

**Village of Downers Grove
Environmental Concerns Commission
Minutes**

Meeting of March 10, 2005
5101 Walnut Avenue, Downers Grove, IL
7:00 PM

The meeting was called to order at 7:10 PM

Roll Call: Members present were Chairman Mike Gilbert, Gordon Goodman, Joseph Sterner, Laura Feste, Robert Pawlak, Jeffrey Lifka, Brian Freeman. Staff member Douglas Kozlowski was also in attendance.

Guests present were Don Rosenthal - Director of Code Services, Kerstin Von Der Heide - Village Forester, Edith Marka - Community Tree Advocate from the Morton Arboretum, Dennis Hoplinger – Resident, and Barry Peckart, Candidate for Village Council

Old Business:

Chairman Gilbert asked if anyone present had anything under old business to discuss. There was a brief discussion regarding the new refuse contract with BFI.

Mr. Goodman inquired as to what happens with yard waste once it is collected by BFI. Mr. Kozlowski responded that a presentation on the issue is forthcoming from BFI.

Mr. Goodman and Mr. Gilbert agreed that visitors should be allowed to comment at the conclusion of each agenda item/issue.

Mr. Gilbert suggested that the ECC visit the Morton Arboretum to obtain more information on the tree preservation issue. Perhaps in lieu of a meeting or hold a meeting at that location. Mr. Goodman agreed to investigate the possibility.

Discussion ensued regarding future agenda topics.

End Old Business

Tree Preservation:

Ms. Von Der Heide indicated that the Village Council seemed to be in agreement with what she proposed and that over the course of the next year she would be monitoring permit traffic regarding the issue. Discussion continued regarding the issue of private property tree protection. Ms. Von Der Heide presented an example of how the Forestry Department will review plans to determine which trees on a given parcel will need to be protected and how projects will be impacted.

Mr. Gilbert indicated that the controls within the proposed ordinance relative to private property are an issue.

Mr. Goodman indicated that enforcement of the proposed ordinance is only connected to demolition, subdivision control/approval or planned unit development or a large addition.

Mr. Peckart indicated that he agreed with the public property portion of the ordinance as well as the educational components but that he is concerned that when you start fencing off trees you create areas that restrict access to work like excavation. He further indicated that enforcement left to interpretation is not workable.

Mr. Goodman indicated that the ordinance does allow for a certain degree of flexibility with respect to the placement of the fencing around private property trees.

Mr. Gilbert indicated that the real issue is who has final say, the property owner or the Village when it comes to removing or preserving trees on a job site.

Ms. Makra stated that there are many communities that have had tree preservation ordinances for a long time and that actual law suites that are generated as a result of enforcement are rare. She indicated that height restrictions on buildings are a good example of zoning control on private property. Property owners are restricted in many cases from building above a certain height due in part to the adverse impact it might have on neighbors. All trees are a resource worth protecting as they are part of the larger urban forest which benefits the entire community.

Mr. Gilbert indicated that it does not make good sense to draft an ordinance in consideration of the reasonableness and integrity of the current staff. He inquired if there are other towns that may have taken a different approach to private property tree preservation other than enforcing it by law.

Ms. Makra stated that she was unaware of a voluntary tree preservation program.

Mr. Goodman stated that the Village really needs the basic structure of an enforceable ordinance otherwise it is too easily discounted as being not important to preserve trees. He further stated the ordinance can serve to instruct/educate developers that proper care of mature trees can increase the value of their projects in the long run.

Mr. Gilbert indicated that education of the development community regarding the ordinance will be of utmost importance for ensuring compliance.

Mr. Freeman asked at what point the Village would get involved regarding plan review as it relates to tree preservation.

Ms. Von Der Heide indicated that the permit process triggers a review.

Mr. Freeman indicated that it seems that given the variety of topographical and other site related issues that there would have to be a certain degree of flexibility regardless of the staff in charge.

Ms. Makra indicated that in Northbrook, Park Ridge, Highland Park and Lake Forest all the Arborists have the authority to stop work if there is a violation.

Mr. Pawlak asked Ms. Von Der Heide if she physically will go to every site.

Ms. Von Der Heide indicated that yes, she will go to every site and that consultations prior to the issuance of permit are available.

Mr. Pawlak asked Ms. Von Der Heide how she intends to manage the increased workload.

Ms. Von Der Heide indicated that through a cooperative approach between her department and Code Services, along with a well funded tree pruning contract program the work will get done.

Mr. Gilbert asked Ms. Von Der Heide if she felt that the Forestry Department was adequately funded.

Ms. Von Der Heide replied that she is in the same group with the water, pavement and drainage divisions and there are other issues and projects that need attention as well as her own. Ultimately she is pleased that the pruning program was restored, which will help a great deal with the work load.

Mr. Goodman suggested that a motion endorsing the tree preservation ordinance was in order.

Mr. Gilbert called for a motion.

