

**MINUTES  
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY  
SEPTEMBER 28, 2009**

Members present: Vice Chairman John Conte, Garrett Dietz, Bill Galvin,  
Elliot Benton, Stephan Skoufalos

Alternates present: Brian Harris, Robert Sisca, Joe Rogers

Staff present: Michael Chambers, Wetlands Director; Robert Clausi, Senior Wetlands  
Analyst; Doreen Carroll-Andrews, Wetlands Compliance Officer

Others present: Mark Heller, Larry Liebman, Joe Risoli, Tony D'Andrea, Jane Hogeman,  
Arthur Riel, Aubrey Mead, Kate Throckmorton, Bill Kenny, James  
Hoffman, Doran Sabag, Peter Finkbeiner, Andrew Toth, Jay Keillor, Jim  
McTigue, Dinyar Wadia, Nora Giovetti, Larry Liebers, Jeffrey Davis,  
Joanne Parsons, Jim Sanok

**PUBLIC MEETING**

Vice Chairman John Conte called the meeting to order at 7:00 p.m. in the Town Hall Meeting Room on the first floor of Greenwich Town Hall.

**Agency Session**

**Seating of alternates**

It was the decision of Vice Chair John Conte to seat Robert Sisca in the absence of Lawrence Perry, and to seat Brian Harris in the absence of Martin Kagan. Joe Rogers was also seated during the absence of Elliott Benton and during recusals of seated members.

**Review and approval of draft minutes of August 24, 2009**

A motion to approve the draft minutes of August 24, 2009 without correction was made by Robert Sisca, second Bill Galvin. The motion carried 7-0.

**Director's Report**

Michael Chambers gave the Agency a summary of staff activities during the period following the August 24, 2009 meeting. During this period Agency staff performed a total of 132 compliance inspections. Mr. Chambers noted that this number does not include bond release inspections or inspections related to the review of new applications. During this same period, staff also reviewed 52 Green Sheets. Finally, Mr. Chambers noted that the number of applications submitted in the past month is consistent with the recent trend and that a number of these 13 or so applications appear to be eligible for staff reviews as Agent Approvals.

Mr. Chambers noted that he is in the process of preparing the 2010/2011 Budget for the Agency, which is due at the beginning of November. He is also working on the Agency's operating plan for the coming year. This plan is due December 1<sup>st</sup>.

Mr. Chambers referred the Agency to a draft administrative form entitled "Greenwich Inland Wetlands & Watercourses Agency Review Form for Properties Listed on the Market." He explained that the idea is to use this form to assist staff to document their review of the compliance status of properties that are for sale in Town. Following some discussion, it was the sense of the Agency that this form is not yet ready to be put in operation but is worthy of further consideration, and several Agency members stated they would be interested to assist in this process. A subcommittee will be formed to further develop the initiative.

Mr. Chambers informed the Agency that they would soon be provided with a draft document that summarizes the violation policy of the Agency. The purpose of this document will be to clearly state the consistent manner in which violations are to be handled. Once distributed, the draft policy will be discussed at an upcoming public meeting of the Agency.

### Agent Approvals

Three Agent Approvals were issued during the period following the last regularly scheduled meeting. The Agency was presented with three Legal Notices. No questions or comments were taken from Agency members.

### Compliance Report

Doreen Carroll-Andrews referred to the compliance summary sheet that was distributed in the meeting packets, which included a breakdown of bond releases (20 requested, 19 initiated by staff, 30 released), Stop Work Orders (2), and deadlines set by the Agency that are upcoming or which have passed. An update was given on the site conditions at Lot B Cliffdale Road that resulted in the issuance of the Stop Work Order on August 25, 2009. Since the issuance of the Stop Work Order, the site has been largely stabilized, and the contractor states that the work should be completed in the near future. Ms. Carroll-Andrews also informed the Agency that the U.S. Geological Survey will be installing a stream gauging station in the Byram River at the Comly Avenue Bridge in the near future.

## **Public Discussion Session**

### **Consent Approvals**

#2008-128 – 480 Cognewaugh Road – Lars Nielsen – Tax #8-3458

The Staff Report prepared by Robert Clausi recommended the issuance of a permit modification. No objections to the staff recommendations were heard. A motion to approve was made by Elliot Benton, second Bill Galvin. The motion carried 7-0.

