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July 29, 2022

Village of Wesley Hills
432 Route 306
Wesley Hills, New York 10952

Att.: Tara Roberts, Deputy Village Clerk

Re: Clearing, Filling Violation
9 Fieldcrest Drive
WH0196

Dear Ms. Roberts,

As per your request, our office performed a site visit on July 28, 2022 to the above referenced property in response to landfilling without a permit. We observed a new swimming pool installed within a new area of fill, including a tiered retaining wall system, within the rear and side yards of the property. Soil erosion control measures, including perimeter silt fencing and stabilized construction entrance appears to have been adequately installed. It is our understanding that a permit was issued for the swimming pool; however, the extents of the fill and grading operations were not clearly demonstrated on the plan reviewed by the Building Inspector. Additional silt fencing appears necessary near the south-westerly edge of fill. Our office recommends continued maintenance and extension of the silt fence to be installed around all areas downhill of the new fill area. Temporary seeding should also be installed for all exposed soil until the proper permits are obtained.

Based on our field observations, we estimate that the amount of fill exceeds 100 cubic yards in volume. All filling operations not deemed a permit as per Section 95-3-C of the Village code & involving more than 100 cubic yards of material require a Clearing, Filling and Excavating Permit from the Planning Board. It is evident that the imported fill exceeds twice the amount of excavation, if any, was required for the swimming pool. Therefore, the building permit issued for the swimming pool is not deemed a permit as per section 95-3-C(1) of the Village code.

Our office recommends the stop work order be maintained, excluding work to extend the silt fence, install seed, and maintain erosion control devices. The homeowner should be advised to make an application to the Planning Board immediately for a Clearing/Filling Permit. Applicant shall provide a Site Plan detailing the installed fill limits and overall proposed work, as outlined in the Clearing, Filling, Excavation Permit application, including a soil erosion & sediment control plan. Volume and type of imported fill material to be clearly provided on the plans & application. Let it be noted that variances may be required for the future retaining walls & fence heights, if required/proposed.

Please find pictures attached for reference. If you have any questions, please feel free to call.

Very truly yours,

Matthew Trainor, P.E.
Project Engineer

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