

November 5, 2009

Regular Meeting

Present: David Knapp, Chairman
Kevin Cegelka
Tim Holman
John Jones

Absent: Wendyann Anderson
David Madar
Ed Phipps

Others Present: Steve Blume, Pres. Board of Aldermen
Tara Kolakowski, Alderman
Peter Crabtree, Zoning Enforcement Officer
Marjorie Shansky, Special Counsel
Dave Nafis, Engineer

The regular meeting of the Ansonia Inland Wetlands Commission was called to order at 7:05 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. Jones made a motion to approve the minutes of the 10/1/09 Regular Meeting, Public Hearing and Special Meeting 10/10/09 with the corrections as stated. Mr. Cegelka seconded.

Correction: Verbatim Minutes of the Public Hearing:

Page 14, line 13 should read “Mr. Holman: I have a crooked eye so ---“ instead of Mr. Thomas.

Approval of Bills

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

1. Nafis & Young for engineering services for Melrose Estates: \$450
Invoice: 403-09

Correspondence

Mr. Jones 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. Cegelka seconded. All in favor, so carried.

1. Welch, Teodosio, Stanek & Blake re: 17 Hodio Drive. A. Tkacs
2. The Habitat

Public Session

Chairman Knapp asked three (3) times if there was anyone from the public who wished to address the commission. There being none he closed the public session.

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

J. Nemergut and J. Machowski were present.

The following is verbatim from the tape taken at the meeting.

Chairman Knapp said OK, TUG LLC Estate of Casmir Machowski request for Inland Wetland permit.

Mr. Jones said you need a motion to close the public session.

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

Chairman Knapp said I was just so shocked that John wasn't speaking I lost my concentration. TUG LLC, estate of Casmir Machowski. We've heard the applicant, seen the presentations, heard from their experts, heard from our experts. We've held public hearings, a public hearing that went on. It was even extended. We've heard from quite a few of the public with regard to this application. We've heard from public officials. What's the Board's pleasure.

Attorney Shansky said you may want to verify that all of the commission members who may not have been at all of the public sessions have had an opportunity to review the files and minutes. On the record.

Chairman Knapp said right OK. Have all of the commission members who haven't been to all of the meetings had an opportunity to review all of the minutes, the maps, the presentations back and forth, the public hearings?

Mr. Holman said yes.

Mr. Jones said yes.

Mr. Cegelka said yes.

Chairman Knapp said what's the Board's pleasure?

Mr. Holman said Mr. Chairman I make a motion to DENY the application for regulated activity at Melrose Estates Subdivision, Hill Street and Shortell Drive, Ansonia, CT on application of TUG, LLC for the Estate of Casmir Machowski upon the following findings:

The development proposes 30,000 cubic yards of fill, 9,500 cubic yards of cut equal to 20,500 cubic yards of new fill. There is a feasible and prudent alternative to placing the detention basin in fill on the extreme slope, comprised of an earth embankment, and immediately upslope of a wetland area. The proposed location is inconsistent with DEP 2002 Soil Erosion and Sediment Guidelines Control and good engineering practice. The excessive amount of fill creates an extreme erosion hazard, immediately upslope of a wetland area.

The downstream swale, which appears to be a component of the storm water management plan to avoid adverse impact to receiving wetlands, including flooding, was not included within the scope of the application though its function as downstream receptor makes it a "Regulated Activity."

Mr. Jones seconded.

Chairman Knapp said any discussion.

Mr. Jones said yes, we already have, this is a building development that is going in on the side of a hill that we already have a couple of building developments on with retention ponds and I walked down there with the people that own property that that water is supposed to be going into and it's not and I haven't seen one of these things yet that works. And it's my opinion that it's either poor workmanship by the excavator or poor engineering by the engineer. We already have, we've had damage done to property where people on Jewett St. Now we have another one working up here on what is it Kiely Lane where we've had problems. That one I've - is it fixed I don't know, we'll see. OK we've got a development going in up on Hunter's Lane that hasn't even unfolded yet. We don't know what will happen there. I, you know you can show me all the plans you want with these detention ponds and basins show me one that works. No I don't need it, there's no way.

