

Tax Lot 079.13-004-044 (30 Piney Point) (Boulos)
Tax Lot 079.13-004-045 (32 Piney Point) (Franzoso)
Tax Lot 079.13-004-064 Vacant Lot on Nordica Drive (Franzoso)

Lots 44 and 45 on Piney Point Avenue received variances from the Zoning Board of Appeals and minor site plan approval for the construction of two residential homes from the Planning Board after a lengthy and thorough approval process. As set forth in the Planning Board Resolution, the Minor Site Plan approval includes the issuance of an Excavation and Filling Permit under section 120-4 of the Village Code and Tree removal permits under section 208-16 of the Village Code. As part of the approvals, 6 regulated trees were approved to be removed on Lot 44 and 14 regulated trees on Lot 45. Therefore the majority of trees removed were permitted to be removed. Regulated trees are defined in Section 208-64 of the Village Code. The Planning Board also required, and the Village received, performance bonds relating to the site work.

The Planning Board Resolution requested the applicants work with the adjacent property owner at Lot 43 (28 Piney Point) to address a drainage issue with a pipe. The applicants obtained an easement from the neighbor at Lot 43 to not just address this drainage issue, but to allow a change in the plan to cross Lot 43 with both drainage and sewer pipes which combines with an easement across Lot 64 also owned by Franzoso to connect both on Nordica Drive, allowing for the use of gravity for sewer rather than pumping it up as originally approved. The Village Engineer did not send this change back to the Planning Board at the time. The Village Engineer did issue additional tree removal permits to allow trees to be removed on Lots 43 (2 trees) and 64 (7 trees with a requirement to plant 3 trees) for the utility installation. Pursuant to Section 230-67 this work on Lots 43 and 64 did not require site plan approval from the Planning Board. Two additional trees were removed on Lot 64 beyond what was permitted in violation of Chapter 208 and a remediation plan is required.

Additional trees were removed in the easement area on Lot 44 (4 trees) for the installation of drainage and sewer lines. These trees were not covered by any approval other than the Village Engineer's approval of the new easement and therefore were removed in violation of Chapter 208.

Additional trees were also removed in Lots 44 (3 trees) and 45 (1 tree) in connection with additional disturbance for site access which was not approved by the Planning Board which is a violation of Chapter 208. This work on Lots 44 and 45 also exceeded the site disturbance limit threshold and now requires steep slopes permits. This is also a Code violation and a violation of the approvals granted.

The property owners are required to come back to the Planning Board for steep slopes permits as well as a plan for additional tree planting as remediation for the additional trees removed (7 trees on Lot 44 and 1 tree on Lot 45). The steep slopes application must include a site stabilization plan prepared by a geotechnical engineer and updated stormwater management plans. The applicants are working with their engineers to provide all information required and, as set forth below, only limited work will be permitted until these plans have been approved by the Planning

Board. The Village has retained Chazen at the applicants' expense to provide engineering services as well review of the tree remediation plan by a landscape architect or arborist.

In addition to requiring the applicants to return to the Planning Board, the Village has issued appearance tickets for the violations for Lots 44, 45 and 64. These matters have been adjourned by the Village Justice Court to December 4th.

The Village Engineer has issued a stop work order most recently reissued on October 8th (after various conditions in a prior stop work order were satisfied) permitting limited work on the site pending Planning Board Approval for any further work. The Village consulted with Chazen (who also visited the site) to review what work should be allowed to continue to ensure the site will be safe and stable pending the Planning Board approval, and any conditions to be applied to such work. Chazen was directed to recommend measures to keep the site safe through the winter while the Planning Board will be reviewing the remediation plans. This is work to protect the neighbors and the Village by ensuring the site is stable for as long as it takes to obtain Planning Board approval and move forward. The Village felt it was important to have its own consultant make recommendations for this temporary site stabilization rather than wait for the applicants' engineers or rely on their recommendations.

The Village has also retained two individuals to observe all work on the site at the applicants' expense to be sure it is being done in accordance with the direction of Chazen and the Village Engineer. The work permitted includes the boring of holes for the parking area and house pier footings (complete) and the placement of the steel to complete the footings. Additional work is permitted to complete the parking pads as that will provide for a safe and stable site. No additional work is permitted at this time.

During the course of drilling the borings, for which a dust control plan had been approved, there was a dust problem and the Village brought in an additional air quality consultant to visit the site, recommend additional dust control measures, and also do air quality sampling. The sampling done showed no exceedances of any standards. This work is now complete and there will be no additional boring.

Janine King
Village Manager
November 5, 2019