

ARCHITECTURAL

REPORT OF THE PROCEEDINGS OF A MEETING
BEFORE THE VILLAGE OF NORTHFIELD
ARCHITECTURAL COMMISSION

COMMISSION

REPORT OF PROCEEDINGS had before the Village of
Northfield Architectural Commission taken at the Northfield
Village Hall, Board Room, Northfield, Illinois on the 9th
day of July, 2018, at the hour of 7:00 p.m.

MEMBERS PRESENT:

JASON FELICIONE, Chairman
BARNABY DINGES
JOHN ISSA
CORINNE CARR

MEMBERS ABSENT:

PATRICIA MORRELL
TEV BOND

ALSO PRESENT:

LINNEA O'NEILL, Staff Liaison

1 CHAIRMAN FELICIONE: I would like to welcome you to
 2 the July Architectural meeting. My name is Jason
 3 Felicione. I'd like the members of the Architectural
 4 Commission to introduce themselves starting with
 5 Commissioner --

6 COMMISSIONER DINGES: Barnaby Dinges.

7 COMMISSIONER ISSA: John Issa.

8 COMMISSIONER CARR: Corinne Carr.

9 CHAIRMAN FELICIONE: I'd like to welcome everybody.

10

11 The first order on our agenda is to approve the minutes
 12 of the previous meeting. Is there a motion?

13 COMMISSIONER DINGES: So moved.

14 CHAIRMAN FELICIONE: All those in favor?

15 (Chorus of ayes.)

16 CHAIRMAN FELICIONE: The motion passes

17

18 **1) 290 THACKERAY LANE - Consideration of an appeal, pursuant to**
 19 **Section 10-17 C. of the Landscaping, Screening, and Preservation**
 20 **Ordinance, of a penalty assessment (Art. VIII A, App. D) due to**
 21 **removal of a protected tree during construction of a house at 290**
 22 **Thackeray Lane.**

23 **Appellant: Leo Dukach and Robbie Fisher, Pappas Co., LTD.**

24 **Property Index Number: 04-24-306-030**

25 **Project Number: 2018-0173**

26

27 CHAIRMAN FELICIONE: One item on our agenda this
 28 evening, it is 290 Thackeray Lane, an appeal of the tree
 29 penalty fee. Is there anyone here to speak on behalf of
 30 290 Thackeray Lane?

31 MR. DUKACH: Paul Dukach.

32 CHAIRMAN FELICIONE: Paul, can I ask you to stand
 33 up?

34 MR. DUKACH: Sure. To the microphone? Or just --

35 CHAIRMAN FELICIONE: Stand up to the --

36 MR. DUKACH: Podium?

37 CHAIRMAN FELICIONE: Podium, and then I'm going to
 38 ask Linnea to swear you in, is that okay?

39 (Witness sworn.)

40 MR. DUKACH: My name is Paul Dukach, I'm the
 41 builder and former owner of the residence at 290
 42 Thackeray.

43 CHAIRMAN FELICIONE: So, can I surmise a couple of
 44 things and ask some questions? To make it easier for
 45 you because there's nobody else here tonight.

1 MR. DUKACH: Right.

2 CHAIRMAN FELICIONE: Builder, architect, lawyer.

3 MR. DUKACH: Public relations.

4 CHAIRMAN FELICIONE: Public relations, all walks of
5 life. So, I'm going to help out the members of the
6 Committee that aren't familiar with the building
7 process. Very extensive process of deciding what tree
8 goes and stays is at the beginning of the job, not the
9 middle of the job, not the end of the job. Things
10 happen.

11 You're staring at probably the largest tree removal
12 person legally in town in the last 30 years, right?

13 COMMISSIONER CARR: You?

14 CHAIRMAN FELICIONE: Yes, probably. So, I'm way
15 too familiar with this.

16 I understand that the tree became in jeopardy as a
17 result of excavation. I understand Pappas is a
18 phenomenal contractor. I understand things happen. But
19 if there was an issue with the tree at that time, just
20 as phone calls were made that your package of alludes
21 to, the Village wasn't informed. There's nothing you
22 can say to change our mind about that.

