

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
FINAL MINUTES OF THE SEPTEMBER 23, 2021
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

MEMBERS PRESENT:

Gary H. Stone, Chairman
Leigh Shemitz, Member
Ashley A. Ley, Member
Laura Tessier, Member
Todd Gambino, Member (Joined the meeting at 7:45 p.m.)
David J. Kozlowski, Alternate Member
Thomas C. Romas, Alternate Member
Stephen J. Schneider, Alternate Member

MEMBERS NOT PRESENT:

None

STAFF PRESENT:

Richard Talamelli, Executive Director/Environmental Planner
Pam Fausty, Environmental Analyst
Lindsay Tomaszewski, Environmental Analyst

The meeting was called to order by Mr. Stone at 7:30 p.m. Seated for the meeting were Mr. Stone, Dr. Shemitz, Ms. Ley, Ms. Tessier, Mr. Gambino, Mr. Kozlowski, Mr. Romas and Mr. Schneider.

The meeting was recorded.

MINUTES:

Minutes of the Regular Meeting July 15, 2021

The Board considered the minutes of the July 15, 2021, Regular Meeting. Members present and eligible to vote were Mr. Stone, Ms. Tessier, Ms. Ley and Mr. Kozlowski.

There were no comments or modifications recommended.

Motion/Vote: Upon a motion by Ms. Ley and seconded by Ms. Tessier, the Board voted to **APPROVE** the Minutes of the July 15, 2021 Regular Meeting as presented.

In Favor:	Stone, Tessier, Ley, and Kozlowski
Opposed:	None
Abstaining:	None
Not Voting:	None

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#2021-14 - 438 Hunting Ridge Road-Lot 3 - Ahneman Kirby, LLC for Daniel Villacis: To construct an in-ground pool, pool pavilion, pool septic, and other related features within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property is located along the west side of Hunting Ridge Road, approximately 1050 feet north of Wildwood Road, and is identified as Lot 3, Account 001-3418, Card W-031, Map 33, Block 397, Zone RA-1, and ±2.39 acres.

Extension: Reference is made to an EPB Staff Memo, dated September 16, 2021.

#2021-15 - 146 Minivale Road-Lot 3 - John Mallozzi, P.E. for Nestor Muralles: To maintain a wood deck, an above ground pool and related features, and restore wetlands, watercourses and associated upland review areas on property situated in the non-drinking water supply watershed of Springdale Brook. The property is located along the west side of Minivale Road, approximately 340 feet north of Bouton Street West, and is identified as Lot 3, Account 002-2622, Map 78, Block 380, Card W-020, Zone R-20, and Area $\pm 34,494$ s/f. This property was the subject to a Cease and Desist Order in May 2021.

Extension: Reference is made to EPB Staff Memo dated September 17, 2021.

#2021-16 - 88 Shelter Rock Road-Lot N-19 - Taylor Kurtz & Jason Bencivengo: To install a new septic system in special flood hazard areas and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property is situated along the east side of Shelter Rock Road, approximately 1200 feet south of Rocky Rapids Road, and is identified as Lot N19, Account 000-3383, Card E-010, Map 48, Block 394, Zone RA-1 and ± 1.379 Acres.

Motion/Vote: Upon a motion by Ms. Ley and seconded by Mr. Kozlowski, the Board voted to **ACCEPT** EPB Permit Application No. 2021-16.

In Favor:	Stone, Tessier, Ley, Kozlowski and Shemitz
Opposed:	None
Abstaining:	None
Not Voting:	None

Discussion: Mr. Stone acknowledged Application Nos. 2021-14 and 2021-15 requesting extensions, which had been granted and the receipt of the minimum information necessary to accept EPB Permit Application No. 2021-16.

ACTION ITEMS:

#2021-10 - 170 Canfield Drive-Lot 40 - Ken Nixon for Kevin Monahan & Mondana Nikoukari: To demolish an existing deck and construct a new bluestone patio proximate to wetlands situated in the drinking water supply watershed of the Mianus River. The property lies along the north side of Canfield Drive, approximately 350 feet west of Westover Road, and is identified as Lot 40, Account 003-1264, Card S-015, Map 95, Block 373, Zone RA-1, and $\pm 44,232$ square feet.

Reference is made to EPB Staff Memo dated September 16, 2021.

In Attendance: Ken Nixon, Contractor

Discussion: A summary of the application was offered by Ms. Tomaszewski providing project details and impacts to the area from the work proposed.

Mr. Stone asked the Board if there were any questions.

Ms. Ley, Ms. Tessier, Mr. Romas, Dr. Shemitz and Mr. Schneider stated no questions.

Mr. Kozlowski asked where the current propane tank is located? Assume it is above ground?
Ms. Tomaszewski deferred to the applicant's agent.

Ken Nixon, Contractor for the homeowner, stated the propane tank is currently located where the patio is

proposed to be placed; at the corner of the house towards the driveway.

Mr. Kozlowski asked about the Health Department's referral and wanted clarification as to what the Health Department is looking at in terms of relevance to EPB?

Ms. Tomaszewski explained the Health Department is concerned about the location of the propane tank in relation to the well, which is not shown on the plans. Ms. Tomaszewski stated she had spoken with Josh Polar in the Health Department and it was determined the tank was a sufficient distance away from the dwelling and there were no issues.

Mr. Kozlowski stated no further questions.

Mr. Stone called for any members of the public who wished to speak and there was no response.

Mr. Stone asked Mr. Nixon if he had received the EPB Agenda Summary Report and if there were any comments or objections with the conditions.

Mr. Nixon stated no objections but explained there was no other location appropriate to place the tank as the proposed location provides the required distance from windows and doors.

Motion/Vote: Upon a motion by Ms. Ley and seconded by Mr. Kozlowski, the Board voted to **APPROVE** EPB Permit No. 2021-10 with the 11 conditions outlined in the EPB Staff Memo dated September 16, 2021 subject to the review and approval of EPB Staff.

In Favor:	Stone, Ley, Shemitz, Tessier and Kozlowski
Opposed:	None
Abstaining:	None
Not Voting:	None

#2021-12 - 5 North Ridge Road-Lot 2 - North Ridge Contractors, LLC: To construct a single-family dwelling, drive, septic, well, drainage and other related facilities proximate to wetlands and watercourse situated in the drinking water supply watershed of the Rippowam River. The property is located along the south side of North Ridge Road, just east of Cascade Road, and is identified as Lot 2, Account 004-5917, Card E-001, Map 27, Block 384, Zone RA-1, and ± 1.4279 Acres.

Reference is made to EPB Agenda Summary Report, dated September 17, 2021.

#2021-13 - 265 Cascade Road-Lot 1 - North Ridge Contractors, LLC: To construct a single-family dwelling, drive, septic, well, drainage and other related facilities proximate to wetlands, watercourses and designated conservation easement areas situated within the drinking water supply watershed of the Rippowam River. The property is situated along the east side of Cascade Road, approximately 320 feet south of North Ridge Road, and is identified as Lot 1, Account 002-4916, Card S-023, Map 27, Block 384, Zone RA-1, and ± 1.1938 Acres.

Reference is made to EPB Agenda Summary Report, dated September 17, 2021.

In Attendance: Robert Rondano, North Ridge Contractors, LLC.
John Leydon, Esq.
Bryan Muller, P.E., Muller Engineering
John Pugliesi, P.E., Edward J. Frattaroli, Inc.
Matthew Popp, Environmental Land Solutions

Mr. Stone stated Application Nos. 2021-12 & 2021-13 would be discussed together but voted on separately.

Ms. Ley explained at the last meeting when these applications were presented, she Opposed these applications. The attorney representing the applicant felt Ms. Ley was pre-judging the applications. Ms. Ley stated she would recuse herself from the discussion so as not to cause any potential conflict to be an issue for the Board and would be turning off her video and muting her microphone.

Mr. Stone stated voting on these applications would be Mr. Stone, Dr. Shemitz, Ms. Tessier, Mr. Kozlowski and Mr. Romas.

Ms. Kozlowski announced that Mr. Gambino had joined the meeting.

Mr. Stone stated Mr. Gambino joined the meeting at approximately 7:45 p.m.

Mr. Stone restated that voting would be Mr. Stone, Mr. Gambino, Ms. Tessier, Dr. Shemitz and Mr. Kozlowski

Discussion: A summary of Application Nos. 2021-12 & 2021-13 was offered by Ms. Fausty providing details of the projects and impacts to the areas from the work to be performed.

Mr. Stone asked for questions from the Board.

Ms. Tessier and Mr. Kozlowski stated no questions.

There was then considerable discussion about 265 Cascade Road - Lot #1 pertaining to the area behind the attached garage and Condition #3 of the Agenda Summary Report requesting revised plans.

Mr. Stone asked the Board for additional comments; there was no response.

Mr. Stone asked Mr. Talamelli to adjust the record to show that Mr. Gambino did join the meeting at 7:30 p.m. via phone and then switched over to either a tablet or desktop. Confirmed by Mr. Gambino.

Mr. Gambino and Mr. Romas agreed with Dr. Shemitz that the Board would need revised plans for a full review.

Ms. Tessier and Mr. Kozlowski stated no comments.

Mr. Stone asked about the issue about the plan at this point.

Mr. Kozlowski asked what the practical effect would be if these applications are Tabled until the next meeting for them to prepare a plan on the actual development of the site?

Mr. Stone stated it would be for Board members to discuss.

There was a brief discussion about the construction schedule, impacts of waiting an additional month and how to proceed.

Mr. Schneider noted someone had a raised hand.

Mr. Stone called for the applicant's representatives.

John Leydon of the Law Office of John Leydon introduced himself along with Robert Rodano, North Ridge Contractors, LLC; Bryan Muller, Muller Engineering; John Pugliesi, Edward J. Frattaroli, Inc. and Matt Popp, Environmental Land Solutions. Mr. Leydon stated he just forwarded the plan to Ms. Fausty which was updated in accordance with the conditions. Mr. Leydon also acknowledged Dr. Shemitz's comments and requested Ms. Fausty screen-share the plan to review.

Mr. Stone asked the Board if they would like to see the plan. All Board members responded yes.

After an extensive discussion between Mr. Stone and the applicant's representatives, the current plan dated September 23, 2021 was screen-shared to be discussed.

Mr. Popp reviewed the updated plan and answered questions from the Board followed by an extensive discussion as to how to proceed with these applications taking into consideration the impacts to the watercourse and wetlands.

Mr. Stone asked the Board to determine how they desired to move forward with these applications, voting for: (1) an approval with the existing conditions; (2) an approval with modified conditions; (3) vote to Defer action until next meeting or (4) to Deny the application. Mr. Stone called for a motion.

Mr. Kozlowski stated he would make a motion to approve with a modification on Condition No. 3 that it be subject to review and approval by staff. Procedurally, should the motion be made followed by a discussion and if it gets denied, the Board moves on to the next item?

Mr. Talamelli asked if there was going to be a vote on one or both applications?

Mr. Stone stated the vote would be on 5 North Ridge Road - #2021-12.

Motion/Vote: Upon a motion by Mr. Kozlowski and seconded by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit No. 2021-12 with the 18 conditions outlined in the EPB Agenda Summary Report dated September 17, 2021 with a modification of Condition No. 3 to add the language "subject to the review and approval by EPB Staff" at the end due to the substantial environmental impact.

After a brief discussion of the motion, Mr. Stone called for the vote.

In Favor:	Stone and Kozlowski
Opposed:	Tessier and Shemitz
Abstaining:	None
Not Voting:	None

Upon taking the vote, it was discovered Mr. Gambino had dropped off the call and was decided since it was not known when Mr. Gambino dropped off and how much of the discussion was heard, it was decided Mr. Romas would vote on the application.