MR. GOODMAN MOVED THAT THE ENVIRONMENTAL CONCERNS COMMISSION SUPPORT THE ADOPTION OF THE TREE PRESERVATION ORDINANCE AS PRESENTED AND DISCUSSED AT THE LAST COUNCIL MEETING. MR. FREEMAN SECONDED.

VOTE: AYE: Mr. Goodman, Mr. Sterner, Ms. Feste, Mr. Pawlak, Mr. Lifka,
Mr. Freeman,

NAY: Mr. Gilbert

MOTION CARRIED: 6:1

Demolition Ordinance:

Mr. Rosenthal passed out the rules for Demolitions in the Village. He indicated among others that no less than seven days prior to the demolition neighbors must be notified by applicant and notify the utilities. Right now the Village requires a 3 to 4 foot tall orange plastic fencing which often times is failing. Code Services is exploring other means to protect the sites. The guidelines indicate how debris should be handled and how the sidewalks and roadways near the site need to be maintained. The inspection schedule is also spelled out. Within 60 days of the demolition, construction of the new structure needs to begin or the site needs to be made presentable via grading, grass etc... Construction hours are from 7am to 7 pm Monday thru Friday, Saturday 7am to 4 pm and no work is allowed on Sundays.

Ms. Feste indicated that a resident appeared at a previous ECC Meeting and communicated his frustration with living between two teardowns and the snafus the builders experienced as a result of the miscommunication between Public Works and Code Services regarding water tanks for keeping material watered down to prevent hazardous dust.

Mr. Rosenthal indicated that Public Works discontinued the practice of allowing contractors to use hydrants as a water source, due to the issue of water system vulnerability. The demolition ordinance requires that hazardous materials be watered down to minimize dust. It appears that tanker trucks big enough to handle most jobs are hard to come by. The Village and local contractors will most likely experience this difficulty for some time to come.

Mr. Pawlak inquired as to the schedule for visiting job sites.

Mr. Rosenthal indicated that there are both scheduled and unscheduled visits.

Mr. Pawlak asked how Code Services personnel handle hazardous material, particularly asbestos.

Mr. Rosenthal replied that the department does not have an asbestos program and no inspectors are certified in this matter.

Mr. Sterner inquired if Code Services can establish guidelines to notify the State or other agencies on behalf of residents who are faced with hazardous materials issues due to nearby demolition work.

Mr. Rosenthal indicated that referrals to the appropriate agency are made at those times when complaints are received involving materials and issues outside the expertise of the Code Services Staff. He further stated that unless there is an ordinance regulating the removal of hazardous materials he cannot withhold permits.

Mr. Pawlak asked if Mr. Rosenthal felt that the department was doing enough to protect the public from the dangers that are associated with certain demolition projects.

Mr. Rosenthal replied that you can always do more, it just depends on how much staff you have.

Mr. Freeman indicated that the lack of policy and staff to deal with the removal of hazardous materials could be exposing the Village to potential liability claims.

Mr. Gilbert inquired as to how best the ECC can assist Code Services in getting the resources they need.

Mr. Rosenthal stated that if the department had the ability to deal with outside contractors to recognize hazardous materials and the ordinance to force compliance.

Mr. Gilbert indicated that the fees Code Services charges generate a significant amount of revenue for the Village and perhaps we need to look at how much of that income is being used to improve the skill level and number of inspectors.

Mr. Goodman indicated that a system study would help in determining if the level of funding for Code Services is appropriate given the demands made on the Department
He inquired as to whether or not a revision of the demolition ordinance is underway.

Mr. Rosenthal indicated that there have been several alterations proposed, but nothing amounting to a complete re-write. At this time the focus is on establishing regulations to minimize the size of new construction on small lots.

Mr. Goodman suggested that the ECC should work with Mr. Rosenthal's Department to determine what additional ordinance support is needed and make recommendations to the Village Council. The Village needs to have a provision indicating that if there is a suspicion that there is asbestos or other hazardous materials, the permit applicant needs to get a release from their own licensed inspector.

Mr. Sterner suggested that the onerous be put back on the applicant to show that mitigation has been satisfactorily completed, so that the process is easy for Code Services to administer.

Mr. Gilbert indicated that whatever recommendations the Commission makes they must include suggestions on resource allocation.

Mr. Goodman inquired as to the possibilities for implementing regulations that would require property owners (particularly absentee owners) to maintain property or correct problems and if after a certain time they fail to do so can the Village undertake the needed action and bill/fine the owner for the work.

Ms Feste asked if there was a rule prohibiting concrete trucks from cleaning their vehicles near the sewage drain.

Mr. Rosenthal indicated that it is a Public Works enforcement issue and this activity is prohibited.

Mr. Goodman suggested that at the April Meeting the Commission begin to discuss educational opportunities regarding composting, demolitions and other activities.

The group agreed to have their names posted to the Downers Grove Home Page as ECC Members. Mr. Kozlowski advised that he forward a telephone list along with the Demolition Form from Winnetka in the next packet.

Adjournment 9:15 PM