

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
September 20, 2007**

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

Also present: David M. Emerson, Director; Richard H. Talamelli, Environmental Planner. The regular meeting convened at 7:30 P.M. and adjourned at 11:10 P.M. and was tape recorded.

MINUTES:

Mr. Morris made the motion to approve the minutes of the July 19, 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.

ABSTAIN – Ms. Shemitz, Mr. Conetta.

APPLICATIONS & PERMITS:

#2720 – West Bank Lane – Lot 10, A. Tagliavia.

The applicant is proposing to construct a detached garage within designated flood hazard areas on property within the drinking water supply watershed of the Mianus River at 9 West Bank Lane.

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

Consideration deferred pending receipt of corrected application.

#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 were: No one was in attendance concerning this matter.

Extension granted, 65 days, per letter dated September 19, 2007.

#2729 – Harpsichord Turnpike – Lot 6, A. Wandzel.

The applicant is proposing to construct a residential addition proximate to wetland areas and designated flood-hazard areas on property within the drinking water supply watershed of the East Branch Mianus River at 157 Harpsichord Turnpike.

In attendance were: Mr. and Ms. Wandzel (owners/applicants).

Mr. Emerson described the project for the Board.

Motion By: Mr. Morris made the motion to accept application #2729 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. Stone, Mr. Morris, Ms. Shemitz.

Mr. Barron and Mr. Conetta not voting.

#2729 – Harpsichord Turnpike – Lot 6, A. Wandzel (Cont.).

Motion By: Ms. Hicks made the motion to adopt the findings and recommendations of staff and to approve application #2729 with the conditions listed in the Agenda Summary Report dated September 11, 2007.

The Board members voted on the motion as follows:

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

#2730 – Wellington Drive – Lot E6, C. Failla.

The applicant is proposing to construct drainage improvements within and proximate to wetland areas property within the non-drinking water supply watershed of the Haviland Brook at 151 Wellington Drive.

#2731 – Wellington Drive – Lot BT000C, J. Fleder.

The applicant is proposing to construct drainage improvements within and proximate to wetland areas property within the non-drinking water supply watershed of the Haviland Brook at 165 Wellington Drive.

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

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

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. Stone, Mr. Morris, Ms. Shemitz.
Mr. Barron and Mr. Conetta not voting.

SUBDIVISION:

#3964 – Vine Road – Lots A & 1, J. Thurairaj.

The applicant is proposing to subdivide two existing parcels into four proposed lots affecting property within the non-drinking water supply watershed of the Ayers Brook at 136 and 146 Vine Road.

In attendance were: John Mallozzi, P.E. (project engineer).
David and Ms. Schwartz (neighbors), Sam Klebanoff and family (neighbors),
Bill and Ms. Margiarta (neighbors), Jane Drisca (neighbor).

Mr. Levine noted, for the record, receipt of correspondence and a copy of a petition submitted in opposition to the subdivision by neighbors.

#3964 – Vine Road – Lots A & 1, J. Thurairaj (Cont.).

Mr. Mallozzi described the proposed subdivision for the Board. He summarized the site design, drainage, sight-line analysis, and other technical aspects of the proposal.

Mr. Schwartz presented photographs of the site and its environs. He stated his concerns pertaining to drainage impacts, coordination of site development between potential different lot owners, impacts of proposed grade changes and the alteration of existing terraced areas held back by retaining walls of undetermined stability, and the accuracy of the drawings presented as some appeared based upon outdated and incorrect data.

Mr. Klebanoff stated his concerns about soil erosion, the loss of trees, the loss of green space to over development, and the failure to strike a suitable balance between the proportion of land committed to development and the proportion of land reserved for open space.

Mr. Margiarta stated his concerns about the loss of green space within the neighborhood and the intensity of the development as proposed for a crowded corner property.

Ms. Drisca commented on the loss of green space and the need to control development within the neighborhood.

Mr. Mallozzi responded to the comments by citing an arborist's report detailing the condition of trees within the site; the intended use of the mapping, which was vintage 1981, for sight-line analysis and house-size comparison only; the expected improvement to drainage conditions after the structural storm-water management controls are installed; and the proposed replacement of existing walls as part of the planned construction sequence.

Discussion focused on the need for open spaces within urban neighborhoods. It was noted that there were no resources within the site of identified conservation value. It was further noted, however, that landscaped areas provide a benefit as open space/buffers between houses and can be important even in those areas of Stamford that are not in the more resource and land abundant parts of the City.

Motion By: Ms. Shemitz made the motion to direct staff to report to the Planning Board that the EPB recommends that more and accurate information pertaining to the affected tree resources be provided, and that a plan with lesser residential density be developed as a means of protecting and enhancing open space and the natural character of the neighborhood.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Ms. Shemitz. NO - Mr. Levine, Mr. Stone, Mr. Morris.
Mr. Barron and Mr. Conetta not voting.

The Board members further discussed the information presented, and the attributes of the subdivision design as currently proposed. The crowding of the houses within the proposed new lots, the consequence of the site being a corner lot with restrictive zoning setbacks, the keeping of the existing house and consequent working around its location with three new houses, the lack of open space, and the limited yard areas were identified as aspects of the proposal with much room for improvement.

#3964 – Vine Road – Lots A & 1, J. Thurairaj (Cont.).

Motion By: Ms. Shemitz made the motion to direct staff to report to the Planning Board that the EPB does not endorse the subdivision as proposed because of concerns pertaining to the density of development as it impacts available open/green spaces within the site and neighborhood. However, should the Planning Board approve the subdivision, such approval should be subject to the recommended eight conditions as listed in the Agenda Summary Report dated September 11, 2007.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Ms. Shemitz, Mr. Stone. NO - Mr. Levine, Mr. Morris. Mr. Barron and Mr. Conetta not voting.

ENFORCEMENT:

Show Cause Hearings --

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 were: Burt Hoffman, Esq. (representing respondent), Manuel and Ms. Pinho (owners/respondents).

Mr. Emerson summarized the facts and circumstances for the Board, and reported that the enforcement action was necessitated by the failure of the property owner to voluntarily initiate corrective measures.

Mr. Hoffman indicated that it was the desire of his client to cooperate with the Board and to correct the violation in a timely manner.

Motion By: Mr. Morris made the motion to maintain the Cease and Desist Order in effect and to modify it to require the corrective measures as listed in the Agenda Summary Report dated September 10, 2007. The filing of a Notice of Violation on the Stamford Land Records to be deferred.

The Board members voted on the motion as follows:

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

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

For the conducting of regulated activities without the required permits from the Environmental Protection Board including 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. Talamelli summarized the facts and circumstances for the Board, and reported that the enforcement action was necessitated by the failure of the property owner to voluntarily initiate corrective measures. He noted receipt of a letter submitted on behalf of the respondent from attorney Dan McCabe indicating that Rocco V. D'Andrea, Inc. has been retained to document site conditions and requesting a deferral of further action.

Motion By: Mr. Morris made the motion to maintain the Cease and Desist Order in effect and to defer further action to the next scheduled meeting slated for October 18, 2007 at which time the status of compliance would be considered. The filing of a Notice of Violation on the Stamford Land Records to be deferred.

The Board members voted on the motion as follows:

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

176 Barclay Drive – Lot 17, B. Natale.

For the conducting of regulated activities without the required permits from the Environmental Protection Board including the cutting and clearing of vegetation, deposition of fill, and other alterations to the natural character of affected areas within and proximate to wetlands, watercourses, and buffer/setback areas on property within the non-drinking supply watershed of the Rippowam River at 176 Barclay Drive.

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

Mr. Emerson summarized the facts and circumstances for the Board, and reported that the respondent was in attendance prior to the start of the meeting and had indicated that Designs By Lee had been retained to prepare a restoration plan for affected areas.

Motion By: Mr. Morris made the motion to maintain the Cease and Desist Order in effect and to defer further action to the next scheduled meeting slated for October 18, 2007 at which time the status of compliance would be considered. The filing of a Notice of Violation on the Stamford Land Records to be deferred.

The Board members voted on the motion as follows:

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

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 were: David Lasnick, Esq. (representing respondent); Thomas Molen (owner/respondent).

Mr. Emerson summarized the facts and circumstances for the Board, and noted that the enforcement action was necessitated by the failure of the property owner to voluntarily initiate corrective measures.

Mr. Lasnick reported that it was the intention of his client to file an application for permit with the Board to be submitted on or before the deadline for the October meeting.

Motion By: Mr. Stone made the motion to maintain the Cease and Desist Order in effect and to defer further action to the next scheduled meeting slated for October 18, 2007 at which time the status of compliance would be considered. The filing of a Notice of Violation on the Stamford Land Records to be deferred.

The Board members voted on the motion as follows:

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

STATUS REPORTS --

82 Crestwood Drive – Lot 20, A. Geca (owner); M. Gibek (contractor).

For the conducting of regulated activities without the required permits from the Environmental Protection Board including the construction of an accessory building and site disturbance within and proximate to designated flood-hazard areas on property within the non-drinking water supply watershed of the Toilsome Brook.

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

Mr. Emerson summarized the status of compliance for the Board, and noted that the respondents had indicated their willingness to work toward a resolution upon return from a vacation trip in July but that no meaningful progress had been made.

Motion By: Mr. Stone made the motion to maintain the Cease and Desist Order in effect and to set an October 5th deadline for progress. Notice of Violation to be filed on the Stamford Land Records.

The Board members voted on the motion as follows:

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

850 Newfield Avenue – Lot 1, N. Marshall.

The alteration of vegetation, deposition of dirt, debris and woodchips, and other disturbance of the land within and proximate to wetlands, watercourses on property within the non-drinking water supply watershed of the Toilsome Brook at 850 Newfield Avenue.

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

Mr. Emerson reported that all required corrective measures had finally been completed.

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. Stone, Mr. Morris, Ms. Shemitz.
Mr. Barron and Mr. Conetta not voting.

OTHER BUSINESS:

There being no further business, the Board adjourned at 11:10 P.M.

Louis P. Levine, Chairman

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