

**DEERPARK PLANNING BOARD - FEBRUARY 9, 2011 - PAGE # 1**  
**PUBLIC HEARING - CINGULAR CELL TOWER (AT&T)**

The Deerpark Planning Board met for a public hearing for Cingular (AT&T) on Wednesday, January 26, 2011 at 7:00 p.m at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

**BOARD MEMBERS**

Derek Wilson, Acting Chairman  
Willard Schadt

Mike Breitenfeld  
Alan Schock

Dan Loeb

**OTHERS**

Mr. Glen A. Plotsky, Town Attorney  
Mr. David Dean, Town Board liaison  
Mr. John Furst, Esq.- Cingular  
Mrs. Virginia Galle, Adjoiner  
Mr. Brad Burnett, Owner

Mr. Alfred A. Fusco, Jr., Town Engineer  
Mr. Karl Brabenec, Town Supervisor  
Ms. Tammy Nosek, Tectonic Engineering  
Mr. Warren Cuddeback, Adjoiner

The secretary read the public hearing notice: " Notice is hereby given of a public hearing to be held by the Town of Deerpark,, Orange County, New York, pursuant to Article 7 of the Town of Deerpark Zoning Law on the application of New Cingular Wireless PCS. LLC (AT&T) to construct a wireless communications facility, consisting of antennas and equipment located within a fenced compound at grade. The antennas will be mounted on a new one hundred and twenty-five (125) foot, self-supporting monopole. The application effects the following premises: Record Owner: Burnett Enterprises, Inc. Tax Map Designation: Section 22, Block 1, Lot 90; Zone Designation: HMU, Located at 19 Route 211, Cuddebackville, Town of Deerpark, Orange County, New York. Information on this special use permit and site plan application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:00 o'clock P.M. on the 9<sup>th</sup> day of February 2011, at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practical. All parties wishing to be heard shall be heard at that time."

Derek Wilson: Okay, we will start out by a brief description by the applicant for Cingular.

John Furst: Good evening, my name is John Furst, I'm an attorney with Cuddy and Feder, we represent the applicant, AT&T. AT&T is looking to provide wireless service along Route 211 and Route 209 and County Route 7 and the surrounding roads, homes and businesses in the vicinity of this proposed facility. Again, the owner is Burnett Enterprises, and it's a 12.7 acre property. The property is classified in the Town, as hmu zoning district, where wireless communications facilities are permitted with a special use permit and site plan approval from this Planning Board. The tower is going to be 125 feet tall and it'll be a self supporting monopole. There will be security fencing around the pole and will be 6 feet high with barbed wire along the top. The pole is designed to accommodate three additional carriers with their antennas. AT&T is proposing twelve antennas at the top of this proposed monopole. The center line of these antennas will be approximately 123 feet above ground level. The top of the antennas will not exceed the height of the tower. The highest one is 125 feet. At the base of the monopole, within this fenced in compound, AT&T proposes an equipment shelter to house the equipment that they need to run this facility. The shelter is approximately 28 feet long, twelve feet wide and anywhere from ten to twelve feet high. So, it's basically like a large shed, where all of the equipment will go inside. They're licensed by the FCC to provide telephone service throughout this area. And this proposed site will help to fill a gap in coverage that exists. Prior to proposing this pole, AT&T representatives did an extensive search of the area, and try to co-locate on any existing tall structures. Unfortunately, they were unable to find anything. We submitted an affidavit earlier, a report to back that up, saying that there are no existing structures to support this monopole. The area is commercially zoned and it's abutted by other commercially zoned properties, so under your Code, this is actually one of the preferred sites, as per your Code. There will be minimal impact on traffic. A technician will come out there probably once every two months to check on the facility. It's monitored 24/7 by computers, so there's really not going to be any pedestrian or vehicle traffic. No unusual noise, dust or vibrations. No water or sewage is involved. No portion of the facility will have any proposed commercial signing. So, it's not really much of an impact to the community. We submitted an NPU report, which shows that the facility will comply with the FCC's conditions levels. In fact, we're about 480 times below the FCC's limit. We've also submitted a visual report analysis. We had conducted a balloon test back in November (2010). We took about 13 photos, and of those 13, only at about 3 of those locations, the pole would be visible. We submitted photo simulations and an extensive visual report to show that this will not have an impact on the aesthetics of the community as well. There is a civil engineer, a radio frequency here tonight, if there are any

questions. That's pretty much it, in a nutshell.

Glen Plotsky: Mr. Furst, do you have the proof of mailings?

John Furst: Yes.

Derek Wilson: The Board received a couple of letters concerning this public hearing, and I'd like to make reference to those. We received one from Burton Thelander and one from Jim Delaune from the Orange County Land Trust. I would like to submit these letters for the record.

Glen Plotsky: Just for purposes for the record, and for clarification, it appears that the referrals, pursuant to General Municipal Law Section 239, made mid-January as such. We received commentary from New York State DOT, but there's been no response yet from Orange County Planning. So, it would be my advice, and I believe, that of Mr. Fusco, that at the conclusion of whatever information is obtained this evening, the hearing be held open to permit receipt of any information from Orange County Department of Planning, and the matter be adjourned to the next meeting, for purposes basically of receipt of that information, acceptance of it, and closing the public hearing, and at that point the Board can determine how they wish to proceed. With regard to the two letters, the Board has the discretion, as they each have been provided copies of it, you can either read it out loud into the record, or simply identify them. In any case, they will be placed into the file as part of the permanent record.

Derek Wilson: Each board members have copies of both of the letters, so I say that we just make them a part of the record, as each board member can read them individually. We have until the next meeting to review them.

Glen Plotsky: And to the extent that if any member of the public wishes to read those letters, they will be part of the file, which can be accessed anytime from the Town Clerks' office.

Derek Wilson: Okay, for anybody from the public who wishes to make a comment, we ask that you give your name and that you direct your comments to the Board, and not to get into a cross discussion with the applicant directly. It's probably helpful if you come up to the front, so that everyone can hear you.

Virginia Galle: All the way up to the front?

Derek Wilson: Yeah, I think so. Do we have a chair or would you like to stand?

Glen Plotsky: Go to the podium please.

Virginia Galle: Okay. My name is Virginia Galle and I was looking on the internet to the effect... although I don't know exactly where the pole is going to be located on Route 209 or Route 211. And my concern is, what will be the effect on children, with the sound waves. So, I did a little research on the internet. And I am concerned about that. My house and the surrounding homes in the area, what's going to happen?

Derek Wilson: We can give you a little feedback to that. The Planning Board on making this decision, has limitations, as to what we can do, based on federal laws. We can't get into a discussion or consider, essentially, the emissions of the tower. That's basically covered by the federal government, where they look at it in depth, and determine the criteria. So, we can make sure that they're not located at schools, or things like that, but the emissions, no.

John Furst: May I say something? As we stated, as long as we've proved compliance to the FCC's limits, they accept the emissions levels, and the report that we submitted, shows that we comply with those levels. In fact, we are 480 times below the limit, so we are well, well below their limit. So, essentially the Board can make their conclusions, based on that.

Al Fusco: Why don't you show her the location on your map also.

Virginia Galle: How many homes will this affect in the area?

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Derek Wilson: I think that would basically be the size of the signal. Do you mean, how many people will it provide service to?

Virginia Galle: No, I'm talking about the health concerns to people in the area, especially to children, that's what I'm referring to. I would like to know.

John Furst: None, because we meet the FCC limits. It will be located right here in the middle of the property and Route 211 is here and Route 209 is here.

Virginia Galle: How far in?

John Furst: Well, we meet all of the setbacks, there has to be setbacks equal to the height of the tower. So, the setbacks, we are 539 feet from the front yard setback, 172 feet from the one side yard setback, 676 feet from the rear, and another 300 from the other side yard.

Virginia Galle: And what is in here?

John Furst: These, I believe, are vehicles.

Derek Wilson: I'm going to ask that you speak up, because our recording secretary needs to hear what you're saying.

Virginia Galle: I was just wondering where on this map, are the homes located?

Derek Wilson: Well, the parcel of property that the tower will be going on, I think it might have one home, the owners' residence, but there's no additional homes.... his is right near the post office, as you go into the site.

Virginia Galle: So, it's right by the post office?

John Furst: No, it's well behind the post office.

Derek Wilson: It's basically, this tower is fairly well centered in the center of the property, up on a rise in the back. These are all, for the most part away from the tower, the fire house and the post office...

Virginia Galle: I live right there on that corner, and there are a couple of residences there, and I've lived there for a couple of years. So, that's why I'm concerned about how it will affect my children. And that's why I want an explanation of where the tower will be, to have a mental note of where it is, and how it can affect us.

Dan Loeb: If you could think, say, if you stood underneath the tower, this is "X", and as you move away from the tower, if I'm not mistaken, it's in proportion to the distance of the height of the tower.

John Furst: Once you get past the distance of 500 feet from the tower, the federal government doesn't even regulate that, because it's such a low level of emissions at that point, it just drops. Here is the engineer, could you explain it to her please?

Tammy Nosek: The post office is here, and the fire house is here, and here is the tower, and 211 here and 209 here, and the residences here and here. It's approximately 500 feet back, almost in the center of this property. It's actually in the center, there's no fencing or anything. So, it's not near the property perimeter at all.

Virginia Galle: Is there some kind of research in writing, that they can provide to me, so that I can read it.

John Furst: We have our September 28<sup>th</sup> (2010) submission, exhibits "D", that is the antenna site, it meets with all and is in compliance, this is the report that was prepared by the scientists and engineers, which meets the FCC level.

Derek Wilson: So, the normal hours when town hall is open, you can go into the Town Clerks' office, and ask for the Cingular cell tower file, and you can read what he's talking about, and you can even get copies made of the pages,

for a small fee.

Virginia Galle: I did some research on the internet and it does have an impact on children, obviously more than it would on adults.

Derek Wilson: I think in the law, there's limitations, we ran into this before, there's limitations as to distance from schools, there's a statute, schools and playgrounds, there's a separation distance. We ran into this before, when someone else wanted to put up a tower, and because of the playground at the Sparrowbush firehouse, they ran into a conflict.

John Furst: It's 350 feet, and we are not closer than 350 to any school, daycare center, camp, playground, or public road.

Derek Wilson: So, the tower, just for her clarification, is approximately 600 feet from her location?

Tammy Nosek: From your home.... it's 377 feet just from the side lot line, and you're well beyond that. You are most likely over 500 feet.

Virginia Galle: So, I can confirm that?

Derek Wilson: Yes, in the Town Clerks' office.

Virginia Galle: I am on the corner, and I have two children and my neighbor has grandchildren, so it's going to affect all of us there.

Glen Plotsky: Unfortunately ma'am, there's a limit under the federal law, as to what the Board can consider.

Virginia Galle: But put yourself in my shoes, if you can, if it were your grandchildren and children, would you be concerned?

Glen Plotsky: I don't know.

Virginia Galle: I think you would.

Dan Loeb: I think if we could provide you with just what the emission levels are, and where they drop off. That information is provided.

Derek Wilson: Okay, while Warren is setting up, just for my edification, with the newer technology changing all of the time, is the actual strength of the emissions decreasing from what it was 10 or 20 years ago... have the emission levels changed, because you say that you're 480 under what you're allowed to do?

John Furst: I don't know if the intended use, as far as cell towers, or cell phones, has changed over the years, but I do know that concerning microwave dishes and radio antennas, we are much much lower in emissions than those.

Dan Loeb: What is MPE?

John Furst: MPE is maximum permitted exposure.

Dan Loeb: Maximum permitted exposure to what?

John Furst: Emissions.

Dan Loeb: What are the emissions, electro magnetic emissions? What are they referring to?