#2009-97 – 74 Long Meadow Road – Charlotte D. Albrecht – Tax #12-2035

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of a permit. No objections to the staff recommendations were heard. A motion to approve was made by Elliot Benton, second Bill Galvin. The motion carried 7-0.

#2009-99 – 25 Nearwater Lane – Stephen Pare deGot – Tax #12-2219

The Staff Report prepared by Aleksandra Moch recommended the issuance of a permit. No objections to the staff recommendations were heard. A motion to approve was made by Elliot Benton, second Bill Galvin. The motion carried 7-0.

#2009-104 – 37 Midwood Drive – Trevor Woods – Tax #10-2088

The Staff Report prepared by Robert Clausi recommended the issuance of a permit. No objections to the staff recommendations were heard. A motion to approve was made by Elliot Benton, second Bill Galvin. The motion carried 7-0.

**Pending Applications**

#2009-53 – Lot Y-2 Richmond Hill Road – Christopher Lok, et al – Tax #10-2629

The Staff Report prepared by Robert Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Tony D’Andrea. Mr. D’Andrea advised the Agency that he had no objections to the staff recommendations. A motion to approve was made by Garrett Dietz, second Bill Galvin. The motion carried 7-0.

#2009-71 – 1 Butternut Hollow Road – One Butternut Hollow Road, LLC – Tax #11-1099

The Staff Report prepared by Robert Clausi and dated September 17, 2009 recommended the issuance of a permit in the event that an acceptable restoration planting plan for the southern portion of the property was submitted by the applicant. Mr. Clausi reported that such a plan had been submitted prior to the meeting and reiterated his recommendation that the Agency issue a permit. Appearing before the Agency on behalf of the applicant was Peter Finkbeiner who reported that his client was frustrated by the difficulties that had arisen during the review of this application, and for this and other reasons was reconsidering whether to build the retaining wall. Mr. Clausi pointed out that with an approval in hand, Mr. Finkbeiner’s client would have the ability to build the wall if he so chose in the future, while at the same time completing the restoration work in the southern portion of the property that is required to correct the clearing violation that was found during the application review. After short deliberation, a motion to approve was made by Elliot Benton, second Garrett Dietz. The motion carried 7-0.

#2009-66 – Lighthouse Lane – Arthur Riel – Tax #6-3055 – **DELAYED**

Michael Chambers reported that no plans or other additional information had been submitted prior to the meeting; therefore, no Staff Report had been prepared. He also reported that he had been in discussions with the applicant’s engineer, Aubrey Mead, and understands that plans are now being drafted and will hopefully be ready for the Agency’s review during the October meeting. Mr. Mead agreed with the staff’s summary and recommendation. He also informed the Agency that he has been in touch with Bill Beckman, P.E. of Legette, Brashears & Graham, Inc., who has been retained by the owners of 5 Lighthouse Lane, and Mr. Mead proposes to coordinate his efforts with Mr. Beckman and get the neighbors together to review the options that are produced before next month’s meeting.

Peter Finkbeiner, P.E. retained by the Keillors, owners of 9 Lighthouse Lane, then addressed the Agency. He stated that the filling done on the real property is an obstruction that has created a stagnant ponding water on his client’s property, that this water is damaging his client’s property. Aubrey Mead stated that based on topographic information that has been collected, he does not believe that water freely flowed from 9 across number 7 through number 5 in the past, and that there has always been some level of

ponding at the rear of these properties. Nora Giovatti stated that she has been living at 18 Ballwood Road for about 12 years and that water did flow freely until the filling done on the real property. Ms. Giovatti expressed frustration at the damage she states continues to occur during the review of this application. After some additional discussion, a motion to Delay was made by Stephan Skoufalos, second Bill Galvin. The motion carried 7-0.

**#2009-80 – 865 Lake Avenue – Lawrence C. Liebers – Tax #11-2854 - DELAYED**

Robert Clausi informed the Agency that the Staff Report prepared by Aleksandra Moch recommended a Delay. Appearing before the Agency were the applicant, Lawrence Liebers, along with his engineer, Jay Keillor, and agent Andy Toth. Mr. Keillor described the changes made to the plan since the last meeting which include shifting the tennis court 10-12 feet to the south and adding a garage south of the tennis court. Mr. Keillor advised the Agency that he and his client had no objection to delaying this matter to allow them to work with staff on the outstanding issues. Andy Toth pointed out to the Agency that he and his client had taken the Agency's recommendation into consideration and had revised the shape of the tennis court to reduce its surface area. Two rain gardens have also been added to the plan to treat the runoff from the tennis court. Elliot Benton questioned why the tennis court couldn't be sited at the front of the property. After some discussion, the sense of the Agency was that this matter should be fully explored by the applicant and staff, and then reported back to the Agency at the next meeting. This report should include copies of any easements or other restrictions that would prohibit the construction of the court in the front of the house. Mr. Liebers expressed his reluctance to consider locating the court in the front of the house. After some additional discussion, a motion to Delay was made by Stephan Skoufalos, second Garrett Dietz. The motion carried 6-1. Elliott Benton did not support the motion.

