

April 2, 2009

Regular Meeting

Present: David Knapp, Chairman
Wendyann Anderson
Kevin Cegelka
John Jones – arrived at 7:35 p.m.
Tim Holman
David Madar
Ed Phipps

Others Present: Kevin Blake, Corp. Counsel – arrived at 7:08 p.m.
Peter Crabtree, ZEO – arrived at 7:20
Fred D’Amico, C.E. arrived at 7:15 p.m.
Marjorie Shansky, Special Counsel
David Nafis, Engineer from Nafis & Young

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. There was a quorum present.

Approval of Minutes

Mr. Phipps made a motion to accept as written and place on file the minutes of the March 5, 2009 regular meeting, the March 21, 2009 Special Meeting. Mr. Cegelka seconded. All in favor, so carried.

Approval of Bills

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

1. Bill from Fred D’Amico – sent invoice to Cliff Hoyle for payment

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2. Bill from Nafis & Young - \$487.50

Chairman Knapp noted that the Commission has not received payment from Mr. Hoyle for the invoice that was sent regarding engineering review fees 23 Hull St./110 Clarkson St. This invoice has not been paid by the City of Ansonia.

Chairman Knapp said that the invoice from Nafis & Young has been sent to Mr. Dominic Thomas along with the other invoices for payment to the City for engineering review fees for Melrose Estates Subdivision, Hill St.

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. Holman seconded. All in favor, so carried.

1. Memo to Cliff Hoyle re: Reminder notice: Bill for 23 Hull St/110 Clarkson St.- Ray Sadlick Engineering Service
2. Letter to Nafis & Young re: their position as IWC consultants
3. Dominick Thomas re: TUG LLC/Hill St./Shortell Drive 55+ Sub – information only received at last meeting
4. Kevin Blake re: White Hills Homes Hoinski Way – received at last meeting information only
5. The Habitat
6. Dominic Thomas re: Revised map and Storm Water Mgt report for TUG LLC Hill St. Shortell Dr. 55+ Subdivision
7. Kevin Blake re: White Hills Homes LLC/Hoinski Way dated 4/2/09
8. IWC letter to Dominic Thomas re; Invoice for Nafis & Young Engineering Review fees for Melrose Estates

Public Session

Mr. Brian Butler
43 Glen Drive
Ansonia, CT

Mr. Butler asked to have his IWC bond released for his property located at 43A Glen Drive and 43B Glen Drive.

Mr. Butler has submitted copies of the Certificate of Occupancy for 43A Glen Drive (dated 2/28/02). The rear lot house known as 43 B Glen Drive is a single family residence with an in-law apartment – the C.O. is dated 3/23/09. The cash bond has been in place since 2000 for IWC permit 2000C and the buildings (2 houses) have been built for a few years.

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Chairman Knapp said the Commission will have Mr. D'Amico go out to the site and inspect the area to make sure there are no wetland problems and all of the conditions of the permit have been met. He asked if all of the work has been done.

Mr. Butler said that it has all been completed. It was done when Mr. Crabtree came out to the site.

Mr. Holman made a motion to accept the request and refer it to Mr. D'Amico for site inspection review and comment in writing to the Commission. Mr. Phipps seconded. All in favor, so carried.

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

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

Deviate from the Agenda

Mr. Holman made a motion to deviate from the agenda to take up Item #8: TUG LLC/Estate of Casmir Machowski: Request for IWC permit for 55+ housing located off Hill Street at the end of Shortell Drive because Mr. Thomas has another engagement this evening. Ms. Anderson 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

Mr. Dominic Thomas, attorney, Mr. James Nemergut and Mr. Brian Nesteriuk were present.

Mr. Thomas said in the Fall the commission hired Nafis & Young to avoid any appearance of impropriety on behalf of the City Engineer. After an extensive site walk with Nafis & Young, they identified some problems on the site. Our engineer has done a new plan. Nafis & Young has not reviewed that plan as yet.

Mr. Thomas continued stating that Mr. Nesteriuk has addressed all of the issues raised by Nafis & Young. He said the reports from Southwest Conservation District are questionable. He said if IWC considers Mr. Mrozinski's report that the IWC also put into the record his CV. He said he is not a soil scientist or an engineer and has no expertise in these matters. Especially in engineering and soil science where he made comments challenging our soil scientist. Mr. Thomas said he challenged Tom Pietras who is a soil scientist and who IWC has relied on in the past. This Inland Wetland Commission has had faith in Tom Pietras' opinion.

Mr. Brian Nesteriuk gave a brief overview of the plan as revised. He said the plans are the same as seen in the past. There is a 720 foot road to access 18 units. They removed 2 units to make room for additional storm water devices. There is a cul de sac at the end of the 720 foot road. There is a Club House and 9 buildings. The development has all of the amenities and is connected to City sewer and City water. The major change is the new topography survey and the grading.