John Furst: They are electro magnetic emissions. They are measured in centimeters.

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Derek Wilson: Okay, Warren, are you ready?

Warren Cuddeback: I'm Warren Cuddeback, and I live a short distance from the location of where this tower is going to be put. I urge the Planning Board not to issue a permit for this addition to the junkyard. The junkyard has been in violation of the Zoning Law for a long while, and is a blight on the community. It is located in the center of the hamlet of Cuddebackville, and has been a discouragement of the development of residential properties and clean business. I have some photos here which I will distribute to the Planning Board, and I will discuss them. In this first photograph, which was taken from my front yard, and you will see the building in the center there is the old Cuddebackville Firehouse.

Willard Schadt: Excuse me Warren, you have written on the back of these, you have them each identified. For the record, when you're referring to the first one, can you read how you have them identified?

Warren Cuddeback: Yes, this one is identified by "view from Warren Cuddebacks' front lawn." And the building in the center, you see there, is the old Cuddebackville Firehouse. Behind it are a bunch of trailers, with one description or another of the Brim junkyard. These are not on his property, as far as I know, there's no site plan for them, they are in violation of the Zoning Law. You can see this road down in this area is Route 209, they're right on Route 209 and the property of the firehouse, and the Callanan Industries, that owns the property behind the firehouse. The second photo is identified as "view from Route 209." And it is the view of the same property. You will see the building on the left there is also the old Cuddebackville Firehouse, and you will see the same bunch of trailers there, behind the firehouse. In this case, I took this picture standing on Route 209. The third picture is labeled on the back, "2/6/11 and view from Route 209." This again, I'm standing on Route 209, a little bit south of the previous location that you saw, this was taken of the old Cuddebackville Firehouse, and the Cuddebackville Reformed Church. You can plainly see the junk, the old cars and junk and whatnot, in that photograph. A violation of the junkyard law, that's another violation. The next photograph is dated 2/6/11 and it states on the back, "View from Route 211, the post office, the Brim property at read, with scrap piled high." Okay, this is a photograph, you see the post office there, and in the back, in clear view, is a very high pile of scrap and other scrap around it. Again, in violation of the Zoning Law.

Derek Wilson: Warren, could I just ask you, when you talk about violation of the Zoning Law, there is a fence requirement on the junkyards, there's problems with it because of the height...

Warren Cuddeback: Fencing requirements.

Derek Wilson: The fencing requirement on the height, there's a height limitation, but it doesn't really reference concerning geography, where you are looking over the fence. You can have situations where the fence blocks the view, and there's other junkyards where the fence doesn't block the view. So, I'm just saying, how exactly is he in violation of the junkyard law that you are referring to.

Warren Cuddeback: It is not correct that the Zoning Law does not address that matter, it does address grades.

Derek Wilson: Okay, so you're actually referencing the fencing requirement of the junkyard law?

Warren Cuddeback: No, screening.

Derek Wilson: I just want to make sure that we understand what you're talking about.

Warren Cuddeback: I thought I had it marked here.

Derek Wilson: We can look it up later....Al, have you done any site inspections up there recently?

Al Fusco: We did today, actually.

Derek Wilson: Okay, we can hear your comments later.

Warren Cuddeback: You'll see the Zoning Law refers to "New Junkyards," and "Existing Junkyards." As far as

screening goes, under the "Existing Junkyards" it says they have to meet the screening requirements of new junkyards. Also, in that section, "New junkyards and existing junkyards" so they're both there. You'll see the deal with grades going up and the grades going down. All right, the next photograph is dated "2/6/11 and is view from Route 211, trucks on right are on land trust property." And this is a photograph of the old road that went into the Callanan Industries, previous blacktop plant. The property line is in the road on the left side, and on the left side you will see the Brim trucks across there. But you'll see there, that it's Orange County property. But it also intrudes on the land trust property, which is a little back further. Again, a violation of the Zoning Law, because he's not functioning off of his site plan, in fact, it's operating on other peoples land. The last photograph is "View from Route 211." And this is taken from just a short distance from the road that goes into the old Callanan Industries property, and it shows at the very top up here, and again I'm standing on Route 211. It's very clear, despite the snow, the junk vehicles at the top. Again, a violation of the Zoning Law. Okay, the junkyard is in the Hamlet Mixed Use Zone, and as such, residences are one of the principle permitted uses, and previously constructed houses are close by. A junkyard is hardly compatible with that use. A junkyard is a non-conforming use. A non-conforming use cannot be expanded, which is my understanding of the proper planning, is that that use will eventually discontinue. To now approve additions to that use, is counter productive. A good example of that kind of discontinuance, is the property adjacent to Brim. A black top plant that was also non-conforming, but has shut down, the plant has been dismantled, and the property has been cleaned up and is now quite valuable, were it not located next to a junkyard. I think it is a good case study of what should happen to a non-conforming use. I have previous minutes of your meetings here. I think this was your last meeting, I don't have the date, but I think it was your last one. David Bavoso said, "He said that however, it is his understanding from the applicant, that no expansion of the actual non-conforming use of the junkyard itself is actually foreseen. He said that it is just a matter of this change to the use. He said that if the Planning Board is satisfied that this criteria has been met, and there are no substantial changes to the increase in stormwater run-off, or the expansion of the non-conforming use occur, then the Planning Board can grant a special use permit." Maybe so, but this junkyard is bursting at the seams. As I think those photographs do amply show. He's operating on the western part of the property, off the property, has no site plan that I know of for that area, it's not even zoned property. He's operating off the eastern side of his property. Again no site plan, and operating on other peoples' property. In addition, you can see junk from every road going by there very plainly, Route 209 and 211, also a violation of the Zoning Law. So, considering that, I think this is an expansion of a non-conforming use, and he's obviously bursting at the seams. So, he's going to take away some property, he's going to use it as a cell tower, which means that he can't use it for junk cars, and they have to go someplace. Al Fusco said at the meeting, and this again I'm reading from your minutes... "He said that the approximately 40 vehicles that Brim is storing in that area right now, they will have to be put somewhere else. He speculated by asking, will they be placed on the existing site, on the adjacent site, or removed completely?" It would appear that there is no question that this is really an expansion of a non-conforming use, even though the cell tower itself isn't. You've got the construction of the cell tower there is going to obviously I guess, cause expansion wherever on that site. The junk is only going to become more observable, and he's going to be operating more so on his own site. Also, I'll read into the minutes from Mr. Daniel Loeb... "Mr. Daniel Loeb said that this plan has produced a balloon float and a analysis this past fall. He said that it shows that there is very limited visibility of the tower, that is, off site views are very limited." I don't see anything here about any Planning Board members that observed that balloon float. And I can tell you for sure, that the neighbors weren't advised. Those of us who would be affected most by it, that this float was going on. So, it would seem that it is some sort of secretive operation. Did any of you see that, or observe this float? Is it the policy of the Planning Board that the applicant verifies what has happened with this float test, as he said "very limited visibility?"

Derek Wilson: Do you want to answer that question?

John Furst: Sure. If you may remember, we had submitted an application back in September 2010. We met with the Board initially, we talked about a balloon float. I had asked for specific locations of where you wanted us to provide simulations. We had talked about what type of notice that the Board had wanted. We had notified the engineer that this is the day that we would be conducting the balloon float. It's been an open process. So, there was some meetings before the Planning Board, prior to conducting this balloon float. And after the balloon float, we submitted a report.... I don't know if you've gotten a chance to look at the documentation yet, but there's a big report in there, showing the visibility is limited. There's total simulations, so we're not hiding anything. Quite contrary, we approached the Board, we could've just submitted our visual report prior to even meeting with the Board. Then we wanted to get some viewpoints that you guys were interested in. You're a part of the local community, you know the areas of concerns. So, we did whatever the Board told us.

Warren Cuddeback: Is that correct that your lawyers were satisfied, or are you just taking the applicants judgment of the balloon float.

Derek Wilson: Al, were you present during the balloon test?

Al Fusco: No, I wasn't.

Derek Wilson: Were any members of the Board present, during the balloon test?

Dan Loeb: No, but we were provided with the books.

Derek Wilson: We were provided with... the balloon test, the Board had been advised, for members, if they had off that Saturday, if it wasn't windy for the cell tower. On this one, I don't think that that was their approach. I think they set the balloon test up, and provided us with the actual views from the sites that the Board was concerned with. That they chose 10 or 11...

John Furst: Thirteen locations.

Derek Wilson: Thirteen locations looking back at the tower. What they do, is they put the balloon up, and basically it's a photo shop, of the actual antennas, where they are, based on the actual photo that they had taken. Concerning the balloon test, I think we've been requiring that they be done with foliage involved. We've been standard on other towers that were before us, that they do them with the foliage on. Have you seen in our application, the simluations?

Warren Cuddeback: No, I didn't see that.

Derek Wilson: And I just want to direct you too, in their application, that if you want to access it in the Town Clerks' office, there's letters back and forth between their attorney and ours, as far as the issue of the expansion of a non-conforming use, and there's letters from both attorneys, that the Board has to take into consideration.

Warren Cuddeback: Yes, well, I read one of them.

Derek Wilson: Well, I'm just saying that there's letters from their attorney and from ours, other than what you read... there's some other feedback.

Warren Cudeback: I completely understand the legal view and the legal opinion. The point that I'm trying to make, is that he's bursting at the seams so much, he must be, because he's operating out of peoples' property, he doesn't have a site plan for that property. Actually, if he puts the cell tower in, he's taking away more property. So, what is that going to be, that's going to be an expansion of the property. You can see junk from both Route 209, Route 211 very plainly. So, it's an expansion. I don't think that the attorneys went and looked at the property, and looked where you can see the junk. Or that they even knew that he was operating on other peoples' property. I really doubt that. If your attorney did, I thought he should have brought it to your attention that he's operating on other peoples' property. So, I think that that has to be considered. That this is really going to be an expansion, rather than not. The last thing that I would like to say is that before you folks take a vote on this, I think you ought to look at those photographs. And if you have a chance, don't just look at the photographs, go up and look at the property itself. Look at where he's operating. Take a look at the junkyard along Route 209, and take a look at it from 211. And just ask yourselves, is this your vision for the Town of Deerpark? I hope not.

Dan Loeb: Warren, let me just address three of your points. With respect to... there's notes here from the engineer, that we just got today in fact. That starts to address the issue of clearing out the automobiles from the spot where the tower is supposed to be located, and what eventually happens to those automobiles. That issue was raised at a prior meeting. Whether or not that represents an expansion of a non-conforming use, or what happens, is still an issue that is noted. With respect to the screening and the violations of the Zoning Law, please take note of page 65 and page 64, I think it would be fair to say that we will take note of that. I think it would be prudent of us to address that, and see how that affects it. And third, the balloon test, and not being there personally, this isn't our first application with cell towers, and it's kind of uncanny of how they do this photoshop. It's relatively accurate, there's

no percentage, and they're not trying to mis-represent themselves. I've also found that often times, where we might've picked 13 locations, or 12 locations where we think it would have the highest impact. I found out that it's usually someplace that we didn't even consider, even further away from where he probably has his highest point. But they are relatively accurate, these images fairly support the facts. As a matter of fact, you can probably see it on here.

Derek Wilson: My input on the balloon test, is when they had a balloon test behind the Sparrowbush Post Office for the general public, the balloon up there, I think it was actually photoshopped, and the folks could actually see what it looks like. This is based on what the tower will look like, the actual photo simulation was actually more helpful, rather than seeing a balloon up in the air.

Warren Cuddeback: You have to remember that the people that are doing this work, are being paid by the applicant. Okay, so do you see where you pointed out on page 65... it refers quite accurately to the question that Mr. Wilson had.

Brad Burnett: My name is Brad Burnett, I own the Brim Recyclers, and I'd like to stand up here, after my name gets dragged through the dirt by Warren. If you look back, I'm sure some of you remember Warren's been saying the same thing about me for the last 20 years. First of all, when he talks about the trailers that are up behind the firehouse, the old firehouse, that is on Callanan property, just like he says. It's owned by Burnett Trucking, not by Brim Recyclers, and I have an agreement with Callanan Industries to be able to park my trucks there. That property is zoned for what is going on there. Second of all, when he talks about my junk being all over and bursting at the seams. I happen to be one of the luckiest scrap guys in Orange County, and I am very busy. I move anywhere from 100 to 200 tons a day sometimes. Something stays there, it comes in and it goes out. And sometimes we are bursting at the seams, but we do get it back under control. Where the cell tower is, let me tell you,... I never paid those people anything to do this. They asked me to come here. And that was another misunderstanding, I never got a penny. And if it works out, I guess I get a penny. But I'm not really sure. I take those cars and I move them in and out all the time. It's hardly using any room, and it is surrounded by a tree line, and it's sunk in a little hole, so that it is blocking the view. It's not like the one that right outside here, that I don't hear too many people complaining about. He also keeps talking about expansion, expansion, expansion. And I know of at least one Board member here that was in that war with me at one time. And internal expansion was found by this Board to be okay. External expansion would not be. And that's why I've been allowed to build garages, and other buildings. So, you can just go back through your minutes and look it up... internal expansion is allowed. And just like you spoke about the scrap, well that was always a problem. If you have an 8 foot fence, and you allow 35 foot piles, I guess you're going to see the scrap. And just because a guy has a lot of piles, doesn't mean he's going the wrong thing, it might mean that he's collecting a lot of scrap and he's recycling, like a recycling yard should be. Warren still thinks of a junkyard as a guy that brings in the cars, puts oil all over the ground, and probably is going to hurt the cows. But there's no cows there, it's a scrap yard, and we're very successful. I employ 24 men there, I pay them all, and I think that we do a good job, because my name doesn't usually get drug through the mud, unless it's Warren. Thank you.

Derek Wilson: Okay, before you come back Warren, is there anybody else who has comments on this application? Okay, Warren if you want to come up and speak again, just try to keep your comments focused on the application.

Warren Cuddeback: Yes, I will. I'm glad that the attorney brought out before, when he was describing the property, that it's 12.7 acres. That's not a lot of property. The fact is, that it's incorrectly cited there many years ago. The other thing that I failed to hear from Brad when he got up and spoke just now, was anything about a site plan where he's operating off of his site plan. Maybe you want to inquire about that, thank you.

Derek Wilson: Does anybody else have a comment on this? It's been recommended by our attorney, because of the General Municipality Law... do we keep the public hearing open.... it's just going to be for written comment, right?

Glen Plotsky: Written comment.

Derek Wilson: Okay, somebody is going to have to make a motion to keep the public hearing open for written comments, until our next meeting, which is...

Glen Plotsky: February 23<sup>rd</sup>.

Willard Schadt: I'll make a motion that we keep the public hearing open for written comment, until our next scheduled meeting on February 23<sup>rd</sup>.

Derek Wilson: Do I have a second on that?

Dan Loeb: I'll second.

Derek Wilson: Okay, we have a second. All in favor?

Alan Schock: Yes.

Dan Loeb: Yes.

Mike Breitenfeld: Yes.

Willard Schadt: Yes.

Derek Wilson: Yes.

Motion carried.

After the vote, Warren Cuddeback politely asked to briefly make a comment.

Derek Wilson allowed him to speak for one minute.

Warren Cuddeback said: I'm really sorry that you're not reading the letters that you have received. I think that they might be very revealing, and there's a lot of people who will not go to the Town Clerks' office, for one reason or another, to take a look at those. I really think that they should be read aloud.

Public hearing closed for tonight at 7:45 p.m., but held open for written comment.

Respectfully submitted,

Barbara Brollier, secretary