







- 3) will not create conditions adversely affecting traffic safety or which will cause undue traffic congestion; and,
- 4) will not create conditions harmful to the natural environment or which will jeopardize public health and safety.

He said the Regulations also say that the Commission may "impose such reasonable requirements as may be necessary to insure compliance with these conditions of approval." He then said that Mr. Brown would start the presentation off.

David Brown, PE, described the orientation of facility on the site as well as the surrounding properties and uses. He said this proposed facility will handle three different kinds of waste: recyclables, construction/demo waste, and municipal & solid waste. He explained the traffic pattern they would follow into the site. Vehicles delivering these materials would be coming in from Newtown Rd. to the facility gate as shown on the site plan. The truck would go through the gate, approach the scale area where the delivery will be recorded. The vehicle would then proceed to the upper elevation to the doors designated for receipt of waste materials. All handling and activities will take place inside the building. He said the vehicle may be weighed as it exits also. The State requires that different waste materials be handled separately. The intent is for these materials to be transported out each evening. It comes in; it is screened and then loaded into trucks to be moved out. All materials that come in will leave the facility, it is not a landfill. Other than screening and handling, there are no processing activities inside the building. They also will accept clean wood or brush, which would be stored very temporarily outside the building in a designated area. He said the building also includes an office area where the administrative staff would work. He then referred to the building elevations drawing and also several computer generated renderings showing perspective and dimensions. He said these facilities are regulated by DEP and will need to obtain a solid waste permit from them to operate this facility. He said there would be no more than 500 tons per day in this facility and fully detailed operating plans must be submitted with the permit application to State. He said they also would need to obtain a stormwater discharge permit from DEP and these too require very detailed inspections of the site. There were some questions from the Commission at this time, but Mr. Brown said they have other experts who are more qualified to address the specifics of these questions. He then said the hours of operation would be daily from 6 AM to 4 PM for receipt of materials. He added that directional lighting has been designed to not affect any adjacent properties and said the site will not be lit during the evening hours.

Attorney Cava came forward and said he wanted to clarify one point: the containers that are outside are always covered, there are no open containers left outside. Additionally, they are moved off of the site as soon as possible and definitely are not left there overnight.

Mark Zessin, PE, spoke about the site utilities. He said despite being located next to the City's sewage treatment plant, this site is not served by municipal sewer. He said they have designed a modest septic system which will accommodate the employee's use of the building. He said municipal water service is available with tremendous pressure which is a very good thing. He described the grade separation and said they would need retaining walls in some areas. Ms. Hoffstaetter asked if there is any need or use of water in the process of sorting the waste. Mr. Zessin said the floor is swept not washed; they use a misting system to eliminate dust. This is the DEP preferred method of removing dust. He said none of the misted water would flow into runoff. They have floor drains, but the operator is encouraged to send water out with load.

They use speedy dry or kitty litter to solidify the water into the waste and then it gets shipped out. Mr. Urice asked if the building would be sprinklered since they will be handling combustibles. Mr. Zessin explained that it was not really necessary. He said Mr. Grindle would speak and he would come back up to answer questions after that.

Landscape Architect Kevin Grindle, distributed 11" x 17" copies of the computer generated renderings that Attorney Cava had shown them earlier. These were designated exhibit B. He explained that during the EIC review they had worked with ESM Associates to come up with a buffer that would do what was needed. He mentioned that there is a significant grade change to left side of site and described the proposed landscaping and purposes of the different areas on the site. He said the trees that are shown will be a variety of pines and spruces with a minimum height of six feet which will provide a ten to twelve foot screen within a few years time. He said the grade changes and retaining walls really helped them out in this design. There will be 265 feet of horizontal distance screening between the facility and the adjacent residences. Mr. Urice asked the distance from the rear property line to the nearest point on Eden Dr. or Woodside Ave. Mr. Grindle said it is about 85 ft. and referring to the computer generated renderings, he pointed out the proposed landscaping on the retaining wall. Then using the satellite photo, he pointed out where this buffer would be as well the area beyond it that is heavily wooded. He said all of the plantings on the site have been designed to create a nice visual impact from the street. Mrs. Emminger requested that when the site plan is revised, it should designate which existing trees will remain on the site. Mr. Urice asked if the facility is hidden from view by the auto body shop located on the front parcel. Mr. Grindle said the existing vegetation does provide a substantial screening of this site.

Mr. Zessin spoke again saying the brush pile that was described earlier is part of one of the retaining walls. Vice-Chairman Keller asked how long the containers will sit there before they move on. Mr. Zessin said it could be a few minutes or a few hours, but it will be moved out every day per DEP regulations. He then said they don't have enough storage on site to keep two days worth of trailers on site. He described elevation changes above and below the retaining wall. Mr. Urice asked how long this brush pile sits around. Mr. Zessin said because it is clean wood, mostly brush, it goes out whole either to be chipped or to power plants. DEP does not regulate this function, it is necessary because often logs or pieces of wood come in with construction waste and they need to be able to dispose of it. He said the only other accepted clean wood would be spools or pallets which DEP encourages be made into mulch, but that would not be done at this site.

Attorney Cava came forward to make a couple of points. He said everyone needs to focus on the special exception standards that they have to meet. No building material being proposed that resembles glare, so there is no source of glare on site. There also is no source of vibration, but noise and odor are other items that need to be addressed. He said after the neighborhood meeting the other night, they hired experts to address both the noise and the odor. They had not thought about odor issues because there are none at any of the other facilities. He said their expert has suggested a carbon filtrations system, but he will be at the next meeting to discuss the mitigation measures in more detail. He said next speaker would be their noise expert.

Allan Smardin, HMB Acoustics, said he did an acoustical evaluation. The existing background noise was measured at the residential complex to west. He said the proposed evergreen trees

will increase noise absorption from the site. He said his conclusion is that this will meet the Danbury noise levels and will not increase noise levels that were measured at the residential development. He said this excludes the back-up noise from a truck because that is mandated by State regulations. He said any residences located 500 feet or more from the site will not hear anything, because the noise level in the building will be inaudible at 500 feet or beyond. He added that any truck passing by the site is not going to exceed the existing noise level. Mr. Urice asked if he is saying that these housing areas, which are less than 200 feet away will not hear anything. Mr. Smardin said none of the noise generated on this site will be heard. Mr. Urice said he disputed that. Mr. Smardin said the retaining wall acts as a wall of a building and buffers the sound. Attorney Cava said the Commission can't just look at this in a vacuum. There are many permitted uses that could be worse on this site and they would not require a public hearing. He added that this is not the time to look at the impact on the residential neighborhood; it should have been looked at when the residential development was built.

Mike Galante, PE, Frederick Clark Traffic Engineers, said he prepared the traffic study. He explained the process and how they acquire the traffic counts, determine the base conditions and highest volumes. He said they used Newtown Rd. and Shelter Rock Rd. to look at the volumes and to measure the hourly traffic. He referred to different figures in his report as he described how they apply the data to this use at this specific site. He said the highest peak volumes occur from 5 PM to 6 PM and the proposed facility will close at 4 PM. He then explained how they determine the amount of traffic this facility will generate. The internal traffic pattern on the site is designed to have the queuing encompassed within the site. The volume of traffic and activity within this site is not adequate to create additional lane on Plumtrees Rd. He then discussed how the traffic would access the site and egress from the stop sign controlled driveway onto Plumtrees. He described time frames for exiting the site both using both a right and left turn. He explained how traffic is rated by levels of service (LOS) using an alphabetical system. He said the current condition is A-C and after this development, it goes from C to D, which means that the future condition essentially remains at the same level of service. He described the accident information that they received and over half of the sixteen accidents that occurred in a three year period were caused by speeding. Mr. Galante said although the posted speed limit is 25 MPH, they clocked most cars at 40 MPH. He said the State does not consider this use a major traffic generator, so they don't meet the criteria to require a State Traffic Commission (STC) certificate. He said they are still waiting for comments from the City Traffic Engineer. He said they definitely recommend a stop sign controlled driveway, they feel the sight distance is okay because of alignment and where it sits on Plumtrees Rd. Based on traffic generation, they don't think there is any need for a bypass or turning lane, and there probably is no space to put one anyway. Ms. Hoffstaetter asked how they will manage the timing of the truck arrivals, what assumptions were made in determining how many trucks to expect per hour. Mr. Galante said the estimated truck traffic is based on the daily tonnage being moved. Ms. Hoffstaetter asked how they plan to manage the timing of the truck comings and goings. Mr. Galante said since they have no control over it, the traffic is not based on an evenly spaced time period. Ms. Hoffstaetter said she understands this is based on averages, but is there a way to manage the traffic there. Attorney Cava said the DEP will put limits on how much this facility can handle. He said he would have Mr. Brown speak again regarding any comparisons to the facility on White Street. Mr. Urice asked if the turning radius can accommodate the longest vehicle. Mr. Galante said the turning radius and the size of trucks will be looked at by the City Traffic Engineer. Mrs. Emminger asked if the sight distance he mentioned is based on actual speed or posted speed. Mr. Galante said he did not provide that information in the report but

he will get it and it will be based on actual speed. Mr. Urice asked if based on existing traffic, is this a safe thing to propose? Mr. Galante said he is a licensed professional who has to follow both local and State standards and if something is not going to work, they would know before they come to a meeting. He said his response to this question is that he believes this will work. Mr. Urice said he is asking for his professional opinion as to whether this proposal is safe. Mr. Galante said his answer to that question is yes.

Attorney Cava then said at this point, he wants to bring Mr. Brown back up to discuss other facilities around State, which actually are quite prevalent. He said he has dealt with many of these other facilities. He added that at the meeting held the other night, people kept asking about the White St. operation, so Mr. Brown will describe it for them. He said most of the larger cities in CT have more than one transfer station; referencing Bridgeport, Hartford, Stamford, Norwalk, and New Haven. He then submitted a list of the transfer stations in Connecticut. The list was designated exhibit C.

David Brown said he had prepared this exhibit and these are the facilities that handle these types of waste. He said he had used the DEP list to identify the facilities and there are scores of them throughout the State, ranging in size from very large (like AWD) down to very small in some of the more rural communities. He said there is a wide disparity in types of facilities; and Danbury like many of these communities, is a regional center serving the surrounding communities also. The distinction in this region is that we are served by only one facility. He said there are no odor issues for a facility of this size. He said filtration systems are not required by the DEP, if they were, they would put one in. He added that none of the large facilities have them; they are usually only used in specific situations such as organic waste. He said some of the newer facilities are using speed passed which really expedites the process, but even with the manual check-in, it takes maximum of ten minutes, in and out. This site can handle the traffic. He said they are reluctant to compare this to the AWD facility because they are completely different, but his client asked him to get this information so he could speak about their operation. He said he went to DEP and got this information from them. AWD houses one of the region's largest trucking businesses, they also do vehicle maintenance. There are four key permits and three significant permits listed at this address. These permits allow 950 tons per day, primarily municipal solid waste, and another for 600 tons per day construction and demo waste. There is another for recyclable materials, which was issued in early 90's for approximately 200 tons per day, so these permits allow about 1,750 tons per day. There is also another permit for single item recycling, this is a general permit and he does not know the amount but there is a State requirement of not more than 100 tons per day. All of these total to about 1,950 tons per day. Mr. Urice suggested Mr. Brown contact Housatonic Resource Recovery Authority (HRRRA) which is the regional group. Mrs. Emminger said she had obtained this information from Cheryl Reedy and provided it to the Commission today. Mr. Brown said the other thing to consider is that AWD may handle tonnage that is not reported to HRRRA. He said not only does AWD handle trucks; they also have a "mom and pop" drop off. Ms. Hoffstaetter asked if they have identified a customer base. Mr. Brown said he is not aware of any contracts; they would be aiming for smaller payload vehicles that want to get in and out quickly. Ms. Hoffstaetter then asked if there is a demand for up to 500 tons per day that needs to be processed. Mr. Brown said that is the number they have identified.

Attorney Cava said one of the things he heard repeatedly was comments about smell and noise. He referred to the elevation sketch showing the plantings and said the neighbors are not going

to see or hear this business. They will have their noise expert here at the next meeting to elaborate on this. He said submitted a copy of the list of transfer stations located in Connecticut. This was designated exhibit D and requested they keep public hearing open. Vice-Chairman Keller asked the Attorney Cava to provide information to the Commission regarding the City Code of Ordinances, specifically the section that identifies AWD as the only transfer station permitted in the City. He said they also would like opinion from Corporation Counsel. Attorney Cava said they started checking this out today but they believe it is not an issue. Planning Director Dennis Elpern requested that any information about this issue be made in writing.

At 10:10 PM, Vice-Chairman Keller said they would take a five-minute recess. He invited the neighbors to come forward and look at the various plans which were set up on easels. The meeting was re-convened at 10:25 PM. Vice-Chairman Keller asked if there was anyone to speak in opposition.

Thomas Saadi, 24 Tobins Court, said he is wearing three hats tonight. The first is as a resident of the Shelter Rock rd. neighborhood, the second is as a Common Council person, and lastly, as a former land use commissioner. He said his concern is the truck traffic this development will generate. There are steep grades in this neighborhood as well as an elementary school and then there is also the issue of trucks using the neighborhood roads as alternate routes. Many vehicles simply do not stay on the main thoroughfare. He said the Plumtrees & Newtown Rds. intersection is listed as dangerous by State and spoke about the timing of the signal on Newtown Rd. He said this is an extremely difficult position for this Commission. He referred to the "Parameters of Jurisdiction" saying there probably are about 1000+ homes in this area. The legal requirements are stated in the Regulations and the use of a property must be balanced to serve needs without having a negative impact. He asked that the Commission listen to the residents concerns. He said simply because another community has multiple transfer stations does not mean we need another one. He said it is a myth that the traffic on Plumtrees Rd. is already bad so this can't make it worse. The Mayor proposed a bond package including improvements to Plumtrees Rd. so they should look at what this road can be, not what it is now. He said he takes exception with the comment that there are no odor issues, because that is a blanket statement that cannot be substantiated. He said they should consider that a lot of what happens at a transfer station depends on who the owner and operator is and although Mr. Putnam has a good reputation, he may not own this forever. In closing he said that Mr. Putnam did go above and beyond by meeting with the residents on last Monday.

Sam Burd, 23 Faith La., said he is on Woodland Hills Executive Board. He presented a petition with 141 signatures from some of the residents of Woodland Hills and other citizens who reside in the area. This petition was designated Exhibit E. He said they are concerned about safety issues and have a presentation on health particulates that come out around landfills. The demeanor of the neighborhood has changed and many residents also use this roadway. He said the accident information that was given by applicant only reflects the accidents that were recorded. He added that an increase in truck traffic could cause more incidents, so it is really important for the Commission to consider the safety factor.

Keith Lloyd, 44 Faith La., said he too is a board member on the Woodland Hills Executive Board. The turnout this evening shows the seriousness of this neighborhood regarding the potential impact that this proposal could have on their lifestyle. He said they believe this proposal is not

compatible with the evolving character of the neighborhood and they cannot envision any reasonable requirements that would render this facility compatible with the residential neighborhood. They also believe that it will create conditions adversely affecting traffic safety and will cause undue congestion. Finally, they believe the operation of this facility will jeopardize the public health and safety. He discussed each of these points quite extensively and submitted a copy of his comments for the record.

Joe Taborsak, 110 Hayestown Rd., said he is not here speaking as a State Representative. He is opposed to this because he believes it will be detrimental to the quality of life in the fourth ward. Although these other businesses existed before the residential came in, adding more business to the area will have a negative impact on the residential neighborhood. He said this Commission has great discretion; but maybe they should put themselves in these people's place.

Dr. Francis Yuvienco from Danbury Hospital/Praxair Heart & Vascular Center said he does not represent anyone specifically and he is not being paid to do this. He is a physician concerned about health of the community he lives in and also the father of a special needs child. He said Monday's meeting had aroused his interest and since then, he had done some research on the Internet. He said he had prepared a PowerPoint presentation which he would like to show everyone. The presentation consisted of slides of various documents and/or articles which described some of the physical effects caused by landfill emissions. Some of the articles stated that there is a link between landfills and cancer. He said he obtained these articles from various professional medical sources and would provide the Commission with copies for the file. He said these articles document that there is a health risk to the workers in recycling plants and waste disposal sites. Microbes don't smell and you can't see them but they have a cumulative effect on respiratory systems. He said they have documented an increased risk of reproductive problems and cancer incidences in residents who live close to these kinds of facilities. Organisms that can accumulate in these types of environments cannot be seen or smelled, but they can reproduce rapidly and spread their germs. He added that there is no filtration system that will filter these out. He said these residents often suffer from multiple symptoms and constant repetitive exposure to these organisms will be detrimental to their long term health. Some of the articles pointed to a risk of congenital anomalies near hazardous waste sites. In closing he asked that they reject this ill-advised, unhealthy, unwanted facility which will ultimately become a scourge.

Carlos Zamudio, 5 Sienna Dr., said he is here representing Arlington Woods on Shelter Rock Rd. He submitted a petition with signatures of 66 residents of Arlington Woods who are in opposition to this application. The petition was designated Exhibit F. He said this proposal offers no benefits to the City of Danbury. He added that he does not see any benefit other than to Mr. Putnam's wallet. He questioned if we as a city have the capacity to take care of our own waste before we take any more in from other towns in the region. He said no one has mentioned that municipal waste is made up of odor and other things that have not been mentioned. He asked for specific details regarding the time line for construction of this facility. And what is the height of this facility, since three of Arlington's buildings have a direct line of sight over the body shop, they will be able to see this. He questioned how long it would take these trees to grow in to their full size. He recommended that the applicant add a gated fence around the site and hopes he plans to use best management practices. He also recommended the area be patrolled for garbage. He questioned who has authority over making sure the ordinances are complied with?

How often are these businesses audited? Is this information available for them to review also? He asked who is responsible for making sure that all of the trucks are meeting safety standards. He asked if the community could work in partnership with Zoning Officers to do their job. He referred to the City's transportation plan and the recommendations that Newtown Rd. be widened. He said their community would also be interested in understanding the accident reports. He questioned the statistics quoted by the applicant's traffic engineer. He asked for a commitment from the applicant on the future protection and development of Plumtrees Rd. He then said questioned the comments made by the applicant's noise pollution expert and asked when were these noise readings taken? He submitted some correspondence between their community and Mayor Boughton over the past few years. These letters were designated Exhibit G.

William Knight, 6 Jandee Dr., said most of his concerns were addressed by doctor who spoke. He said his major worries are about the health, safety and welfare of neighborhood. He said he is speaking as a representative of the NAACP and they are very concerned about "environmental justice". He said Eden Dr. (a Housing Authority project) is very close to this site and questioned what can be done to educate that neighborhood. There also is a group home sponsored by Ability beyond Disability, as well as the Victory Christian Church in this immediate area. He suggested that the Common Council people could help to educate that neighborhood. He said according to the report given by the Doctor who spoke earlier, pediatric asthma is very high in this housing project. He said he is also concerned about controlling the rats in the vicinity of this neighborhood. In closing, he reminded them they need to consider all of the public health issues and they should remember that the NAACP is going to be watching this situation closely.

Sankara Kammili, 903 Sienna Dr. said when the landfill and sewage treatment plants were functioning there; the residents were not living there. But that has changed and now the residents at Arlington Woods already hear the noise from the businesses that exist on Plumtrees Rd. There already are lots of trucks using this road and they drive very slowly sometimes holding up the traffic. He said they are already getting noise and dust from the rock quarry, so they don't really need an increase in either of those. He said this would definitely have a negative impact on the neighborhood children's health.

Roger Mitchell, 103 Sienna Dr., said he is opposed for several reasons but would focus on three of them. The first is that this transfer station would be a duplication of function since the White St. facility can more than handle Danbury's needs. He asked how it would benefit Danbury to add this business. He said he is concerned about the increase in heavy traffic. He said vehicles that come out of this facility making a right turn toward Bethel and try to turn up Shelter Rock Rd. will find this turn almost impossible. He also has concerns about noise, dust, odor and vermin. The presence of this organic waste will definitely attract vermin. Finally he said he did a study of the impact on property values. Using the Vision database on the City website, he found that within 500 feet of this site, there are 103 properties that could potentially be impacted. He said he believes that the Zoning Regulations have been revised so this kind of use will no longer be allowed. He added that since the character of this area has changed, this use is not really compatible with the neighborhood. There is no need for this business and no substantial reason to approve this application. He submitted his comments which were designated as exhibit H.

Dave Krygowski, 7 Maura La., asked about number of trucks versus the tonnage per truck and said there already is a lot of traffic on this road, both passenger and business. He submitted some photos taken from Eden Dr. saying this appears to be a very nice neighborhood. These photos were designated Exhibit I.

Paul Rotello, 13 Linden Pl., said in this situation proximity is everything because this is something that nobody wants in the vicinity of their neighborhood, but unfortunately we don't have the middle of nowhere as a choice of where to put it. He asked the Commission to request the mean distances from the subject property to all of these apartment complexes. He said they also should request information on which way the prevailing winds blow. He then ridiculed the idea of the retaining wall with pine trees, saying the last thing you want next to a retaining wall is a pine tree.

Mark Guan, 404 Sienna Dr., said he just wanted to make a couple of quick points. The doctor who spoke mentioned medical situations; this could be an Erin Brokovich story. Nobody will know what will happen to people's health until it is too late. America respects people more than a garbage transfer station. People spend their money here; this is not a third world city and there is a high standard of living in this neighborhood. The City needs to eliminate this unnecessary garbage station.

Joseph Long, 304 Sienna Dr., said he still owns this unit, but does not live there anymore. He moved out because of the deteriorating conditions in the area, mainly the noise and distraction from the gravel pit business. He said he spoke very emotionally at the meeting on Monday night and he wishes Mr. Putnam the best. He gave a scientific example of how noise travels and said the residents on Shelter Rock Rd. will hear some of the noise from this site. He added that although this business may only generate 105 trucks per day, this Commission needs to look at how many other trucks travel on these roads every day.

Diane Arico, 302 Sienna Dr., said she is sure that more people would have been here if it was not five days before Christmas. She also said they should have cut the applicant off sooner so the neighbors had more time to speak. Vice-Chairman Keller told her that we do not tell either side how long they can speak and the Commission will stay here this evening until she and all of her neighbors who wish to speak have the chance. He added that this matter will be continued this evening so everyone will have the chance to speak again. She asked if any of the other transfer stations they have mentioned are located next to a rock crushing facility.

Mike Marschner, 707 Sienna Dr., said the residents of the fourth ward already have to contend with one transfer station, why should they have to put up with a second one? He said he also has concerns about the noise, health, safety, and transportation issues. In closing, he said he understands that they don't really live in residential zone which makes this such a difficult situation.

Vice-Chairman Keller asked if there was anyone else to speak in opposition and there was no one. He asked Attorney Cava if he wanted to speak in rebuttal to the opposition's comments. Attorney Cava said due to the late hour they would make their rebuttal at the next meeting.

Mr. Urice made a motion to continue the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously.







