

FINAL

ENVIRONMENTAL PROTECTION BOARD CITY OF STAMFORD MINUTES OF THE DECEMBER 15, 2022 REGULAR MEETING CONDUCTED VIA INTERNET AND CONFERENCE CALL

MEMBERS PRESENT:

Gary H. Stone, Chairman
Joseph Todd Gambino, Member
Laura Tessier, Member
Leigh Shemitz, Member (Arrived at 7:35 p.m.)
Thomas C. Romas, Alternate Member
Stephen Schneider, Alternate Member

MEMBERS NOT PRESENT:

David Kozlowski, Alternate Member

STAFF PRESENT:

Robert Clausi, Executive Director
Lesley Capp, OSS, Land Use Bureau

Mr. Stone called the meeting to order 7:30 p.m. Seated to vote for the meeting were Mr. Stone, Mr. Gambino, Ms. Tessier, Dr. Shemitz, and Mr. Romas.

Mr. Stone introduced the first item on the agenda.

➤ MINUTES:

September 21, 2022 (Special Meeting)

The Board considered the minutes of the September 21, 2022 Special Meeting. Members present and eligible to vote were Mr. Gambino, Dr. Shemitz and Mr. Romas.

There were no comments or modifications recommended.

Motion/Vote: Upon a motion by Dr. Shemitz and second by Mr. Romas the Board voted to **ACCEPT** the Special Meeting Minutes of September 21, 2022.

In Favor: Gambino, Shemitz and Romas.
Opposed / Abstaining / Not Voting: None.

November 17, 2022 (Regular Meeting)

The Board considered the minutes of the November 17, 2022 Regular Meeting. Members present and eligible to vote were Mr. Stone, Mr. Gambino, Ms. Tessier and Mr. Schneider.

There were no comments or modifications recommended.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino the Board voted to **ACCEPT** the Regular Meeting Minutes of November 17, 2022.

In Favor: Stone, Gambino, Tessier and Schneider.
Opposed / Abstaining / Not Voting: None.

➤ **APPLICATIONS & PERMITS:**

Acceptances/Extensions/Withdrawals:

#2022-25 - 146 Minivale Road-Lot 3 - John Mallozzi, PE representing Nestor Muralles:

Legitimize above-ground pool and deck within upland review area on property situated within the non-drinking water supply watershed of Springdale Brook. The property is identified as Lot 3, Account 002-2622, Map 78, Block 380, Zone R-20, and is ±2.82 acres.

#2022-21 - 235 Woodbine Road-Lot 9 - Quesited Consulting, LLC representing Rittereiser

(Extension): To install a new septic system within portions of the Upland Review Area on property situated within the drinking water supply watersheds of the Rippowam River (Upper Reach). The property is situated along the north side of Woodbine Road, at the northeast intersection with Cedarwood Road, and is identified as Lot 9, Account 001-5996, Card E 018, Map 18, Block 190, Zone RA-1, and is ±1.054 Acres.

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Application No. 2022-25.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas the Board voted to **ACCEPT** EPB Permit Application No. 2022-25.

In Favor: Stone, Gambino, Tessier, Shemitz, and Romas.
Opposed / Abstaining / Not Voting: None.

Mr. Stone also acknowledged the extension of time granted by the applicant for the EPB to review Permit Application No. 2022-21.

Action Items:

#2022-22 - 352 Bayberrie Drive-Lot 24 - Glengate Company representing Dina & Antonios

Daskalakis: To construct an in-ground pool, fencing, and associated drainage system proximate to wetlands on a property located within the non-public drinking water supply watershed of the Rippowam River. The property is situated along the west side of Bayberrie Drive, and is identified as Lot 24, Account 001-9123, Card N-010, Map 113, Block 361, Zone R-20, and is ±1.10 Acres.

In Attendance: Josh Wooldridge, Glengate Company

Discussion: Mr. Clausi summarized the application on behalf of Environmental Analyst Jaclyn Chapman and provided details of the project and impacts to the area from the work proposed.

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

Mr. Gambino asked whether the size of the future patio had been included in the calculations for storm water management system. Mr. Clausi answered that 254 square feet beyond the area of the pool had been included in the sizing of the drainage system. After some discussion, it was decided to specify in the permit conditions that the patio may not exceed 254 sq. ft. in size.

Mr. Stone asked Mr. Wooldridge if he had received a copy of the Agenda Summary Report and if he had any questions or comments. Mr. Wooldridge stated did receive the report and had no further questions or comments.

Hearing no further questions or comments from the members or the public, Mr. Stone asked for a motion from the Board.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Romas, the Board voted to **APPROVE** EPB Permit No. 2022-22 subject to the eleven (11) conditions outlined in the Agenda Summary Report dated December 9, 2022 with the note that the pool patio shall not exceed 254 sq. ft. in area.

