



revised and Kevin Grindle will describe those changes. He added that they received a second round of comments from the Fire Marshal and his recommendation is that the building be fully sprinklered. Although the building code does not require it, they will install a dry sprinkler system. The Fire Marshal also suggested they contact the National Fire Sprinkler Association to see if they have under-floor sprinkler heads available. He also requested another hydrant in the area of the brush pile, so they added one there. He continued saying that the water main needs Common Council approval and they will need an easement for the water line. He said the applicant concurs with the Engineering Dept. comments which will be resolved at a later date. They moved the subsurface drainage system onto adjacent property to allow for the driveway changes and at the time of construction, they will need to address this. All of the work for the grading and retaining walls will be done on this property. If an easement can be granted, the plans for the retaining walls will need Building Dept. approval. He said the onsite drainage is capable of handling much more than will be generated and spill containment devices will be available at the scale house. He said they revised the plans to show the turning radii and the requested distances from the structures to various abutting properties. He said the Engineering Dept. has signed off on all of the drainage. The big changes are the additional scales and the turning lanes. There is a change to the building plans that was made in response to interaction with the odor control specialist, they adjusted location of doors. He distributed a copy of the revised floor plan (designated **Exhibit R**). He said the location of the four doors was adjusted so the odor control systems could operate more effectively. In response to the earlier question about what would happen if a truck broke down on the site; there will be enough pieces of equipment on site to move the truck. And if necessary, a wrecker could be brought in to move the truck. Mr. Urice asked what change was made to the loading bays. Mr. Zessin said the door width was changed from 20 ft. to 26 ft. Mr. Manuel asked how the volume is reduced since this is a volume reduction plant, how does the volume get reduced. Mr. Zessin said it is reduced by the sorting of the waste, picking out the things like radiators or waste wood, which would be compacted in different place. Mr. Zessin said the trucks are below the floor and an excavator would be used to push it into them.

Mike Galante, Frederick Clark Traffic Engineers, summarized their response to Mr. Mohammed's report. He said he had prepared a second report to respond to all of the comments. Regarding the traffic generation for the site, they agree with the passenger car equivalents, they converted the passenger vehicles into trucks. They adjusted the impact of the site traffic at Newtown Rd. intersection by adding twenty vehicles at the peak hour. He said there is a high volume of traffic now and they cannot change that. Also the high volume of turning movements contributes to situation. He suggested that an access management program, similar to the modifications they made to the McDonald's driveway, might be a solution. He said they had discussed the other intersections and what they can do with them. He said they recommend changing the westbound arrow onto Plumtrees Rd. so that the green time will be lengthened by about ten trucks per one hour period. They would like to restrict all of their traffic to Newtown Rd. both coming and going as well as to prohibit their traffic from going through the other end and from using Shelter Rock Rd. He said even with he changes and revisions, it still results in this project having an insignificant impact on the roadway. Attorney Cava asked Mr. Galante how they evaluated the site distance at the driveway. Mr. Galante explained that they put a machine right at location of proposed driveway. The posted speed limit is 25 mph, the average speed limit of vehicles on this road is 41-42 mph. Mr. Galante said even at the 41-42 mph rate, and there is enough distance to handle the approach to the driveway. Mr. Urice asked why a

hauler would be willing to take the longer way around. Mr. Galante said they would try to discourage entry from the other end of Plumtrees with signage and also they would limit accessibility by installing curbing.

Allan Smardin, HMB Acoustics, said on January 10, 2008, noise levels were taken at Putnam Automotive. A fully loaded roll off dumper container was unloaded onto the driveway and also measured the backup noise from the truck. He said all of the data taken on this day was consistent with what was previously stated. It was in compliance with the Danbury Noise Code Ordinance and both Federal and State regulations. At the closest residential property line, 160 ft. with all doors closed, it was 26 dba. He said compared to the published tables that compare sound levels and human response, this number is considered barely audible. He concluded that noise levels will not exceed 56 dba; beyond 160 ft. as you go out further, the level will diminish. He said the backs up alarms on the trucks are no noisier than existing conditions in this area. Ms. Hoffstaetter asked if the noise the excavator makes was considered. Mr. Smardin said it was included. Mr. Urice asked for a clarification on the background noise. Mr. Smardin said at the worst case scenario of three trucks there at once, it still will not be louder than a raised voice. Mr. Manuel asked if the trucks accelerating would be an issue. Mr. Smardin said he didn't speak about it because it will be minimal. Mr. Urice said when he is on the parcel that abuts the AWD site; he hears all of the activities, so how can he say you won't hear anything here. Mr. Smardin said everything on this site will be inside the facility, so that decreases the noise levels.

Tad Wollenhaupt, Air One Inc., said he had revised the information that was discussed at the last meeting. He submitted a report summarizing the system design (designated **Exhibit S**) and a full size copy of the Air Handling System layout (designated **Exhibit T**). He said this system is the top of the line equipment, above and beyond the industry standard. He said he is not familiar with any waste management facility anywhere that uses both odor management and provides particulate odor and treatment. He said he had looked at alternatives of dealing with bacteria and virus and had come up with air curtains and an additional filtration system. These air curtains will be located at the two northern doors and will pull air off of the floor and redirect it inward to be sucked up by an air filtration system. The second phase is a pre-filter capable of removing dust from the air stream. He described a bank of UV lamps and said the final phase is the carbon filters. He quickly read off a list of things that cause odors. The carbon filtration system has additional additives to help breakdown and prevent odors. He said this will kill or eliminate odor on this site. Air curtain system will allow for doors to be opened without odors escaping. Mr. Manuel asked him if he has seen these systems in operation. Mr. Wollenhaupt said not the air curtains; this is a state of the art system. He said there are individualized systems designed and working at all of their existing installations. Attorney Cava said there is no transfer station anywhere in the country that will have a system consisting of all of these systems. Mr. Urice asked if someone lives on Eden Drive, will they see or smell anything. Or will there be any bacterial, viral, or chemical contamination coming off of this facility? Mr. Wollenhaupt said this system is designed for inside the building and is designed to treat all of these things. Mr. Urice asked again if there would be any risk of contamination of any kind and if the filtration system that good. Mr. Wollenhaupt said the system is designed for inside the building and it is the best of its kind. Mr. Urice asked if that means he is not making any representation for outside of the building. Mr. Wollenhaupt said that is correct, he is not making any statements about outside the building. Ms. Hoffstaetter asked what kind of measurements they take to determine if this system is functioning correctly. Mr. Wollenhaupt said the four

micron filter will let them know it is time to change it. Ms. Hoffstaetter asked if there are clean air standards for particulates, are their measurements taken and is there a testing plan. Mr. Wollenhaupt said there are standards set forth by OSHA and DEP and there are independent testing records that he has seen. She asked if he would recommend taking measurements on a regular basis to determine that it is working. Mr. Wollenhaupt said no, they should be checking the systems daily to be sure they are functioning properly. Ms. Hoffstaetter then asked if there are State regulations regarding this. Attorney Cava said the State would send out inspectors to determine if the system was failing or if there was a problem coming from this site. It is hard to measure odors because they are not the same as sound. Mr. Wollenhaupt said this system has been proven in hospitals to do the job; so they have no reason to believe it will not work in this application. Attorney Cava said this is the best system; no odors will be able to escape the building. Ms. Hoffstaetter asked if there are standards that they would build to. Mr. Wollenhaupt said this is above and beyond the standard in the industry. There are no building code requirements for this as it is a one of a kind system. Ms. Hoffstaetter said since this is pioneering ground, testing needs to be done. Mr. Wollenhaupt said they can put together a protocol for testing. Ms. Hoffstaetter asked about the "odor modifying" agents they said could be applied to vehicles in the scale area. Mr. Wollenhaupt said it could be several different products but all of them work very well in these types of situations. Attorney Cava said the reason no other facility has these complex systems is because there is not a bacteria problem in any of the facilities. But they are trying to put together every conceivable method to address every possible concern.

At 9:25 PM, Mr. Manuel said they would take a five-minute recess. The meeting was called back at 9:30 PM.

Don Klepper Smith, Chief Economist for Data Corp. said he was retained to do a fiscal impact analysis. He gave his background and then addressed the question of need for this facility. His report was designated **Exhibit U**. He said he reviewed the potential market demand for a second transfer station; and this region generates enough waste that we will need this facility. This facility may be more convenient to some; it would reduce congestion and result in lower prices for consumers. He said population trends and garbage demographics will make us need another transfer station. More people mean more garbage, so this should be given serious consideration. His conclusion is that this proposal makes sense from both an economic and a fiscal standpoint. There were no questions.

David Brown, PE, Project Management Associates LLC, said he has thirty years experience in this field, mainly dealing with solid waste facilities. He submitted a definition from CT DEP of "clean wood and land clearing debris". This was designated **Exhibit V**. These are items that would be allowed to be placed in outside area. He briefly described the types of materials that will come in, where they will come from, and then where it will go to once it leaves the facility. He then submitted a memo he wrote regarding "USEPA Report: Waste Transfer Stations, A Manual for Decision Making". This was designated **Exhibit W**. He said many of the people who spoke in opposition, as well as the City's Traffic Engineer, referred to this document so he wanted to address it. He said this document is for a different type of facility; it was prepared for municipal planning purposes speaking to a municipality for their experts. He said another issue that was raised was regarding a representative 500 trips per day facility in this document. He said there are big differences between that and this proposal and he has never seen a facility

that contains the features this applicant is willing to install. He added that municipalities don't spend money to build these kinds of facilities for residential waste. Most of the types described in that report are outside facilities. He said the City Traffic Engineer referred to how they calculate the amount of space needed to store a days worth; but the formula in this document is odd, the calculations do not jive with reality. In closing he said their approach and design layout for the proposed facility is consistent with operations in CT

Attorney Cava explained that they had Mr. Brown address these issues because of his expertise as a licensed professional engineer. Attorney Cava then said since their presentation was quite lengthy and there are a lot of people in the audience who want to speak, he would defer his summation until after the opposition has spoken.

At 10:05 PM, Mrs. Emminger read a letter in opposition from the Community Action Committee of Danbury (CACD). This letter was designated **Exhibit X**. Mr. Manuel then offered the opposition the chance to speak and reminded them that all of their comments from the past two meetings are already on record and in the minutes from those meetings. He then requested that they try not to repeat any of the things that have already been said.

Attorney Dom Chieffalo, Chairman of the Danbury Housing Authority, said the Housing Authority is definitely opposed to this application. He said many of the residents of Eden Dr. were in the audience and some of them would be speaking in opposition.

Dominic Palanzo, Eden Dr. said his residence will be the closest one to the transfer station. He said most of the residents of this development already have asthma and respiratory problems and this will make it worse. These people don't have the resources to help themselves if their children get sick. He said Danbury doesn't need another transfer station and this is too close to the existing one. In closing he said they also should remember that Woodland Hills, Arlington Woods and also Shelter Rock School are in the immediate area of this site.

Alida Ramos, 149 Eden Dr, said she has seven children, one of whom is already on an oxygen tank. She said also that she has Lupus and all this pollution in the air in addition to the smell will hurt them and make their conditions worse.

Cynthia Racia, Eden Dr, said her brothers have asthma and she is worried that the noise, the rodents, and the air pollution that will arise from this will affect their quality of life. She said she already has to hear the noise from the train at the other transfer station.

Attorney Dom Chieffalo then said since the Housing Authority is an abutting property owner, they are probably affected by this more than anybody else. He said from their building on Eden Dr. to the proposed building is about 200 feet. He said looking at Exhibit R submitted this evening, the access doors to the facility face Eden Dr. He said this is closer than a football field. He said they are also concerned about the cumulative effect of the noise from the pay loaders and the trucks queued up on the property. The "treed" buffer is not going to do enough to shield them from the noise, especially during the winter months. He questioned where the diesel fumes from these trucks will go and pointed out that odor is another problem. He said the Commission members asked if the odor will migrate to the Eden Dr. property and the response from the applicant's experts was not direct. He added that is because they cannot tell

you that there will not be any odor. He said these things they are proposing will minimize the impact, but will not eliminate it. And then there also is the vermin situation. He said they cannot look at this individually; they have to look at the cumulative effect. No testimony has been presented that will prove this will not have a detrimental effect on the residents of Eden Dr. In closing, he said this proposal is not compatible with the character of the neighborhood and he asked that they deny it.

Floyd Banks, President of the citywide Resident Council, said he is opposed and wanted to submit his comments in writing (designated **Exhibit Y**). He asked what would happen if this is approved and built and then it closes down. He asked if the ground water will be polluted and how long will it take to clear that up. He then referred to the testimony they had heard at the previous meetings from the doctor from Danbury Hospital and his claims that this would cause health problems.

Carolyn Sistrunk, Executive Director of the Danbury Housing Authority, pointed out that a large section of the audience this evening are residents of the Eden Dr. neighborhood. She explained that many of them (mothers and children) have been sitting here all night but need to leave now because of the late hour. She then spoke of the historical background of this project, saying that when it was planned they looked at several sites and they picked this one for many reasons. She said there are sixty units at Eden Dr., 88 children live there and the adult residents are mostly female and Latino. She said this project provides an affordable housing opportunity for low income residents of Danbury. She said it is part of her job to protect the families that live here and she has serious questions about impact that this proposal would have on these residents.

Sam Burd, 23 Faith Lane, said he represents the Board of Directors for Woodland Hills. He suggested that everyone in the audience who is in opposition to this application stand. This resulted in almost the entire audience standing up. He then submitted a folder filled with documents downloaded from the Internet regarding the many Health Hazards which arise from Waste Transfer Stations. The entire folder was designated **Exhibit Z**. He said one of the other residents from their complex would comment on the carbon filters and negative air flow. He said there still are these rhetorical questions that have not yet been answered: (1) Will having an additional transfer station have a positive impact for residents in this area of Danbury? (2) Has the petitioner demonstrated the need for a facility in this location? (3) Is there presently a waste transfer station within two miles of this site and is it running at or near capacity? (4) Does Danbury, especially the 4<sup>th</sup> ward need a transfer station to handle their waste? (5) Are the newer condos in the area as well as the Housing Authority project opposed to this proposal? (6) Have there been numerous auto accidents on this road and will this increase the traffic and the possibility of more accidents? (7) Has there been an increase in the amount of traffic on Plumtrees Rd. and does the City Traffic Engineer's report reflect this? (8) Will there be trash brought to Danbury from other towns? (9) Are these expert studies statistical versus pragmatic? (10) Will this increase the traffic in this neighborhood and possibility cause more accidents? (11) Are there noise and vibration concerns? (12) Will there be an increase in the particulate matter in the air or in the emissions from the truck fumes? (13) Is this potentially hazardous to the neighborhood? (14) Have any residents spoken in favor of this? (15) Have all local politicians including the Mayor spoken against this proposal? (16) When questioned if he would want to live in this neighborhood, did the applicant say that he would not? In closing, Mr. Burd said the

only thing left is for him to say is to respectfully request that the Commission deny this application.

Mr. Manuel then said Mr. Burd seems to have covered every possible reason and question that the opposition could raise, so he hoped that the people who still want to speak do not repeat what Mr. Burd said.

Jessica Cortez, Autumn Ridge Condos, said she is opposed for all of the reasons that have already been said. She asked if anyone has looked at what will happen to the waste water generated by this facility, since it will be located right next to the City's water treatment facility. She said there still are questions about the noise generated from the crushing and she would challenge some of the statements that have been made. She referred to the law of diffusion, saying that the greater concentration will always go to the area of lesser concentration. She asked that the Commission deny this application.

Michael Meier, 26 Woodcrest La., submitted a position paper prepared by Keith Lloyd who is a member of the Woodland Hills Executive Board (designated **Exhibit AA**). This paper contained an odor control study prepared for the City of New York. Mr. Meier asked if there is any noise control planned for the queuing vehicles or for the background noise. He said New York has distance standards for the siting of this type of facility. He then questioned why Danbury doesn't have standards for distance proximity. He asked what will be done to enforce the requirements to be sure this place is maintained. There are no records for the existing transfer station, so what will be done since there is no precedent to follow. He then said this application does not meet the standards necessary for approval. Despite the recommendation in the EPA document, there was no public participation in determining where this should be placed. There was no Health Department review and the Environmental Impact Commission did not consider the pollutants. He suggested that the Commission compare this proposal to the City of New York standards.

Pastor Bobby Gardner, of Victory Christian Church, which is located on Eden Dr., said they bought their property in 1992. He said he has seen positive impacts since then and the overall morale of the neighborhood is up. He said that they do smell the sewage treatment plant, especially in summertime. They were happy when dump closed; so they really don't want to see another odor producing facility in this area. He said he did not feel the applicant's experts had addressed the true decibel level of noise.

Gary Rosenfeld, 8 Faith La., said he is an oral surgeon and when you come to his office, you assume that his instruments are sterilized. But there are tests to prove that sterilizing really has been done. There is no real significance to saying something is not contaminating or polluting if they don't test it. He spoke about "prion" which is a term for an infectious protein that is very serious and causes fatal brain damage. He explained that they don't know where these come from, only that these are submicroscopic particles which are very hard to kill. He then said we don't know if they are in garbage. He added that any economic analysis should include the impact on the surrounding residential area, but everyone knows that data can be manipulated to say whatever you want.

Cortez White, Chairman, Legal Redress Committee for NAACP, thanked the Commission and said he was planning to give a PowerPoint presentation on Environmental Justice, but since it is so late, he would just skim through some of the more meaningful slides. He distributed paper copies of the presentation to the Commission and the applicant. This was designated **Exhibit BB**.

Barry O'Connor, said he is President of both the Autumn Ridge and Summerset Condo Associations. There are 110 households in Summerset and 75 in Autumn Ridge and all of them are against this proposal. He said both Eden Dr. and Shelter Rock Rd are residential with roughly about 1,000 condominiums and 1,200 single family homes. He said this proposal will put a disproportionate burden on the residents of this entire area.

Ivon Alcime, 23 Griffing Ave., said he finds it insulting that the applicant's attorney has questioned the qualifications of the City's experts. He added that we do have qualified people in Danbury to serve residents when they need help.

Eydie Collins, 56 Faith La., said they have she already had heard all of the reasons the residents of the 4<sup>th</sup> ward are opposed. This use is a bad fit in this area based on its proximity to both residential and industrial. She said they need to balance these industrial zones with commercial development. She added the Shelter Rock Rd. area has the highest density in Danbury. She submitted her comments to the Commission and they were designated **Exhibit CC**.

Rhonda Zaleta (?), Shelter Rock Rd., said this is already a dangerous area for traffic. She said she had a car accident on Plumtrees Rd. with both her son and her dog in the car. She said she is concerned about the potential traffic flow as she does not need any additional traffic passing by her house. She then said it is a huge embarrassment when she has to give directions to her house, because Plumtrees Rd. is abysmal.

Jean Smith, said she also lives at Autumn Ridge Condos, reiterated that her granddaughter has asthma and she has cardiac issues, so this is a potentially dangerous situation. She said she is not happy that there is a possibility of things getting into the air that could hurt them. She implored the Commission to deny this application.

Tom Saadi, 24 Tobin Ct., said he is a twenty year resident of this neighborhood. He said he also is on the Common Council but is not speaking under that guise this evening. He said the Commission must consider the concerns of these residents because they have the authority to do that. He said there is a lot of contradictory information in the file and he is not sure if they are trying to get an approval or build a record. He said the new residents to this area don't remember how bad it was here before they capped the landfill with the open fires and the odors permeating the area. He said the emissions station (which was located where Putnam Automotive is now) used to cause bad traffic back ups. He said there also was a proposal to build a sludge treatment plan but fortunately Kenosia Construction bought the site and built a warehouse there instead. There are bond proposals in place to clean up the sewage treatment plant. Regarding the noise, the applicant's experts keep saying that you can't regulate noise and that may be true, but the Commission does have the authority to deny this application based on the overall impact on the area. He said they also need to consider the possibility of them purchasing an adjacent lot and trying to extend this use onto it. In closing he asked that

the Commission be careful not to allow the applicant to submit any thing new during rebuttal because it is well established law that both sides have to have the right to comment of everything entered into the record. So if the applicant does submit something new, the Commission should allow the opposition the right to comment on it and then the applicant would again have the right to rebut the opposition's comments.

Carlos Zimudio, 507 Sienna Dr., said he has already submitted evidence regarding his opposition to this application. He said they have seen a number of renderings of what this facility will look like, but they are proposed renderings. He suggested the Commission members go online to "youtube.com" and enter transfer stations, what they will see is a real education. This will only have a negative impact on this area. He reiterated that noise is a big issue. He said speaking for the Board of Directors at Arlington Woods; they are opposed to this application.

Janice Reid, 27 Valley View Dr, said she has lived in this neighborhood for 22 years. The words "no odor" mean nothing to her because she has heard them before with the landfill. She said her daughter is a cancer survivor and she is fortunate to have her but she not go outside because the air is so bad. She then asked some questions about where the trucks will line up while they are waiting to get into the facility.

Mark Guan, 404 Sienna Dr., said during a snowstorm in March 2007, his wife was in a car accident with a truck on a curve on Plumtrees Rd. Now she does not want to drive on Plumtrees Rd. He said he works for IBM and they have made more money than Mr. Putnam's property is worth but that doesn't make it a better place to live.

There was no other opposition. At 11:20 PM, Mr. Manuel announced they would take a five minute recess. The meeting was called back to order at 11:25 PM. Mr. Manuel said since there was no one else to speak in opposition, he offered Attorney Cava the chance to present his summation and to rebut the opposition's comments.

Attorney Cava said he had several things to address but first he wanted to say that he disagreed with Mr. Saadi about his last comment. There is no right of surrebuttal as described by Mr. Saadi. He said anything said during rebuttal is just that. The only time one can rebut a rebuttal is when new evidence is presented. Mr. Manuel said he understands that but will wait to hear what Attorney Cava has to say. Attorney Cava pointed out that there is an operations plan in the file, but they did not do a presentation on it. He then apologized to Mr. Saadi for bringing up something new, but he wanted it in the record that applicant's business located in front of this site, Putnam Automotive, has been cited by the Danbury Garden Club for having improved the facility and for attractive landscape design. He submitted a copy of the certificate which was designated **Exhibit DD**. He then said to give them context for this neighborhood and the people that have moved into this area. He distributed copies of the Arlington Woods Public Offering Statement and submitted one for the record (designated **Exhibit EE**). Mr. Manuel questioned what this has to do with this matter. Attorney Cava explained that the public offering statement is a disclosure document that is used in the sale of all condominiums. He said he on the State drafting committee for the regulation of these documents and the things that must be included are mandated by State Statute. He submitted a copy of the State Statute

which was designated **Exhibit FF**. He read from the public offering statement the description of the surrounding communities and the abutting land that zoned IG-80. It states that Arlington Woods is in close proximity to various industrial uses including the City landfill, the municipal sewage treatment plant, Dell's Auto Wrecking and others, as well as pointing out that there could be noise, visual impact and odor from adjacent site. Attorney Cava said these people who bought homes at Arlington Woods were warned about what they were moving next to. He said they chose to buy anyway and also pointed out that the Housing Authority project on Eden Dr. was included in the list of "obnoxious" uses. He then submitted a copy of the public offering statement for Woodland Hills (designated **Exhibit GG**). This document cites the proximity to the capped-off landfill as well as a fire training facility. He said these people were also warned of the nature of the activities next to them. He then submitted the Tobins Farm public offering statement (designated **Exhibit HH**), which says there are abutting industrial uses. He said the Eden Dr residents didn't get a public offering statement; they just had to use their noses but they didn't really have a choice since they rent their units. He said the Executive Director of the Housing Authority spoke about having choices about where to place this development and they chose this site next to an industrial zone, next to a landfill. He said he is outraged that the representative from the NAACP would say his client is racist; "environmental justice" is a loaded phrase. He is saying they are clustering in an area where a majority of a certain race of people live. There are sixty units at Eden Dr. are a small percentage compared to the one-thousand condos and the twelve-hundred single family dwellings in the vicinity of this proposal. All of these neighbors had a choice of where to go and they chose to move here. He said it is true that approximately 150 people have a problem with this proposal, but what about the other 78,000 residents of Danbury. He said the Commission has to look at all sides and under the Special Exception regulations, they also have to look at specific criteria. He said the Commission cannot ignore expert testimony. None of it was exorbitant or excessive. He said no one sleeps on the property line at the Eden Dr. site and the farther away you get from the site, the less noise you hear. He added that sounds leaving the site will not exceed the Danbury noise ordinance. He said there was discussion about occasional, possible noise which may never occur. The other uses permitted on this site could be detrimental and permitted uses don't require a public hearing, so there would be no chance for neighborhood comments. Unfortunately when you move next to an industrial zone, you are going to hear noise. They have gone to extraordinary lengths to create something that is unlike anything else. They are using Best Management Practices (BMP) on the odors both in the building and outside of it also. He said people also spoke about vibration but no one has presented any evidence from any expert that vibration would be detrimental to anyone's health. He said there was talk of wind blown odors but the wind blows from west to east and the residential neighborhoods are all located to the west and upwind of this site, so that is not a concern. The opposition also brought a lot of documentation about the possible long term effects on the abutting residential neighbors but most of it was from landfills, not from a transfer station where everything was done inside the building. He then submitted a specific answer to Dr. Yuvienco's submittals. This document was designated **Exhibit II**. He said most of the documentation submitted by Dr. Yuvienco dealt with facilities other than transfer stations. He added that none of these studies came to the conclusion that this transfer station would cause health problems, they only proposed that the possibility of that exists. He said people should not throw the "C" word around, it is not right because you never know who is a cancer survivor. And the one thing a cancer survivor does not want to hear is that something is going to give them cancer. There will be no hazardous waste coming from this facility. They have come up with a state of the art

system to address all of the concerns about emissions and odors. He said the sewage treatment plant is "belching forth" odors and he is more worried about what is being expelled from that than from the proposed facility. The proposed trees will create a year-round screening. He pointed out that the Arlington Woods parcel was rezoned from industrial, so the original use of that parcel was intended to be industrial. There are plenty of other roads to get around Danbury without using Plumtrees Rd. You can't use the road as a shortcut and then complain that it is an industrial road. It is an industrial road serving an industrial area. The condo owners are crying that this does not belong here because there is a diverse mix of high value homes. He said it is an area of high priced homes, but they bought here next to the sewage treatment plant and the capped off landfill. Any effect on property values will not be because of this proposed transfer station. He said this is compatible with the neighborhood. The only thing visible from Eden Dr. is the roof of the building, the trees and the retaining wall will hide the facility and the doors. He said at some point in the future, there will be a need for an additional transfer station and this is where this use belongs. He said regarding Mr. Saadi's comment about the possibility of expanding this use onto an adjoining lot, the Zoning Regulations were changed right after this application was submitted and transfer stations are no longer permitted in this zone. So no one could ever expand this. He said in all of the health studies submitted by various residents in opposition, there was no mention of "prion" as being a health concern. They don't plan on there being any animal carcasses in the garbage, so that is not a concern. Neither is bacteria or viruses since disposal of all hazardous waste is highly regulated and under strict controls. He said out of all the information brought by the opposition, none of it consisted of any expert testimony. It was all fears, conjecture and speculation, there was no substantial evidence. He said they have brought in experts to address every issue that has been raised. In closing, he said this complies with everything, it meets all the performance standards. The Commission must make findings based on Section 10.C.4. of the Zoning Regulations and also provides for the imposition of "reasonable requirements as may be necessary to insure compliance with these conditions of approval." He said this facility does not cause even a negligible impact, but if they need to approve this with conditions, then approve it with conditions. He added that if they deny it and it is appealed the Commission will not be able to impose any conditions. He said whether or not anyone believes it, there will be an increased demand for this facility. They have answered every question and resolved every issue and they have nothing further.

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

At 12:05 AM, Mr. Urice made a motion to adjourn. Mr. Cerminara seconded the motion and it was passed unanimously.