

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
August 21, 2008**

Present: Gary Stone, Chairman; Barbara Hicks, Member; Louis Levine, Member; William Morris, Member; Leigh Shemitz, Member.

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

The regular meeting convened at 7:35 P.M. and adjourned at 9:45 P. M. and was tape recorded.

MINUTES:

Ms. Hicks made the motion to approve the minutes of the July 17, 2008 meeting as presented.

The Board members voted on the motion as follows:

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

APPLICATIONS & PERMITS:

#2814 – Vineyard Lane – Lot 15A, Vineyard Development.

The applicant is proposing to modify Permit #2814 to utilize a portion of designated Conservation Area for the construction of a stone retaining wall on property within the non-drinking water supply watershed of the Rippowam River at 43 Vineyard Lane.

In attendance was: Susan M. Kisken, P.E., Redniss & Mead, Inc. (project engineer).

Ms. Kisken summarized the application for the Board. Discussion focused on the value, extent, and configuration of designated Conservation Areas. Ms. Shemitz and Ms. Hicks were particularly concerned about the absence of natural amenities within the westerly strip of land and the extent of encroachments represented by the wall construction.

Motion By: Mr. Morris made the motion to adopt the findings and recommendations of staff and approve the modification as described in the Agenda Summary report dated August 15, 2008.

The Board members voted on the motion as follows:

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

#2819 – Long Ridge Road – Lot A, O. Bukai.

The applicant is proposing to construct a pipe-discharge for a storm-water drainage system associated with a new commercial development proximate to a watercourse on property within the non-drinking water supply watershed of the Rippowam River at 1068 Long Ridge Road.

In attendance were: Mr. Ori Bukai (owner/applicant); and Teodoro Milone, P.E., Redniss & Mead, Inc. (project engineer); Matt Popp, ASLA, Environmental Land Solutions, LLC.

Mr. Milone and Mr. Popp summarized the application for the Board. A revised landscaping plan was presented.

Motion By: Mr. Morris made the motion to adopt the findings and recommendations of staff and approve the application with the conditions listed in the Agenda Summary report dated August 13, 2008.

The Board members voted on the motion as follows:

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

#2817 – 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.

In attendance was: Mr. Frank Gentile (owner/applicant); Brian P. McMahon, P.E., Redniss & Mead, Inc. (project engineer); and Matt Popp, ASLA, Environmental Land Solutions, LLC. (project landscape architect).

Mr. McMahon summarized the application for the Board. Mr. Popp described the landscaping additions to the buffer areas of the property. Discussion focused on the adequacy of proposed mitigation measures.

Motion By: Mr. Levine made the motion to adopt the findings and recommendations of staff and approve the application with the conditions listed in the Agenda Summary report dated August 13, 2008.

The Board members voted on the motion as follows:

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

ABSTAIN - Mr. Stone.

#2824 – Scofieldtown Road – Lot 1, Stamford Museum and Nature Center.

The applicant is seeking permission to create a “woodland picnic area” including the deposition of fill and site grading, clearing of vegetation, construction of log pavilions, construction of a fire pit, construction of a boardwalk ramp, and construction of a stone-lined drainage swale within and proximate to wetlands and watercourses on property within the non-drinking water supply watershed of the Poorhouse Brook at 39 Scofieldtown Road.

In attendance were: Ms. Melissa Mulroney, Director, and Mr. Robert McGrath, Manager, Stamford Museum and Nature Center (applicant); and Leonard C. D'Andrea, P.E., Rocco V. D'Andrea, Inc. (project engineer).

Mr. D'Andrea summarized the application for the Board.

Motion By: Mr. Levine made the motion to adopt the findings and recommendations of staff and approve the application with the conditions listed in the Agenda Summary report dated August 13, 2008.

The Board members voted on the motion as follows:

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

The Board acknowledged receipt of letters granting 65-day extensions on behalf of the following pending applications:

#2815 – Taylor Street – Lot 24, T. Mills.

The applicant is proposing to construct a parking lot with associated drainage system for an existing multi-family dwelling proximate to wetland areas on property within the non-drinking water supply watershed of the Rippowam River at 22 Taylor Street.

