



City of Ansonia
INLAND WETLANDS COMMISSION

253 Main Street
Ansonia, Connecticut 06401

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10 APR 12 AM 8:30
Madelaine H. Battone
TOWN AND CITY CLERK
ANSONIA, CONNECTICUT

April 1, 2010

Regular Meeting

Present: David Knapp, Chairman
Wendyann Fowler
Tim Holman
David Madar
Ed Phipps

Absent: Kevin Cegelka
John Jones

Others Present: Fred D'Amico, City Engineer – arrived 7:05 p.m.
Peter Crabtree, Zoning Enforcement Officer – arrived 7:10 p.m.
Tom Welch, Special Counsel

The regular meeting of the Ansonia Inland Wetlands Commission was called to order at 7:00 p.m. by Chairman Knapp.

All present rose and Pledged Allegiance to the Flag.

The secretary called the roll.

The Chairman declared a quorum present.

Chairman Knapp thanked the Commission members for their attendance this evening and he wished them a Happy and Safe Holiday.

Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the March 4, 2010 regular meeting. Ms. Fowler seconded. All in favor, so carried.

IWC040110

Bills

Mr. Phipps made a motion to pay all bills if found to be correct. Mr. Madar seconded. All in favor, so carried.

1. Bill for research and preparation for the Return of Record for Attorney Shansky for Melrose Estates LLC/TUG LLC Court Case prepared by J. Flaherty: \$385

Correspondence

Mr. Phipps made a motion to accept all of the correspondence received, dispense with the reading, and place them on file. If a member requests one read or acted upon the correspondence will be brought up individually. Mr. Madar seconded. All in favor, so carried.

1. Thomas Welch, attorney, Welch, Teodosio, Stanek & Blake re: 34 Benz St., Marcucio dated 3/2/10
2. Randolph F. Carroll, Chair Historical Commission re: Novichyk Farm, Pulaski Highway preservation of colonial stone wall dated 3/24/10
3. CT. ERT Funding dated 3/1/10
4. St of CT re: 2009 Legislation & Regulations Advisory dated 3/3/10
5. Forest Practices Advisory Board letter dated 3/15/10
6. St. of CT re: release of digital files of surveying maps and engineering plans. Dated 3/1/10
7. Application: Andrew & Heather Tkacs, 17 Hodio Drive., Ansonia
8. Resubmission/Amended Application: NCW Development Corp. William Griffin, 54 Benz Street, Ansonia
9. Connecticut Town & City, CCM, Newsletter Vol. 37, No. 7 dated February 2010

Public Session

Chairman Knapp asked if there was anyone from the public who wished to address the commission.

Steven Schumacher	and	Lou Mazzorale
8 Milan Street		22 Milan Street
Ansonia, CT		Ansonia, CT

Both Mr. Schumacher and Mr. Mazzorale addressed the commission together.

Mr. Schumacher stated there is a swamp behind the Ansonia Nature Center and Mead School near the location for the Ansonia Community Organic Garden Club. The Community Organic Garden members filled in the swamp with debris, chairs, leaves, old clothing, etc. They are also filling in the wetlands.

Chairman Knapp asked if they called Mr. Crabtree to explain to him the problem that is happening up there.

Mr. Mazzorale said that they did call Mr. Crabtree and he went up there to the Gardens.

Mr. Schumacher explained the area that was being filled in. He said there is a road to the field (hay field) and they have filled in the road and the road is flooded and there is now a dam in the wetlands. There are 55 gallon drums that are dumped there and they are bringing garbage into the wetland. There was a chicken coup with chickens but they are gone.

Mr. Mazzorale explained where they filled in and the location where they are now driving back into this area and field. He said there is garbage dumped back there.

Mr. Holman suggested the commission do a site walk to see what is happening there. He also said that Mr. Crabtree should go up there and issue a cease and desist order.

Mr. Mazzorale said there is a shed that has been built as a Chicken Coup for the chickens and there is a greenhouse that was put up today.

Mr. Holman made a motion to send Mr. Crabtree up there to investigate this situation.

There was no second to the motion.

Mr. Crabtree said that he was up there and there is a shed with no permit and a hoop house that was put up.

Mr. Mazzorale said the hoop house has been moved into the wetland.

Mr. Holman said the Community Gardens are a sub-committee of the Conservation Commission and they have the authority to stop this.

Mr. Holman said to have Mr. Crabtree go up there and look at it and have the Attorney send a letter to the President of the Community Gardens requesting he stop what is going on up there.

Mr. Phipps said it should go to P&Z.

Mr. Knapp asked Mr. Welch what action the commission should take on this.

Mr. Welch said it would be a cease and desist to our own agency because the City owns the property and the Garden Club is part of the city. It would have to be sent to the Board of Aldermen. He suggested that Mr. Crabtree go up there and take a look and then a letter could be sent to the Board of Aldermen and Acting Mayor Blume.

Mr. Crabtree said he will call Acting Mayor Blume.

Mr. Schumacher said Mike Schryver, Supt. of Public Works was up there also.

Chairman Knapp said Mr. Crabtree will get the names of the people who are in violation and the Commission will act accordingly. In the meantime the activity up there should stop.

Chairman Knapp thanked Mr. Schumacher and Mr. Mazzorale for coming down to the Commission meeting to advise the members as to what is happening.

Mr. Mazzorale presented pictures that he had taken of the area at the Community Gardens.

The pictures were passed around so that the members could view them.

Chairman Knapp thanked Mr. Schumacher and Mr. Mazzorale for bringing this to Inland Wetlands attention.

Mr. Schumacher said the land is not theirs; it's the City's land.

Mr. Crabtree said he was up there once before and Mr. Schryver was up there. The time was around Christmas time.

Chairman Knapp asked three (3) times if there was anyone else who wished to address the commission. There being none, he called for a motion to close the public session.

Mr. Phipps made a motion to close the public session. Ms. Fowler seconded. All in favor, so carried.

Release of IWC Bonds

1. J. Melko

Chairman Knapp said this property is on the corner of Sheasby Road and Pulaski Highway.

Mr. D'Amico said that property is OK.

Chairman Knapp asked Mr. D'Amico to provide a letter to the Commission recommending release of the bond.

Mr. Holman made a motion to table until the Commission receives a letter from the City Engineer. Mr. Phipps seconded. All in favor, so carried.

2. White Hills Homes (Hoinski Way)

Chairman Knapp said that this is currently in court.

Attorney Welch said the project was denied by Planning & Zoning so they don't have approval to build the project.

A discussion followed.

Mr. Phipps made a motion to table to next months meeting. Mr. Madar seconded. All in favor, so carried.

There was discussion on the list of bonds presented for release that was discussed at last month's meeting. Mr. D'Amico said he will review this list and assess the sites for release of the bond. He will report back in writing to the commission next month on the bonds that could be released.

The list of bonds to be reviewed for release is:

1. Beaver Brook apartments, Beaver Street issued 1997 for a parking area in front of the apartments facing the reservoir.
2. Silver Hill Estates, Silver Hill Road/Hull Street issued 1997 for a 14 lot subdivision
3. Westview Estates, Hallihan Dr. issued 1996 for 8 lot subdivision
4. 62 Great Hill Road/Albert Trentini issued 2004 one lot
5. John Melko, 141 Pulaski Highway issued 2005 one lot
6. John Jakabauski, 34 Silver Hill Rd. issued 2006 one lot
7. Heidi Marganski, 6 Doyle Dr. issued 2006 for addition
8. Robert Ricciutti, Funeral Home, Beaver St. for addition

Bill Griffin/NCW Development request for IWC permit for 54 Benz Street Subdivision amended

Mr. Bill Griffin was present.

Mr. Griffin said he has made a few changes to the plan as was requested by the Planning and Zoning Commission.

Chairman Knapp asked if the City Engineer has had an opportunity to review the revised/amended plan.

Mr. D'Amico said he looked at it briefly however he will go over it thoroughly before the next meeting.

Chairman Knapp said the Commission can waive the site inspection because they have been to the site. The driveways on the new plan are exiting the site in a different location.

Mr. Griffin said he has no problem with Mr. D'Amico reviewing the plan and reporting back next month.

Mr. Phipps made a motion to refer the plans to Mr. D'Amico for review and comment. Mr. Holman seconded. All in favor, so carried.

There was discussion on the changes to the plan - the driveway locations and revised drainage to the site.

Chairman Knapp asked if Mr. Griffin has adjusted the drainage.

Mr. Griffin said yes, he has added additional catch basins and drains.

Chairman Knapp said even though the commission waived the site inspection, the revised plan still needs to be reviewed. He noted the commission waived the application fee and DEP fee for this re-submission.

Willinger Attorney/A. Tkacs request for IWC Permit for 17 Hodio Drive (Court order) Violations

There is no one present representing the applicant.

Mr. Phipps made a motion to table because there is no one present representing the application. Mr. Holman seconded. All in favor, so carried.

Mr. D'Amico stated there is existing fill over onto the Ansonia Nature Center property wetland area.

Mr. Phipps said the application is requesting to work in the wetland on the Nature Center property.

Mr. D'Amico said they are on the Nature Center property and the applicant wants to keep the fill there on the Nature Center property encroaching the wetland.

Mr. Madar said they should not leave the fill there on the Nature Center property it should be removed.

Mr. Crabtree said it was hard to get maps from the applicant. We know there is encroachment on the Nature Center property and the wetland area and how bad it is. For them to be allowed to remain on the Nature Center property and encroaching the wetlands they would have to petition the Board of Aldermen. He said that would be a waste of time if the Inland Wetlands Commission doesn't allow the encroachment on the wetland area. Their first step is to come to the Wetlands Commission for approvals and then to the Board of Aldermen.

Mr. D'Amico said the applicant will have to go to the Board of Aldermen to get permission to remain on the Ansonia Nature Center property.

A discussion followed on the procedure that must be followed by Mr. & Mrs. Tkacs in order to come into compliance with the wetland and zoning regulations. After their approvals they would have to go to the Board of Aldermen for permission to remain on City owned property.

Mr. D'Amico said he doesn't know what they are asking for with this application. He needs clarification of the work that they are proposing to do.

Mr. Holman said they are requesting a permit however the application is not complete.

Attorney Welch said the issue in the Pre-trial was that the case was extended to allow them to come to the Inland Wetlands Commission for approval. The trial is at the end of June so they have three months to get their approvals.

Mr. Madar made a motion to request Attorney Welch send a letter to the applicant asking him to come to the next Inland Wetlands Commission meeting prepared to present his application and proposal. Ms. Fowler seconded. All in favor, so carried.

Mr. Crabtree said they need to provide an E&S guideline to the Commission.

Attorney Welch said the court case date is June 25, 2010.

Any other business to come before the Commission

Ansonia Community Organic Gardens – ANC

Mr. Crabtree said has been made aware of the problems at the Ansonia Nature Center Gardens. The chickens that were on the site have been removed. He will go up there and inspect the areas that the neighbors were speaking about this evening.

34 Benz Street (Marcucio)

Attorney Welch read the letter he sent to the Commission (copy attached).

3 Kiely's Lane/Jewett Street (Nocerino property)

There was discussion on the continuing erosion from the Nocerino property down through to Jewett Street. There were tremendous rains these past few weeks and the water from the Nocerino property keeps flooding Jewett Street, clogging the catch basins and damaging neighbor's property. The City Engineer will take a look at the site and report back to the commission. The members feel something should be done to stop this ongoing problem because Mr. Nocerino knows about the problem. He was in attendance at IWC meeting when it was discussed and he said he would fix it.

Hunter's Landing, Valentine Court (Prestige Builders)

There was discussion on the water flowing down from this site into neighboring property and causing flooding in their basements and yards. The neighbors said that they never had water in their basements before this subdivision was built. A lot of water is coming down from this site onto Hunter's Lane and Myrtle Avenue.

Executive Session (if needed)

None

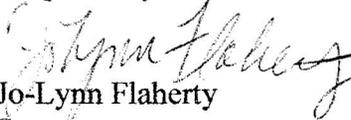
May Meeting

May Meeting Date: May 6, 2010 at 7:00 p.m.

Adjourn

Mr. Phipps made a motion to adjourn the meeting at 7:35 p.m. Mr. Madar seconded. All in favor, so carried.

Respectfully submitted,


Jo-Lynn Flaherty
Secretary

WELCH, TEODOSIO, STANEK & BLAKE, LLC

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March 2, 2010

Attorney Jack Androski
156 Main Street
Ansonia, CT 06401-1854

Re: 34 Benz Street/Marcucio

Dear Attorney Androski:

Please be advised that Peter Crabtree has had an opportunity to review the maps which you forwarded to the office. Mr. Crabtree indicates that the same need to be presented to the Inland Wetlands Commission, along with a soil erosion control plan.

Please advise as to a time frame that this will be completed. Thank you for your consideration and cooperation.

Very truly yours,


Thomas J. Welch

Cc: Inland Wetlands Commission
Planning and Zoning Commission

TJW/kb