He continued stating the first flush will be diverted to an oil water separator and the majority of the excess water is clean and will go to the detention basin. It is a shallow basin with vegetation and a filter under drain. The water goes in and pulls and spreads. The vegetation benefits from the water. The water flows to ground water or gets picked up and goes back to the detention basin. All the drainage passes the 100 year storm requirement. From a wetland standpoint they meet the 100 foot buffer from the wetland and watercourse. They are proposing in the regulated area – grading with the detention pond and bio-detention basins most of which will function as a wetlands or become a wetlands. There is a swale to divert water off the hill. All changes that were done were done as a result of Nafis & Young's review and comments. He said he has resubmitted the storm water calculations. The plans address all the comments from Nafis & Young that were done during their review of the project. Most are technical issues.

Mr. Madar asked about the cross road.

Mr. Nesteriuk said there is sheet flow that splits in several areas. It is not a wetland or watercourse, it depends on soils and plants. The Soil Scientist does not designate a wetland or watercourse. The water will flow through this area.

Mr. Thomas said Nafis & Young is receiving this plan tonight and they will generate a report and we can respond. They are very extensive and will address the P&Z and IWC issues in their report. We are aware that P&Z can change the location of the guardrail, etc.

Mr. Phipps made a motion to refer the revised plan to Nafis & Young for review and comment in writing. Mr. Cegelka seconded. All in favor, so carried.

Mr. John Izzo
12 Shortell Drive
Ansonia, CT

Mr. Izzo said that he thought the meeting started at 7:30 p.m. He was not aware of the time change to 7:00 p.m. He said he has testimony to be submitted regarding this application.

Mr. Thomas said he is not sure how Inland Wetlands will handle this. Inland Wetlands took us first because of another engagement but you took us after the Public Session. Comments should be made during the Public Session.

Mr. Izzo said Inland Wetlands Commission gave Mr. Thomas a professional courtesy and allowed him to present his application first however the Commission should let the people be heard also.

Chairman Knapp said the people had an opportunity to speak during the Public Session. The Public Session was held first before Mr. Thomas gave his presentation.

Mr. Phipps said that the Inland Wetlands Commission has been on the 7:00 p.m. schedule for months. He said he informed one of the people that the time was 7:00 p.m. when they asked him.

Mr. Holman said that we are referring this application to our Engineer and it will be taken up at the next meeting. The public can speak at that time.

Mr. Phipps said that the application has been referred to Nafis & Young for review and comment.

Mr. Izzo said he is referring to Mr. Thomas and Mr. Nafis having dialogue before the Commission has seen the plans. He views this as a conflict of interest also.

Chairman Knapp said the application will be discussed at the next meeting.

Ray Sadlick/TWC Dev. LLC: Request for IWC permit for 55+ housing located at 23 Hull St./110 Clarkson St. (65 days Extension to 4/2/09)

Mr. Clifford Hoyle, Mr. Ray Sadlick and Mr. Holt McChord are present.

Mr. Hoyle said he has received the new plans today and he is presenting them to the commission at this time. The plans include maps, construction details, storm water management report, etc. He said he is filing these plans with the Inland Wetlands Commission this evening for their review.

Mr. Cegelka made a motion to accept the plans and information. Mr. Phipps seconded. All in favor, so carried.

There was discussion on the 65 day extension for this subdivision. The last 65 day extension expires this evening April 2, 2009.

The plan was accepted on October 1, 2008. 10/1/08 to 12/05/08 is 65 days. Mr. Hoyle asked for and was granted a 65 day extension on 12/05/08 to 2/8/09. At the 2/8/09 meeting Mr. Hoyle granted the commission another 65 day extension to 4/2/09 which would be his last extension.

Chairman Knapp in the absence of Mr. Blake asked Attorney Shansky if the commission could grant another 65 day extension.

Attorney Shansky said no that he would have to withdraw the application in writing and the commission could waive the fees for a re-submission of the same plans. She said he must submit a new application along with the plans he submitted this evening.

Mr. Hoyle said that he will withdraw his application and submit a letter in writing withdrawing the application and re-submit a new application to the secretary.

Mr. Phipps made a motion to accept Mr. Hoyle's withdrawal with the condition the withdrawal is received in writing, a new application is received and to waive the fees for the new application. Mr. Cegelka 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.

Mr. William Griffin was present.

Mr. Griffin presented a revised map to the Commission this evening. He said this map reflects all of the issues discussed at the site inspection.

Mr. Griffin said he put in the driveway drain as requested. The map shows the required distances for lot 3 and lot 4. The map also shows the requested additional catch basin on lot 3. He said he found a pipe from the road and he has no idea where it goes – this is near lot 4 going out to the road.

Chairman Knapp asked about lot 3 and the two drains going all the way across the driveway.

