

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
November 15, 2007**

**Present:** Louis Levine, Chairman; Barbara Hicks, Member; William Morris, Member; Leigh Shemitz, Member, Gary Stone, Member; Larry Barron, Alternate Member; Peter Conetta, Alternate Member (arrived at 7:40 P.M.).

**Also present:** David M. Emerson, Director; Richard H. Talamelli, Environmental Planner.

The meeting convened at 7:30 P.M. and adjourned at 9:50 P. M. and was tape recorded.

**MINUTES:**

Mr. Morris made the motion to approve the minutes of the October 18, 2007 meeting as presented.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Stone, Mr. Morris, Mr. Barron.

Ms. Shemitz not voting.

Mr. Conetta not present.

**APPLICATIONS & PERMITS:**

**#2726 – Wire Mill Road – Lot A, Quivelli/Guarna.**

The applicant is proposing to maintain a stone wall, expanded patio, drainage discharge, channel lining, and other disturbance within and proximate to wetlands, watercourses, and designated flood hazard areas on property within the non-drinking water supply watershed of the Rippowam River at 405 Wire Mill Road.

**In attendance was:** No one was in attendance concerning this matter.

Application withdrawn per letter dated November 15, 2007.

Mr. Emerson noted that the application had been filed in response to notification to the property owners that construction activities on the property had been undertaken without permits. An enforcement action may follow at a subsequent meeting in the absence of voluntary compliance. A threshold issue is the construction of a stone wall within the City right-of-way along Wire Mill Road. The Engineering Bureau has determined that the wall, a portion of which is within regulated areas, must be removed.

**#2728 – Quaker Ridge Road – Lot B, N. Gerasimoff for Gerkos, LLC.**

The applicant is proposing to construct residential additions and drainage improvements within and proximate to wetland areas on property located within the non-drinking water supply watershed of Haviland Brook at 28 Quaker Ridge Road.

**In attendance was:** No one was in attendance concerning this matter.

Application withdrawn per letter dated November 6, 2007.

**#2733 – Mill Spring Lane – Lot 23, D. Lasnick f/ Molen.**

The applicant is proposing to maintain a portion of a retaining wall and raised terrace proximate to designated wetlands on property within the non-drinking water supply watershed of the Haviland Brook at 117 Mill Spring Lane.

**In attendance were:** David Lasnick, Esq. (representing applicant); Thomas Molen (owner/applicant).

Mr. Lasnick described the project for the Board.

**Motion By:** Ms. Shemitz made the motion to adopt the findings and recommendations of staff and to approve the application with the conditions listed in the Agenda Summary Report dated November 9, 2007.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Morris, Ms. Shemitz, Mr. Stone.

Mr. Barron not voting. Mr. Conetta not present.

**#2734 – Maple tree Avenue – Lot 26, Rabita Development, LLC.**

The applicant is proposing to construct multi-family housing units and associated parking and drainage facilities on property within designated flood hazard areas within the non-drinking water supply watershed of the Noroton River at 88 Maple Tree Avenue.

**In attendance were:** William J. Hennessey, Jr., Esq., Sandak Hennessey & Greco (representing applicants); John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer); Sal Rabita, Rabita Development, LLC. (owners/applicants).

Mr. Conetta joined the meeting at 7:40 P.M.

Mr. Hennessey summarized the proposal for the Board. Mr. Pugliesi described the site design considerations, drainage, impacts on flooding, and limits of disturbance. It was noted that the project had not yet received an endorsement by the Engineering Bureau as specific design issues pertinent to the issuance of a building permit remained to be resolved.

**Motion By:** Mr. Stone made the motion to adopt the findings and recommendations of staff and to approve the application with the conditions listed in the Agenda Summary Report dated November 12, 2007.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Morris, Ms. Shemitz, Mr. Stone.

Mr. Barron and Mr. Conetta not voting.

**The Board acknowledged receipt of the following new applications filed in a timely manner with all of the required minimum information.**

**#2735 – Rockridge Lane – Lot 12, M. Osevsii.**

The applicant is proposing to construct residential additions and associated drainage improvements proximate to wetland areas on property within the non-drinking water supply watershed of the Rippowam River at 41 Rockridge Lane.

**#2736 – Blackwood Lane – Lot 2, L. Salamone.**

The applicant is proposing to install fencing for the keeping of a horse proximate to wetland areas property within the non-drinking water supply watershed of the Haviland Brook at 165 Blackwood Lane.

**#2737 – Klondike Avenue – Lot L, F. Gentile.**

The applicant is proposing to maintain an above ground pool with deck and filter, gravel play area, stone curbing, and concrete pavers within and proximate to wetland areas property within the non-drinking water supply watershed of the Noroton River at 99 Klondike Avenue.

**Motion By:** Mr. Stone made the motion to accept the applications based upon the determination that all required minimum information had been received.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Morris, Ms. Shemitz, Mr. Stone.  
Mr. Barron and Mr. Conetta not voting.

**ENFORCEMENT:**

Show Cause Hearings –

**86 Crestwood Drive – Lot 21, P. Amaya.**

The cutting and clearing of vegetation, deposition of fill, and construction of a stone wall within and proximate to wetlands, watercourses, and designated flood-hazard areas on property within the non-drinking water supply watershed of the Toilsome Brook at 86 Crestwood Drive.

**In attendance were:** Patricia Amaya (owner/respondent); John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (consulting engineer)

**Also in attendance were:** Patrick Dayne (neighbor); Lisa Mackey (neighbor).

Mr. Emerson summarized the facts and circumstances for the Board, and noted that the property owner had been initially responsive, but had failed to make any progress toward either removing the encroachments or filing an application for a permit. Mr. Emerson indicated that it would be unlikely that the present location of the wall within the floodway would pass muster in terms of meeting the standard for no rise in water elevations during a flood.

Mr. Pugliesi stated that he had been retained to put together the required technical information to be part of an application for permit. He acknowledged that while a new location for wall construction could be anticipated, the current location would likely not be acceptable to the Board under its regulations.

Mr. Dayne reported that he observed the wall to be diverting more water onto neighboring properties during rainstorms.

Ms. Mackey noted that the excavation and construction of the wall had aggravated drainage problems on her property.

**86 Crestwood Drive – Lot 21, P. Amaya (Cont.).**

**Motion By:** Mr. Morris made the motion to maintain the Cease and Desist Order in effect and to modify it to require completion of the corrective measures included in the Agenda Summary Report dated November 8, 2007 with consideration of the filing of a notice of violation on the Stamford Land Records deferred to the December meeting.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Morris, Ms. Shemitz, Mr. Stone.

Mr. Barron and Mr. Conetta not voting.

**398 Westhill Road – Lot 1, M. Negri and P. Bookless.**

The modification of vegetation, deposition of fill, and grading within and proximate to wetland areas on property within the drinking water supply watershed of the Mianus River at 398 Westhill Road.

**In attendance was:** No one was in attendance concerning this matter.

Mr. Talamelli summarized the facts and circumstances for the Board, and noted that the respondents had failed to address the issue despite repeated notices and reminders.

**Motion By:** Mr. Stone made the motion to maintain the Cease and Desist Order in effect and to modify it to require conformance to the provisions included as “Option B” in the Agenda Summary Report dated November 6, 2007 with a notice of violation to be filed on the Stamford Land Records.

The Board members voted on the motion as follows:

APPROVAL – YES – Mr. Levine, Mr. Morris, Ms. Shemitz, Mr. Stone. NO - Ms. Hicks

Mr. Barron and Mr. Conetta not voting.

**8 Court Street – Lot 7, J. Capone.**

The cutting and clearing of vegetation, deposition of gravel, installation of storage containers, within and proximate to wetlands, watercourses, and designated flood-hazard areas on property within the non-drinking water supply watershed of the Rippowam River at 8 Court Street.

**In attendance was:** Joseph Capone (owner/respondent).

Mr. Emerson summarized the facts and circumstances for the Board, and noted that the encroachments were located not only within the floodplain, but also along the river bank within the floodway.

Mr. Capone presented a written statement to the Board describing the historic use of the property for materials storage. He acknowledged that the storage containers were newly installed to replace the use of trucks that had been parked on site and used for storage. He requested the opportunity to keep the encroachments with the obtaining of a permit, but indicated he would be out of state during December.

**8 Court Street – Lot 7, J. Capone (Cont.).**

**Motion By:** Mr. Morris made the motion to maintain the Cease and Desist Order in effect and to defer further action pending Mr. Capone's retaining the services of a Land Surveyor on or before December 13<sup>th</sup> to start the application process.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Morris, Ms. Shemitz, Mr. Stone.  
Mr. Barron and Mr. Conetta not voting.

Status Reports --

**117 Mill Spring Lane – Lot 23, T. and L. Molen.**

For the conducting of regulated activities without the required permits from the Environmental Protection Board including the construction of a wall and terrace within and proximate to buffer/setback areas on property within the non-drinking supply watershed of Haviland Brook at 117 Mill Spring Lane.

**In attendance was:** No one was in attendance concerning this matter.

Mr. Emerson reported that the violation was resolved with the issuance of Permit #2733.

**Motion By:** Mr. Stone made the motion to withdraw the Cease and Desist Order.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Morris, Ms. Shemitz, Mr. Stone.  
Mr. Barron and Mr. Conetta not voting.

**352 Long Ridge Road – Lot B, M. Pinho.**

For the conducting of regulated activities without the required permits from the Environmental Protection Board including the alteration of vegetation, and encroachment into regulated flood-hazard and buffer/setback areas for the storage of vehicles, equipment, and materials on property within the non-drinking supply watershed of Rippowam River at 352 Long Ridge Road.

**In attendance was:** No one was in attendance concerning this matter.

Mr. Emerson reported that a site inspection had confirmed that all of the required corrective measures, including removal of encroachments from within the floodplain and installation of restoration plantings, had been completed.

**Motion By:** Ms. Shemitz made the motion to withdraw the Cease and Desist Order.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Morris, Ms. Shemitz, Mr. Stone.  
Mr. Barron and Mr. Conetta not voting.

**372 Long Ridge Road – Lot 1B, Becker Chicazia.**

**380 Long Ridge Road – Lot 1A, Sean Alexander.**

The modification of vegetation, expansion of lawns, and the installation of recreational equipment and other features within buffer/setback, Conservation, and designated flood hazard areas without the prior written approval of the Environmental Protection Board and contrary to the provisions of Landscape Maintenance Agreements in effect for each property.

**In attendance was:** No one was in attendance concerning this matter.

Mr. Talamelli reported that all corrective measures had been completed on both lots including the removal of encroachments from within the floodplain and designated Conservation areas and the installation of restoration plantings.

**Motion By:** Mr. Stone made the motions to withdraw each of the Cease and Desist Orders.

The Board members voted on the motions as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Morris, Ms. Shemitz, Mr. Stone.

Mr. Barron and Mr. Conetta not voting.

**56 Fox Glen Drive – Lot 11, L. Gjuraj.**

For the construction of a stone wall, shed, and terrace; removal/alteration of natural vegetation, reconstruction/expansion of driveway, removal/alteration of drainage structures, and expansion of lawn areas within designated Conservation Areas on property within the drinking supply watershed of the East Branch Mianus River at 56 Fox Glen Drive.

**In attendance was:** No one was in attendance concerning this matter.

Mr. Emerson reported that the permit application as promised at the November meeting by attorney McCabe on behalf of the respondent had not be filed. He requested the Board direct that a Notice of Violation be filed on the Stamford Land Records in light of the consistent failure of the respondent to respond to the violations in any meaningful way.

A spirited discussion ensued about the need for consistency in responding to violations. Ms. Shemitz suggested a brief work session to discuss enforcement procedures and policies. The consensus of the members present was to schedule a work session at 7:00 P.M. to precede the start of the December 13<sup>th</sup> meeting.

**Motion By:** Mr. Morris made the motion to maintain the Cease and Desist Order in effect and to defer further action to December 13<sup>th</sup> at which time the status of compliance would be again considered.

The Board members voted on the motion as follows:

APPROVAL – YES – Mr. Levine, Mr. Morris, Mr. Stone. NO - Ms. Hicks, Ms. Shemitz.

Mr. Barron and Mr. Conetta not voting.

There being no further business, the Board adjourned at 9:50 P.M.