



City of Stamford
ENVIRONMENTAL PROTECTION BOARD
INTEROFFICE CORRESPONDENCE

October 13, 2009

MEMO TO: EPB Members

FROM: David M. Emerson, Executive Director

SUBJECT: Cease and Desist Order and Show Cause Hearing
1352 Riverbank Road - Lot A, 1352 Riverbank Road, LLC.

An inspection of the property at 1352 Riverbank Road in response to a Citizen Services Complaint (CSC #110816) confirmed the deposition of fill, alteration of vegetation, filling of a pond, and grading within buffer/setback areas subject to the jurisdiction of the Environmental Protection Board. The observed activities, affecting property and water resources within a drinking water supply watershed (Mianus River), require a permit from the EPB and have not been authorized.

The property owner, Stephen Celentano/1352 Riverbank, LLC., was notified by letter dated October 7th. Because of the potential for adversely impacting water quality within the Mianus River watershed, and because work has continued within regulated areas, the Board authorized the issuance of a Cease and Desist order with the required Show Cause Hearing scheduled for October 22, 2009.

At that time, the Board may review the facts and circumstances pertaining to this matter, and progress, if any, toward compliance.

It is the purpose of the Show Cause Hearing to provide a venue for the confirmation that a violation has indeed occurred. The respondent is afforded an opportunity to address this issue and provide pertinent information to the Board.



Aerial view of 1352 Riverbank Road depicting pond and associated inundation area and watercourse. Photo: April 2005

It is estimated that more than 90 percent of the pond has been filled. The pond surface is estimated at approximately 3,000 square feet in area. The fill was dumped and graded into the pond without the removal of accumulated organic material resulting in an unstable and problem-prone situation.



View of remnant of pond looking from driveway area toward watercourse and remnant wetland area. Note buried organic materials. Photo: October 8, 2009.

Staff recommends that the Board act to maintain the Cease and Desist Order in effect, and modify it to require the removal of all fill from within the affected areas of the property with site stabilization completed under the supervision of a qualified professional subject to the review and approval of staff on or before November 30, 2009.

The Board may elect to direct staff to file a Notice of Violation on the Stamford Land Records in light of the circumstances, which include the continuation of work and the possibility that the property could be sold or rented. The Board may also elect staff to publish notice of facts and conduct and refer the matter to Corporation Counsel for legal action if the established deadline is not met.

Thank you.



Environmental Protection Board

October 7, 2009

1352 Riverbank Road, LLC.
c/o Stephen Celentano, Member
502 West Hill Road
Stamford, CT 06902

RE: 1352 Riverbank Road – Lot A – Alteration/Filling Within Watercourse and Buffer/Setback

Dear Mr. Celentano:

An inspection of your property on October 6th in response to a Citizen Services Complaint (CSC #110816) confirmed the deposition of fill, alteration of vegetation, filling of a watercourse and grading within buffer/setback areas subject to the jurisdiction of the Environmental Protection Board. The observed activities require a permit from the EPB and have not been authorized.

Specifically, land disturbance within the yard areas around the pond and stream requires the obtaining of an Inland Wetland and Watercourses permit from the Environmental Protection Board. Land disturbance, filling of the pond, and alteration of vegetation within watercourses and within buffer/setback areas to wetlands and watercourses without the required EPB permit is a violation of the Board's Inland Wetland and Watercourses Regulations.

You are advised to stop work and to call me at 203-977-5021 upon receipt of this letter. In order to formalize these circumstances, the Board will initiate a formal enforcement action with the issuance of a Cease and Desist Order on or about October 12th.

Please call me at 203-977-5021 with any questions.

Sincerely,

David M. Emerson
Executive Director



Dannel P. Malloy, Mayor

Environmental Protection Board

October 13, 2009

1352 Riverbank Road, LLC.
c/o Stephen Celentano, Member
502 West Hill Road
Stamford, CT 06902

RE: 1352 Riverbank Road – Lot A – Cease and Desist Order

Dear Mr. Celentano:

An inspection of your property at 1352 Riverbank Road in response to a Citizen Services Complaint (CSC #110816) confirmed, as you know, the deposition of fill, alteration of vegetation, filling of a pond and grading within buffer/setback areas subject to the jurisdiction of the Environmental Protection Board. The observed activities, affecting property and water resources within a drinking water supply watershed, require a permit from the EPB and have not been authorized.

Specifically, land disturbance within the yard areas around the pond and stream requires the obtaining of an Inland Wetland and Watercourses permit from the Environmental Protection Board. Land disturbance, filling of the pond, and alteration of vegetation within watercourses and within buffer/setback areas to wetlands and watercourses without the required EPB permit is a violation of the Board's Inland Wetland and Watercourses Regulations. You were notified of these findings by letter dated October 7, 2009. Notice was also provided to attorney Joseph Richichi at his request on your behalf.

Filling and other land disturbance within the pond; within adjoining yard areas along the driveway, pond, and stream channel; and within buffer/setback areas of the property falling within or near wetlands and watercourses requires the obtaining of an Inland Wetland and Watercourses permit from the Environmental Protection Board.

Land disturbance and alteration of vegetation within wetlands and within buffer/setback areas to wetlands and watercourses without the required EPB permit is a violation of the Board's Inland Wetland and Watercourses Regulations.

In order to formalize these circumstances, and in light of the potential for adverse impacts on water resources within a watershed utilized for the providing of drinking water to residents of Stamford and neighboring Greenwich, the Environmental Protection Board hereby orders you to Cease and Desist from maintaining conditions on this property affecting regulated areas. It is the intent of this order to establish a timetable for you to bring the site into compliance.

According to Section 10 of the Environmental Protection Board's Regulations, you are entitled to a hearing on this order.

This matter will be given consideration at a Show Cause Hearing scheduled for Thursday, October 22, 2009 at a meeting beginning at 7:30 P.M. in the Planning Board Conference Room, 7th floor of the Stamford Government Center.

Your attendance, and/or the attendance of your representatives, is requested.

Please call me at 203-977-5021 to discuss the specifics of the hearing.

Sincerely,

David M. Emerson
Executive Director

Cc: Joseph Richichi, Esq.
Sherman Richichi & Hickey
27 5th Street
Stamford, CT 06902

Brian Roach, Watershed Inspector
Aquarion Water Company of Connecticut
714 Black Rock Turnpike
Easton, CT 06612

CERTIFIED MAIL – 7006 0100 0002 0747 5436

MEMO TO: James J. Lunney, III, Zoning Enforcement Officer
Zoning Enforcement

FROM: Richard H. Talamelli, Environmental Planner
Environmental Protection Board

SUBJECT: 1352 Riverbank Road
1352 Riverbank Road, LLC – Stephen Celentano, Member
Violation of Wetland and Sedimentation and Erosion Control Regulations

DATE: October 8, 2009

Attached, please find mapping, photographs and other available information showing certain unpermitted filling and grading activities at 1352 Riverbank Road, Stamford, Connecticut. Note that the activity is the subject of a recent citizen's service complaint (Service Request, 110816, 10/6/09)

This office has initiated an enforcement action to address wetland related issues. However, the absence of effective erosion controls has led to both on and offsite impacts. It appears as if the dwelling is not occupied, and efforts to contact the owner have yet to be successful. Work may be continuing after normal business hours.

Accordingly, your efforts to immediately issue a cease and desist order, post the property, and enforce the provisions of Section 15B of the Zoning Regulations ("Soil Erosion and Sediment Control Regulations") would be greatly appreciated.

Thank you.