.

ATTACHMENTS

Chapter 7 - Section 7.1801 of the Municipal Code regarding Site Management
Online Comments

**Section 7.1800.ART. Article XVIII. SITE MANAGEMENT
(Ord. 5077, Added, 10/06/2009)**

Section 7.1801. Demolition/Construction Site Management.

An applicant for a demolition and/or building permit (“permit applicant”) shall be responsible for safe construction site management during all phases of demolition and/or construction of permitted improvements. The following minimum standards shall be complied with prior to the commencement of work and throughout the duration of the project.

(a) Notification. Each permit applicant that seeks a demolition permit for an existing house or garage or a building permit for any construction that will add six hundred (600) square feet or more of gross floor area to an existing house or garage shall be required to provide notification to all residents of property located within one hundred (100) feet of the subject property. Such notification shall be made no less than seven (7) days prior to the commencement of any work and shall consist of providing the residents with a copy of an informational brochure provided by the Village, disclosure of a site plan, a general explanation of the work to be done, and the name, address and telephone number of the individual supervising the work. Each permit applicant shall submit written certification, on a form provided by the Village, of personal notification to all residents of property located within one hundred (100) feet of the subject property of the pending work as a condition precedent to issuance by the Village of a permit for work on the subject property.

(b) No structure shall be eligible for demolition unless and until the permit applicant has notified all utilities having service connections within or about the structure such as water, electric, gas, sewer, telephone and any other connections. The Village Public Works Department shall be notified to remove the water meter or the Village may give written permission to allow the permit applicant to remove the water meter. The Sanitary District must be notified regarding the capping of sanitary sewers. A permit to demolish a structure shall not be issued until a release is provided by the relevant utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or capped in a safe manner.

(c) No structure shall be eligible for demolition unless and until the permit applicant has submitted and the Village has approved a grading and site restoration plan or an application for construction has been placed on file with the Village and the applicant has been issued an initial review letter from the Village.

(d) The permit applicant for demolition and/or construction shall be required to install and maintain in good working order a six (6) foot high temporary chain link construction fence with driven posts around the perimeter of the lot for all residential construction, and an eight (8)

foot high temporary chain link construction fence with driven posts around the perimeter of the lot for all commercial construction. For both residential and commercial areas, the fencing must have a gated opening which shall be closed when no construction or demolition activity is being performed on the site. Fencing must be installed prior to the commencement of any construction or demolition on the site and must remain in place until the final grading of the property commences. Erosion control measures (silt fencing) must be installed and maintained on the inside of the perimeter fence. The Director of Community Development shall have the authority to determine the fencing requirements, excluding height requirements, and/or to require a written fencing plan for construction activities. The Director shall have the discretion to determine the appropriate timing and location of the fencing requirements in order to adequately protect the health, safety and welfare of the public and the adjacent residential and commercial properties.

(e) Each tree on the property, including the parkway, must be protected with fencing, and as provided in Section 24-7 of this Code.

(f) Construction/demolition debris and refuse containment shall be required for all job sites. Containment shall occur on the property that is the subject of the permit, and shall be within a dumpster or container that shall be fully covered to prevent windblown debris. Such dumpster or container shall be set back a minimum of five (5) feet from the front lot line and a minimum of five (5) feet from the side lot line. All such dumpsters or containers shall be covered at all times when no work is being performed on the property that is the subject of the permit. Such dumpster or container shall not be located on public property, including but not limited to, parkways or sidewalks.

(g) Construction sites shall be provided with a portable toilet. The location of the portable toilet shall be set back as far as possible from all property lines to within three to four feet from the excavation but not less than a minimum of five (5) feet from the front lot line and a minimum of five (5) feet from the side lot line, and whenever possible the portable toilet shall be located in the rear yard. Such portable toilet shall not be located on public property, including but not limited to, parkways or sidewalks.

(h) The permit applicant shall maintain all construction/demolition sites free and clear of debris and refuse generated by site preparation, reconstruction or demolition of buildings and structures.

(i) The hours of construction/demolition are as follows: 7:00 a.m. to 7:00 p.m. Monday-Saturday
No Work on Sundays

(j) All construction work shall be limited to the permitted property. No permit issued pursuant to this Section shall authorize any entry onto the property adjoining the permitted property or any work for which entry onto property adjoining the permitted property is or may be necessary, unless a proper right of entry has been secured from the owner of such property.

(k) Posted Notice of Rules and Regulations: The applicant shall post on the permitted property in a prominent place, visible from the public right-of-way, a sign containing notice of the rules and regulations applicable to demolition and construction work. The applicant shall also post notice of the contractor's name and a phone number of the individual supervising the work. Such sign shall be posted not less than four (4) nor more than seven (7) days in advance of the commencement of work. Such sign shall be maintained on the permitted property until all work on the permitted property has been completed and approved or until removal is requested by the Director. The size, shape and message of such sign shall be established by the Director of Community Development. The sign containing notice of rules and regulations shall be obtained from the Village wherein an administrative fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be assessed by the Village.

(l) The noise regulations contained in Section 15-5.1 of this Code shall be applicable.

(m) The applicant shall cause all dirt, mud, gravel and other debris from the subject property or related to the work conducted on the subject property to be cleaned regularly every day from all streets and sidewalks adjoining or in the area of the subject property.

(n) No streets or sidewalks shall be blocked so as to prevent pedestrian or vehicular traffic. Permit applicants must comply with Section 19-44(i) of this Code regarding Traffic Control Procedures and must submit a construction site parking plan outlining the proposed location for all parking of contractor and worker vehicles. All vehicles shall comply with all Village ordinances. The Director of Community Development shall review the construction parking plan and shall either approve the plan as submitted, approve the plan with modifications and/or conditions or deny the plan. The applicant shall adhere to the terms and conditions of the approved construction parking plan. Failure to comply with the terms and conditions of the approved construction parking plan shall constitute a violation of this ordinance.

(o) On all demolition sites and construction sites or in any situation where airborne particles may be disbursed, proper watering is required in that airborne particles shall be controlled at the property that is the subject of the permit during work hours by thoroughly saturating all portions of the structure with water. Such spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including without limitation, dust from the property that is the subject of the permit. The water source for control of airborne particles shall be either (i) a water tanker truck with pump capacity of one hundred (100) gallons per minute at the nozzle or (ii) an approved public water hydrant. Water shall be delivered from the water source to the subject property by a hose with a minimum diameter of 2 ½ inches, which may be reduced to 1 ½ inches when on the property that is the subject of the permit. If a public water hydrant is used, a Village water meter and proper

hydrant wrench must be used after acquiring a permit from the Public Works Department in accordance with Chapter 25-11 of the Downers Grove Municipal Code. Any hose leading from a public water hydrant and crossing a driveway, street, alley or other vehicular right-of-way or path must be bridged in a manner sufficient to protect the water system.

(p) No open burning is permitted at the demolition/construction site.

(q) Permit applicants shall submit written acknowledgment, on a form provided by the Village, of rules for construction/demolition site management.

(r) Permit fees shall be paid in the amount set forth in Article VIII of this Code.

(s) A bona fide certificate of insurance shall be supplied to the Village, showing minimum insurance coverage from an insurance company with at least a B+ rating of five hundred thousand dollars (\$500,000.00) bodily injury, five hundred thousand dollars (\$500,000.00) property damage and statutory coverage for workers compensation. This shall accompany the permit applications. The building official may waive the insurance requirement for minor demolition work.

(t) A site management cash bond as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" shall be deposited with the Village and shall be kept in a separate account. Such cash bond shall be in addition to all other application and processing fees, costs, escrows, bonds and performance securities required, and stand as security for the full and complete performance by the permit applicant of the work covered by the permit, insuring the initiation of construction in a timely manner and proper management of the site, subject to the following provisions:

(i) The Village shall have the right at all times, at its option, to draw on the site management bond for the costs, including, without limitation, legal fees and administrative expenses incurred or to be incurred by the Village in exercising any of its rights under this Chapter in the event: 1) the applicant undertakes work in violation of any provision of this Chapter or of any permit issued or plan approved pursuant to this Chapter; or 2) the applicant fails or refuses to complete any work authorized by any permit issued under this Chapter in accordance with all plans approved in connection with said permit. The Village's determination of such costs shall be based either on costs actually incurred by the Village or on the Village's reasonable estimates of costs to be incurred.

(ii) If the Village draws on the site management bond, then the applicant shall replenish the bond to the full amount required by this section immediately after demand therefore is made to the applicant in writing by the Village. Any failure of the applicant to replenish the bond shall result in cancellation of the related permit, which permit shall not be reissued thereafter except after the filing of a new application therefore, repayment of the permit fee, and establishment of

a new site management bond.

(iii) Upon certification by the building official of the satisfactory completion of the work, the balance of the cash bond shall be refunded to the permit applicant.

(u) (1) The applicant shall cause the demolition of a structure to be completed with due diligence, in good faith and without delay. The applicant shall notify the Village at least twenty-four (24) hours prior to the commencement of demolition. Once the work commences on the site, the applicant shall continuously pursue completion of the work. If no substantial work is being pursued on the site for thirty (30) consecutive days or more once the work has commenced, then the site shall be deemed abandoned. Once the Village issues a notice of abandonment the applicant shall within ten (10) days from issuance of the abandonment notice either:

- (i) commence work on the site and diligently pursue completion of the demolition; or
- (ii) restore the property to a final grade and grass seeded condition or commence construction activities pursuant to a valid building permit.

For purposes of this Section, completion of demolition shall be defined as removal of all portions of the structure both above ground and below ground level and restoration of the property to a final grade and grass seeded condition.

(2) Additional fee for late work: If the applicant fails to comply with this Section he/she shall pay a late work fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" per day for each day until such work is completed. The Village shall deduct such fee from the site management bond.

(v) Fees and Fines: Failure to comply with the minimum standards will constitute a violation of this Code, subjecting violators to a stop work order and a minimum fine as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" per violation, for every day the violation exists. In addition to any other penalties provided in this Section, the Village Attorney shall have the authority to seek injunctive or other relief in the Circuit Court of DuPage County to enforce and compel compliance with the ordinance of the Village. Such injunctive action may be combined with counts seeking monetary fines as provided herein.

(i) Street Cleaning. If the applicant shall fail to clean all sidewalks and streets adjoining and in the area of the subject property, then the applicant shall pay a fine as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" for each violation. The Village shall deduct such fine from the site management bond provided in Section(t). This charge shall be in addition to any fines assessed pursuant to Ordinance. (Ord. No. 1527, § 1; Ord. No. 2918, § 1.)



rRemarks Data for November 11, 2014 Village Council Meeting

Agenda Section	Agenda Item	Comment	Commenter
4. Public Comments	Comments of a General Nature	Consider banning gas powered leaf blowers. Edmunds Automotive compared the emission of new 2 cycle and 3 cycle leaf blowers to a 6.2 liter Ford truck. Compared to the truck, the 2-cycle leaf blower produces twice the level of nitrous oxides, 23 times as much carbon monoxide, and 299 times the non-methane hydrocarbons. This device also produces wind velocities above 120 mph which at close range can destroy shallow roots and even kill trees and shrubs while spreading dust and mold spores.	Jordan Macarus 300 Burlington Avenue
4. Public Comments	Comments of a General Nature	How do you consider parts of the Art Van Furniture signage yet deny Liebenguth's request	Willis Johnson 603 Rogers Street