

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
January 17, 2008**

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

**Also present:** David M. Emerson, Director; Richard Talamelli, Environmental Planner; Pamela Fausty, Environmental Analyst.

The work session pertaining to enforcement procedures convened at 7:00 P.M. and adjourned at 7:40 P. M. and was tape recorded.

Ms. Shemitz distributed copies of her notes as sent to Board members prior to the meeting, and summarized her thoughts on a consistent process to be used as a guide to the enforcement process. Discussion focused on the time-frames involved with seeking compliance, the inequities between those who follow the rules and those that don't that result when a violator has the benefit of the activities undertaken without required permits for at least as long as it takes the Board to bring the enforcement process to a conclusion. A property owner following the rules must expend time, energy, and money negotiating the permit process.

Ms. Shemitz outlined a series of steps to be considered as a guideline for bringing a violation to a resolution. The steps distinguished between major and minor infractions, cooperation/lack of cooperation, deadlines, and when a Notice of Violation might be determined to be filed on the Land Records.

Mr. Emerson noted that the consequences of any violation were the same whether or not the respondent/perpetrator was cooperative. He suggested that the impacts or acceptability of any activity within regulated areas should be evaluated through the permit process not through an enforcement action.

Mr. Talamelli and Ms. Fausty noted that many violations are routinely and successfully resolved without Board involvement. Typically, the Board becomes involved only when a violator has failed to respond in any constructive meaningful way for a period of time. In the view of staff, any "grace" period has been used by the time a Cease and Desist Order is issued.

It was generally agreed that it would be useful for staff to periodically provide a general summary of complaints and violations to the Board members.

The consensus of those present was that a written, formally adopted, policy may not be necessary at this time. Rather, it was agreed that the discussion would inform decision making going forward toward a goal of greater consistency.

The work session was adjourned so the regularly scheduled meeting could begin.

The regular meeting convened at 7:40 P.M. and adjourned at 9:20 P. M. and was tape recorded.

**MINUTES:**

Mr. Stone made the motion to approve the minutes of the December 20, 2007 meeting as presented.

The Board members voted on the motion as follows:

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

ABSTAIN – Ms. Shemitz, Mr. Morris; Mr. Conetta.

**APPLICATIONS & PERMITS:**

**#2732 – Four Brooks Road – Lot B6, J. Cazan.**

The applicant is proposing to construct residential additions and septic improvements proximate to wetland areas on property within the non-drinking water supply watershed of the Rippowam River at 111 Four Brooks Road.

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

Ms. Fausty reported that she had completed her evaluation of the project as submitted. However, the State Department of Environmental Protection has rejected the design of the septic system with the consequence that there may need to be a redesign of the project affecting regulated areas.

The Board determined to defer consideration until adequate information is available.

**#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.

Extension granted, 65 days, per letter from Redniss & Mead, Inc. dated January 16, 2008.

**#2741 – Bridge Street – Lot 98, Bennett's Enterprises, LLC.**

The applicant is proposing to construct a wall, fenced enclosures, and pole sign within designated flood hazard areas on property within the non-drinking water supply watershed of the Rippowam River at 17 Bridge Street.

**In attendance were:** John Leydon, Esq., Brennan & Leydon (representing applicant); John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer); John Mallozzi, P.E. (project structural engineer); Vincent Colangelo, AIA (project architect); Matt Salvatore, Bennett's Enterprises, LLC. (applicants).

Mr. Leydon summarized the proposal for the Board. He noted that the proposed wall was intended to serve as both an aesthetic enhancement and as a safety/traffic control measure. He presented details for the exterior grease-storage containment.

**#2741 – Bridge Street – Lot 98, Bennett’s Enterprises, LLC. (Cont.).**

Mr. Leydon reported that all required flood-proofing measures had been incorporated into the design of the remodeling, that a detailed flood preparedness and evacuation plan had been formulated, and that the technical analysis by the project engineer resulted in the conclusion that there would be no impacts on flooding, drainage, or adjoining properties.

Mr. Pugliesi summarized the civil engineering aspects of the project, including his analyses of potential impacts on flooding and drainage. He noted that his determination of no impacts had been reviewed and endorsed by the Engineering Bureau. In response to concerns from neighboring property owners, Mr. Pugliesi stated that the existing roof drains would be inspected to determine if they were functioning properly, and he further stated that gutters and downspouts would be provided to intercept runoff from the roof if needed to redirect the flow of rainwater.

