

INLAND WETLANDS COMMISSION
REGULAR MEETING –MINUTES
March 28, 2011 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET

PRESENT: James Hall, Anne Hall, Troy LaMere, Lou Moscaritolo, Jack Trumbull; Alternate Wayne Ryznar. Land Use staff Inland Wetlands Enforcement Officer Rista Malanca, Recording Secretary Stacey Sefcik.
ABSENT: Robert Swanke.

Chairman James Hall called the meeting to order at 7:00PM. All regular members present were seated for the evening. The entire proceedings were recorded on audio tape and are available in the Town Hall. Mr. Ryznar was seated for Mr. Swanke

1) PUBLIC HEARINGS:

- a. John & Kathleen Burke, 23 Parsonage Drive (formerly 41 E. Cotton Hill, Construct a driveway and dwelling – After the Fact.

Mr. Burke addressed the Commission, he read and submitted a written statement to the Commission stating he felt that the existing driveway should not be changed due to the impact it would have on the wetlands. Mr. Burke also stated that the current system for the driveway is 75% complete and that he felt the swales proved to be successfully preventing erosion throughout the Spring thaw. Mr. Burke stated is a licensed professional engineer

Mr. Hall questioned if the existing driveway meets the town Driveway Ordinance. Ms. Malanca stated that at this time it did not meet the Ordinance. Mr. Hall then explained that the Inland Wetlands Commission does not regulate driveway grades and asked if it is necessary for the driveway grade to be changed. Ms. Malanca stated that the driveway did need to conform to the Ordinance. .

Mr. Burke stated that in order to make the driveway conforming, it would be considerable work and money. The Commission stated that they wanted Roger Hurlbut, the Town Engineer, to look at the plans and the existing drainage to see if it is acceptable.

Ms. Malanca added that the town's attorney would be there on Wednesday and discuss any implications of this being an after the fact application and the impacts to the wetlands. The Commission stated that they just want to make sure that there are no unforeseen issues and that they don't approve something that can not be approved by zoning.

Ms. Malanca recommended that the public hearing be continued to allow her to work with the on the zoning issue. Mr. Hall agreed, and stated that continuing the Public was in the best interest for the Burkes as well as the Commission.

Mr. Hall asked if there was any further questions from the audience or Commission.

IN A MOTION made by Mr. Ryznar, seconded by Ms. Hall, it was voted to continue the Public Hearing to the regular meeting, April 25, 2011 at 7:00 PM on the matter of John & Kathleen Burke, 23 Parsonage Drive (formerly 41 E. Cotton Hill, Construct a driveway and dwelling – After the Fact; unanimous

2) PUBLIC HEARINGS CONTINUED:

- a. Patrick Gallagher, 604 West Hill Rd, Blasting Rocks within West Hill Lake

Mr. Hall stated that Mr. Gallagher has submitted a written request to extend the hearing until April 25, 2011 as he is unable to attend. Mr. Hall stated that the Commission can grant the continuation, however he has been informed that this is the last continuation he can have.

There was no one in the audience who wished to speak for or against this application at this time.

IN A MOTION made by Mr. Trumbull, seconded by Mr. Ryznar, it was voted to continue the public hearing for Patrick Gallagher, 604 West Hill Rd, Blasting Rocks within West Hill Lake, until April 25, 2011; motion carried, 5-0-1, with Mr. LaMere abstaining.

3) **NEW APPLICATIONS: Acceptance and Determination of Significance:**

- a. Michael Angelo's Restaurant, 256 main Street, Construct a 12x40 patio within the regulated area, after the fact application. Peter Anastasopoulos, owner of Michael Angelo's Restaurant was present to discuss this application with the Commission. He stated that he had received a permit to construct a patio behind the building, and that he was having trouble with vehicles driving between the patio and the river. He installed a Stone wall and planted grass to keep the vehicles out of that area and was unaware a permit was needed. Mr. Anastasopoulos stated that it required very little fill and some grading to make the area level. The river bank was not disturbed at all during the construction and the entire site is currently stabilized.

IN A MOTION made by Mr. LaMere, seconded by Ms. Hall, it was voted to accept this application for Michael Angelo's Restaurant, 256 main Street, Construct a 12x40 patio within The regulated area, after the fact application as non-significant; vote unanimous.

- b. Proposed changes to the Inland Wetland and Watercourse Regulations to include after the fact application fees. Ms. Malanca submitted stated that a new fee ordinance had been approved which includes an after the fact application fee and submitted a memo from Attorney Mark Branse with proposed changes to the Inland Wetland Regulations which would mirror the Ordinance change.

IN A MOTION made by Mr. Ryznar, seconded by Mr. LaMere, it was voted to set up a public hearing on the proposed changes for May 23, 2011; vote unanimous.

4) **PENDING APPLICATIONS.**

- a. John & Kathleen Burke, applicant/owner – 23 Parsonage Drive (formerly 41 E. Cotton Hill). Construct a driveway and dwelling – After the Fact. Tabled until April 25, 2011
- b. Patrick Gallagher, 604 West Hill Rd., Blasting Rocks within West Hill Lake. Tabled until April 25, 2011
- c. Proposed changes to Inland Wetland and Watercourse Regulations to be compliant with PA 10-085 – Public Hearing scheduled for April 25, 2011

5) **MINUTES OF PREVIOUS MEETINGS**

- a. February 28, 2011 – the Commission received and reviewed the minutes prior to the meeting

IN A MOTION made by Mr. Trumbull, seconded by Mr. LaMere, it was voted to table minutes until the next meeting, April 25, 2011; vote unanimous.

6) **INLAND WETLAND'S OFFICER'S ENFORCEMENT REPORT**

Ms. Malanca reviewed her enforcement report with the Commission and mentioned that she had received a verbal complaint from Ms. DuBois (Messenger) regarding filling of the watercourse which runs parallel to their property line and she is researching this.

- 7) CORRESPONDENCE
- 8) OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION
 - a. Discussion of Bylaws

IN A MOTION made by Mr. Trumbull, seconded by Mr. LaMere, it was voted to adjourn at 8:20PM; unanimously approved.

Respectfully Submitted,

Nancy Kleindienst for
Stacey M. Sefcik

