

Daniel Kops

From: Ann M. Altman <annaltman@gmail.com>
Sent: Monday, September 21, 2020 7:55 PM
To: Daniel Kops
Subject: Comment for Tuesday's Public Hearing

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Comment for the Public Hearing at the meeting of the Planning and Zoning Commission on Tuesday Sept. 22

(Please be kind enough to acknowledge receipt of this comment and confirm that it can be read aloud at the Public Hearing. Thank you)

Special Permit and Site Plan #20-1511
82-92 Crestway,
M Zone
Site Remediation and Stabilization
Eighty Two-Ninety Two Crestway, Applicant

Honorable Commissioners,

Members of the public were unaware, until an article appeared in the New Haven Independent yesterday (Monday), of the serious legal and fiscal issues related to the extraordinary request for a Special Permit and Site Plan by 82-92 Crestway, which you have before you this evening.

I say extraordinary because of the long list of irregularities (and that is a charitable term) associated with this site and this applicant - if the article in the Independent is to be believed.

Even if half of the article is inaccurate, and I have no reason to believe that it is, there is much that you need to investigate and clarify before you move ahead with this request.

In addition, there appears to be a large amount of money owed, by the applicant, to the Town.

There should be no question that this money **must** be paid, and paid in full, before you even consider moving forward. Anything less would make a complete **mockery** of the permitting process (**at all levels**) and the levying of fines by the Town.

I respectfully request that you table this request

(a) until all monies owed to the Town by the applicant shall have been paid in full;

and

(b) until it has been demonstrated that the applicant is not in violation of any laws, statutes and regulations at the Federal, State and local levels.

To move ahead at this point, with this impertinent (and, frankly, astonishing) request, would tarnish your reputation, the reputation of the Planning and Zoning Commission, and the reputation of the Town.

Thank you for your attention.

Ann M. Altman
71 Blake Road, Hamden, CT
Past member and Chair of the Commission.

Daniel Kops

From: Brad Macdowall
Sent: Monday, September 21, 2020 11:17 PM
To: Daniel Kops
Subject: P&Z Testimony

Categories: Red Category

Mr. Kops,

I am writing to you in regards to the items on the agenda pertaining to Eighty Two-Ninety Two Crestway. I do hope you will forward my comments to all Commission members or read aloud my remarks as I will not be able to be in attendance.

I am writing to request that the Commission deny or postpone all applications from this applicant until all outstanding fines are paid in full, comprehensive remediation is completed, and damage to private residential property is repaired to the satisfaction of each resident that has been affected by the actions of the applicant.

Furthermore, I am writing in support of Mrs. Garrett's Petition to Intervene. After reviewing her application I find it to be reasonable and in the best interest of the community. I believe her knowledge will be greatly beneficial in any effort to fairly resolve the issues at hand.

I look forward to seeing these issues resolved in a transparent and restorative manner. Thank you.

--

Brad Macdowall
Legislative Councilman
Hamden, Connecticut

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Thank you for approving my petition to intervene and allowing me the opportunity to speak tonight. We are here for an application to remediate soil. And while that is necessary because Paradise Landscape and its owner Ruslan Boyarski accepted 6,000 yards of tornado debris and encroached 90 feet on to abutting neighbors' property, creating a bulky waste landfill, there is more at stake here. Our town's values and credibility are on the line. The soil remediation plan presented by the applicant takes the soil and sweeps in under the rug. Paradise Landscape and Tree Removal is a habitual zoning offender - first in New Haven and now in Hamden. The town should hold Paradise accountable to every dime of violations, every expense of proper disposal, and every expense to certify and supervise that this bulky waste landfill and firewood sold is free of insect infestation and contamination.

The relentless wood processing at 82-92 Crest Way initiated action by the Zoning Enforcement Officer, who immediately filed both a notice of violation and an order to cease and desist but the Town has treated Paradise with kid gloves likely due to a conflict of interest and dragged their feet before pursuing an injunction. The Zoning Enforcement Officer should be at this meeting and her absence appears to be an intentional gag to prevent disclosure of her expertise and to usurp her authority.

This is a big deal. FEMA grants require the applicant to follow procurement policy, disclosures of conflict of interest, and debris can only be stored on DEEP approved Debris Management Sites. The Tornado debris that was dumped on the Crest Way site could harbor an insect infestation. Paradise has been processing firewood on this site. Reviews of Paradise firewood are not favorable and accuse Paradise of selling unseasoned wood while they were under a cease and desist order. Selling firewood processed from tornado debris is another violation of the FEMA grant and could very well further distribute insect-infested wood. I'm here to protect the Town of Hamden and its taxpayers, not give a pass to an unscrupulous business and help them find a way out of this mess.

On May 15, 2018, the Town of Hamden experienced a tornado, resulting in extensive damage, including the destruction of thousands of trees. The following month, June of 2018, FEMA officials met with Town officials regarding the possibility of using FEMA grant funds to help defray storm debris removal costs. With the assistance of Senators Murphy and Blumenthal and Congresswoman Rosa DeLauro, Hamden was declared eligible for Federal Disaster Assistance in August 2018.

The Town of Hamden pursued this grant from FEMA (application submitted September 12, 2018) said grant program being managed by the State of CT DEM and created to

help defray the costs associated with storm recovery, specifically the removal, processing, and disposition of storm debris (trees, rootballs, branches).

All storm debris was required by FEMA to be brought to approved DEEP debris management sites (DMS) so the waste could be accounted for, inspected, processed, and disposed of in accordance with the grant requirements and any other applicable law. This required documentation had both financial and environmental purposes.

The town established 5 Debris Management Sites approved by DEEP and announced in press releases that all contractors were to bring tornado debris to these sites. Residents paying contractors to remove tornado debris from their property could utilize savings incurred from contractors disposal costs.

FEMA grant requirements included inspecting the waste for indications of insect infestation, documenting infestation, and then disposing of the waste accordingly. An infestation of CT's woodlands has devastated hundreds of acres of mature forest and the State has implemented and manages Statewide efforts to identify, isolate, and otherwise limit the spread of this contagion. In Hamden, for instance, the Emerald Ash Borer has been present since at least 2013. Grant requirements also included monitoring and documenting Asian Longhorn Beetle evidence. Extensive information is available on the scope of this environmental issue on the State of CT Forestry webpage.

Important program goals and related protocols have been incorporated into the FEMA grant requirements, through State DEM and DEEP. The State DEEP has also developed regulations concerning the movement of "firewood" as a direct consequence of insect infestation.

A news broadcast on June 4, 2018 quotes Hamden Town Officials warning people not to use woodchips from the storm recovery as they may be infested with insects.

The Crestway site and the adjacent impacted Cube Smart site were not and are not DEEP approved DMSs for any purpose or program. These sites were also never approved for these purposes by the Town of Hamden Planning and Zoning Commission (PZC).

Paradise Landscape, which owns and operates the Crestway site, as well as other tree removal and landscaping companies, were contracted by the Town of Hamden to remove storm debris and payment was made using FEMA grant funds (via reimbursement) for this work. Paradise began storm recovery work under this Town contract in early June 2018 and submitted its first invoice to the Town on June 12, 2018

for just over \$54,000. The storm debris material landfilled on the Crestway site and the Cube Smart site, by Paradise, and perhaps others was tornado debris. It is believed that some of this material may also have been processed by Paradise without necessary zoning approvals and sold as firewood. All such work was subjected to the terms and conditions of the FEMA grant program.

The landfilling of this storm debris created an illegal bulky waste facility, regardless of whether or not the waste was tornado debris. According to the February 7, 2019 "Emergency Authorization" (State of CT DEEP EA #20192073-EA Debris Management Sites) LANDFILLING OF CLEAN WOOD WASTE OR GREEN WASTE IS NOT PERMITTED (section F 7 of the EA).

It is unknown whether or not this storm debris was properly inspected for infestation per the FEMA grant requirements and no documentation to that effect has apparently been made available. According to the DEEP's EA, ANY TRUCKLOAD TICKETS AND OTHER DOCUMENTATION OF DELIVERIES SHALL NOTE WHETHER A PEST INFESTATION ASSESSMENT AS OCCURRED (F 7D iv of the EA).

ATTACHMENT "A" TO THE EA (DMS Guidance from the STATE DISASTER DEBRIS MANAGEMENT PLAN), section 5.5.2 "environmental considerations" states, a DMS "must be properly sited because of the potential of adversely impacting the land water and air of the State,"

In that the tornado damage was widespread and extensive, it is reasonable to believe that some of the storm debris illegally landfilled at the Crestway and/or the Cube Smart sites is likely to be infested. The same reasonable assumption applies to any storm debris sold from the Crestway site by Paradise as "firewood."

The removal of this storm debris from the affected properties is within the authority of the Town of Hamden PZC. The applicant is asking the Town of Hamden PZC to approve the removal and disposition of this illegally landfilled storm debris and in effect, also to approve the "close out" of this illegal bulky waste landfill. All absent any documentation regarding the nature of the estimated 6,000 yards of storm debris located on the Crestway and Cube Smart properties, specifically any empirical evidence that all of this debris is devoid of insect infestation, including that which was illegally processed and sold as firewood.

Where did the rocky material or "millings" referenced by the applicant originate from? Could this be millings from Town road resurfacing projects?