

**FINAL**  
**ENVIRONMENTAL PROTECTION BOARD**  
**CITY OF STAMFORD**  
**MINUTES OF THE JULY 20, 2023**  
**REGULAR MEETING**  
**CONDUCTED VIA INTERNET AND CONFERENCE CALL**

**MEMBERS PRESENT:**

Gary H. Stone, Chairman  
Leigh Shemitz, Member  
Laura Tessier, Member  
Joseph Todd Gambino, member (arrived at 7:59 pm)  
David Kozlowski, Alternate Member  
Stephen Schneider, Alternate Member

**MEMBERS NOT PRESENT:**

Thomas Romas, Alternate Member

**STAFF PRESENT:**

Robert Clausi, Executive Director  
Courtney Fahan, OSS, Land Use Bureau

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

Mr. Stone introduced the first item on the agenda.

➤ **MINUTES:**

**April 20, 2023 (Regular Meeting)**

The Board considered the minutes of the April 20, 2023 Regular Meeting. Members who were present at that meeting and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Tessier, and Mr. Kozlowski. No comments or modifications were recommended.

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Mr. Kozlowski, the Board voted to **ACCEPT** the Regular Meeting Minutes of April 20, 2023.

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

**June 15, 2023 (Regular Meeting)**

Consideration of the minutes of the June 15, 2023 Regular Meeting was **TABLED** to the September 21, 2023 meeting due to the absence of a quorum of the members who were present at the April meeting.

## APPLICATIONS & PERMITS:

### Acceptances/Extensions/Withdrawals:

**#2023-02 – 1349 Newfield Avenue – Lot A – Sterling Farms Golf Course; c/o Michael Golden, Golf Course Superintendent:** To conduct hydro-raking activities within and proximate to wetlands and two ponds on property situated within the non-drinking water supply watersheds of the Springdale Brook, Ayers Brook, and Noroton River. The property is situated along the east side of Newfield Avenue, approximately 50' east of the intersection of Newfield Avenue and Newfield Drive, and is identified as Lot A, Account 002-6063, Card E 073, Map 78, Block 380, Zone P, and is  $\pm$  132.500 Acres.

**#2023-04 – 115 Mill Brook Road – Lot 10 – Arsim Hajdari for Lazarenko:** To construct a deck and patio, and maintain a propane tank proximate to wetlands and watercourses on property situated within the drinking water supply watershed of the Mianus River. The property is situated on a private road, approximately 500 feet to the east of the Mill Brook Road cul-de-sac, and is identified as Lot 10, Account 003-5070, Card W-007, Map 88, Block 373, Zone RA-1 and is  $\pm$  1.139 acres.

**#2023-07 – 94 Bentwood Drive – Lot 11 – Mastera for Todrin:** To replace a deck, and install a generator and propane tank within the upland review area of wetlands and watercourses on property situated within the drinking water supply watershed of the Mianus River (West Branch). The property is situated along the south side of Bentwood Drive, approximately 1,100 feet south west of the intersection of Bentwood Drive and Erskine Road, and is identified as Lot 11, Account 000-7700, Card S-004, Map 39, Block 400, Zone RA-3, and is  $\pm$  2.001 Acres.

**Discussion:** Mr. Stone noted that these three applications have been withdrawn by the applicants.

**#2023-10 – 163 Breezy Hill Road – Lot 11 – Dinino for Paisner:** To maintain a generator and propane tanks within the wetland and watercourse upland review area on property situated within the drinking water supply watershed of the Mianus River East Branch. The property is situated at the cul de sac of Breezy Hill Road, approximately 325 feet north of the intersection of Breezy Hill and Happy Hill Roads, and is identified as Lot 11, Account 003-1238, Card N 013Z, Map 8, Block 402, Zone RA-1, and is  $\pm$  1.637 Acres.

**#2023-11 – 83 Camp Avenue – Lot 22 – Steve Mickels:** To continue the use of the property as a storage area for landscaping materials, including gravel, topsoil, and mulch and erosion protection measures within the special flood hazard area Zone AE (Base Flood Elevation 76 feet, FIRM panel 09001C0507F). The property is situated along the south side of Camp Avenue, and is identified as Lot 22, Account 001-0553, Card S-006, Map 86, Block 319, Zone MG, and is  $\pm$  0.508 Acres.

**#2023-12 – 28 Quaker Ridge Road – Lot B – Anlyn Hilderbrand:** To construct an in-ground pool proximate to wetlands on a property located within the non-drinking water supply watershed of the Haviland Brook. The property is situated along the north side of Quaker Ridge Road, and is identified as Lot B, Account 001-0344, Card N-002, Map 34, Block 391, Zone RA-1, and is  $\pm$  0.916 Acres.

**#2023-13 – 146 Blackberry Drive – Lot 15 - Jane & David Novick:** To install a generator and propane tank, and maintain a shed and fence within the wetland and watercourse upland review area on property situated within the drinking water supply watershed of the Mianus River East Branch. The property is identified as Lot 15, Account 003-0834, Card S-009, Map 15, Block 402, Zone RA-1, and is  $\pm$  1.78 Acres.

**Discussion:** Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Application Nos. 2023-10, 2023-11, 2023-12, and 2023-13.

**Motion/Vote:** Upon a motion by Dr. Shemitz and second by Mr. Kozlowski, the Board voted to **ACCEPT** EPB Permit Application Nos. 2023-10, 2023-11, 2023-12 and 2023-13.

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

### **Action Items:**

**#2023-09 – 12 Walter Lane – Lot 10 – Chailin Barroso and Juan Castro:** To construct an addition, driveway modification, storm drainage system, and site grading proximate to a watercourse and wetlands on a property located within the drinking water supply watershed of the Mianus River (West branch). The property is situated on a corner lot along the south side of Walter Lane and the west side of Den Road, and is identified as Lot 10, Account 002-5455, Card S-001, Map 81, Block 374, Zone RA-1, and is  $\pm$  1.03 Acres.

**In Attendance:** Matt Kivijarv, Rocco V. D'Andrea, Inc.

**Discussion:** A summary of the application offered by Ms. Chapman provided details of the project and discussed the impacts to the area from the work to be performed. Ms. Chapman stated that a building permit for the pool was filed in 1976, but an EPB permit was never obtained. Ms. Chapman recommended the Board acknowledge that the owner may maintain this pool.

Dr. Shemitz had a concern regarding recommended condition of approval #4 and suggested this condition also require boulders be set along the edge of the buffer planting area to help prevent future landscaping encroachments. Mr. Clausi suggested the location of the demarcation feature be required as part of the as-built survey noted in recommended condition of approval #10.

Hearing no other substantive questions or comments from the members, Mr. Stone asked the applicant's agent, Mr. Kivijarv, if he had any questions or concerns about the recommendations contained in the Agenda Summary Report. Mr. Kivijarv said he had no questions or concerns.

Hearing no further comments, Mr. Stone asked for a motion from the Board.

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Mr. Kozlowski the Board voted to **APPROVE** EPB Permit No. 2023-09 subject to the 13 conditions outlined in the Agenda Summary Report dated July 14, 2023, with modification of conditions 4 and 10 as noted above.

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

➤ **SITE PLAN REVIEWS:** None

➤ **SUBDIVISION REVIEWS:** None

➤ **SHOW CAUSE HEARINGS/ENFORCEMENT:**

**136 Breezy Hill Road – James Banahan:** Unauthorized clearing of vegetation and filling within wetlands, watercourse, and upland review area.

**In Attendance:** James Banahan, Owner  
Attorney John Leydon, Owner's Agent  
Matthew Popp

**Discussion:** A summary of the unauthorized activities offered by Ms. Chapman provided details of the clearing of vegetation and filling within wetlands, watercourse, and upland review area. Mr. Clausi summarized his interaction with the owner of the property, whom he described as cordial and cooperative.

Mr. Leydon introduced himself and noted that they intend to submit the restoration plan that staff has recommended. He noted that Mr. Banahan purchased the property in 2021 and found it in substantially its current condition. Mr. Leydon also stated Mr. Banahan recently spread a small amount of topsoil in the area.

Discussion ensued among the members of the board regarding the extent to which Mr. Banahan should be required to restore an area he was not involved in clearing and filling. Mr. Banahan described what the property looked like when he purchased it and noted that the title search did not include information about the prior EPB permit.

At the conclusion of the discussion, Mr. Stone asked for a motion from the Board.

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Mr. Kozlowski, the Board voted to maintain the Cease & Desist Order and approve the recommendation made in the EPB Enforcement Report that a restoration planting plan be submitted by August 20<sup>th</sup> for consideration the Board at the September meeting.

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

Prior to taking up the next matter, Mr. Stone noted that Mr. Gambino had joined the meeting and would be replacing Mr. Schneider for the remainder of the evening's votes.

**14 Cow Path Drive – Sergio Mendoza:** Unauthorized clearing of vegetation within wetlands and upland review area.

**In Attendance:** Sergio Mendoza, Owner

**Discussion:** A summary of the unauthorized activities was presented by Mr. Clausi on behalf of Environmental Analyst Lindsay Tomaszewski. Mr. Clausi stated that staff noticed the violation when they went to the property to assess the owner's interest in building a deck.

Hearing no substantive questions or comments from the members, Mr. Stone asked the applicant, Sergio Mendoza, to introduce himself and state what was done on the property. Mr. Mendoza stated his goal was to eliminate hazardous trees and he is willing to restore the area with new trees. He is also prepared to modify the fence that was installed along Westover

Road so it complies with the approved plans.

At the conclusion of the discussion, 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 Enforcement report dated July 12, 2023 with the staff recommendation that a planting plan be prepared by August 20<sup>th</sup> to be considered by the Board at the September meeting.

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

➤ **OTHER BUSINESS:**

**1 Mill Road**- Withdraw Cease & Desist Order and Notice of Violation

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Mr. Gambino the Board voted to withdraw the Cease and Desist Order and Notice of Violation.

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

**87 & Bridge Street** – Withdraw Cease & Desist Order and Notice of Violation

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Mr. Gambino the Board voted to withdraw the Cease and Desist Order and Notice of Violation

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

**Proposed initiative to reduce wetlands violations committed by new property owners.**

**Discussion:** Mr. Clausi stated that a high percentage of the violations are committed by new property owners. Mr. Clausi described the notification letter he proposes to send to recent single-family property purchasers in an effort to cut down on the number of these violations. The members voiced their support of this initiative. Upon a suggestion made by Ms. Tessier, Mr. Clausi said he would explore what additional information staff might provide to the public, such as Geographic Information System wetland maps. No formal action was taken by the Board.

➤ **ADJOURN:**

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Mr. Gambino the Board voted to **ADJOURN** the Regular Meeting of July 20, 2023.

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

Meeting adjourned at 8:59 p.m.

Gary H. Stone, Chairman  
Environmental Protection Board