23 MR. DUKACH: I am not --

24 CHAIRMAN FELICIONE: Then at no point in time did
25 you alert the Village regarding this process at all. In
26 fact, the Village, Linnea found out when she went to the
27 property that the tree was missing.

28 MR. DUKACH: That's correct.

29 CHAIRMAN FELICIONE: Now, here's the problem
30 ultimately. So, all the strikes are against you. But
31 municipalities in general operate on a balanced budget.
32 That balanced budget is approved the year before, okay.
33 So, basically, the goal was not to run into a loss but
34 they run into a loss every single year. So, all the
35 unforeseen activity that comes out, like this tree,
36 takes man hours and time, and the Commission has to come
37 here on a special night to hear this appeal, which is
38 fine. We all give our time for it.

39 But really, you're just complaining about the fee,
40 not about the fact that this happened and no one
41 attempted to go back to the proper way to alert the
42 Village and work with the Village. The Village
43 suggested that you pay the fine and move on. So, you
44 are aware that our Village Attorney had to write a
45 recommendation letter to this Committee and Linnea had
46 to work, and at this point, with all due respect, while

1 you feel that the fine is excessive, we probably break
2 even on it as a Village for the money that we need to
3 collect versus what went into your appeal.

4 MR. DUKACH: Okay.

5 CHAIRMAN FELICIONE: Okay? So, I definitely want
6 to hear why you feel that you have a leg up, but
7 simultaneously we're giving you the opportunity to say
8 I'll take my medicine and do the fine.

9 MR. DUKACH: I understand. It's a tough pill to
10 swallow, but unfortunately, I would like to explain what
11 happened and the circumstances of why.

12 COMMISSIONER ISSA: Could you hold the microphone
13 closer to you?

14 MR. DUKACH: I would like to explain what happened
15 and the reasons why the Village wasn't informed in the
16 first place.

17 CHAIRMAN FELICIONE: But we would all agree that
18 the Village wasn't informed for eight months, right?

19 MR. DUKACH: The Village was not informed.

20 CHAIRMAN FELICIONE: Okay, go ahead.

21 MR. DUKACH: The reason being is, as you can see
22 from the pictures we worked out, we installed tree
23 protection right after the receipt of the permit. The
24 tree protection was inspected prior to the beginning of
25 the demolition of the existing residence, the excavation
26 for the new house. Everything was in place. The reason
27 being was we've gotten two and a half days of non-stop
28 rain where basically the whole void that was dug out in
29 order to install the basement was filled to the brim
30 with water.

31 CHAIRMAN FELICIONE: Which is typical of whether
32 you have a tree or you don't have a tree on every
33 construction site.

34 MR. DUKACH: I understand that, but at that moment
35 when you are faced with the prospect of collapsing
36 walls, leaning tree, water stemming from everywhere, you
37 know, I understand that this was the right thing to do,
38 to run into the Village and inform them. But we were
39 basically in a chaos trying to get out of this
40 situation, trying to pump out the water, dealing with
41 caving walls, truckloads and truckloads of wet land that
42 were being carried out over excavation. Just everything
43 that could have been wrong went wrong after this rain.
44 I mean, all in all, it cost me over \$20,000, this two-
45 day rain.

46 CHAIRMAN FELICIONE: If they were adjacent to a

1 previous owner that had a shed or a building there,
2 would you have shored it up?

3 MR. DUKACH: I'm sorry?

4 CHAIRMAN FELICIONE: If there was a building
5 adjacent to your property, closer to the, let's say we
6 don't live on a half acre, okay, so this is the
7 Northfield, right, but had you been in the city, it
8 would have been your responsibility to shore up to
9 protect the neighbor, correct?