**New Applications**

**#2009-95 – Meadowcroft Lane (Lot 2) – Lorraine Slavin, Trustee – Tax #11-3243 - DELAYED**

The Staff Report prepared by Michael Chambers recommended a Delay. Issues of concern raised in the Staff Report included the extensive disturbance that would be required to complete this project and the fact that the applicant was proposing to use only the most basic erosion and sedimentation control measures. Appearing before the Agency on behalf of the applicant were Joe Risoli and Jim McTigue, who acknowledged a willingness to work with staff to address outstanding issues. John Conte encouraged the applicant to give additional thought to the size and location of the accessory structures in relation to the regulated areas and the extensive disturbance that would be required to install the proposed stormwater detention system. A motion to Delay was made by Robert Sisca, second Bill Galvin. The motion carried 7-0.

**#2009-98 – 433 Riversville Road – Robert and Gayle Greenhill – Tax #1-1140**

The Staff Report prepared by Robert Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Mark Heller. Mr. Heller advised the Agency that he had reviewed the recommended conditions of approval with his client, who voiced no objection. Bill Galvin asked why staff had recommended a May 1, 2010 deadline for the applicant to raise the deer fence 6" above the ground in wetland and buffer areas. After some discussion, Mr. Galvin made a motion to approve that included a February 1, 2010 deadline for raising the deer fence. Robert Sisca seconded the motion, which carried 7-0. *Elliot Benton was not present for the vote, and Joe Rogers was seated in his absence.*

**#2009-102 – 26 Circle Drive – Jeffrey Davis – Tax #1-2325**

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Joanne Parsons. Ms. Parsons advised the Agency that her client had no objections to the staff recommendations. A motion to approve was made by Garrett Dietz, second Brian Harris. The motion carried 7-0, and included Elliot Benton.

#2009-103 – 45 Birchwood Drive – Aldo and Mary Kay Esposito – Tax #10-1076 - **DELAYED**

The Staff Report prepared by Michael Chambers recommended a Delay. No one appeared before the Agency on behalf of the applicant. A motion to Delay was made by Garrett Dietz, second Stephan Skoufalos. The motion carried 7-0.

#2009-106 – 96 Round Hill Road – 96 Round Hill Road LLC – Tax #10-1027 – **D** **ELAYED**

The Staff Report prepared by Robert Clausi recommended a Delay. Appearing before the Agency on behalf of the applicant was Tony D’Andrea. Mr. D’Andrea stated that the additional drainage information that is currently being reviewed by the DPW Engineering Division is minor in nature, and in his professional opinion would not prompt the Engineering Division to require the installation of a stormwater detention system for the proposed tennis court. Mr. D’Andrea did not have an answer to the question raised by an Agency member about what sort of surface would be installed on this tennis court. John Conte questioned whether a single line of silt fencing would be sufficient to protect the wetland meadow during construction. Mr. Conte also suggested that a construction phasing plan would better protect the wetland during construction, and setting the high point of the court at the net line so that runoff pitches both to the north and south would increase the travel time of runoff from the court to the wetland. After more discussion, a motion to Delay was made by Stephan Skoufalos, second Elliot Benton. The motion carried 7-0.

#2009-107 – 54 Shore Road – William G. and Virginia T. Stoddard – Tax #6-1568 – **PUBLIC HEARING**

Robert Clausi’s Staff Report recommended scheduling a Public Hearing to develop a complete record on this application. Appearing before the Agency on behalf of the applicant was Tony D’Andrea. Mr. D’Andrea advised the Agency that he had no objections to the staff recommendation, but requested that the Hearing be scheduled at least two weeks in the future in order to allow time to complete discussions currently under way with the DPW Engineering Division. A motion to move this matter to Public Hearing was made by Garrett Dietz, second Brian Harris. The motion carried 7-0. The Public Hearing date will be scheduled in the near future.

#2009-108 – 55 Locust Road – Tamarack Country Club – Tax #10-1638 - **DELAYED**

The Staff Report prepared by Robert Clausi recommended a Delay. Appearing before the Agency on behalf of the applicant was James Sanok. Mr. Sanok advised the Agency that he had no objections to the staff recommendations. Mr. Sanok also gave the Agency a brief overview of the proposed project. A motion to Delay was made by Garrett Dietz, second Brian Harris. The motion carried 7-0.

#2009-109 – 21 Birch lane – Thomas McCloskey – Tax #11-1855

The Staff report prepared by Doreen Carroll-Andrews recommended the issuance of a permit. No one was present on behalf of the applicant. After short deliberation, a motion to approve was made by Garrett Dietz, second Elliot Benton. The motion carried 7-0.

**New Modifications**

**#2006-30 – 93-101 Pecksland Road – JRF Land Enterprise, LLC – Tax #10-1494**

The Staff Report prepared by Robert Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Larry Liebman. Mr. Liebman advised the Agency that he had reviewed the staff recommendations with his client who asked that rather than requiring the deer fence to be raised 6” above the ground within wetland and buffer areas, the Agency might find another fence design that allowed for the passage of small animals, but maintained a large wire mesh anchored to the ground to be acceptable. After short deliberation, a motion to approve that authorizes staff to determine if alternate fence designs are acceptable was made by Bill Galvin, second Elliot Benton. The motion carried 7-0. *John Conte recused for professional reasons, and Joe Rogers was seated in his place.*

**#2009-09 – 24 & 30 Cat Rock Road – Francis Burgweger and Richard Kral – Tax #8A-1055 and 8A-1243**

The Staff Report prepared by Robert Clausi recommended the issuance of a permit. No one was present on behalf of the applicant. A motion to approve was made by Garrett Dietz, second Robert Sisca. The motion carried 7-0.

**Violations**

**Cease & Correct Order #2009-05 – Louis and Lorraine Smutny – 222 South Water Street**

Doreen Carroll-Andrews summarized the enforcement action that has been taken to date for the unauthorized installation of a seawall and floating dock with ramp at the subject property, No one was present on behalf of the property owners, Louis and Lorraine Smutny. Ms. Carroll-Andrews reported that Cease & Correct Order #2009-05 was sent to Mr. and Mrs. Smutny on September 23, 2009, due to their failure to submit an application to correct the violations on the property by the September 18, 2009 deadline set in the Stop Work Order that was issued in June 2009. Ms. Carroll-Andrews reported that the Smutnys have now retained Eric V.P. Brower AICP to assist them in preparing the required application. Ms. Andrews, therefore, recommended that the Agency maintain Cease & Correct Order #2009-05 and set a final deadline of November 12, 2009 for the receipt of the application. Bill Galvin recommended that if the application is not submitted by the deadline, a Notice of Violation shall immediately be placed on the Land Record and a Public Hearing shall be scheduled for November 16, 2009. Garrett Dietz incorporated Mr. Galvin’s suggestions in his motion to maintain the Cease & Correct Order and set an application deadline of November 12, 2009. The motion, seconded by Robert Sisca, carried 7-0.

**Bond Releases**

1. Application #95-192 – Permit #96-192 for Anthony and Nella Pignataro – 70 Cherry Valley Road. \$4,000 bond to be released to Anthony and Nella Pignataro.
2. Application #96-164 – Permit #96-188 for Sarah Ondaatje – 232 Byram Shore Road. \$8,000 bond to be returned to Wentworth Properties, Inc.
3. Application #97-53 – Permit #97-64 for Gary Rosenbach – 217 Taconic Road. \$10,000 bond to be released to JMD Development.

4. Application #98-79 – Agent Approval #99-38 for Whitby School – 969 Lake Avenue. \$1,000 bond to be released to Whitby School, Inc.
5. Application #98-147 – Agent Approval #98-40 for Andrew and Susan Robertson – 411 Stanwich Road. \$1,000 bond to be released to Andrew and Susan Robertson.
6. Application #99-110 – Permit #99-125 for Gregory and Elise Green – 564 North Street. \$5,000 bond to be released to Bill Gardiner, Inc.
7. Application #00-52 – Agent Approval #00-27 for Roger and Constance Thomson – 81 Round Hill Road. \$1,500 bond to be released to Hampton Court Estate Builders.
8. Application #00-79 – Permit #00-92 for Yakov Tsinkler – 40 Baldwin Farms North. \$2,000 bond to be released to Argotech, Inc., c/o Yakov Tsinkler.
9. Application #00-85 – Permit #02-11, Agent Approvals #00-45 and #02-17 for Christine Gordon – 76 Winding Lane. \$1,000 bond to be released to Christine Gordon and Barrie Hartley, and \$4,000 bond to be released to Sheldon and Christine Gordon.
10. Application #02-95 – Agent Approval #02-23 for Matthew and Kathy Green – 7 Pleasant View Place. \$500 bond to be released to Bray’s Electric.
11. Application #03-34 – Emergency Permit #03-55 for Joseph and Killeen O. Faughnan – 78 Baldwin Farms South. \$5,000 bond to be released to Joseph and Killeen Faughnan.
12. Application #03-200 – Permit #03-172 for Michael and Madeline Fazio – 18 Hedgerow Lane. \$3,000 bond to be released to Michael and Madeline Fazio.
13. Application #04-22 – Permit #04-29 for Barbara Stephens – 218 Bedford Road. \$3,000 bond to be released to Backcountry Building & Remodeling, LLC.
14. Application #04-162 – Agent Approval #04-53 for Arthur Hershaft – 7 Wyckham Hill Lane. \$3,000 bond to be released to Arthur and Janet Hershaft.
15. Application #04-173 – Permit #04-128 for Mary Lou Lange – 25 White Birch Lane. \$3,000 bond to be released to Mary Lou Lange.
16. Application #04-207 – Permit #05-03 for Richard and Robin Kotz – 215 Bedford Road. \$3,000 bond to be released to Richard Kotz.
17. Application #05-79 – Permit #05-77 for Frank Nash – 88 Cherry Valley Road. \$8,000 bond to be released to Frank Nash.
18. Application #05-106 - Conceptual Approval #05-03 for Rose B. Calabrese Estate. \$10,000 bond to be released to Lakeview Capital LLC.
19. Application #05-135 – Permit #05-109 for Russell and Joan Mirabile – 24 North Porchuck Road. \$12,000 bond to be released to Russell and Joan Mirabile.

20. Application #06-52 – Permit #06-81 for Brunswick School – 100 Maher Avenue. The remaining \$5,000 of the original \$15,000 bond to be released to Brunswick School.
21. Application #06-77 – Permit #06-69 for Irina and Alex Merson – 19 French Road. \$8,000 bond to be released to Strazza Building & Construction.
22. Application #06-118 – Permit #06-104 for Boy Scouts of America Greenwich Council – 363 Riversville Road. \$10,000 bond to be released to Greenwich Council #67.
23. Application #06-143 – Permit #06-121 for Lakeview Capital, LLC – Lakeview Drive (Lot #4). \$6,000 bond to be released to LoParco Associates, Inc.
24. Application #06-144 – Permit #06-122 for Lakeview Capital, LLC – Lakeview Drive (Lot #5). \$6,000 bond to be released to LoParco Associates, Inc.
25. Application #06-174 – Permit #06-143 for Edward and Michelle Howe – 25 Old Camp Lane. \$4,000 bond to be released to Michelle Howe.
26. Application #06-180 – Permit 06-147 for Patrick and Linda Le Breton – 21 Stepping Stone Lane. \$6,000 bond to be released to Patrick and Linda Le Breton.
27. Application #07-03 – Permit #07-12 for Kurt and Susan Alexander – 477 Riversville Road. \$8,000 bond to be released to Traditional Building & Design, LLC.
28. Application #07-61 – Permit #07-51 for Joseph Melendez – 15 Wynnwood Road. \$2,000 of the original \$6,000 bond to be released to Joseph Melendez.
29. Application #07-174 – Permit #07-136 for Bozenna Krysicki – 21 Dingtletown Road. \$2,000 bond to be released to Bozenna Krysicki.
30. Application #07-206 – Permit #08-06 for Martin and Heather St. Louis – 76 Meadow Road. \$8,000 bond to be released to Martin and Heather St. Louis.

A motion to approve the release of the cash performance bonds was made by Garrett Dietz, second Bill Galvin. The motion carried 7-0.

The meeting adjourned at 9:35 p.m.

Michael N. Chambers  
Wetlands Director