

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
October 16, 2008**

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

**Also present:** David M. Emerson, Director.

The regular meeting convened at 7:30 P.M. and adjourned at 8:45 P. M. and was tape recorded.

**MINUTES:**

Ms. Hicks made the motion to approve the minutes of the September 18, 2008 meeting as presented.

The Board members voted on the motion as follows:

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

ABSTAIN – Ms. Shemitz, Mr. Conetta.

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

**#2836 – Jordan Lane – Lot 12, K. Smolarz.**

The applicant is proposing to maintain a fence proximate to wetlands on property within the non-drinking water supply watershed of Haviland Brook at 75 Jordan Lane.

**#2837 – Mill Road – Lot 2, D. Capello.**

The applicant is proposing to construct a new single family residence with associated driveway and appurtenances, and to install a new septic system, on property within the non-drinking water supply watershed of the Haviland Brook at Mill Road, lot 2.

**#2838 – Eljays Lane – Lots 4/5/13, Knopf/Motta/Peleschuk.**

The applicants are proposing the maintenance dredging of a portion of a small pond with associated site stabilization on property within the drinking water supply watershed of the Mianus River at and adjoining 17 Eljays Lane.

**#2839 – Haviland Road – Lot A1, P. Venkatesh.**

The applicant is proposing the maintenance dredging of a pond on property within the non-drinking water supply watershed of the Haviland Brook at 390 Haviland Road.

**#2840 – Windward Lane – Lot 1, A. Kalmanash.**

The applicant is seeking permission to construct an water-control/weir structure and to install fencing within and proximate to wetlands and watercourses on a property within the drinking water supply watershed of the Mianus River at 1 Windward Lane.

**#2841 – Shippan Avenue – Lot 1, Shippan Hospitality Partners, LLC.**

The applicant is proposing to utilize a portion of a designated Open Space Preserve on property within the non-drinking water supply watershed of the Southwest Shoreline (Long Island Sound) at 1404 Shippan Avenue.

**#2842 – Woodside Street – Lot 9, A. Morris.**

The applicant is proposing to reconstruct decks, stairs, and appurtenances within designated flood hazard areas on property within the non-drinking water supply watershed of the Rippowam River at 67 Woodside Street.

**#2843 – Ingleside Drive - Lot B1, M. Innaurato.**

The applicant is seeking permission to construct a new single-family residence, patio, pool, driveway, septic system, berm, and water-control structure within and proximate to wetlands, watercourses, and designated Conservation Areas on a property within the non-drinking water supply watersheds of the Rippowam River and Poor House Brook adjoining 258 Ingleside Drive.

**#2844 – Ingleside Drive - Lot B2, M. Innaurato.**

The applicant is seeking permission to construct a new single-family residence, patio, pool, driveway, and septic system within and proximate to wetlands, watercourses, and designated Conservation Areas on a property within the non-drinking water supply watersheds of the Rippowam River and Poor House Brook adjoining 258 Ingleside Drive.

**#2845 – 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.

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

Mr. Conetta not voting.

**APPLICATIONS & PERMITS:**

**#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.

**In attendance were:** Tom Mills (applicant); John E. Pugliesi, P.E., Edward J. Frattaroli, Inc. (project engineer); and Tom Ryder, Senior Analyst, Land-Tech Consultants, Inc. (project environmentalist).

**#2815 – Taylor Street – Lot 24, T. Mills (Cont.).**

**#2816 – Taylor Street – Lot 25, T. Mills (Cont.).**

Mr. Pugliesi described the site and summarized the application for the Board. He reported on discussions with the concerned owner of the adjoining property, Representative Terry Adams, that had taken place subsequent to the September meeting. Revised plans were presented.

**Motion By:** Mr. Levine made the motion to adopt the findings and recommendations of staff and approve the application (#2815) with the conditions listed in the Agenda Summary report dated September 15, 2008.

The Board members voted on the motion as follows:

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

Mr. Conetta not voting.

**Motion By:** Mr. Levine made the motion to adopt the findings and recommendations of staff and approve the application (#2816) with the conditions listed in the Agenda Summary report dated September 15, 2008.

The Board members voted on the motion as follows:

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

Mr. Conetta not voting.

**#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.

**In attendance were:** Alfred and Cathy DeLeo (owners/applicants).

Mr. Emerson summarized the proposed activities for the Board, and described the planned landscaping/mitigation enhancements.

**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 October 14, 2008.

The Board members voted on the motion as follows:

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

Mr. Conetta not voting.

**#2841 – Shippan Avenue – Lot 1, Shippan Point Hospitality Partners, LLC.**

The applicant is proposing to utilize a portion of a designated Open Space Preserve on property within the non-drinking water supply watershed of the Southwest Shoreline (Long Island Sound) at 1404 Shippan Avenue.

**In attendance was:** John Lindell, F. D. Rich Company (owner/applicant).

Mr. Emerson summarized the proposed activities for the Board, and described the planned landscaping/mitigation enhancements.

**#2841 – Shippan Avenue – Lot 1, Shippan Point Hospitality Partners, LLC. (Cont.).**

**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 October 9, 2008.

The Board members voted on the motion as follows:

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

Mr. Conetta not voting.

**The Board acknowledged receipt of correspondence submitted on behalf of the following applications requesting that each be withdrawn due to the failure to provide required information in a timely manner:**

**#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, W. Levine.**

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 correspondence submitted on behalf of the following applications granting 65-day extensions of time:**

**#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.

**#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.

**ENFORCEMENT – STATUS REPORT & SHOW CAUSE HEARING:**

**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. (representing respondent).

Mr. Emerson reported that the promised comprehensive survey had not been received to date as required by the Board's action at its August 2008 meeting.

Mr. Capalbo stated that the survey was not yet completed, but would be available soon.

**Motion By:** Ms. Hicks made the motion to maintain the Cease and Desist order in effect and modified to direct staff to publish Notice of Facts and Conduct and to refer the matter to Corporation Counsel for legal action.

The Board members voted on the motion as follows:

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

Mr. Conetta not voting.

**39 Stony Brook Drive – Lot 2, J. Romano (Owner).**

Observed regulated activities included land disturbing activities proximate to wetland areas including the deposition of fill and construction of a play court on property within the drinking water supply watershed of the Mianus River at 39 Stony Brook Drive.

**In attendance were:** John and Dona Romano (owners/respondents).

Mr. Emerson summarized the facts and circumstances for the Board. He reported that the involvement of EPB staff was the consequence of a dispute between neighbors, and that the presence of wetlands with the associated 50-foot-wide buffer/setback was determined as the result of a survey prepared on behalf of the adjoining property owners.

Mrs. Romano stated her belief that no wetlands permit should be required because other projects within the property had received EPB endorsement of the issuance of Building and Zoning permits.

**Motion By:** Mr. Morris made the motion to maintain the Cease and Desist order in effect and modified to require the submittal of an application for permit to be received on or before the December meeting.

The Board members voted on the motion as follows:

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

Mr. Conetta not voting.

There being no further business, the Board adjourned at 8:45 P.M.

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Gary Stone, Chairman

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