

**DRAFT MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
OCTOBER 26, 2009**

Members present: Chairman Lawrence Perry, John Conte, Martin Kagan (*arrived at 7:10*), Bill Galvin, Elliot Benton, Stephan Skoufalos

Alternates present: Robert Sisca, Brian Harris, Joseph Rogers

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

Others present: Larry Liebman, Tony D'Andrea, Bill Kenny, Jay Keillor, Lawrence Liebers, Dr. and Mrs. Joel Leon, Ed Davis, Bill Kenny, Andy Toth, Peter Finkbeiner, Neal Weinberg, Hollace & Mark LeLievre, Aldo Esposito, Sandra Mini, Jenny & Alan Freedman

PUBLIC MEETING

Chairman Lawrence Perry called the meeting to order at 7:05 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 Chairman Lawrence Perry to seat Joe Rogers in the absence of Garrett Dietz.

Review and approval of draft minutes of September 28, 2009

A motion to approve the draft minutes of September 28, 2009 without correction was made by John Conte, second Bill Galvin. The motion carried 7-0.

Director's Report

The Agency was advised that a draft violation policy had been prepared by the Director and presented to the Agency Chair for comment. After corrections have been made to the document, the policy will be shared with Agency members for additional consideration before being accepted as standard office procedure. It is hoped that the document will be presented to the full Agency prior to the November meeting, with discussion and action occurring during the November 16, 2009 meeting. In addition to this document, the Chairman is also considering the practicality of the Property Certification Program originally introduced to the Agency during the September 28, 2009 meeting. The program is designed to assist prospective home buyers in determining whether sites with wetlands or watercourses are free of unauthorized activity prior to the purchase of the parcel. Should the Chairman feel that the program is worthy of additional consideration, a subcommittee will be assembled for study and later report to the Agency.

The 2008-2009 Annual Report has been prepared by the Director and distributed to the Agency for comment and consideration. The report summarizes Agency matters of public interest during fiscal year 2008-2009. Notable accomplishments include successful defense of all administrative appeals presented to the State Superior Court, reduced enforcement actions gained through increased compliance visits, and restructuring of staff assignments to improve staff efficiency. The Annual Report will be presented to the Finance Department, as required by October 31, 2009, after signature from the Agency Chair and its Director.

Agent Approvals

Three Agent Approvals were issued during the period following the last regularly scheduled meeting. No questions or comments were taken from Agency members.

Compliance Report

Doreen Carroll-Andrews referred to the Summary Compliance Report that was distributed in the meeting packets. The Report included a breakdown of bond releases (28 requested, 7 initiated by Staff, 19 released), Stop Work Orders issued (1), and deadlines set by the Agency that are upcoming or have passed. Under Deadlines Passed, 75 Buckfield Lane was later discussed under Violations by Doreen Carroll-Andrews.

An update was given for 87 Dingtowntown Road by Doreen Carroll-Andrews. A Stop Work Order was issued on this property in January 2009 for excavation and fill adjacent to wetland areas and failure to install adequate erosion controls. A Stop Work Order was also put in place by the Zoning Enforcement Office. At that time, the Secords, owners of 87 Dingtowntown Road, were unable to comply with the deadline for the submission of an IWWA Application until the Zoning requirements were met. Faced with this information, the Agency members moved to maintain the Stop Work Order but lifted the deadline until the zoning issues were addressed.

A Building Permit was issued in August 2009 for the construction of a retaining wall and approximately 500-600 yards of fill. The homeowners and their lawyer were repeatedly reminded of their responsibility to submit an IWWA application prior to commencement of activity. No application has been submitted to date and no work has begun on site. The Zoning Enforcement Officer is scheduled to be in court on Tuesday, October 27th, to enforce corrective action. Wetlands staff may also be called to attend the court hearing if deemed necessary.

Public Discussion Session

Consent Approvals

#2009-111 – 30 Cary Road – George Flouty – Tax #12-1486

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 Martin Kagan, second Bill Galvin. The motion carried 7-0.