Mr. Stone restated the voting members would be Mr. Stone, Ms. Tessier, Dr. Shemitz, Mr. Kozlowski and Mr. Romas. Mr. Stone once again called for a vote.

Motion/Vote: Upon a motion by Mr. Kozlowski and seconded by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit No. 2021-12 with the 18 conditions outlined in the EPB Agenda Summary Report

dated September 17, 2021 with a modification of Condition No. 3 to add the language “subject to the review and approval by EPB Staff” at the end due to the substantial environmental impact.

In Favor:	Stone, Romas and Kozlowski
Opposed:	Tessier and Shemitz
Abstaining:	None
Not Voting:	None

Mr. Stone called for a vote on 265 Cascade Road - #2021-13 and stated the voting Board members would be Mr. Stone, Dr. Shemitz, Ms. Tessier, Mr. Romas and Mr. Schneider.

Motion/Vote: Upon a motion by Mr. Romas and seconded by Dr. Shemitz, the Board voted to **DENY** EPB Permit No. 2021-13 - 265 Cascade Road due to the conditions discussed.

Mr. Stone called for discussion of the motion.

After a brief discussion with regard to clearing the debris around the garage and additional plantings, Mr. Stone called for any final comments and then would call for a final vote.

Mr. Stone asked Mr. Romas for the specific reasons for Denial.

Mr. Romas stated his reasons for Denial were because of the debris around the garage and that more plantings should be put in that area due to the 100 ft. setback.

Mr. Stone stated there are conditions for additional plantings and clearing of the debris. Mr. Stone called for any further discussion.

Mr. Schneider stated he felt it would be fair for EPB staff to have more time to review this. It was mentioned by Ms. Fausty that she might even push the area back a bit and voting to approve this application would put staff at a disadvantage to try and do what is best for the site, the watercourses and what the Charter allows the Board to do.

Mr. Stone asked Mr. Schneider if he would endorse to Defer.

Mr. Schneider stated yes also noting that what is expected from a Deferment is Parcel 1 looking more like Parcel 2. Just removing the old garages do not necessarily mean that is OK. There would have to be substantial changes.

Mr. Stone asked Mr. Schneider that if Mr. Romas were to withdraw his motion, would Mr. Schneider be in the position to make the motion to Defer?

Mr. Schneider stated he did not feel strongly enough to make that motion; a new application should be submitted.

Mr. Stone restated the motion is to Deny the application and explained that voting “In Favor” is voting in favor of the motion to Deny.

Mr. Kozlowski asked for clarification with regard to procedure. If the motion is approved and the application is Denied and if the applicant still would like to build on the site, does the applicant have to start from the beginning of the entire process?

Mr. Talamelli stated yes.

Mr. Kozlowski stated if this were Deferred, it would give the applicant a month to put together a plan that is acceptable to the Board or at least in conformity with comments from the Board and then the Board can determine if that plan is acceptable. Mr. Kozlowski suggested Mr. Romas withdraw his motion and a different course be sought.

Dr. Shemitz stated that a Deferment would be acceptable to be able to review the application in a timely manner.

Mr. Stone asked Mr. Romas if he would be willing to withdraw his motion. Mr. Romas responded yes, and supported a Deferment so the applicant can bring more information to the Board.

Mr. Stone asked Mr. Romas if he would be willing, after withdrawing, to make a new motion? Mr. Romas responded yes.

Mr. Romas made a new motion to Defer with the conditions.

Mr. Stone restated that the motion from Mr. Romas is to Defer and the rationale is that there is more information the Board would like to have to review in a timely fashion and that most of those issues have been raised during the meeting today.

Motion/Vote: Upon a motion by Mr. Romas and seconded by Dr. Shemitz, the Board voted to **DEFER** EPB Permit No. 2021-13 - 265 Cascade Road to the November 18, 2021 meeting.

Mr. Stone called for discussion on the motion to Defer. There was no response.

In Favor: Stone, Shemitz, Romas and Schneider
Opposed: Tessier
Abstaining: None
Not Voting: None

Site Plan Review: None

Subdivision Review:

#4044 - 60 Blueberry Drive-Lot A - Christopher & Karen Harris - Two (2) Lot Subdivision: Subdivision of the existing ± 1.329 acre parcel into two (2) parcels capable of supporting residential development. Both two subdivided parcels are expected to be served by sanitary sewers and public water. The property lies along the north side of Blueberry Drive, approximately 460 feet east of Skyview Drive and is identified a Lot A, Account 001-2230, Card N-004, Map 102, Block 360, Zone R-20, and ± 1.329 Acres.

Reference is made to an EPB Agenda Summary Report, dated September 16, 2021.

Discussion: A summary of the application status was offered by Mr. Talamelli providing details of the site and impacts from the proposed work.

Mr. Stone called for questions from the Board.

Mr. Romas, Mr. Kozlowski and Mr. Schneider responded no questions.

Dr. Shemitz made a comment on the Agenda Summary Report with regard to the reduction of the impervious

surface and that the one cut on the driveway made a lot of sense.

There was then considerable discussion regarding concerns with the amount of impervious surface, Zoning regulations and possible requests for variances, and configuration of the driveway.

Mr. Stone asked if anyone from the public was present; there was no response.

Mr. Stone asked Mr. Muller if he received the Agenda Summer Report and was in agreement. Mr. Muller responded yes and confirmed agreement.

Mr. Stone stated the voting members would be Mr. Stone, Mr. Kozlowski, Ms. Tessier, Ms. Ley and Dr. Shemitz.

Mr. Stone called for a motion.

Motion/Vote: Upon a motion by Mr. Kozlowski and seconded by Ms. Ley, the Board voted to **OFFER NO OBJECTIONS** to Subdivision #4044 with the 7 conditions outlined in the EPB Agenda Summary Report dated September 16, 2021 and an added request to incorporate the recommendations made by Ms. Ley.

In Favor: Stone, Kozlowski, Tessier, Ley and Shemitz
Opposed: None
Abstaining: None
Not Voting: None

Show Cause Hearings/Enforcement: None

Other Business:

Draft EPB Meeting Schedule for 2022.

After a brief discussion, Mr. Stone called for a motion to Approve the 2022 Meeting Schedule.

Motion/Vote: Upon a motion by Ms. Tessier and seconded by Ms. Ley, the Board voted to **APPROVE** the EPB Meeting Schedule for 2022.

In Favor: Stone, Schneider, Tessier, Ley and Shemitz
Opposed: None
Abstaining: None
Not Voting: None

Dr. Shemitz requested to ask a question about the extension for 146 Minivale Road. Mr. Stone responded yes.

Dr. Shemitz stated on looking back at the notes, this started back on March 18th so it has been 6 months since the complaint was first received and this is the site where a lot of work was done without a permit.

Mr. Talamelli stated this started as a violation

So we gave them a chance to submit an application but there was language in the minutes saying that does not mean it is approved. But the timetable seems very extended for a violation; in 6 months they have not gotten back to us with an application.

Mr. Talamelli stated they did file an application in May or June and they are within their rights for the extensions, especially in this pre-COVID era where they did have additional time. They did submit an application with drainage considerations, plantings and other things but both Engineering and EPB staff asked for additional information. Also working with Zoning and the Building Department as there are other encroachments that may not even be permissible so they are looking at it as well. They asked for the extension to address our request for additional information.

Dr. Shemitz asked if there is movement?

Mr. Talamelli stated there was movement to get the application in, submitted in June and they are within the timeframe particularly with the COVID extensions that existed prior to July.

ADJOURN:

Adjourn the Regular Meeting of October 21, 2021:

Motion/Vote: Upon a motion by Ms. Tessier and seconded by Dr. Shemitz, the Board voted to **ADJOURN** the Regular Meeting of September 23, 2021.

In Favor:	Stone, Tessier, Ley, Kozlowski and Shemitz
Opposed:	None
Abstaining:	None
Not Voting:	None

Meeting adjourned at 9:45 p.m.

Gary H. Stone, Chairman
Environmental Protection Board