Mr. Griffin said that it is there on Lot 4 – the drains all the way across. There is one drain on lot 3.

Mr. D'Amico said that Mr. Griffin addressed everything that was discussed at the site inspection.

Mr. Phipps made a motion that the IWC make a decision to accept or reject the application this evening. Mr. Holman seconded. All in favor, so carried.

Mr. Holman made a motion to accept the application for an IWC permit for a four lot subdivision located at 54 Benz Street (Benz Street Estates from William Griffin, NCW Development Corp. as substantially complete. Mr. Phipps seconded. All in favor, so carried

Mr. Holman made a motion to classify the application for an IWC permit as a Class B – regulated activity. Mr. Phipps seconded. All in favor, so carried.

Mr. Holman made a motion to approve with conditions the application for a Class B permit for a four (4) lot subdivision known as Benz Street Estates, 54 Benz Street for 4 single family dwellings Mr. Phipps seconded. All in favor, so carried.

Conditions:

1. All the Class B permit conditions that are applicable to the application will be incorporated into this permit.
2. Silt Fence and hay bales are installed as needed for erosion and sedimentation control during construction.
3. Anti-tracking mud apron will be installed.
4. The watercourse and wetlands located along Benz Street across from the proposed subdivision adjacent to the Ansonia Nature Center will be protected.
5. On site storage for the material being used on the site during construction
6. Permit fee \$500 for each dwelling: \$2000 permit fee
7. Cash bond is \$5000

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

Mr. Steven Bellis and Mr. Dan Della Volpe were present.

Mr. Bellis asked if the Commission has received a letter from Corporation Counsel Blake.

The Commission received the letter from Corporation Counsel Blake this evening.

Mr. Bellis said there is a direct line to the detention pond and his client will get permission to put his drainage into this facility. He said his client is also willing to join the Homeowner's Association and pay dues but they will do this at the Planning and Zoning Commission meeting.

Mr. Bellis said that the water from his clients site is currently draining to the street and eventually drains into the detention pond that is owned by the Homeowners Association.

Chairman Knapp said that the water runoff should be addressed by the P&Z Commission.

Mr. Holman made a motion to accept the application for an IWC permit for a four lot subdivision (parcel A and parcel C) located off Hoinski Way known as Meadow View Estates by White Hills Homes LLC/S.Bellis,D.DellaVolpe as substantially complete. Mr. Cegelka seconded. All in favor, so carried

Mr. Holman made a motion to classify the application for an IWC permit as a Class B – regulated activity. Mr. Jones seconded. All in favor, so carried.

Mr. Cegelka made a motion to approve with conditions the application for a Class B permit for a four (4) lot subdivision known as Meadow View Estates, Parcel A and Parcel

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C, Hoinski Way for 4 single family dwellings Mr. Phipps seconded. All in favor, so carried.

Conditions:

1. All the Class B permit conditions that are applicable to the application will be incorporated into this permit.
2. Silt Fence and hay bales are installed as needed for erosion and sedimentation control during construction.
3. Anti-tracking mud apron will be installed.
4. On site storage for the material being used on the site during construction
5. Permit fee \$500 for each dwelling: \$2000 permit fee
6. Cash bond is \$5000

Violations:

34 Benz Street – Marcucio

Corporation Counsel Blake said that he is currently in court with this violation. He said that DEP is also involved with the violation.

17 Hodio Drive

Corporation Counsel Blake said that this violation is also in court and that the property owner has not complied with the Judge's orders to restore the site.

Executive Session

Mr. Holman made a motion to go into Executive Session at 7:40 p.m. to discuss a violation received from the Conservation Commission. The site is in litigation. He invited the IWC members, Attorney Marjorie Shansky and Corporation Counsel Blake to remain. Mr. Jones seconded. All in favor, so carried.

Everyone else left the room at this time.

Mr. Holman made a motion to reconvene the meeting at 7:55 p.m. There were no decisions or votes taken during the Executive Session. Mr. Cegelka seconded. All in favor, so carried.

Mr. Cegelka made a motion to request that Chairman Knapp draft a letter to Conservation Commission requesting clarification on the violations. Mr. Holman seconded. All in favor, so carried.

Any other business to come before the Commission

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Donna Lindgren, ANC Director was present.

Ms. Lindgren requested to speak to the Melrose Subdivision/TUG LLC application off Hill Street in Ansonia. She has many concerns.

Chairman Knapp said that he could not allow her to speak at this time because he did not allow Mr. Izzo an opportunity to speak. The public session is closed. He asked Ms. Lindgren to come to the next meeting.

Ms. Lindgren said that she would not be able to attend the next meeting due to another engagement.

Chairman Knapp advised her to put her concerns in writing and the commission will read them into the record.

May Meeting

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

Adjourn

Mr. Phipps made a motion to adjourn the meeting at 8:15 p.m. Mr. Holman seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary