



TOWN OF OLD SAYBROOK
**Inland Wetlands & Watercourses
Commission**

*J. Colin Heffernan, Chairman
Charles A. Wehrly, III, Vice Chairman
Charles W. Savage*

www.oldsaybrookct.gov

**MINUTES
SPECIAL MEETING**

*Alyse Oziolor (Conservation)
Madeleine B. Fish (Zoning)
Paula S. Kay (Planning)
Vacancy (Economic Development)*

Alternate Members
*Elizabeth D. Steffen, Secretary
Janis L. Esty*

Thursday, October 29, 2019 at 7:00 P.M.
Via Teleconference

I. CALL TO ORDER

The Chairman called the meeting to order at 7:00 p.m.

II. ROLL CALL

Members present: C. Heffernan, C. Wehrly, C. Savage, E. Steffen, P. Kay, J. Esty, A. Oziolor (arrived at 7:18)

Members absent: M. Fish

Staff: P. Hegge, Environmental Planner; L. Wacker, Recording Clerk

II. NEW BUSINESS

“Kuljis” Show Cause Hearing

Cease & Desist Order issued on October 21, 2020

Construction of deck and retaining wall within the 100' upland review area.

2 Cove Landing, (Map 16/ Lot 62-1)

Owner: Zoran R. Kuljis & Ann S. Lenz

Mr. Kuljis was present. C. Heffernan asked P. Hegge to explain why the Cease and Desist Order was issued. P. Hegge stated he was informed by the building inspector about the activity taking place on the Kuljis property. P. Hegge observed the framing for a deck and a retaining wall being built on the property. The wetlands permit from January 2019 shows that a shed was approved but does not mention the deck/porch or retaining wall. He also included the stockpiling of cordwood in the violation, but consulted with Attorney Cronin who told him that the stockpiling of cord wood is considered as-of-right and not a violation. He was directed by the Commission at the October IWWC meeting to issue the Cease and Desist Order. He reviewed the legal notice, meeting minutes and audio from the January 2019 meeting and there was no mention of the retaining wall or deck/porch.

C. Heffernan stated that the meeting materials include a map of the property with red markings on it and asked P. Hegge to describe where the deck and retaining wall are located in relation to the map. P. Hegge explained that the retaining wall is not shown on the map and described the location of the deck framing and retaining wall. C. Wehrly pointed out that the map states “not proposed” in the location of the deck. C. Savage pointed out that the original application mentions an 18' x 18' pad with an additional

four concrete posts for an adjacent 6' x 16' covered porch. P. Hegge responded that those items were not included on the site plan.

Mr. Kuljis stated that the map with red markings that the Commission has is not the application he submitted, and that he has reported to the police that someone at Town Hall is falsifying documents. He does not know who added the red markings. He explained that he wanted to add some storage space so he decided to buy a prefabricated shed. Mr. Kuljis described his discussions with the shed builders and Town Hall staff about the requirements for flood compliance. He submitted an application which included the shed and the covered porch. He explained that the FEMA regulations that are incorporated in the Town ordinance state that if the covered square footage is less than 400 ft. then no flood permit is needed, so he decided to remove the cover from the porch and remove flooring in the loft. He was instructed to submit new drawings so he obtained new drawings and gave them to the Town for approval. He did not need flood review and he did get a building permit. He did not put the retaining wall in the application because he did not know he would need a retaining wall. He needed to level the soil and waited a year to see how everything would settle. He installed the retaining wall to keep the soil from washing into the pond. He stated he does not need a permit for the retaining wall if it is less than 30 inches above the grading level, and his retaining wall will be almost completely buried. He feels he has been bullied and harassed and threatened by some of the Town Hall staff. Mr. Kuljis stated that he feels he should be compensated if the Town wants to dictate what he can do with his property. He also consulted with the Audubon Society and DEEP and they suggested the retaining wall to stop the erosion.

P. Kay stated that her original packet included a piece of paper that shows what looks like a lean-to attached to the shed. C. Heffernan stated that he did not have that. Mr. Kuljis explained that P. Kay has the same map without the red markings. C. Heffernan asked Mr. Kuljis when he removed the loft from the application. Mr. Kuljis replied that the red marking is forged and that the porch was approved. He removed the cover on the porch to avoid needing a flood permit and if there is no deck he will not be able to access the shed.

A. Oziolor stated that red markings appear to have a date of April 1, 2019, but the permit was granted in January 17, 2019, and that it is unclear why the application and map show the deck but the permit does not mention it. P. Hegge stated that Attorney Cronin advised him that even if the deck and retaining wall are listed on the application, if they are not documented anywhere in the permit, meeting minutes, meeting audio or legal notice, then they are not legal. C. Heffernan asked if P. Hegge listened to the audio. P. Hegge stated that he did listen to the audio from the January 2019 meeting when the shed was approved and there was no mention of the deck or retaining wall. There was no audio from the December 2018 meeting. C. Wehrly stated that the specific motion to approve the permit from January 2019 included the shed only.

Mr. Kuljis stated that he needed to leave the meeting, and asked the Commission to reference in writing the specific sections of the law that he is violating when they make their decision. He invited the Commission members to visit his property to see what is there. C. Heffernan stated that regarding the retaining wall, Mr. Kuljis appears to be confusing the building code with the wetlands code. With regard to the porch and the shed, the foundation for the shed is what was approved, and applications often get trimmed down before they are approved. P. Kay is concerned that the other members don't appear to have the graphic that shows a lean-to extension to the shed. A. Oziolor stated that she wonders if there was a misunderstanding between the applicant and the Commission, and maybe Mr. Kuljis thought he received approval for something that he didn't. A. Oziolor asked P. Hegge if he knew any more about the red markings dated April 1, 2019. P. Hegge responded that he did not. There was further discussion

about what may have been misconstrued in 2019. A. Oziolor asked whether P. Hegge measured the distance from the deck to the wetland. P. Hegge replied he did not. C. Wehrly stated that he observed that the deck appeared to be right beside the wetland. He reminded everyone that P. Hegge got a legal opinion from Attorney Cronin that they approved the shed, not the retaining wall or deck, and suggested they ask the homeowner to submit a new application for the deck and the retaining wall. P. Kay would like to split the difference and ask him to submit an application for the retaining wall. J. Esty feels he has already been splitting the difference. There was further discussion about how to proceed. A. Oziolor asked P. Hegge to make it clear to Mr. Kuljis that getting a permit for the deck is for his own protection as well.

MOTION to instruct the owner/applicant of 2 Cove Landing (Map 16/Lot 62-1) to complete a wetlands permit application which includes an accurate map regarding the retaining wall and shed with porch as built; **MADE:** by C. Heffernan; **SECONDED:** by A. Oziolor; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, A. Oziolor, P. Kay, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

IV. ADJOURNMENT

The Chairman adjourned the meeting.

MOTION to adjourn the meeting at 8:08 p.m. to November 19th, 2020 at 7:00 p.m. via teleconference; **MADE:** by E. Steffen; **SECONDED:** by J. Esty; **VOTING IN FAVOR:** C. Heffernan, C. Wehrly, C. Savage, A. Oziolor, P. Kay, E. Steffen, J. Esty; **OPPOSED:** None; **ABSTAINING:** None; **APPROVED:** 7-0-0.

Respectfully Submitted,

Lynette Wacker
Recording Clerk