

February 5, 2009

Regular Meeting

Present: Tim Holman, Vice-Chairman
Wendyann Anderson
Kevin Cegelka – arrived 7:30 p.m.
John Jones – arrived 7:25 p.m.
David Madar
Edward Phipps

Absent: David Knapp

Others Present: Fred D'Amico, City Engineer – arrived at 7:35 p.m.
Peter Crabtree – arrived at 7:25 p.m.

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

All present rose and Pledged of Allegiance to the Flag.

The secretary called the roll. There was a quorum present.

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Approval of Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the January 08, 2009 Regular Meeting and the January 08, 2009 Organizational Meeting. Mr. Madar seconded. All in favor, so carried.

Approval of Bills

Mr. Phipps made a motion to table the bills received to review the bill. Mrs. Anderson seconded. All in favor, so carried.

1. D'Amico Associates: Bill for Engineering Review for TWC Development LLC,/110 Clarkson/23 Hull Street. \$1560

IWC020509

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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. Mrs. Anderson seconded. All in favor, so carried.

1. Kevin Blake to Fred D'Amico re; Melrose Estates Sub./Estate of Machowski
Dated 2/2/09
2. F. D'Amico re: 226 Prindle Ave. dtd. 1/12/09
3. F. D'Amico re: 110 Clarkson St. & 23 Hull St. Review Report
4. Dominick Thomas re: TUG LLC request to table. Dtd. 2/2/09
5. J. & C Bargas Construction re: Release of IWC Bond Dtd. 1/19/09
6. William Urban, Chair Conservation Commission re: Complete Construction.
Dtd. 1/22/09

Public Session

Vice-Chairman Tim Holman asked three (3) times if there was anyone from the public who wished to address the commission. There was no one.

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

John Marcucio: Violation 34 Benz Street (K.Blake)

There is no one present.

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

Ray Sadlick/TWC Dev. LLC: Request for IWC permit for 55+ housing located at 23 Hull St./110 Clarkson St. (10/1/08 – 12/05/08 is 65 days Extension to 2/8/09)

Clifford Hoyle, Attorney and Ray Sadlick were present.

Mr. Hoyle said his engineer is not finished with the drawings and revisions and he is requesting an extension to April 2, 2009.

Mr. Hoyle presented a letter to the commission for the extension.

IWC020509

Mr. Phipps made a motion to grant the extension to TWC Dev. LLC to April 2, 2009. Mr. Madar seconded. All in favor, so carried.

TUG LLC/Estate of Casmir Machowski: Request for IWC permit for 55+ housing located off Hill Street at the end of Shortell Drive

There is no one present.

Dominick Thomas, Attorney gave the secretary a letter on February 2, 2009 requesting that this be tabled.

Mr. Phipps made a motion to table. Mrs. Anderson seconded. All in favor, so carried.

NCW Dev/W. Griffin request for IWC permit for 4 lot subdivision known as Benz Street Estates located on 54 Benz St.

There is no one present.

Mr. Phipps made a motion to table. Mrs. Anderson seconded. All in favor, so carried.

Vice-Chairman Holman noted that the Commission has to conduct a site inspection of the property when the weather permits and the ground is not frozen with snow.

Steven Bellis/White Hills Homes request for IWC permit for 4 lot re-subdivision known as Meadow View Estates Located on Hoinski Way

Steven Bellis, Attorney was present.

Mr. Bellis said he made a presentation last month and it was tabled so Corporation Counsel could review the material submitted by Mr. Bellis in his presentation. He said Corporation Counsel was supposed to report back to the Commission tonight.

Mr. Bellis said he spoke to Kevin Blake this afternoon and they agreed there is no regulatory activity, no wetlands and no streams on this property. He said under Section 5.2 you can classify this application as a Class A non-regulated activity. He said he thought there was no contradictory evidence and that it was going to be acted on this evening per his conversation with Mr. Blake.

Mr. Bellis asked if Mr. Blake was coming to the meeting this evening because he was supposed to bring a letter stating that there is no regulatory activity and that the application could be approved this evening.

He asked if Mr. Blake was coming to the meeting or if anyone has heard from him.

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The secretary said that Mr. Blake was here earlier and had to leave for a family matter.

Mr. Bellis asked if Mr. Blake gave the secretary a letter for the commission because Mr. Blake assured him he would have a letter at the meeting this evening.

