

**CITY OF NORWALK**  
**SPECIAL MEETING OF THE ZONING COMMISSION**  
**August 24, 2011**

**PRESENT:** Joseph Santo, Chair; Emily Wilson; James White; David McCarthy; Mike O'Reilly; Jill Jacobson; Adam Blank; arrived after the roll call: Michael Mushak

**STAFF:** Michael Greene; Michael Wrinn; Brenda Hrtanek

**OTHERS:** Atty. Chris Smith; Matt Brown; Allan Smardin; Michael Galante; Guy Mazzola

**I. CALL TO ORDER**

Joseph Santo called the meeting to order at 7:30 p.m.

**II. ROLL CALL**

Mr. Greene took the roll call.

**III. COMPLETION OF THE PUBLIC HEARING – Rebuttal by applicant only, public input portion closed**

**a. #13-11CAM/5-11SP – AMEC Carting – 1 Crescent St – Modify existing transfer station by adding tonnage & additional haulers**

Mr. Santo opened the public hearing. Atty. Chris Smith, who represented the applicant, AMEC Carting, began the presentation by stating that he was rebutting information from the presentation by members of the public who attended the previous meeting on August 17, 2011. He announced who the speakers would be for this night's meeting which included all the same speakers who spoke on behalf of the applicant at the last meeting except for Mr. Landano and Mr. Vayda.

Atty. Smith began by stating that he would be rebutting remarks made by neighbors who were the same neighbors that were in opposition to AMEC's original application. He discussed Section 22A-19 of CT. General Statutes and what the intervener must show in order to file a pleading under this statute. The intervener must state how the proposed conduct will result in pollution, etc.; an intervener must produce experts that can quantify the harm; must demonstrate that there are other reasonable and prudent alternatives; and lastly, if the intervener has shown a burden of proof then the applicant must rebut the evidence. Atty. Smith does not believe they have done this but will rebut all that they stated at the previous meeting. If the applicant does rebut the claims then there will be no need to consider alternatives. Atty. Smith went through several points in Mr. Wormsbrand's report including the diesel trucks on the site, odors and noises, capacity of the facility, etc. Many of the points that Mr. Wormsbrand discussed were not very specific and did not quantify anything. Atty. Smith noted to the commissioners that Mr. Wormsbrand's resume stated that he was a "meteorologist." He continued by discussing the CT Environmental Justice laws and that the opposing

attorney made it seem as if the commission had to wait until that process was over to vote on this application.

Atty. Smith stated that this was not the case. He stated that Mr. Mazzola would discuss each of the pictures that were submitted by the opposing counsel and explain what was going on in them. He explained that if AMEC was discharging hazardous waste while opposing counsel and their experts were taking photos, then they should have called the police. He then said that they could not do that because there was a simple explanation for what was happening. Mr. Brown would address the opposing counsel's claims that AMEC did not have enough room in their facility for 600 tons of construction and debris ("C&D") materials. Mr. Brown would also discuss the Plan of Conservation and Development and its relevance to the AMEC site.

Atty. Smith claimed that the trail does not go up to AMEC's property and they have not been aware of any complaints by anyone using the trail. Atty. Smith then addressed three items discussed by opposing counsel and how they were not relevant to the pending application including an alleged paper road, taxes on the AMEC facility, and the proposed AMEC project in Monroe, CT.

Matt Brown, an engineer with Anchor Engineering, continued the presentation. He discussed several of the tabs from the report that opposing counsel submitted at the previous week's Zoning Commission meeting. One point he addressed was that the AMEC facility was not large enough for the increase they were requesting. He referenced the document that was used by opposing counsel, Decision Makers Guide to Solid Waste Management, 2<sup>nd</sup> edition. He discussed how the table at tab 17 was misleading since the comparisons to the AMEC facility were inappropriate to use. He also rebutted comments made by the Cornerstone report. He then mentioned the part of Mr. Wormsbrand's report that discussed odor emanating from the AMEC facility. Anchor has measured the hydrogen sulfide levels and there has been no detection of it. AMEC has not had any odor complaints in the past and he believed there would not be any in the future. It is likely the odors are coming from the Municipal Solid Waste site down the street from the AMEC facility. He also addressed the opposing counsel's contention that AMEC was spraying water on the site and clogging catch basins. They were complying with their permit granted in 2005. He also spoke about the drainage system. He submitted two photos into the public record.

Allan Smardin, the president of HMB Acoustics continued the presentation. He discussed the noise regulations of both the State of Connecticut and Norwalk and how he set up his tests.

Atty. Smith introduced Michael Galante of Frederick P. Clark Associates. He began his presentation with stating that he used peak hour conditions for his analyses. This is what he has done in thousands of studies throughout his career. He went over the amount of trucks on the day of his analysis.

Mr. McCarthy asked about the hours of the facility and what they were proposing.

Mr. Santo was concerned about the later hours and wanted them to justify it.

Mr. Blank had a question about the inbound trucks and the number of truck trips.

Atty. Smith introduced Guy Mazzola, President of AMEC Carting who continued the presentation. He began with the questions about the hours of operation. Currently they are open Mon. – Sat., 6 a.m. – 5 p.m. They would like to change their hours for receiving to Mon. – Fri., 6 a.m. – 6 p.m. They would like the outbound trucks to be able to cart off materials from Mon. – Fri., 5 a.m. – 10 p.m. These trucks would be carting materials to landfills that are 5-6 hours away. One reason for this is that if it took a long time for the trailer to be loaded, they could drive to the landfill and wait until it opens in the morning.

Mr. Mazzola then continued his presentation by addressing the photos that were presented which showed the facility's doors being open, an AMEC employee hosing down the parking lot, etc. He said that he and his family would continue to make sure that the doors would be closed. The doors are also open for routine maintenance and cleaning the trench drains. Mr. Mushak was concerned about the water flowing from the parking lot to the streets. Mr. Mazzola said that everything was built to City and State specifications but that he had no problem with adding in a catch basin to capture the water and add it into his drywells. He also mentioned that his trucks do not pass on the bike trail. He has not received any complaints from any of the tenants of Mathews Park. Frequently, they have received requests from parents for the trucks to beep their horns. They do "Touch-A-Truck" shows. Mr. Mazzola referred the commissioners to Exhibit 19 of the opposing counsel's report.

Mr. Blank asked when the sorting would take place and Mr. Mazzola explained the process. One of the photos in the report was a little misleading about an excavator which was assumed to be an AMEC excavator. However, it was not AMEC property and was not being used to load trucks as alleged by the opposing counsel. He continued going through the many pictures that were part of Exhibit 19.

Atty. Smith concluded the presentation. In connection with the 22-A19 intervention, he requested that the commission set forth their findings and conclusions. He noted that there were no other complaints from neighbors except for Mr. Sclafani. The opposing counsel did not set forth any significant health or public safety risks to the general public. He stated that there have not been any enforcement violations. Atty. Smith indicated that although there is a new Plan of Conservation and Development, their proposed application is consistent with this new one as well as the one in effect at the time of the original permit in 2005.

Jill Jacobson stated that she observed the property. She saw families in the park and that they did not seem to be bothered by the facility. She saw 2 trucks pull into the facility and the doors close very quickly. It was quiet. No other commissioners had comments.

Mr. Greene reminded the commissioners that once the hearing was closed that they could no longer visit the site. No other staff members had comments.

Mr. Santo closed the hearing.

#### **IV. REPORT OF PLAN REVIEW COMMITTEE, JAMES WHITE, CHAIR**

##### **a. Action on Item III a.**

**\*\* MR. WHITE MADE A MOTION TO MOVE THIS APPLICATION BACK TO COMMITTEE.**

**\*\* MR. MCCARTHY SECONDED THE MOTION.**

**\*\* MOTION PASSED (7-0) (MR. BLANK VOTED AS AN ALTERNATE.)**

#### **VI. COMMENTS OF DIRECTOR**

Mr. Greene said there would be an application in September for an office building in the rear of the Norden building. The applicant submitted new renderings which Mr. Greene handed out to each commissioner. It would be used as a data center which meant it would only be used in emergencies.

#### **VII. COMMENTS OF COMMISSIONERS**

Mr. Santo voiced his concern about how long the previous meeting had taken especially when some members of the public were being redundant and irrelevant as to the issues. There was a suggestion that there should be a time limit to end the meeting at 11:30 p.m. If the meeting was still going at that time, then there would be a poll to see if the commissioners wanted to stay or continue the meeting at a later time.

#### **IV. ADJOURNMENT**

**\*\* MR. SANTO MADE A MOTION TO ADJOURN.**

**\*\* MR. WHITE SECONDED THE MOTION.**

**\*\* MOTION PASSED (7-0)**

The meeting was adjourned at 9:37 p.m.

Respectfully submitted,

Diana Palmentiero