#2009-114 – 15 Nearwater Lane – Earl and Darlene Moore – Tax #12-2968

The Staff Report prepared by Aleksandra Moch recommended the issuance of a permit. No objections to the Staff Report were heard. The Agency did request that the Staff Report be corrected to reflect the street address as 15 Nearwater Lane, not 25 Nearwater Lane. A motion to approve with said change was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

Pending Applications

#2009-66 – 7 Lighthouse Lane – Arthur Riel – Tax #6-3055 - **WITHDRAWN**

The Agency received a letter on October 20, 2009 from the applicant's agent, Redniss & Mead, Inc., which formally requested the matter be withdrawn from consideration. A new application must be submitted to the Agency no later than December 2009. Should the party fail to submit an application by a date prior to the December 21, 2009 meeting, the Director is then instructed to schedule a Cease & Correct action to address issues of non compliance which have occurred on site.

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

The Staff Report prepared by Aleksandra Moch recommended the issuance of a permit. Matters of the application were presented by the owner, Larry Liebers, as well as his representatives, Jay Keillor, P.E. of Land Engineering, and Andy Toth of Greenwich Restoration & Remodeling. Mr. Liebers stated that he had read the staff recommendations and had no objections. Elliot Benton questioned why a site plan showing an alternative tennis court location in areas at the front of the property as previously requested has not been submitted for consideration. Several members of the Agency questioned staff as to whether the plan as submitted was likely to have any impact on wetland and watercourse areas, and if design alternatives existed that would further reduce potential effect to on-site environs. After a lengthy debate, a suggestion was made to move the accessory structure at least 20 additional feet from the nearest wetland and watercourse area. The applicant stated he was in agreement with the suggestion and would work out details with staff if the matter was approved. A motion to approve the application with said change was made by John Conte, second Martin Kagan. The motion carried 5-2. Bill Galvin and Elliot Benton did not support the motion.

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

The site plan prepared by Michael Chambers recommended delay, pending receipt of additional information. Conditions were provided to the Agency in the event they were inclined to approve the proposed activity. Summary comments presented to the Agency were made by the site owner, Aldo Esposito. Mr. Esposito was also accompanied by his contractor as well as Peter Finkbeiner, P.E. of Sound View Engineers & Land Surveyors. Specific questions raised in the report were addressed both by Mr. Esposito and Mr. Finkbeiner. After hearing response to staff concerns, the Agency agreed that conditions were in place to adequately protect wetland and watercourse areas found on and off site. A motion to approve was made by Elliot Benton, second Martin Kagan. The motion carried 7-0.

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

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the construction of a tennis court. Appearing before the Agency on behalf of the applicant was Tony D'Andrea, P.E. of Rocco V. D'Andrea, Inc. Mr. D'Andrea apologized for the commencement of regulated activities prior to Agency action. The Agency was further advised that the applicant offered no objections to the staff comments. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried

7-0.

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

Bob Clausi informed the Agency that no additional information had been received and that a request to extend the 65-day review period had been ignored. In the absence of the extension, it was determined that the matter would have to be denied in the event an extension was not received prior to October 27, 2009. A motion to Deny the application if an extension is not received prior to the first 65-day review period was made by Martin Kagan, second Bill Galvin. The motion carried 7-0

Pending Modifications

#2005-73 – 888 North Street – The Stanwich Club – Tax #11-1156

The Staff Report prepared by Bob Clausi recommended the issuance of permit. Appearing before the Agency on behalf of the applicant was Larry Liebman of S.E. Minor & Co., Inc. Mr. Liebman offered no objections to the staff recommendations. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 7-0.

New Applications

#2009-112 - 333 Cognewaugh Road – Pamela and William Wurst - Tax #8-1408

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Edward Davis, the project architect. Mr. Davis summarized the proposed activities, and offered no objections to the staff comments. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

#2009-115 – 17B Suburban Avenue – Antonio Paz and Sandra Mini – Tax #8-1051

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency to answer questions regarding the proposed matter was Dr. Sandra Mini. No objections to the proposal were heard. A motion to approve was made by Martin Kagan, second Elliot Benton. The motion carried 7-0.