In Favor: Stone, Tessier, Gambino, and Romas
Opposed / Abstaining / Not Voting: Shemitz (Due to delayed arrival)

#2022-23 - 120 Shelter Rock Road-Lot N-29 - Clooback Family Trust: To install a new generator and underground propane tank within the wetlands and watercourses upland review area on a property situated within the drinking water supply watershed of the Mianus River (East Branch). The property is situated along the south side of Shelter Rock Road, approximately 550 feet north of the intersection of Shelter Rock and Rising Rock Roads, and is identified as Lot N-25, Account 002-4420, Card E-013, Map 56, Block 394, Zone RA-1, and is ±1.4042 acres.

In Attendance: N/A

Discussion: Mr. Clausi summarized the application on behalf of Environmental Analyst Lindsay Tomazsewski and provided details of the project and impacts to the area from the work proposed.

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

Dr. Shemitz commented that the use of propane to power this generator eliminated the issues the Board recently grappled with as it considered a recent application to install a fuel oil-powered generator in the drinking water supply watershed.

Hearing no further questions or comments from the members or the public, Mr. Stone asked for a motion from the Board.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino, the Board voted to **APPROVE** EPB Permit No. 2022-23 subject the six (6) conditions in the Agenda Summary Report dated December 2, 2022.

In Favor: Stone, Gambino, Tessier, Shemitz, and Romas
Opposed/Abstaining/Not Voting: None.

#2022-24 - 76 Emerald Lane-Lot 4A - Ahneman Kirby, LLC representing Ajit Divaraniya: To install an in-ground pool, patio, and retaining wall within a Conservation Easement Area and revise a wetland boundary on property situated within the non-drinking water supply watershed of Springdale Brook. The property is situated at the terminus of Emerald Lane and is identified as Lot 4A, Account 003-8955, Card S 004Z, Map 69, Block 380, Zone RA-1, and is ±2.819 acres.

In Attendance: Ida Gheibi, Ahneman Kirby, LLC

Discussion: Mr. Clausi summarized the application and provided details of the project and impacts to the area from the work proposed.

Mr. Clausi began his presentation by providing background on the creation of this subdivision and development of the subject lot in the mid-1980s. He then focused on the applicant's request that the Board recognize a revision to the wetland delineation on this property based on recent soils investigations by James McManus and William Kenny. After some discussion, the sense of the members was this revision is warranted.

Mr. Clausi continued with his presentation by describing issues with the conservation easement on the subject property. After some discussion, the sense of the members was that the area under easement should be amended to protect the woods along the eastern property line and eliminate conflicts with existing and proposed residential uses around the house.

[Mr. Gambino dropped off the Zoom call during the conversation about the conservation easement and Mr. Stone asked Mr. Schneider to step in to vote.]

Regarding implementation of the pool proposal, Mr. Clausi noted impacts to the wetland are extremely unlikely since the pool site is down gradient from the wetland and explained that the use of the recommended erosion controls should prevent any other impacts. The Engineering Bureau has approved the stormwater exemption that was submitted as part of this application. Mr. Clausi concluded by summarizing several ways this application could be handled by the Board this evening.

Mr. Stone asked Ms. Gheibi if she had received a copy of the Agenda Summary Report and if she had any comments. Ms. Gheibi stated had not comments and added the report had been reviewed with her client and they expressed no concerns about seeking the Planning Board's approval to revise the conservation easement.

Hearing no further questions or comments from the members or the public, Mr. Stone asked for a motion from the Board.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Schneider, the Board voted to **APPROVE** EPB Permit No. 2022-24 subject to the nine (9) conditions in the Agenda Summary Report dated December 7, 2022 with the addition of another condition requesting the applicant apply to the Planning Board to revise the boundaries of the conservation easement in accordance with the equal area swap depicted on a sketch attached to the Agenda Summary Report.

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

➤ **SITE PLAN REVIEWS:** None.

➤ **SUBDIVISION REVIEWS:**

#4046 - 29 Intervale Road and 131 & 139 Turn of River Road-Lots A, B, C - TH1, LLC & HB Capital, LLC: Subdivision of three parcels with a combined area of ~3.96 acres to create eleven lots, each capable of supporting a single-family residence. The subdivided parcels will be served by public water and sanitary sewer.

In Attendance: Richard Redniss, Redniss & Mead, Inc.

Discussion: Mr. Clausi summarized the Agenda Summary Report, which provides details of the project and potential impacts to the wetland area from the work proposed.

Mr. Redniss made a presentation on behalf of the applicant and shared alternatives that have been abandoned (e.g., a 12-lot subdivision, a narrower right-of-way) and those still under consideration (e.g., a zoning change to allow for reduced front yard setback, expanded conservation easement to mitigate for encroachments into the upland review area).

General discussion ensued related to various aspects of the proposal. The consensus of the members seemed to be that the proposal as submitted requires some improvement from the wetland and resource conservation perspective.

Mr. Clausi asked if it was appropriate to ask if there were public comments, to which Mr. Stone answered this is not required because this matter is not being considered in a public hearing. However, Mr. Stone went on to ask if there were any public comments and hearing none, stated this item will be **TABLED** until the January meeting.

➤ **SHOW CAUSE HEARINGS/ENFORCEMENT:**

191 Skyview Drive - Miralem Cecunjanin-Lot 100 - Show Cause Hearing: Unauthorized tree clearing from the wetland at the rear of 191 Skyview Drive.

In Attendance: Miralem Cecunjanin

Discussion: Mr. Clausi summarized the December 7, 2022 "Enforcement Report" by providing background on the property and details of the unauthorized clearing that prompted the issuance of a Cease and Desist Order on December 7, 2022.

Mr. Stone asked if the property owner was present and Mr. Miralem identified himself. Mr. Cecunjanin explained he did not realize he could not take down the trees without EPB approval and had only done so due to his concerns about the safety of his family after a tree fell and landed on his house and car. He noted other trees remain a concern and he has hired an arborist to do an assessment. Mr. Gambino asked whether a tree determined to be hazardous by the arborist can it be removed immediately with the Cease and Desist Order in place. Mr. Clausi responded that hazard trees can be removed immediately.

Some discussion ensued about the particulars of the wetland restoration to be required. The sense of the Board was to support implementation of a planting plan that will restore a closed canopy over the affected wetland area.

Mr. Schneider stated he is familiar with this neighborhood and can see from aerial photographs that other properties have encroachments into the wetland and buffer. He is concerned that the Board apply the same standards to all property owners. Mr. Clausi noted the difficulty of implementing retroactive enforcement actions and suggested that a letter explaining the restrictions on conducting unauthorized regulated activities in and adjacent to this neighborhood swamp can be sent to the owners of all of the properties that back up to this wetland. The members seemed supportive of this approach.

Hearing no further questions or comments from the members, Mr. Cecunjanin, or the public, Mr. Stone asked for a motion from the Board.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino, the Board voted to maintain the Cease and Desist Order and issue an Order to Correct in accordance with the conditions outlined in the December 7, 2022 Enforcement Report for 191 Skyview Drive and; second by Mr. Gambino.

In Favor: Stone, Gambino, Tessier, Shemitz, and Romas.
Opposed / Abstaining / Not Voting: None.

➤ **OTHER BUSINESS:**

#1911 - 128 North Stamford Road-Lot B - David Devin (Extension): To construct a residential addition, repair foundation, install a wood landing, and other related features proximate to wetlands and watercourses situated in the non-public drinking water supply watershed of the Poorhouse Brook. The property is situated along the west side of North Stamford Road approximately 580 north of Lakeside Drive, and is identified as Parcel B, Account 004-2096, Card N-010, Map 36, Block 387, Zone RA-1, and ±3.532 Acres.

#2844 - 280 Ingleside Drive-Lot B-2 - Michael Innaurato (Extension): To construct a new single family residence, patio, pool, driveway, and septic system within and proximate to wetlands, watercourses, and designated conservation areas on property situated within the drinking water supply watershed of the Rippowam River and the non-drinking water supply watershed of Poorhouse Brook. The property lies along the west side of Ingleside Drive, approximately 125 feet south of Spring Hill Lane East, and is identified as Lot B-2, List 004-5435, Card N-013A, Block 217, Zone RA-2 and ±2.01 Acres.

Discussion: Mr. Stone acknowledged the request for an Extension for EPB Permit Application Nos. 1911 and 2844.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino the Board voted to **APPROVE** the Extension requests for EPB Permit Application Nos. 1911 and 2844.

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

Mr. Stone asked Mr. Clausi to remind the members about the upcoming meeting dates. Mr. Clausi stated the next meetings would be the Budget meeting on January 5, 2023 and the regular meeting on January 19, 2023. Mr. Clausi stated the Budget meeting is important, will be short, and will need a quorum.

➤ **ADJOURN:**

Motion/Vote: Upon a motion by Mr. Romas and second by Ms. Tessier the Board voted to **ADJOURN** the Regular Meeting of December 15, 2022.

In Favor: Stone, Gambino, Tessier, Shemitz and Romas

Opposed / Abstaining / Not Voting: None

Meeting adjourned at 9:16 p.m.

Gary H. Stone, Chairman
Environmental Protection Board