**Motion By:** Mr. Morris 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 January 10, 2008 with the additional condition that curbing be provided at the perimeter of the slab under the grease storage container.

The Board members voted on the motion as follows:

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

**#2801 – Westover Road – Lot 3B, J. Gambino.**

The applicant is proposing to construct residential additions, and to maintain a hot tub, within designated flood hazard areas and proximate to wetlands and watercourses on property within the drinking water supply watershed of the Mianus River at 562 Westover Road.

**#2802 – Norvel Lane – Lot 21, J. Povetz.**

The applicant is proposing to construct an addition to an existing garage, and to relocate a gas-service line, proximate to wetland areas on property within the non-drinking water supply watershed of the Ayers Brook at 26 Norvel Lane.

**#2803 – Westhill Road - Lot 1, M. Negri.**

The applicant is proposing to maintain and partially restore the unauthorized 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.

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

Mr. Barron and Mr. Conetta not voting.

**SUBDIVISION:**

**#3965 – Theresa Court - Lots 9, 10, 14, 15, Colletti/Kaladjian/Liguori.**

The applicant is proposing to subdivide three existing parcels into four proposed lots affecting property within the non-drinking water supply watershed of the Springdale Brook to the northwest of the intersection of Theresa Court and Twin Brook Drive.

**In attendance were:** John Leydon, Esq., Brennan & Leydon (representing applicant); John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer); Sal Colletti, Alice Kaladjian, Sarandon Liguori (owners/applicants).

Mr. Leydon summarized the proposal for the Board. He noted that the proposed subdivision endeavored to recreate a prior lot that had been divided into thirds with ownership transferred to the owners of the three adjoining properties. It was speculated that the presence of wetlands, a high water table, or difficulty in finding a suitable location for a septic system may have been reasons for preventing the development of the site. Mr. Leydon reported that the site was now serviced by sanitary sewers and public water supply.

Mr. Pugliesi presented the technical details of the subdivision. In addition, he described the extent and configuration of proposed open space/Conservation Areas, and noted that they included upland wooded areas as well as wetland and buffer/setback areas. He reminded the Board that the resources within the upland areas have no protection under current circumstances.

Ms. Fausty summarized her staff evaluation. She noted that written endorsement of the storm water management plan by the Engineering Bureau was anticipated. It was further noted that based upon the conceptual plans as reviewed, EPB permits would be required for activities on three of the four lots including the construction of the new residence, drainage improvements, site grading, and driveway installation.

Discussion focused on the impacts on woodlands and other resources, loss of trees, delineation and effective demarcation of Conservation Areas, and suitability of the property for the development of an additional residential lot. Mr. Stone advised that additional trees be added to the landscaping plan to address the uncertainty about the preservation of three specific mature trees identified as significant by the consulting arborist for the applicants. Messrs. Leydon and Pugliesi committed to revising the development plan prior to submittal to the Planning Board.

**Motion By:** Mr. Stone 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 December 7, 2007.

The Board members voted on the motion as follows:

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

**ENFORCEMENT:**

Show Cause Hearing --

**143 Belltown Road – Lot 9, J. Milewski (owner).**

For the conducting of regulated activities (construction, alteration, deposition of materials) without the required permits from the Environmental Protection Board including the use of buffer/setback areas as a contractors' storage yard with structures, equipment, materials, and debris scattered and dumped within the rear half of the site.

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

Mr. Emerson summarized the facts and circumstances for the Board and noted the absence of any response from the property owner.

**Motion By:** Mr. Stone made the motion to maintain the cease and desist order to in effect and modified to require corrective measures as listed in the Agenda Summary Report dated January 8, 2008 with a notice of violation to be filed on the Stamford Land Records with the matter to be referred to Corporation Counsel for legal action if the established deadline of February 21, 2008 is not met.

The Board members voted on the motion as follows:

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

Mr. Barron and Mr. Conetta not voting.

**OTHER BUSINESS:**

The members discussed the date for the scheduled March 20<sup>th</sup> meeting, and determined to change the date to March 13<sup>th</sup> to avoid any conflict with the observance of Good Friday.

Mr. Levine advised the Board that it was his intent to relinquish the chairmanship, and invited consideration of a replacement. He indicated that an election would be included on the agenda of a future meeting at which full attendance was anticipated.

There being no further business, the Board adjourned at 9:20 P.M.

---

Louis P. Levine, Chairman