#2009-117 – 26 Round Hill Road – Hollace and Mark LeLievre - Tax #10-2389

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Tony D’Andrea, P.E. of Rocco V. D’Andrea, Inc. and Bill Kenny of William Kenny Associates. Neither party objected to the staff recommendations. A motion to approve was made by Martin Kagan, second Stephan Skoufalos. The motion carried 7-0.

#2009-118 – 14 Dewart Road – 25 Close Road Trust – Tax #11-2171 - POSTPONED

The Agency was advised that the applicant had submitted a request to postpone the matter. No Agency action was required.

#2009-123 – 1188 King Street – Connecticut Health of Greenwich – Tax #10-1047

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of a permit with the added requirement that an invasive species removal plan be prepared to eradicate the presence of Mile-a-Minute weed found on the property. No representatives were present to discuss comments related to the application. Hearing no objections, a motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

New Modifications

#2004-51 – 17 Wynnwood Road – 17 Wynnwood Road LLC – Tax #11-1818 - POSTPONED

At the request of the applicant, the matter was postponed. No Agency action was required.

#2005-78 – 10 Ledge Road – Neal and Norit Weinberg – Tax #6-3067 - DELAYED

The Staff Report prepared by Bob Clausi recommended Delaying the application, pending receipt of additional information. Appearing before the Agency was owner Neal Weinberg. Mr. Weinberg advised the Agency that S.E. Minor had been contacted to update the site survey to reflect structures placed on the property without the prior approval of the Agency. The applicant was encouraged to work with staff to resolve issues of non compliance on the property before returning to the office for consideration of the new activities. A motion to Delay was made by Martin Kagan, second Elliot Benton. The motion carried 7-0.

#2006-132 – 20 Locust Road – Alan and Jennifer Freedman – Tax #10-2338

The Staff Report prepared by Bob Clausi recommended Delay, but provided conditions in the event the Agency was inclined to issue a Letter of Permission for the horse barn. Appearing before the Agency were owners Alan and Jennifer Freedman. The owners argued that outstanding conditions associated with the permit were not likely to be supported by New York State DEP, seeing that they did not serve the interest of the public drinking water supply for New York State. The Director informed the Agency, while efforts should be taken to consider and improve upon discharge entering the New York State drinking water supply, that the Agency's charge is to protect wetland and watercourse systems in the Town of Greenwich. With this instruction, the Agency was further advised by the Director that recommendations and supervision of the project should not be turned over to New York State DEP, as they would not be considering issues affecting wetland and watercourse systems within the Town of Greenwich. After a lengthy debate, the permittee decided to comply with outstanding conditions along with the modified provisions that would be attached to the Letter of Permission. Hearing no further objections, a motion was made by Martin Kagan to approve the application. Second Elliot Benton. The motion carried 7-0.

#2009-73 – 25 Richmond Hill Road – Frank Vataj – Tax #10-2502 – DELAYED

The Staff Report prepared by Bob Clausi recommended Delay, however provided conditions in the event the Agency was inclined to approve. Appearing before the Agency on behalf of the applicant was Bill Kenny of William Kenny Associates and Peter Finkbeiner, P.E. of Sound View Engineers & Land Surveyors. Mr. Kenny informed the Agency that required restoration of cleared areas within and adjacent to wetland and watercourse systems on site was under way; however, it was unknown as to when the project would be completed. The Director informed the Agency that it would be ill advised to consider new activities in light of the fact that a Violation still exists on the subject parcel. The position was supported by several members of the Agency, all of whom agreed that ample time had passed for the

installation of plantings. After careful deliberation, a motion to Delay was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

Violations

Cease & Correct Order #2009-06 - 75 Buckfield Lane - Joel Leon and Denise Tavcar

The Agency Compliance Officer, Doreen Carroll-Andrews, informed members that an application to resolve site violations had been received and, therefore, proceeding with the enforcement action was not necessary. The Agency also received comment from the land owner and permittee, Dr. Joel Leon and his wife, Denise Tavcar. Dr. Leon read a statement of concern into the record. The statement summarized activities associated with the ongoing violation, as well as his displeasure with staff treatment. After considering all positions, Dr. Leon was informed that he could either withdraw the application and resolve the issues of non compliance with staff in a timely manner, or through the application process, Dr. Leon could maintain his request to maintain site conditions for Board consideration. The direction going forward was not shared by Dr. Leon at the meeting. Since an application has been received with appropriate fees, no enforcement action was taken by the Agency.

Bond Releases

1. Application #93-103 - Special Permit #93-112 for Ahmad Rashad - 622 Riversville Road. \$2,000 bond to be returned to Ahmad Rashad.
2. Application #98-61 – Permit #98-182 / Conceptual Approval #98-9 – 272 Palmer Hill Road. \$2,000 bond to be returned - \$1,000 to William DeLuca and \$1,000 to Dave Moran.
3. Application #98-116 – Permit #98-97 for Jack C. Schnackenberg, Jr. – 16 Skyridge Road. \$500 bond to be returned to Jack Schnackenberg, Jr.
4. Application #00-107 – Permit #00-95 for Jim and Nancy Case – 5 Ricki-Beth Lane. \$2,000 bond to be returned to James R. Case.
5. Application #00-112 – Agent Approval #00-42 for Daphne White – 212 Sheephill Road. \$500 bond to be returned to Daphne White.
6. Application #05-128 – Permit #05-107 for Jeffrey Kauffman Architects, LLC – 30 Will-Merry Lane. \$5,000 bond to be returned to Sam Horowitz.
7. Application #06-97 – Permit #06-78 for Najib and Kirsten Lamhaouar – 61 Winthrop Drive. \$6,000 bond to be returned to Najib and Kirsten Lamhaouar.
8. Application #06-179 – Agent Approval #06-46 for Kathryn Adams – 84 Brookside Drive. \$500 bond to be returned to Kathryn Adams.
9. Application #07-10 – Permit #07-17 for Peter and Jean Scannell – 70 Zaccheus Mead Lane. \$5,000 bond to be returned to Peter and Jean Scannell.
10. Application #07-141 - Permit #07-116 for Barry and Karen Cohen - 66 Bedford Road. \$8,000 of the original \$10,000 bond to be returned to Barry Cohen.

11. Application #07-190 – Permit #07-152 for Maggie Gordon, LLC – 80 Perkins Road. \$6,000 bond to be returned to Maggie Gordon, LLC.
12. Application #07-208 – Permit #08-10 for Curtis and Cheryl Probst – 44 Hearthstone Drive. \$1,000 bond to be returned to Curtis and Cheryl Probst.
13. Application #08-65 – Agent Approval #08-13 for Herman and Adele Raspe – 67 Burning Tree Road. \$1,000 bond to be returned to Herman and Adele Raspe.
14. Application #08-69 – Permit #08-55 for Gavin and Margery Scotti – 136 Parsonage Road. \$1,500 bond to be returned to Gavin and Margery Scotti.
15. Application #08-112 – Permit #08-94 for Carl and Marsha Hewitt – 179 Bedford Road. \$1,000 bond to be returned to Carl and Marsha Hewitt.
16. Application #08-113 – Permit #08-95 for Leslie Carlotti – 22 Chieftans Road. \$2,500 of the original \$5,000 bond is to be returned to Chieftans, Inc.
17. Application #08-146 – Agent Approval #08-24 for Bruce and Anne Murdock – 40 Frontier Road. \$1,000 bond to be returned to Bruce Murdock.
18. Application #09-23 – Permit #09-25 for Thomas Keltner, Jr., Trustee, for 107 Doubling Road. \$2,000 bond to be returned to Wien & Malkin, LLC.
19. Application #09-93 – Permit #09-76 for Ruth Schreiber – 25 Cedarwood Drive. \$2,000 bond to be returned to Coastal Point Development, LLC.

A motion to approve the release of the cash performance bonds was made by Martin Kagan, second John Conte. The motion carried 7-0.

The meeting adjourned at 9:35 p.m.

Michael N. Chambers
Wetlands Director