10 MR. DUKACH: Correct.

11 CHAIRMAN FELICIONE: It was your responsibility to
12 shore up and protect the tree.

13 MR. DUKACH: The tree, prior to the foundation
14 being dug up, was within a safe distance of the void,
15 okay. It's when the walls started collapsing; I mean
16 there was nothing to shore up. It started raining and
17 it didn't stop for two and a half days. By that time,
18 we had mudslides; we had all our over-deck collapsing
19 two feet over to what was originally dug out. We had in
20 front of this tree an unexcavated portion that was only
21 dug up 54 inches deep for a footing and 42-inch wall.
22 That thing went down.

23 We had to dig down 11 feet instead of four feet
24 just to hit a solid soil to where to place our footing
25 and foundation. So, it wasn't like, okay, we dug it and
26 we have something to shore up. There was nothing to
27 shore up because it was far enough away from our void.
28 But when it filled up with water and all the mud became
29 heavy and started coming down, that's when it moved over
30 closer to the tree.

31 CHAIRMAN FELICIONE: Okay, got you. So, then why
32 didn't we tell the Village?

33 MR. DUKACH: I'm sorry?

34 CHAIRMAN FELICIONE: Then why did we not tell the
35 Village?

36 MR. DUKACH: Again, it was not intentional; it was
37 just the panic of the whole situation. You know, we
38 were running at 7:00 o'clock at night, filling in three
39 pumps. We were pumping the water over there night and
40 day for two weeks straight. You know, I mean it's just
41 too many things. The tree just wasn't one of the things
42 that came straight to mind.

43 CHAIRMAN FELICIONE: Got you. Okay, thank you. Is
44 there anyone in the audience that would like to speak?
45 Sure, please introduce yourself and be sworn in by
46 Linnea.

1 (Witness sworn.)

2 CHAIRMAN FELICIONE: Your name?

3 MR. PAPPAS: Good day. My name is Spiro Pappas and
4 we're the contractors for Paul Dukach here. From what I
5 understand of what happened is that his basement has a,
6 I guess a porch which is a foundation type of porch.
7 Based on OSHA requirements, shoring is one to one.

8 So, in this case, 42 inches below grade, it's not
9 necessary to have shoring. But without the --

10 CHAIRMAN FELICIONE: I gave an example on the
11 shoring for the City of Chicago, just protecting a
12 neighbor. I can give you projects in Northfield where
13 you have done shoring at the last minute.

14 MR. PAPPAS: I understand that.

15 CHAIRMAN FELICIONE: I know them very well. You're
16 a very, very capable excavator and great contractor. I
17 have nothing but wonderful things to say for you. As
18 the excavation contractor, it is also not your
19 responsibility to deal with the tree preservation and
20 the permitting to that. It's the general contractor's
21 job, correct, Mr. Pappas?

22 MR. PAPPAS: That is correct.

23 CHAIRMAN FELICIONE: Right. So, I understand what
24 you had to deal with. I've read the packet. I know,
25 I'm not being harsh, I'm just really familiar with how
26 this business goes.

27 MR. PAPPAS: Sure.

28 CHAIRMAN FELICIONE: So, you had to make a decision
29 at that moment in time to take the tree down. You asked
30 the general contractor and the owner at the time. He
31 gave you the permission to do it. I assume you removed
32 it with a backhoe, right?

33 MR. PAPPAS: Correct.

34 CHAIRMAN FELICIONE: Excellent. But the owner and
35 the contractor did not go back to fulfill his fiduciary
36 duty with the Village. That's why we're here today.

37 MR. PAPPAS: Yes, I understand. During that time,
38 there were a couple of days with non-stop rain and the
39 street was pretty much flooded within about a foot of
40 water in that area. I believe from what I was told that
41 one of our employees did call the Village and talked to
42 the inspector or whatever about there is a tree that
43 undermined, and they were told because of the weather
44 and the conditions, so I'm not sure where Mr. Paul
45 Dukach took it from there. But I was told that somebody
46 did call the Village from our employees. Now, they did

1 not tell them to take the tree down or whatever, but
2 this is what I was told.

3 CHAIRMAN FELICIONE: In that case, respectfully,
4 which we don't have any proof of at all --

5 MR. PAPPAS: Right.

6 CHAIRMAN FELICIONE: The Village would have said
7 stop, we'll come out and inspect it.

8 MR. PAPPAS: Probably.

9 CHAIRMAN FELICIONE: They would never just tell you
10 to go on the fly, and we know that because the boss of
11 the trees is sitting to my left.

12 MR. PAPPAS: Correct. Well, he had more problems
13 than, or this site, I shouldn't say he, had more
14 problems as well as the cave-ins which is on the south
15 side of his property. But I understand what you're
16 saying with the shoring, so I'll stop at that.

17 CHAIRMAN FELICIONE: Thank you, Mr. Pappas.

18 MR. PAPPAS: Sure.

19 CHAIRMAN FELICIONE: Anyone else from the audience
20 would like to speak? Okay, at this time, I'll close it
21 to the comments of the Committee.

22 Okay, so we all kind of understand my position.
23 I'll give it to you a certain way. No one has spent
24 more money in tree removal correctly in this Village in
25 the last 20 some years than me. I have living
26 experience, I abide by it.

27 I moved here from the city. They have a very
28 specific set of rules, and it's because we're, you know,
29 we're a tree favorable city. We just want to do the
30 right thing. You have to replant -- when you take down,
31 and you have to be responsible for it.

32 So, from where I sit, it's a pretty easy one. I
33 understand you had water. I understand you had to pump
34 it out. Every contractor has to deal with that, it's
35 not unique. You also do a great job; I think you built
36 a great place. You don't have to roll your eyes at me,
37 I'm telling you what the truth is.

38 MR. DUKACH: No, I am not.

39 CHAIRMAN FELICIONE: Every project I've ever built
40 here, I've had to put a pump in because not just the
41 rainwater but the water table is high. I've built seven
42 homes in this town. Mr. Pappas can tell you the water
43 table is real high here. It's a very common thing that
44 you had to deal with.

45 Where you failed, and you admitted, we discovered
46 this as a Village, you didn't bring it to us. So, quite

1 honestly, I don't understand what you're asking for in
2 terms of leniency after the damage has been done. You
3 just don't want to pay the money, but you made a
4 mistake.

5 Anybody have any questions? Would anyone like to
6 make a motion?

7 MR. DUKACH: This was, excuse me.

8 CHAIRMAN FELICIONE: I closed it to comments, I'm
9 really sorry.

10

11 **COMMISSIONER CARR: Motion to deny Petitioner's**
12 **request to appeal, excuse me, Petitioner's appeal of the**
13 **penalty fee assessed for the removal of a protected tree.**

14 **CHAIRMAN FELICIONE: Is there a second?**

15 **COMMISSIONER DINGES: I'll second.**

16 **CHAIRMAN FELICIONE: All those in favor?**

17 **(Chorus of ayes.)**

18 **CHAIRMAN FELICIONE: Your appeal is denied.**

19

20 Thank you very much. That is the only item on our
21 agenda this evening. Would someone like to make a
22 motion to adjourn?

23 COMMISSIONER CARR: Motion to adjourn.

24 CHAIRMAN FELICIONE: A second?

25 COMMISSIONER ISSA: Second.

26 CHAIRMAN FELICIONE: All those in favor?

27 (Chorus of ayes.)

28 CHAIRMAN FELICIONE: The meeting is adjourned.

29 Thank you, we'll see you at the August meeting.

30 (Whereupon, at 7:13 p.m., the above-mentioned
31 petition was concluded.)

32

33 APPROVED 9/11/18