

**CITY OF NORWALK
NORWALK HARBOR MANAGEMENT COMMISSION
REGULAR MEETING
JUNE 24, 2009**

ATTENDANCE: Tony D'Andrea, Chair; Henry Palau, Patricia Clark, Tony Mobilia, Dr. John Pinto

STAFF: Michael Griffin, Harbor Master; Geoff Steadman, Consultant

OTHERS: None

CALL TO ORDER

Mr. D'Andrea called the meeting to order at 7:30 p.m.

ROLL CALL

Mr. D'Andrea called the roll and announced a quorum was present. Mr. Harden, Cebrian and Callahan have excused absences.

CHAIRMAN'S REPORT

Mr. D'Andrea reviewed his written report with the Commission members. He thanked Mr. Hilts for noticing that the minutes on the website were not up to date and also Mr. Strauch for updating the website.

APPLICATION REVIEW COMMITTEE

2008-08 Review: SoNo Landing Associates, 90 Water Street, Norwalk

Ms. Clark said that SoNo Landing Associates has come before the Commission for three different items. The first was a CAM application, the second was an erosion control project and the final one was for the establishment of a 10 boat commercial marina. The third application has now been revised.

**** MS. CLARK MOVED BASED ON THE GUIDING PRINCIPLES SET FORTH IN THE NORWALK HARBOR MANAGEMENT PLAN, AND THE INCLUSION OF APPLICABLE INFORMATION, THE APPLICATION REVIEW COMMITTEE RECOMMENDS THE FOLLOWING MOTION TO THE COMMISSION:**

THAT THE DEP APPLICATION #200800255 SJ FOR THE SONO LANDING ASSOCIATES, 90 WATER STREET, NORWALK FOR WORK AT THE SAME IN THE WATERS OF NORWALK HARBOR REVISED PROPOSAL FOR SITE AND RELOCATE RAMP AND SWALE TO SOUTHERN END OF PROPERTY – 9’ x 12’ SWALE, 6’ x 30’ RAMP, 7’ WIDE CONCRETE LOADING, 10’ x 90’ TIMBER FLOAT WITH THREE PILINGS TO ACCOMMODATE A PUBLIC RECREATIONAL ROWING FACILITY

IS CONSISTENT WITH THE PLAN WITH THE CONDITION THAT THE COMMISSION RESERVES THE RIGHT TO RE-EVALUATE THE PROPOSAL AT SUCH TIME AS IT MAY BE SUBMITTED TO THE PERMITTING AUTHORITY, MODIFIED, GO TO PUBLIC NOTICE, OR WHEN ADDITIONAL INFORMATION BECOMES AVAILABLE.

ADDITIONAL COMMENTS &/OR CONDITIONS:

- 1. THE PROPOSAL MUST MEET ALL REQUIREMENTS OF THE NORWALK PLANNING AND ZONING AND;**
- 2. COMPLY WITH ALL CITY REGULATIONS AND CODES.**

**** MR. PALAU SECONDED.**

Ms. Clark said that the drawings were dated May 16, 2009 and were drawn by John Hilt. She then reviewed the details of the application for a public rowing facility. Mr. Steadman had a conversation with Sue Jacobson regarding whether this is a revision or a new application. Ms. Jacobsen said that it was a revision. Mr. Strauch said that the previous Zoning permit has expired and that the Department has not received a change of use. A third issue is that the littoral lines in the drawings show a property to the south that encroaches somewhat into the area for 90 Water Street. The owners involved have stated that they will continue to honor this encroachment because it is where the police boat is docked.

Mr. Steadman then reviewed the details regarding the expired permit and the encroachment. He said that he discussed these matters with Mr. Strauch earlier in the day. He said that having a dock that was in someone else’s riparian area was not consistent with the Harbor Management Plan.

The discussion then moved to the first plan that encompassed a group of piling with finger floats, but the new proposal would bring the dock closer to the channel. There was also a change in the type of boats from regular boats to rowing shells. Ms. Clark said that currently the plans do meet the Federal setbacks. It was noted that as long as it was

specified that this application was for rowing, the sense of the Commission was favorable.

Concerns were expressed about the encroachment of the dock on the property immediately to the south of the applicant. Discussion followed.

**** MS. CLARK AMENDED THE MOTION TO INCLUDE THE COMMENT THAT AN EXISTING STRUCTURE WAS LOCATED IMMEDIATELY TO THE SOUTH OF THE PROPERTY AND ENCROACHED ON THE LITTORAL LINES.**

**** MR. ROMANO SECONDED.**

**** THE MOTION TO AMEND PASSED UNANIMOUSLY.**

**** THE MOTION TO APPROVE THE APPLICATION AS AMENDED:**

BASED ON THE GUIDING PRINCIPLES SET FORTH IN THE NORWALK HARBOR MANAGEMENT PLAN, AND THE INCLUSION OF APPLICABLE INFORMATION, THE APPLICATION REVIEW COMMITTEE RECOMMENDS THE FOLLOWING MOTION TO THE COMMISSION:

THAT THE DEP APPLICATION #200800255 SJ FOR THE SONO LANDING ASSOCIATES, 90 WATER STREET, NORWALK FOR WORK AT THE SAME IN THE WATERS OF NORWALK HARBOR REVISED PROPOSAL FOR SITE AND RELOCATE RAMP AND SWALE TO SOUTHERN END OF PROPERTY – 9’ x 12’ SWALE, 6’ x 30’ RAMP, 7’ WIDE CONCRETE LOADING, 10’ x 90’ TIMBER FLOAT WITH THREE PILINGS TO ACCOMMODATE A PUBLIC RECREATIONAL ROWING FACILITY

IS CONSISTENT WITH THE PLAN WITH THE CONDITION THAT THE COMMISSION RESERVES THE RIGHT TO RE-EVALUATE THE PROPOSAL AT SUCH TIME AS IT MAY BE SUBMITTED TO THE PERMITTING AUTHORITY, MODIFIED, GO TO PUBLIC NOTICE, OR WHEN ADDITIONAL INFORMATION BECOMES AVAILABLE.

ADDITIONAL COMMENTS &/OR CONDITIONS:

- 1. THE PROPOSAL MUST MEET ALL REQUIREMENTS OF THE NORWALK PLANNING AND ZONING AND;**
- 2. COMPLY WITH ALL CITY REGULATIONS AND CODES.**

3. AN EXISTING STRUCTURE EXTENDS WATERWARD FROM THE ADJOINING [remainder of comment wording is missing from Application Review Committee form]

PASSED UNANIMOUSLY.

2009-09 Cont: Anthony and Elisa Tomas, 18 Tonetta Circle, E. Norwalk

2009-10 Cont: David Woodward, 16 Tonetta Circle, East Norwalk

Ms. Clark explained that these two applications parcels were side by side and would be considered together.

Previously, the Harbor Management Commission had found the application consistent with plan, with approval of the Shellfish Committee. These structures are located in an extremely active and productive shellfish bed area. Therefore the Shellfish Commission objects strongly. A letter arrived from the agent stating that due to the objections of the Shellfish Commission, the applicants respectfully requested that the Commission table the applications.

**** MS. CLARK MOVED TO TABLE THE APPLICATIONS FOR 2009-09 CONT: ANTHONY AND ELISA TOMAS, 18 TONETTA CIRCLE, E. NORWALK AND 2009-10 CONT: DAVID WOODWARD, 16 TONETTA CIRCLE, EAST NORWALK BECAUSE THE PROPOSALS ARE NOT CONSISTENT WITH THE PLAN FOR THE FOLLOWING REASONS, WHICH ARE BASED ON ATTACHED COPY OF THE OBJECTIONS OF THE SHELLFISH COMMISSION.**

**** MR. PALAU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

2009-03 Cont: Vantage Point Association, Inc., 100 Seaview Avenue, East Norwalk

Ms. Clark said that this had been tabled until further information arrived. Information has been received from Mr. Redniss regarding the littoral lines, but there has been no response from the City.

**** MS. CLARK MOVED THE FOLLOWING:**

RECOMMEND THAT THE CONTACT THE CITY DPW AND/OR CORPORATION COUNSEL FOR GUIDANCE ON RESOLUTION OF THE POSSIBLE ENCROACHMENT ISSUES INTO THE CITY RIGHT OF WAY AND THE WATERS IN THE PUBLIC TRUST.

Mr. Steadman said that he had spoken with Mr. Strauch about this. Mr. Palau said that he would feel betrayed if DPW ignored someone building a dock in the City's riparian area. Mr. D'Andrea suggested that perhaps he should visit Mr. Linnartz with another member of the Commission regarding this issue because of the public trust involved. Discussion then followed.

**** MS. CLARK WITHDREW HER ORIGINAL MOTION.**

**** MS. CLARK MOVED THE FOLLOWING:**

THE NHMC SHALL CONTACT THE CITY DPW AND/OR CORPORATION COUNSEL TO EXPRESS CONCERNS ABOUT POSSIBLE ENCROACHMENT ISSUES INTO THE CITY RIGHT OF WAY AND THE WATERS IN THE PUBLIC TRUST.

**** MR. ROMANO SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

2008-22 Cont: Thomas and Christine McDonough, 11 Sylvester Court

Ms. Clark then briefly reviewed the application and noted that there was a very minor change of an addition of a timber float stop. This was done per the request of the DEP. The Shellfish Commission had no issues with the plans. The Commission does not need to take any action at this time.

2009-07 Cont: Deborah Dawson, 6 Shorehaven Road

Ms. Clark said that this issue had been submitted by John Hilts regarding beach erosions. There have been lengthy and detailed discussions between Mr. Frank of the Shellfish Commission, DEP and the agent regarding the possible material used for the project. Ms. Clark said that no application has been submitted at this time. The Commission does not need to take any action at this time.

PLANNING AND ZONING REPORT

There was no report from the Planning and Zoning.

REPORTS

a. Dredging – Dr. Pinto said that there was no report. Harbor Master Griffin said that there had been a great amount of anticipation prior to the phone call but he was

wondering where the check was. Dr. Pinto said it was between Mr. Hamilton and the ACOE.

Dr. Pinto said that there was some scuttlebutt regarding the use of the money that is already allocated for Phase 3 dredging to pay the bills for the Patchogue River dredging.

b. Finance – Mr. D’Andrea then distributed copies of the Finance Report to the Commissioners. Mr. D’Andrea gave a brief overview of the finances to the Committee.

c. Boating and Harbor Safety – No report

d. Water Quality – Mr. D’Andrea said that Mr. Harden was not able to be present and that the most recent meeting was cancelled. The shellfish beds are currently closed following the recent heavy rains.

e. Planning and Recommendations – No report

f. Waterfront Advisory – Harbor Master Griffin reviewed the report. Dr. Pinto asked about how the bathroom magnetic key cards worked for the incoming boaters. Harbor Master Griffin reviewed the procedure.

g. Newsletter/Website – Mr. Romano thanked Mr. Mobilia for all his hard work on the newsletter. A brief discussion followed regarding some of the wording in the various articles.

The discussion then moved to the possibility of having a click through area on the Website where the residents could send emails to State and Federal officials regarding various issues that affect the Harbor.

It was also mentioned that the Commission should consider distributing the newsletter to people via email after a database is created. Mr. Romano said that this would also contribute to being green, also. Print copies could be dropped at the various boat clubs or marinas, along with the rack downstairs.

STAFF REPORTS

a. Harbor Master/Harbor Manager –

Harbor Master Report – Harbor Master Griffin then reviewed his report including a recent incident where a rowing shell collided with a power boat. His report included the text from a letter from Ms. Eleanor Mariane from DEP Boating Law Administrator regarding this incident.

Harbor Master Griffin said that there would be a large fireworks display off of Little Calf Pasture for a private celebration at 9 p.m. on Saturday night, June 27th.

The discussion then turned to a barge that is moored at a local bulkhead south of Bloom Brothers. Harbor Master Griffin reviewed the details of the situation with the Commission. Harbor Master Griffin said that the owner will move the barge to Stamford and be removed from the water, since the bulkhead crane is no longer operable due to a recent bulkhead collision.

Harbor Manager – Harbor Master Griffin reviewed the details for the Harbor Manager report. Harbor Master Griffin informed the Commission that this year the Oyster Festival will have helicopter tours. The helicopters will be running down the Harbor and not go further than the islands.

**** MS. CLARK MOVED TO RECEIVE THE HARBOR MASTER/HARBOR MANAGER REPORTS.**

**** MR. PALAU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

b. Consultant – Mr. Steadman said that he had no report other than Mr. D’Andrea was working with the Recreation and Parks Department regarding the Harbor Management Plan. Copies of the plan will be sent to the Recreation and Parks Committee for review and approval at their next meeting followed by a public hearing. After this, the Plan will go before the full Council for a vote of approval.

APPROVAL OF MAY 2009 MINUTES

The following corrections were noted

Page 1, under **OTHERS**: please add “Michael Griffin, Harbor Master”

Page 1, under **OTHERS**: please correct the name of “Wiess” to “Weiss” and through out the document.

Page 1, under **Application Review**: please change the Application number from # 200802445-SJ to # 200802443-SJ and throughout the remainder of the document.

Page 4, 3rd paragraph 3, line 3: please change the following from:

“Harbor Master Griffin said that when Mr. Redniss had realigned the East Basin, the channel was not the focus of the problem. He said that there was a perception that public land is being encroached upon in this instance.”

To “Harbor Master Griffin said that when Mr. Redniss had realigned the East Basin, the channel was the focus of the problem. He said that there was a perception that public trust is being encroached upon in this instance.”

Page 6, under Boating and Harbor Safety, line 3: please change:

“There were a number of “no weight” buoys that were also aligned.”
to “There were a number of “no wake” buoys that were also aligned.

Page 6, under Water Quality, line 2: please change:

“The interns are under the supervision of Harbor Watch”
to “The interns are under the supervision of the Norwalk Health Department.”

Page 6, under Water Quality, paragraph 1, line 1: please change: “that Mr. Dick Harris ahs generated” to “that Dick Harris has generated”

Page 7, paragraph 4: please replace the paragraph

Harbor Master Griffin said that there would be a Harbor Master meeting tomorrow night and that the State is seriously considering taking over the operation for Boater’s Registration. Harbor Master Griffin then briefly outlined the proposed course of action that the Harbor Masters are considering if the State moves ahead with their consideration.

with the following:

Harbor Master Griffin said that there would be a CHMA meeting tomorrow night and that the State is seriously considering not returning the City’s previous share of the Boater’s Registration. Harbor Master Griffin then briefly outlined the proposed course of action that the CHMA are considering if the State moves ahead with their consideration.

Page 8, under Harbor Master/Harbor Manager, please change the following from:

Mr. D’Andrea said that there was nothing on the list and requested that Harbor Master Griffin continue to attend the meetings.

To: Mr. D’Andrea requested that Harbor Master Griffin continue to attend the meetings.

**** DR. PINTO MOVED TO APPROVE THE MINUTES OF MAY 27, 2009 AS CORRECTED.**

**** MR. PALAU SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

NEW/OLD BUSINESS

Mr. D'Andrea said that consistent to the Harbor bylines, there will be a blue ribbon, fact finding tour of the David S. Dunavan Boating Center on July 22nd.

ADJOURNMENT

**** MR. PALAU MOVED TO ADJOURN.**

**** MS. CLARK SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:41 p.m.

Respectfully submitted

Sharon L. Soltes
Tedesco Secretarial Service

