

**CITY OF NORWALK  
MEETING OF THE CONSERVATION COMMISSION/INLAND  
WETLAND AGENCY MINUTES  
APRIL 22, 2025**

**PRESENT:** Steve Klocke, Chair; Cheryl Brown; Paul Vinett; Ed Holowinko; Heather Breslin

**STAFF:** Alexis Cherichetti

**OTHERS:** Jon Magnotta; Brian Carey, Atty Rick Constantini

**I. CALL TO ORDER**

Mr. Klocke called the meeting to order at 6:01 p.m. It should be noted that this meeting was held on Zoom.com with all participants calling in, separately.

**II. ROLL CALL**

Ms. Cherichetti called the roll.

**III. PUBLIC PARTICIPATION**

No one spoke on this item.

**IV. RECEIPT & DISCUSSION**

There were no new applications to be received.

**V. DISCUSSION &/OR DECISION I**

**A. #S25-653 – 70 Toilsome Avenue – Magnotta – New Single-Family Residence and associated site improvements adjacent to a wetland and a watercourse**

Ms. Cherichetti gave a brief timeline of the application which had been received at a previous meeting. She showed them the plans that they had previously seen and then the revised ones, with an additional landscaping plan which she described. She also discussed the staff memo which included a draft resolution.

Jon Magnotta, the applicant, said that he had nothing additional to add and would answer any questions.

There was a discussion about whether this could be added to the deed so that owners could not say they were unaware of it. Ms. Cherichetti suggested that language be added to the special conditions of the resolution that would then be included on the deed in perpetuity.

There was a discussion about the size of the mountain laurel. Ms. Brown also suggested that the sensitive fern be located closer to the wetlands. There was also a discussion about the size of the buffer which on the plan was only 40 ft. The applicant was asked to make it 50 feet.

Mr. Klocke made a motion so that the commissioners could discuss the draft resolution further, including the buffer. After discussing it, Mr. Klocke said that he would rescind his motion.

\*\*\* **MR. VINETT MADE A MOTION TO APPROVE THE DRAFT RESOLUTION FOR #S25-653 – 70 TOILSOME AVENUE.**  
\*\*\* **MS. BROWN SECONDED THE MOTION.**  
\*\*\* **CHERYL BROWN; PAUL VINETT; APPROVED.**  
\*\*\* **STEVE KLOCKE; ED HOLOWINKO; HEATHER BRESLIN OPPOSED THE MOTION.**  
\*\*\* **NO ONE ABSTAINED.**

The motion failed.

\*\*\* **MR. KLOCKE MADE A MOTION TO APPROVE THE DRAFT RESOLUTION FOR #S25-653 – 70 TOILSOME AVENUE, WITH CHANGES TO CONDITION #4 AS WELL AS A CHANGE REGARDING THE BUFFER WHICH THE BOULDERS WOULD BE IN AN ARC.**  
\*\*\* **MS. BROWN SECONDED THE MOTION.**  
\*\*\* **STEVE KLOCKE; ED HOLOWINKO; HEATHER BRESLIN; CHERYL BROWN; PAUL VINETT; APPROVED.**  
\*\*\* **NO ONE OPPOSED THE MOTION.**  
\*\*\* **NO ONE ABSTAINED.**

This motion passed.

\*\*\* **MR. KLOCKE MADE A MOTION TO AMEND THE AGENDA.**  
\*\*\* **MS. BROWN SECONDED THE MOTION.**  
\*\*\* **STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; HEATHER BRESLIN; ED HOLOWINKO; APPROVED.**  
\*\*\* **NO ONE OPPOSED THE MOTION.**  
\*\*\* **NO ONE ABSTAINED.**

## **VI. ACCEPTANCE OF MINUTES**

### **A. April 8, 2025 Meeting Minutes**

Conservation Commission

April 22, 2025

Page 2 of 7

\*\*\* MS. BROWN MADE A MOTION TO APPROVE THE MINUTES OF THE APRIL 8, 2025 MEETING.

\*\*\* MR. VINETT SECONDED THE MOTION.

\*\*\* STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; HEATHER BRESLIN; ED HOLOWINKO APPROVED.

\*\*\* NO ONE OPPOSED THE MOTION.

\*\*\* NO ONE ABSTAINED.

## **VII. CONSERVATION INITIATIVES**

### **A. Earth Day Event - April 26th**

Ms. Cherichetti wished everyone a happy Earth Day. She said that a decision would be made on Saturday, April 26 by 9 a, if the event is cancelled due to rain.

## **VIII. REPORTS**

### **A. Senior Environmental Officer**

Ms. Cherichetti had nothing to report at this time.

### **B. Commission Chair**

Mr. Klocke had nothing to report at this time.

The commissioners decided to take a recess since there were no more items on the agenda that they could discuss until 7 pm when the public hearing would begin. The commissioners reconvened the meeting at 7:01 pm.

## **IX. PUBLIC HEARINGS (BEGINS AT 7:00 P.M.)**

### **A. #S16-499B – 284 New Canaan Avenue – LandTech for Penna Construction – Corrective Action permit modification for previously approved contractor's yard**

Mr. Klocke reconvened the public hearing. Ms. Cherichetti confirmed that all commissioners that had been at the meeting earlier were once again present. She then explained the statutory timelines that the agency has to conclude a public hearing and act upon the application. She said that tonight's meeting was their last chance to review it, along with some materials that had been received earlier in the day. Other materials were also received after the April 8 meeting, which Ms. Cherichetti said that the applicant should provide an overview.

Rick Constantini, the attorney for the applicant, began the overview by noting the corrective action permit that was pending before the commission. He also noted the requests that the applicant was seeking, one of which was to modify the original approval of the storm water management.

Brian Carey, the soil scientist on the application, noted that the applicant had received a response from the neighbor's attorney to which they responded. He apologized for the lateness of the response. He spoke about modifications to storm water management. He noted that he had added a detailed history of the permitting on the property into the record. He said that it was not an expansion of the yard. He said that their position was that this was a restoration with a slight change from an above ground water management system to an underground one. He would read a rebuttal into the record after public comments.

At this point, members of the public were invited to make comments.

Robert Kolodny, 48 Carter Street, said that he was astonished by the after hours noise from the site, which he said he had heard between 1 am - 3 am. Mr. Klocke reminded him that the purview of the Commission was wetlands and watercourses and that his remarks should be addressed to those items. Mr. Kolodny did believe that it would be impossible to trust anything that the applicant had to say since there had been multiple violations of the permit.

Karen Wilson, 178 Pocconock Trail, asked about whether the lawyer's documents had been reviewed by the commission. She did not think a third-party review had been done of the violations. She had concerns that they should not be listening to the applicant's soil scientist.

Alain Chebeir, 166 Pocconock Trail, asked questions about the underground filtration system, as well as the expansion of the underground system, as well as the location of the storage bins.

Elena Zaika, 46 Carter Street, noted that the applicant is in violation of the variance with lights, sounds, fumes. She said that she was not surprised that they would not hire an outside party. She has tried to communicate with them over the years and had little trust.

Marwan Saidi, 46 Carter Street, said that he would reiterate what his wife, Ms. Zaika, had said. He also had concerns about the underground system not being tested. It would create more space for parking vehicles and would create runoff into the wetlands.

There was then a discussion about the letters that had been submitted earlier in the day which Ms. Cherichetti said did not need to be read into the record, since they were already a part of it. At this point, she also said that the commissioners could ask the applicant any questions before the rebuttal.

There was a discussion about keeping the water from the yard in the yard. Mr. Carey explained how that would work. He said that there was enough buffer to mitigate impacts to the wetlands. He addressed the concerns of neighbors about the certification of the water management system. They are submitting letters to the city verifying the system that was put in place in 2024.

Ms. Cherichetti had a question about a concrete block and backfill which Mr. Carey said would be minimal and only across the northern boundary.

There was a discussion about the impacts of the storm water system that was supposed to be installed in 2016/2018 but was not. Mr. Carey said it would be hard to know what those impacts had been. There was a discussion about the direction that the storm water was running while there was no system in place.

Constantini made some remarks including that there is no expansion of the contractor yard. They decided to remove it from the application. The applicant would restore it to how it was previously. The boundaries would be what was approved in 2016. He also addressed the third-party review which he said would have been necessary if the applicant had decided to expand the yard. However, they revised the plans with no expansion of the yard. He also reiterated that their soil scientist, Mr. Carey, said that there would not be an adverse impact on the wetlands. He also read a decision from a 2008 case before the Connecticut Supreme Court into the record. He also agreed with the staff's memo regarding the placement of the storage bins.

There was a discussion about the size of the yard when it was originally proposed and the size of the yard now. Mr. Vinett made comments about the use of the property before it was used by the applicant. There was further discussion about what was the yard. Ms. Cherichetti explained the detention basins which when the permit was first approved would be above-ground. Mr. Carey said that the above-ground system is cheaper than the underground system. There was a clarification that there was only an above ground system approved for this area. Ms. Cherichetti showed them a photo of the armory in 1995, as well as in 2007. Mr. Klocke believed that the paved areas were getting bigger. Atty Constantini and Mr. Carey disagreed with this.

At this point, Mr. Carey read his rebuttal into the record. He noted again that the applicant is not seeking to expand the use of the property. They would be changing the above ground retention system to an underground one which had been approved by the city's Department of Public Works. He reminded them that this is a corrective action permit. He summarized the elements which he believed supported approval. The boundaries are the same as the ones set in 2016/2018. The stormwater retention system meets or exceeds the requirements of the city and state. There would be no impacts on the wetlands. He then summarized his responses to the April 22, 2025 letter from Atty Megan Mills. He noted that all stormwater systems must have an operation maintenance plan that is filed on the land records and which the property owner must maintain. He also noted their responses to Ms. Cherichetti's memo dated April 16, 2025 including those about tree restoration, as well as an increase in the size of the trees, and will

submit a site boundary compliance report. He then discussed the regulatory standards for the project and then asked that the commission close the public hearing and take action.

Atty Constantini continued the presentation by noting that there are two issues to this application. One is the restoration of the eastern portion of the property. He noted that if the commission denied the application based on adverse effects from the storm retention system, it would have to state what actual adverse effects would occur. There are no new encroachments into the wetlands or watercourses.

**\*\*\* MR. VINETT MADE A MOTION TO CLOSE THE PUBLIC HEARING**

**\*\*\* MR. KLOCKE SECONDED THE MOTION.**

**\*\*\* STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; HEATHER BRESLIN; ED HOLOWINKO; APPROVED.**

**\*\*\* NO ONE OPPOSED THE MOTION.**

**\*\*\* NO ONE ABSTAINED.**

## **VII. DISCUSSION &/OR DECISION II**

### **A. #S16-499B – 284 New Canaan Avenue – LandTech for Penna Construction – Corrective Action permit modification for previously approved contractor's yard**

At this point, Ms. Cherichetti said that a draft resolution had not been prepared. She said that the commissioners could discuss the application and she would draft a resolution for their next meeting on May 13.

Mr. Klocke made opening remarks on how they should attempt to resolve this matter. He said that he would have preferred to see a third-party report and did not feel comfortable moving forward without it. Ms. Brown and Mr. Vinett agreed with Mr. Klocke.

Ms. Breslin was unsure of what they would be asking a third-party reviewer to prepare. At this point, they reviewed the site plan. There was a discussion about how the system works as far as separation of materials. Ms. Cherichetti described the percolation process and how it helped the remediation of pollutants. There was a discussion of how the water would flow with the curbing on the property. Ms. Cherichetti reminded them that they could approve with modifications. Ms. Cherichetti showed them pictures of the current site. There was a discussion as to the yard and what would be paved. There was also a discussion about what happened in 2018 but it should not have bearing on this application. There were discussions about different areas of the site and what had previously been done. Mr. Vinett said that he had not been happy when the property was given to the applicant in 2016. There was a discussion about a low concrete wall and the fill along this area. The goals were to corral the stormwater runoff on the property especially during heavy rainstorms and a barrier that doesn't move during the operation of the yard. Ms. Brown still had a concern about the lack of a storm water system

over the past 6 years. There was a discussion about not having the third-party report. At this point, there was a discussion about different scenarios of whether to approve or deny the application. Ms. Cherichetti said that she would draft a resolution for their next meeting. They still had 35 days to make a decision.

## **XI. ADJOURNMENT**

**\*\*\* MS. BRESLIN MADE A MOTION TO ADJOURN.**  
**\*\*\* MR. VINETT SECONDED THE MOTION.**  
**\*\*\* MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 8:38 pm.

Respectfully submitted,

Diana Palmentiero