

**MINUTES OF THE ZONING BOARD PUBLIC
HEARING AND REGULAR MEETING, HELD
MONDAY, JULY 1, 2013, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CONNECTICUT 06901**

Present for the Board: Thomas Mills, Bill Morris, Harry Parson, Barry Michelson AND Joanna Gwozdziowski. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner

PUBLIC HEARING

Chairman Mills called the meeting to order at 7:13 p.m.

1. **Application 213-04 – CITY REALTY, LLC, 336 Courtland Avenue** requests approval of a special exception to expand an existing recycling use in an M-L Zone (*continued from June 17, 2013*).

Attorney William Hennessey described meeting with Norman Cole and Joseph Capalbo and legal counsel for City Realty. Attorney Capalbo explained the history of state law that “occupied the field”, i.e. preempting current zoning and the DEEP issuing a permit for Municipal Solid Waste (MSW). In 2012, law was changed restoring authority to Zoning to regulate. Attorney Capalbo said in his opinion, City Realty has a legal non-conforming use.

Mr. Michelson noted that the Zoning Board usually tries to remedy a non-conforming use when applications are filed. Attorney Capalbo said City Carting has a legal right but can’t expand beyond their current permit.

Attorney Hennessey said they are not asking to add or increase the MSW operation. The Applicant proposes a new building to house a single stream recycling operation which will be completely conducted inside the new building. Staff has asked for clarification of limits of the site plan and use of the railroad spur property. The spur line is owned by Paramount Stone and will not be used in this application. The area is within 100 feet of residential and is also excluded from the Special Exception site area. At Mr. Mill’s request, Attorney Hennessey explained the layout of the site plan. He agreed that doors will be added to the MSW building.

Mr. Michelson asked if there were any violations ever issued by DEEP? Attorney Hennessey said no.

Mr. Mills asked if anyone from the public wanted to comment.

Ralph Solamano, 9 Maple Tree Avenue (20 unit condo building), expressed concern of the impact on residential quality of life. He asked if the new facility wouldn’t generate more traffic.

Kathy Dechant, 439 Glenbrook Road, submitted a letter and read it into the Zoning Board record. She expressed concerns with truck queuing early morning, air pollution and odor control.

Bagnana Nandanwar, 431 Glenbrook Road (8 unit condo building), described noise complaints, the cease & desist order issued, but noise continued another 8 to 9 months even after repeated calls to the zoning office and conversations with Tyler Theder.

Mathew Anderson, 431 Glenbrook Road, described noise from machinery outdoors at 4:00am, the smells, seagulls, crushing and groaning sounds. He took a video of the noisy machines and played a sample.

Monica Discostanzo, 431 Glenbrook Road, described noise and strong odors. Suggested there must be a better site for this use.

Marilyn Bowman, 435 Glenbrook Road, described noise, odors and truck traffic.

Gerda Cunningham, 421 Glenbrook Road, submitted a letter with 20 neighborhood signatures, outlining problems with current facility.

Anthony Ribadeneira, 9 Maple Tree Avenue, described odors, noise from trucks coming from fully loaded trucks going uphill on Courtland Avenue during the day from before 6:00am to after 4:00pm.

Attorney Hennessey responded to the public's questions. He said a manufacturing zone generates truck traffic. They have ideas on how to control the noise. He described that a glass separator was being operated outdoors and in response to the ZEO's letter, this was eventually removed. A deodorizing system has been in operation for 4 months.

Michael Ferro, Applicant, said they've changed their MSW operations. They've installed a misting system. They remove all MSW every day. They no longer leave MSW in containers overnight and they plan to install doors.

Mr. Parson asked how large the Bridgeport facility was for waste-to-energy? Can this MSW go directly to Bridgeport? Mr. Ferro said the plant is not designed to receive small truck loads.

Attorney Hennessey offered to discuss draft conditions.

Mr. Mills called a brief recess at 8:42pm and resumed the Public Hearing at 8:57pm.

Richard Redniss stated he helped adopt this zoning for their 1996 approval and tried to contact the public prior to the public hearing. He met with Jerry Pia and provided a new letter from him.

Mr. Ferro described problems at B&S Carting and how he worked with Terry Adams to address concerns.

Attorney Hennessey distributed draft conditions and discussed them.

Mr. Ferro started with the DEEP permit for paper recycling only. The 1996 permit (recycling prep) was appealed to the courts until 2001-2002. They received the MSW permit in 2008.

Attorney Hennessey explained truck operations. Mr. Mills asked about use of the State railroad property. Mr. Cole asked if the Applicant would agree to following zoning standards and conditions for use of a State property? Attorney Hennessey answered yes.

Mr. Morris asked how long trucks are running on the property? Attorney Hennessey said from 6:00am to 3:00pm. The idling limit is 3 minutes. Equipment handling materials within the building also make noise. They are offering to replace OSHA backup beepers with new "white noise" system.

Mr. Ferro said 85% of trucks using this site are City Carting trucks and 15% are 3rd party trucks.

Attorney Hennessey discussed draft condition #15 regarding noise control. Mr. Morris, reading from the application material, asked if sound levels would be at 23 dBA?

Mr. Cole asked if the conditions would also apply to the grandfathered MSW operations? Attorney Hennessey replied yes.

Mr. Mills asked if they'd prohibit receipt of supermarket waste?

Ms. Gwozdzowski expressed concern with the trucking activity and impact on surrounding residential properties.

Mr. Ferro explained currently 1 scale slows the vehicles and adds delays. They propose to have 5 scales.

Mr. Mills continued the public hearing on this application to July 8, 2013. The meeting is scheduled to begin at 7:00pm in the 4th floor cafeteria.

REGULAR MEETING

Mr. Mills seated Alternate, Joanna Gwozdzowski in place of absent member McManus. Mr. Mills tabled approval of minutes to the next meeting.

Mr. Morris moved to change the order of the agenda items, seconded by Mr. Michelson and unanimously approved 5 to 0 (Mills, Michelson, Morris, Parson and Gwozdzowski).

OLD BUSINESS

APPL. 208-05 ANTARES HARBOR POINT. General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.

Attorney John Freeman stated that the License Agreement is ready for signatures and he asked that the Zoning Board authorize Staff to start referrals of the Boatyard application upon receipt of the signed agreement. Attorney Capalbo agreed to what was just stated.

Mr. Mills polled the Zoning Board members and announced a consensus of the Zoning Board to authorize Staff to initiate refers upon receipt of the signed License Agreement.

Lisa Cuscuna, Loft Artist Association, reported a meeting is planned with Terry Adams to try to resolve his concerns.

William Buckley reported on the progress of the soil remediation and sheet-piling work. Mr. Mills asked him to report more frequent data on fuel pumped at the interim boatyard.

ADJOURNMENT

There being no further business, Mr. Mills adjourned the meeting at 10:45pm.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board