Chairman Knapp said any other discussion.

Mr. Holman said what also bothered me is that we had so many experts and so many reports and we had so many conflicting reports and we had to decipher which one was right and which one was wrong. The plan, the whole plan just doesn't seem feasible.

Chairman Knapp said I have some concerns also with the amount of fill that was going, the type of fill that would be going in. 30,000 cubic yards of fill that was going to try to match the existing type of soil and soil and fill there. The slopes that are going to be created if my memory serves me correctly I mean, we are looking at some places with 30% slopes if my memory serves me (unknown said or greater) that's a steep slope.

Chairman Knapp said runoff, erosion it was very, I was very concerned about that during the actual (inaudible) of the plans, the building process, the retention basin, the location of the retention basin. The plans that have gone back and forth. The comments that alluded to the so called experts who didn't agree on quite a few of the reports and some of the findings. And if I remember there were a couple of times we got revised plans because the measurements were off or we missed something or we recalculated or whatever so the creditability of those types of plans leave a little bit to be desired I thought. I kind of concur. Anything else. Any other discussion.

There was none.

Chairman Knapp called for a vote: All those in favor signify by saying "I". In favor of the denial.

T. Holman: "I"

J. Jones: "I"

D. Knapp: "I"

K. Cegelka: Abstained.

The Chair declared the motion carried: 3 yes and 1 abstain.

IWC110509

Mr. Izzo said on behalf of all of the residents on Shortell Drive and Hunter's Lane and Sharyl Drive I know I can speak for myself, we thank the commission for taking the time and doing a thorough review of the scientific data and coming to the right conclusions. We greatly appreciate it. Thank you very much.

Chairman Knapp said thank you for your patience and persistence. Thank you for coming. I'm glad to see you wearing that Yankees jacket John.

Attorney Shansky and Mr. Nafis left the meeting at this time (7:15 p.m.).

Violations:

1. 17 Hodio Drive – A. Tkacs.

Attorney Welch sent a letter advising the commission that this violation has a trial date in January 2010.

2. 34 Benz Street – J. Marcucio

The secretary advised the commission that Attorney Welch has received the file from Attorney Blake and he is currently reviewing the information.

Mr. Crabtree said that Mr. Marcucio did do a map. He said he will have to make application because the map shows the wetlands are up to the edge of the fill.

Mr. Jones questioned why Mr. Marcucio would make an application.

Mr. Crabtree said he gave a map to Kevin Blake and the map was prepared last year. He said he doesn't know why Mr. Blake did not follow through on this.

A discussion followed.

Mr. Crabtree said that Attorney Welch is following up on the violation. He said he doesn't know what the next step will be.

Chairman Knapp said that the Commission thought that Mr. Blake was working on this violation and following up.

President Blume asked about the development on Hunter's Lane and the E&S Control on the site. He said he received a call that there was no E&S on this project.

Mr. Crabtree said he will go up to the site and look at the development known as Hunter's Landing to make sure there is E&S control.

Mr. Crabtree said that he talked with Attorney Welch to give Mr. Tkacs a deadline date to get the work done because pretty soon it will be winter and snow on the ground and there

will be no work done until Spring. The City would like to have the work done before the winter.

Any other business to come before the Commission

2010 Meeting Dates

Mr. Cegelka made a motion to continue to hold the Inland Wetlands Commission meetings on the First Thursday of the month at 7:00 p.m. Mr. Jones seconded. All in favor, so carried.

December Meeting Date

Mr. Cegelka made a motion to cancel the December 3, 2009 meeting if no business is to come before the Commission. Mr. Jones seconded. All in favor, so carried.

The next regular meeting will be held on Thursday, January 7, 2010.

Adjourn

Mr. Holman made a motion to adjourn the meeting at 7:30 p.m. Mr. Cegelka seconded. All in favor, so carried.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary