

Mr. Urice said his concerns are noise, smoke, odor, etc. with the primary one being the odor issue. He said there was a lot of testimony about odor control within the building, but when he asked if the proposed systems were applicable to the outdoor areas, he was told they were not. He expressed concern for the volume of trucks going in and out of the site. He said based on his personal experience with the White St. transfer station, one can't help but notice the odor emitting from garbage trucks. He added that it is difficult to believe that this would not emit odor and there was inconsistent testimony regarding the noise levels this use would create. He then said the developer has good history in making his projects compatible with the neighborhood. He said he found it rather insulting and certainly inappropriate when Attorney Cava included the Eden Dr. housing complex in his list of obnoxious uses in this area. He said the deficiencies in the application and the amount of traffic on the road would be detrimental to the area. Lastly he mentioned that Corporation Counsel had rendered the opinion that the City Ordinances prevail over the Zoning Regulations.

Mr. Manuel said that despite a state of the art system to keep the smell inside, it is not clear exactly how it will work and the outside garbage is still an issue. He is also concerned about the noise, they gave ranges for how much noise one truck would generate, but what about ten trucks. The sheer volume of trucks and other vehicles that this site will generate will create a real noise nuisance to the neighbors. Although testimony was inconsistent they did agree that the back up noise is very loud and can be heard. He said this is just not compatible with the neighborhood. The other existing industrial uses are not as detrimental as this would be. Additionally, the traffic is an issue.

Ms. Hoffstaetter said her biggest concern is the noise created by the comings and goings before and after the stated hours of operation. She expressed concern about odor and the possibility of litter falling out onto the road. She said there are the health concerns here about bacteria, rodents, etc. despite the equipment and systems they have proposed to confine it or keep to a minimum. She said the traffic study revealed that the traffic generated from Newtown Rd. is a big issue already and this will only add to it.

Mr. Cerminara said he is concerned with all of the same issues as the other members. He added that the traffic issues are there, but they also were twenty years ago when we had a dump and an emission station in this area. He said a lot has been said about odor, but the waste water treatment plant emits a lousy odor all of the time. He said he tried to check out the odor generated by the White St. operation but that depends on the day as to how much odor is emitted. He added that the system they proposed may be effective, but how do we know it will do what they say it will.

Mr. Urice then said they shouldn't focus on what is there, what they should be looking at is do we want to add this. Just because there already are offensive uses doesn't mean it is okay to add another. He said they need to look at this application on its own merits.

Mr. Keller said there are a number of instances where this application does not comply with the Zoning Regulations. Now that their revised plans include using a portion of the adjoining property, it makes that property non-conforming also. He said the issues are noise, odor and compatibility with neighbors. He said his opinion on the traffic is based on personal impressions and he does not think they should make a bad situation even worse. He added that there is no

way to prevent trucks from traveling onto Shelter Rock Rd. and although improvements are warranted, who is to say when they will get done. In closing, he said that since the latest set of revised plans were submitted; a lot of things about this just don't comply with the Regulations.

Mrs. Calitro pointed out that the last few pages of the final Staff Report point out these non-compliances. These plans were submitted on January 28th and they addressed them at the meeting on January 30th. Unfortunately, the hearing is closed and some of the changes they made to the plans (in order to comply with various staff comments) have rendered the adjacent property non-conforming. She said also they cannot meet the new grading requirements and detailed plans for the right turn lane are not shown.

Mr. Urice then said since Mrs. Calitro is saying this does not comply with the Zoning Regulations on an administrative level, that is reason to deny this, but since this is a Special Exception use, that allows them even more purview. Mrs. Calitro said the plans are on the record, but they bring up issues that cannot be resolved which result in noncompliance. Mr. Keller said they have to rely on the City Staff as experts along with their own personal judgment and experience. Mr. Urice said he would like to see a draft resolution well in advance of the night they have to make the decision. Mrs. Emminger asked if the Commission had any comments about anything in Staff Report or if any additional information is needed. She added that the outstanding issues on pages ten and eleven cannot be resolved at this time and in order for the Commission to approve this they would have to make a finding that the application is in compliance with the Regulations. Mr. Keller then said he is not satisfied with the traffic information about number of accidents and site distance requirements. Mrs. Emminger said the site distances in the Barkan & Mess report are generally acceptable; but they are not on the money. She then said that this information meets our Zoning Regulations, but not the CONNDOT regulations which supersede ours.

Mr. Keller asked if anyone had anything else to say regarding this matter and there were no further comments.

At 6:40 PM Mr. Urice made a motion to adjourn. Mr. Manuel seconded the motion and it was passed unanimously.