#2816 – Taylor Street – Lot 25, T. Mills.

The applicant is proposing to construct a parking lot with associated drainage system for an existing multi-family dwelling within and proximate to wetland areas on property within the non-drinking water supply watershed of the Rippowam River at 24 Taylor Street.

#2818 – Cedar Heights Road – Lot B, R. Czebiniak.

The applicant is proposing to maintain a stone-line drainage channel, pathways, landscaping, and a play set 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 250 Cedar Heights Road.

#2820 – Burwood Avenue – Lot 25, S. Maleh.

The applicant is seeking permission to construct a new single-family residence and associated driveway, parking, drainage and other facilities proximate to wetlands and within designated flood hazard areas on property near Long Island Sound along the south side of Burwood Avenue near its intersection with Southfield Avenue.

#2821 – Burwood Avenue – Lot 27, D. Maleh.

The applicant is seeking permission to construct a new single-family residence and associated driveway, parking, drainage and other facilities proximate to wetlands and within designated flood hazard areas on property near Long Island Sound along the south side of Burwood Avenue near its intersection with Southfield Avenue.

#2822 – South Lake Drive – Lot 54, J. Waterman.

The applicant is seeking permission to construct a new single-family residence and associated driveway, parking, drainage, septic system, and other facilities proximate to wetlands and watercourses on property within the drinking water supply watershed of the Mianus River and Bargh Reservoir adjoining (north)
221 South Lake Drive.

#2823 – West Bank Lane – Lot 13, C. Musilli.

The applicant is seeking permission to construct two new chimneys and a deck proximate to wetlands, watercourses, and designated flood hazard areas on property within the drinking water supply watershed of the Mianus River at 67 West Bank Lane.

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

#2826 – Chestnut Hill Road – Lots B&D, W. Flanagan.

The applicant is seeking permission to construct a stone wall and to install drainage improvements proximate to wetlands and watercourses on a property within the non-drinking water supply watershed of the Haviland Brook at 395 Chestnut Hill Road.

#2827 – Ethan Allen Lane – Lot 13, D.J. Colandro.

The applicant is seeking permission to construct an in-ground swimming pool, stone patio and walk, elevated wooden ramp, and associated grading and clearing of vegetation proximate to wetlands and watercourses on property within the non-drinking water supply watershed of the Haviland Brook at 47 Ethan Allen Lane.

#2828 – Bartina Lane – Lot 5, C. DeLeo.

The applicant is seeking permission to construct an in-ground swimming pool, fencing, and associated grading proximate to wetlands and watercourses on property within the drinking water supply watershed of the Mianus River at 27 Bartina Lane.

#2829 – Pinnacle Rock Road – Lot 17, R. Arbitrio.

The applicant is seeking permission to maintain several stone walls, a gravel roadway and associated grading, relocate a storage shed, and complete construction of a stone wall proximate to wetlands and watercourses on property within the drinking water supply watershed of the Mianus River at 42 Pinnacle Rock Road.

#2830 – Long Ridge Road – Lot AR, General Electric Capital Corporation.

The applicant is seeking permission to remove/excavate soils contaminated with chemical constituents associated with coal and coal residuals 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 120 Long Ridge Road W017.

#2831 – Long Ridge Road – Lot BR, General Electric Capital Corporation.

The applicant is seeking permission to remove/excavate soils contaminated with chemical constituents associated with coal and coal residuals 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 120 Long Ridge Road W013.

#2832 – Long Ridge Road – Lot C, General Electric Capital Corporation.

The applicant is seeking permission to remove/excavate soils contaminated with chemical constituents associated with coal and coal residuals 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 120 Long Ridge Road W012.

Motion By: Ms. Shemitz 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. Shemitz, Mr. Levine, Mr. Morris, Ms. Hicks, Mr. Stone.

SUBDIVISION REVIEW:

#3974 – Hope Street – Lot B, Estate of Edith Shaw.

The applicant proposes to subdivide the existing 1.7 acre parcel at 1376 Hope Street into three properties capable of supporting residential development.

In attendance was: John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer).

Mr. Pugliesi summarized the proposed subdivision for the Board, and described the proposed provisions for the management of storm water.

Motion By: Mr. Morris made the motion to direct staff to report to the Planning Board that the EPB offered no objection to the subdivision subject to the conditions listed in the Agenda Summary report dated August 13, 2008.

The Board members voted on the motion as follows:

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

ENFORCEMENT – SHOW CAUSE HEARINGS:

678 Erskine Road – Lot C, L. Rizzuto, Jr. (Owner)/R. Nau (Contractor).

Observed regulated activities included land disturbing activities within and proximate to wetlands and watercourses, within and proximate to buffer/setback areas, and within the yard areas and along a pond involving filling, grading, and the placement of rock to form retaining walls requiring the obtaining of an Erosion Control/Excavation permit from the Zoning Enforcement Officer and an Inland Wetland and Watercourses permit from the Environmental Protection Board; the construction of stone walls, retaining walls, and installation of fencing requiring a Zoning Permit from the Zoning Enforcement Officer and a Building permit for those higher walls and retaining walls; and the cutting of trees, dumping of woodchips, alteration of vegetation, and modification of stream channels requiring the obtaining of an Inland Wetland and Watercourses permit from the Environmental Protection Board.

In attendance were: Joseph J. Capalbo, II, Esq.; and Leonard C. D'Andrea, P.E., Rocco V. D'Andrea, Inc. (representing respondent).

Mr. Emerson summarized the facts and circumstances for the Board. Mr. Capalbo stated that he believed that his client's actions were not within the jurisdiction of the EPB since they were intended for farming purposes. He further stated that his client would not consent to any inspection of the property. Mr. D'Andrea reported that he had been retained to complete a comprehensive survey of the property, and anticipated its availability in early October.

Discussion focused on the provisions of the regulations pertaining to farming activities, the right of the Board to determine what activities are subject to permitting requirements, the usefulness of a comprehensive survey, the status of compliance to date, and the lack of responsiveness that prompted the need for the initiation of formal enforcement action.

Motion By: Ms. Shemitz made the motion to maintain the Cease and Desist order in effect and modified to require the filing of a comprehensive survey plan with staff on or before October 3, 2008 with further consideration by the board at its meeting scheduled for October 16th. Notice of Violation to be filed on the Stamford Land Records.

The Board members voted on the motion as follows:

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

96 Surrey Road – Lot C4, Kyle Wells.

Observed regulated activities included alteration of a stream and adjacent wetland areas, the construction of multiple stone walls, dams, the installation of a covered bridge and fencing, and the construction of a deck and shed, with associated filling, grading, and removal of vegetation. The site is within the non-drinking water supply watershed of the Haviland Brook at 96 Surrey Road.

In attendance were: Kyle Wells (owner/respondent); and Otto Theall, Soils Scientist (representing respondent).

Mr. Emerson summarized the facts and circumstances for the Board. Mr. Theall reported that he had been retained to prepare an application for permit and restoration plan.

96 Surrey Road – Lot C4, Kyle Wells (Con't).

Motion By: Mr. Levine made the motion to maintain the Cease and Desist order in effect and modified to require the filing of an application for permit on or before September 12, 2008. Notice of Violation to be filed on the Stamford Land Records.

The Board members voted on the motion as follows:

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

OTHER BUSINESS:

#2218 – Wallenberg Drive – Lot 34, J. Isaacs.

The permittee has approval for the construction of a new single-family dwelling and associated facilities within and proximate to wetlands and watercourses on property within the drinking water supply watershed of the Mianus River adjacent to 2 Wallenberg Drive. Requested is an extension of the expiration of the permit for one year to September 7, 2009.

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

Mr. Emerson summarized the circumstances for the Board pertaining to the timely request for a one-year extension of the permit.

Motion By: Ms. Shemitz made the motion to approve the extension as requested.

The Board members voted on the motion as follows:

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

There being no further business, the Board adjourned at 9:45 P.M.

Gary Stone, Chairman

Minutes prepared from meeting notes taken by David M. Emerson.