The secretary said that he did not give her anything for the meeting this evening.

Mr. Bellis said it is best to table this until he speaks with Mr. Blake.

Vice-Chairman Holman said that the Commission has to conduct a site inspection of the property when the weather is better and the ground is not covered with snow.

Violations:

17 Hodio Drive

Mr. Crabtree said that he has had a discussion with the owner of 17 Hodio Drive and he doesn't grasp the situation. He said he offered to meet him and to take him down to the Nature Center side and show him the problem. He is in court and there is a May court date.

Mr. Crabtree said the owner has to get an A-2 survey. Mr. Crabtree said he held a pre-arranged meeting in his office with Mr. Tkacs' attorney and Kevin Blake on what needs to be done to restore the property and fix the violations.

Mr. Crabtree said that Mr. Tkacs' attorney doesn't understand the severity of it. He said he advised him to take a look at the bottom of the hill so he can see how bad the situation is. Mr. Tkacs' has to get a survey done and he doesn't understand.

Mr. Holman said is it possible to get a letter in writing from Mr. Crabtree to Inland Wetlands outlining what happened at that meeting so that the Commission has a written record.

Mr. Crabtree said he will provide it in writing to the commission.

Mr. Crabtree said he told Mr. Tkacs' attorney that he was available to meet with them at 4:00 p.m. or 4:30 p.m. while it is still light. He said that the fence was not installed properly.

Mr. Holman said the IWC gives a recommendation and it is a violation what powers do we have as a commission.

Mr. Crabtree said that first the IWC has to exhaust the local level and then you can get the State people to come down but you have to go through Kevin Blake at the local level

and then have him get the State down here. He said the Commission has gone through the procedure properly and within the law.

Mr. Crabtree said that this is in court. He said the rule is the zoning letter can be served at any time but the IWC letter has a 10 day notice and you have to hold a hearing to see if he shows up. He said he timed this notice with the IWC meeting so the members didn't have to come out two nights. He had the letter typed up and gave it to the Sheriff and he served it for both the Planning and Zoning and Inland Wetlands violation. Mr. Tkacs did not attend the Administrative Hearing of the Inland Wetlands Commission so it was turned over to the Corporation Counsel.

Mr. Madar asked if the Commission could fine the resident for the violation.

Mr. Crabtree said that the fines are the jurisdiction of the Judge. He sets the fees. We can ask for damages if there are any damages.

Mr. Madar asked if the IWC can issue fines.

Mr. Crabtree said that is up to the Judge to levy the fines. Usually you don't ask for money damages.

There was discussion on the Administrative Hearing process for violations and what happens once a violation goes to Court.

226 Prindle Ave.

Mr. D'Amico sent a letter on this violation stating that everything has been corrected and the property is restored.

Any other business to come before the Commission

Complete Construction Co.

Vice-Chairman Holman said that the IWC received a letter from the Conservation Commission asking that the IWC do a site walk on this property as soon as possible. He said with the weather conditions the Commission can schedule a site inspection for March.

Mr. Phipps made a motion to table this request to next month for setting a date for a site walk of the property at Complete Construction, Riverside Drive. Mr. Madar seconded. All in favor, so carried.

J & C Bargas Construction

Vice-Chairman Holman said a letter was received from J & C Bargas requesting the release of their bond for the 31 lot subdivision off Pulaski Highway known as Twin Oaks Subdivision because they are not going forward with it.

Mr. Phipps made a motion to release the bond. Mrs. Anderson seconded. All in favor, so carried.

Special Meeting

Mr. Madar made a motion to hold a workshop/special meeting on Monday, February 9, 2009 at 5:30 p.m. to review the applications before the Commission. Mrs. Anderson seconded. All in favor, so carried.

D'Amico Associates Invoice

Mr. Cegelka made a motion to send a letter with the invoice received from D'Amico Associates for the Engineering Review to Attorney Hoyle requesting the applicant pay this invoice. Payment for engineering review is part of our regulations. Mr. Madar seconded. All in favor, so carried.

March Meeting

The March meeting will be held on Thursday, March 5, 2009 at 7:00 p.m.

Adjourn

Mr. Cegelka made a motion to adjourn the meeting at 8:05 p.m. Mr. Madar seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary