

The Deerpark Planning Board met for a public hearing for Triplett LLC Wednesday, January 12, 2011 at 7:00 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

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| Willard (Skip) Wilson, Chairman | Dan Loeb | Derek Wilson |
| Willard Schadt | Theresa Santiago | Mike Hunter (alternate member) |

OTHERS

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| Mr. David Bavoso, Town Attorney | Mr. Alfred A. Fusco, Jr., Town Engineer |
| Mr. John Fuller, P.E. | Mr. David Dean, Town Board liaison |
| Ms. Debra Hayden, Adjoiner | Mr. John Hanson, 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 Triplett LLC to create a vehicle and equipment sales business. The application effects the following premises:

Record Owner: Arthur Trovei; Tax Map Designation: Section 57, Block 1, Lot 96

Zone Designation: HMU. Located at 161 NYS Route 6, Town of Deerpark, Orange County, New York. Information on this 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 12th day of January, 2011, at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time."

Skip Wilson: Is anybody here from Triplett LLC? Ma'am, you're hear to talk about it? Well, the engineer isn't here yet...John Fuller is supposed to be here, he might be here after. Would you like to say something about it, for the record? Come up here an give your name please.

Debra Hayden: My name is Debra Hayden, I bought the property behind this, and at the time I bought it there was a lumber yard there. The Town kept them up to Code, and would only let them use the proper paints that fit into the environment and everything, and I can't see putting this place there. I'm pretty upset about it, because I bought this house, I have almost seven acres, possibly to retire in, and I don't want to look at a whole bunch of stuff. I've seen another lot, what do you call it, so I was wondering about a privacy fence. Also, clean up... the person before, the debris came down the hill and I picked it up and threw it out and it was debris. So, I'm concerned about the machinery, also with the drainage. They don't have any drainage on the property. I have well water, so what will they be doing with fuels, gas, diesel, oils from them changing whatever. Also, time of operations. I have a neighbor that has heavy machinery, next door to me, and sometimes he starts at five in the morning and goes to nine o'clock at night. I feel that putting in this place, and allowing this business, I feel that it will decrease the value of my property, especially if I want to sell it. Who's going to look at a whole bunch of trucks and everything in my back yard. So, that's my concerns, I'm not too happy about it. Also, security, I've been robbed three times. So, I hope he has a good security system. And each time I've been robbed, I know who took it and the police went to their house, because the stuff was there. They wrote themselves a receipt, and since they were items that didn't have an I.D. number on it, like 3,000 bricks, I was told that I couldn't prove that they were mine, and a few other things. And I even put a fence across my driveway, making it my property line on the other side. So, I have a lot of concerns about it. Maybe with the robberies that have been around in Port Jervis, because we are pretty near Port Jervis, will it be bringing in another clientel too?

Dan Loeb: Could you point out where your property is?

Derek Wilson: Lime Kiln is here, this is Route 6, and this looks like it would be the gate, right about here.

Debra Hayden: I'm not sure which lot it is, but I have seven acres that goes right up to the property up there.

Derek Wilson: Well, this is I-84, this goes on the other side...

Debra Hayden: Okay, Lime Kiln is right here.

Al Fusco: You're on Lime Kiln?

Debra Hayden: Yes, I'm on Lime Kiln, I'm number 80, I don't know which one it is in here. That's it there, it part of that. I have a pond.

Skip Wilson: Okay, the engineer is here, so we're going to have the public hearing, and all of your concerns are on record, and this Board will review them all.

Debra Hayden: Okay, thank you.

Skip Wilson: Mr. Fuller, you're late sir.

John Fuller: Yes, I apologize for being late. Okay, to the Board and to the public, my name is John Fuller, I'm a civil engineer representing the application that is before the Board for a public hearing tonight, which is Triplett LLC. The subject property in question is what people had known as Rowley Lumber or Pro-Build. Prior to that, it was also known as Deerpark Lumber, which is one Route 6, the former lumber yard. It's been vacant for a little over a year now, since Pro-Build lumber yard shut down. The property actually was purchased in a transaction by Triplett. A lot of people know the prior owner. This proposal is to utilize the existing property. As part of the application, there is no proposed improvements to the property. There will be no changes to the

property as far as grading, additional buildings, blacktop... none of that will be done. The only thing that the applicant is looking to do, is a similar operation to what currently exists on Route 97, is to bring in equipment to position on the property for retail sale. The use, retail sales and vehicles and equipment, is a special use in the zone that the property is currently under. And for a simple explanation, that is the scope of the project. The property would be utilized as a vehicle, equipment retail sales. And with that, I'll open it up for questions from the Board and the public.

Skip Wilson: Are there any comments from the public, anyone? One person already did comment, and the Board will address her issues. Sir:

John Hanson: Yes, my name is John Hanson, Route 6, #114, we live down from this project. There is a pond there, that is a Class B, which is a trout pond, trout waterway. I have obtained permits to have it cleaned out, and that's not an easy task. Due to the fact that Interstate 84 culvert pipe failed, so they came in and they did some reclamation of the material that came in. I'm going to show you here some photos of Mr. Trovei's property, and the drainage.

Derek Wilson: Is this the property? Because this is a totally different property.

John Hanson: But everything is in question here.

John Fuller: That is not the application, that property there, before the Board.

John Hanson: He wants to do the same thing over here on this property.

Al Fusco: No, that's not before the Board. It's just with the lumber property.

John Hanson: Where the old lumber yard is, that's what we're looking at right now. Well, I'm with that lady back there and her concerns. I worked for Arthur Trovei for twelve years as a general manager.

Al Fusco: Where's your property?

John Hanson: It's right here on Route 6.

Al Fusco: Well, here's the lumber yard, and here's the property across the street. This would be where the old motel is. And where is the pond?

John Hanson: The pond is right here, and it's on our property. And what I'm concerned here is that, he's got equipment and the drainage that was put in, he stripped six acres over there with no permits. Now I like to let people live and let live, and what I want to know is, is Deerpark going to be responsible for any type of run-off. You know, he's putting equipment up there, he's got equipment up there. He's got anti-freeze, he's got diesel fuel, you've got hydraulic oil. You know, this gentleman just said that he wants to do the same thing a what they're doing on Route 97 and I know what goes on down on Route 97.

Skip Wilson: Now, you're not talking about the junkyard, but that other area?

John Hanson: Well, he's got several areas.

Derek Wilson: He's got basically three properties, he's got Butlers, and he's got where the Galligers saw mill used to be, and then the junkyard.

John Hanson: What I'm talking about is the old Galligers saw mill, but now you're talking about the old lumber yard on Route 6. Let me ask you something, is Sparrowbush part of Deerpark?

Skip Wilson: Yes it is.

John Hanson: How many junkyards do we need in this town?

Skip Wilson: We don't control the junkyard sir.

John Hanson: I understand that you can't control the junkyards, but you can control the permits that you're going to give and what they're going to do with the property.

Skip Wilson: The Town Board gives the permits for the junkyards, we don't.

Derek Wilson: Let's not get off tangent here, what he is proposing doesn't fall under the category of a junkyard.

John Fuller: No, it's used equipment.

John Hanson: Even in the best of circumstances, new vehicles leak, let alone older equipment and all of the stuff that comes in, leaks. I'm telling you, eleven years I worked with Mr. Trovei. I don't have a problem with Mr. Trovei. Live and let live, that's what I truly believe. But when you have all of this water, who is going to take care of it. I mean, we all are green anymore. Is Deerpark green? No. We're not abiding by the green laws. That's what I'm talking about. You're putting more stuff... the lady that lives there behind,

all of that stuff is going to run downhill. Here he spent a lot of money, a lot of money. Mike Vicherello came in, and he's a very good excavator. Very good. He does very good work. But the engineer that came up with this, and the elevations, is wrong. And then, as you can see...

John Fuller Actually, I'm the engineer, certified by the State, we were granted a permit. It's really irrelevant to the application.

John Fuller: This is the mud that comes down into my pond.

Derek Wilson: You understand, you have to direct your questions to the Board.

John Fuller: You're talking about the driveway, across from application lot, that's not the subject parcel that you're talking about.

John Hanson: But that's my concern. I'm can't stress strongly enough, that we're putting used equipment in another place. We've got Brim, we've got Tenkes', these are all in Deerpark, and these are all used equipment. How many used equipment places are we going to have? We have all types of oils, hydraulics, anti-freeze... and Deerpark is going to be responsible, because they're going to give him an opportunity to buy this place, or do whatever he wants to do with this place. And the thing is, that, it's cheaper to do whatever I want, and then pay the fine later. Yeah.

Skip Wilson: This Board, we have to make sure that whatever we do, that the applicant follows the Code, and that's all we can do.

John Hanson: Who authorized the stripping of the land?

Derek Wilson: Well, first of all, now you're talking about a different thing. To be honest with you, that was discussed at a previous meeting, it came up, and the Planning Boards' attorney was consulting with the Building Inspector, on the scenario of how that occurred. And what happened there, actually, was not done properly. It's going to be rectified. That's really an issue for the Building Inspector.

Skip Wilson: Is there anymore public comment? Okay, yes, ma'am? Would you come back up please, we're recording it. We want to write it down.

Debra Hayden: As this other man had pointed out, once you give someone a permit, for this used vehicle sales or whatever, I feel that it may be used as a junkyard, and he could bring other stuff there, because he says he's cutting them down for parts and whatever. And I don't really think that you'll be able to control it. I have a neighbor on the far side of me that has built numerous things on his property without permits. And I had the zoning person come over, and he's screaming at me about the fence, but it isn't my fence, because I didn't put it up, the neighbor did. Three times he came to my house, but yet the guy doesn't have permits for anything, and he's building a house now too. So, my concern is, who's going to supervise what's going on. No one is. But when he gets his permit, he's going to do what he wants to do, and as I said, I bought this house, it was an investment, it was a handy man special that I put a lot of time and effort into, to fix for my retirement, or to use as equity later on, as I get older, and want to retire. So, what is this doing to my equity. He has these places all over the Town, and that's hi business, I do understand. But you must take into account the environmental impact, and also people who have been there, you know, it throws the properties off. Our property loses its value. What can I say, do you know what I mean. I don't know what else to say.

Skip Wilson: Well, this is why we have a public hearing, so you can voice your opinion. Thank you. Sir?

John Hanson: Yes, one other thing that I would like to point out, is that Mr. Trovei, when he purchased the railroad yard, he got on the Town Board, and that purchase was bought out, under a lot of different people. And he got what he needed to get into there, because King Street was too small, he had to move from King Street. And Mr. Trovei has run for council, and I want to make it very clear, being that he is on council, I hope that he cannot persuade this Board...

Skip Wilson: I can guarantee you that he will not. He will not.

John Hanson: I hope not sir, because Mr. Trovei has a way of... he's got a very nice personality, he's a very nice guy, he gets what he wants. When you have a lot of money and you contribute to a lot of different things in Town, you know, people look the other way. And I don't know half the people that are on this Board tonight, and I don't know what you people do, but I hope that you're not influenced by it.

Skip Wilson: We are not sir. Trust me, we are not.

Willard Schadt: I'm curious about the question you raised about the used equipment, are there control devices over on the other site, in terms of leakage or infiltration, I think that's an honest question.

John Fuller: There's no measured way of tracking the amount of leakage. All of the properties are graveled, it's not like you're going to have oil leak onto an impervious surface, blacktop that when during a rainfall it'll run off into waterways. By keeping them in a gravel nature, any leakage that you would get from oil or from hydraulics, would disappate into the surface of the ground. Now, I am not aware of a requirement from the NYSDEC or otherwise, to measure on a given property. I understand the concern, but to my knowledge, and maybe Mr. Fusco can elaborate, but I'm not aware of any DEC permit for that type of setting. It clearly is used equipment that would be parked in an organized manner for retail sale. It's not intended to be a junkyard, it's not intended to be a situation where trucks or vehicles or equipment is torn apart and left strewn all over the yard, in what we have come to know as a

junkyard. It's strictly an organized sale of the use of equipment. Which, I might add, is allowed by a special permit, which this Board by granting approval, would grant a permit for a certain length of time, and then allows for the renewal of the permit on an annual or bi-annual basis. That way, any concerns in the future, it'll give the Board to address those concerns at a later date.

Derek Wilson: So, the main building that was used for lumber storage, you know the one I'm talking about, at the end of the property, down on the right side, that has a concrete floor for the run-off? It's basically divided into thirds, with the storage on the sides, the center of the concrete, that's where repairs are going to be done?

John Fuller: The new building, which is the metal building, has a concrete floor in it. The newest building which is closest to the office. There are bins in there, but it was really put up for sheetrock, and that has a concrete floor in it. And obviously they'll strip all of the shelving and stuff out of there.

Derek Wilson: My question is, now in this building, and in the other building, you have concrete floors, so any repairs are going to be done on concrete floors.

John Fuller: To my knowledge, the other building does not have a concrete floor. Having been there to buy lumber in the past, I've noticed that.

Derek Wilson: Okay, my concern is that repair buildings have flooring in them, and they don't just repair now in gravel that is inside the building.

Theresa Santiago: Is there going to be drainage on the concrete floor where they'll do repairs, the draining of fluids, where's it going to go?

John Fuller: I haven't spoken at length with Mr. Trovei about that, I'm sure there will be a mechanism, whether it's drain pans or something of some other nature can be employed.

Al Fusco: What the DEC requires, that for any of the fluids that he is either going to take out of the vehicles or put into the vehicles, that those containers have to meet standard requirements. And depending upon the amount, they would have to be licensed with the DEC, permitted by the DEC. One of the things that the DEC does not look kindly on, is the relationship of the spillage, which is what you're talking about, is that they do not like floor drains. So, in other words, you can't have a floor drain in that building, going out into a storm drain, a trap, that's what I'm talking about, you can't have that. Any spillage would have to be taken care of, either as he had stated, in containers, or a speedy dry, you know, that type of stuff. There's a lot of new type of synthetic materials that absorb the oils, and things of that nature. But the DEC does not want you washing that down. You can have self contained equipment, a lot of the showrooms have this, where there's a concrete floor, and they have almost a machine that you can ride on. It cleans the floor and recycles and takes it all out. So, you could clean a concrete bay with maybe with two gallons of material. It's just good for recycling. But this is monitored by the DEC.

Dan Loeb: Some of the issues that were raised by the public, I am sympathetic to your viewpoint, because this issue was proceeded by someone who was in the same situation. So, while these issues were there, I had a lot of the same objections that you have. I go by there all of the time. The constraints however, that I as a Planning Board member, have to work under, aside from personal preferences... first of all, it's a permitted use there, vehicle equipment and sales. Just regarding the nature of the equipment, what it looks like, and all of those other considerations, so it is permitted. Second of all, the name of Trovei means to me that I'm going to look at it three times harder. I think that people who were in here with applications prior, would verify the fact that they didn't exactly get the most hospitable reception when they forwarded their application. One concern I do have about this, and I know this is the Interchange Business zone, this is the IB zone that we have here, is that correct?

Derek Wilson: It's HMU.

Dan Loeb: Oh, it's HMU, sorry. It has always been the potential leakage from some of this equipment. Even under the best of circumstances, it does happen. And one of the things that I want to point out, which is kind of ironic, is that I had a neighbor who built a little garage, actually a shed, he put a quad in it, he didn't have a concrete floor, and the Building Inspector came and said that he had to have a concrete floor under there, because that quad, it could leak into the ground. And here I look around and see hundreds of pieces of equipment, and it doesn't seem to meet the same criteria, or let alone inspection. Now, I'm just going to ask Mr. Fuller, is that the major concern of this applicant?

John Hanson: May I say something again?

Skip Wilson: Go ahead, it's your Town.

John Hanson: No, it's Trovei's town. My next thing is, how much are you going to allow him to store waste on this property? Now to go green, you have to have a tank that holds a certain amount, whatever the Town, or whatever the DEC, or whatever, I don't know what the Law is. But it has to be a double containment. So, if you're putting hydraulic, you're putting diesel fuel, most likely the diesel fuel he'll be taking out and using elsewhere. The hydraulic oil that's bad, I don't know what they're doing with it. The anti-freeze, the gasoline, I don't think he's going to have gas. But how much material are you going to allow him to put on this property?

Skip Wilson: We have to review it, and our engineer has to review it and get back to us, and advise us on those issues. They're issues, we understand that, and we know that, and we will address it, but it's going to take time.

John Hanson: Well, I'm probably going to be the biggest opposition that you will have

Skip Wilson: We understand that. You're a citizen, you have a right, we understand. This is also a special use, so if we give a special use, if it's a year or two years, once the special use is up, the Code Enforcement has to go to inspect the site, and they have to give us a letter saying that they're in full compliance. That's another, hopefully, safeguard.

John Hanson: Usually when a permit is given, that permit, yes, if there are some infractions, they ask the person to make it right. More than likely the permit will be re-issued. I mean we all know that.

Skip Wilson: No sir, he would have to come back before this Board.

John Hanson: Most of the time, it is re-issued.

Skip Wilson: A special user permit is different from a permit for a junkyard, it's a total different operation.

John Hanson: But he's using it as the same, as on (Route) 97, that's a junkyard. Not as a dismantling 97 is used as dismantling.

Skip Wilson: Are you talking about the junkyard, or the other site?

John Hanson: I'm talking about the old railroad yard, he uses it as a dismantling.

Skip Wilson: That's a junkyard.

John Hanson: That's a junkyard, but this gentleman just said that he would put things in an orderly... and he does a fairly decent job, as best as you can do with a bunch of junk. And basically over there at Butlers, it's not that organized, I don't think. And we're going to wind up with the same thing on 97 at the lumber yard. It's old equipment. It's one thing if you're putting brand new cats or brand new John Deere equipment there that's nice and painted. You're not going to have that sir.

Skip Wilson: We understand. We will review all of this. Are there any other questions for the Board?

Debra Hayden: I'm sorry, can I just stand here.

Skip Wilson: You need to come up, because we have to have it on record. I have on the property two ponds, and they're environmentally protected. The EPA is up there quite often in the summer time, checking what people are doing. We can't dig around them, and if you do, you have to have the fencing up and everything else. Also, I have horses, and they graze at the bottom of the hill where that drainage is going to be coming. I get a lot of drainage, because there's an old road that goes behind there, this goes right down into the main place where I can watch them, or they won't get into anything. So, he's going to have to do something about the water coming down the hill. Because I don't know if it'll go into the ponds, and my horses will be out there, and I don't want them sick. I don't put any kind of chemicals onto my lawn because I watch out for everything for these animals. I don't even put salt down on my driveway, because I don't want it going into their hoofs. I also have geese that just happen to be there. I've got a lot of animals. And I don't want anything to happen to them. I've taken good care of them and everything, so I have a lot of concerns about what will be coming down that hill. Because, as I've said, there's an old road that comes down there, and it drains a lot. I can't put them into that one part of the meadow, after a rainstorm, because it's totally drenched and flooded out, because of the water that comes down there. I've never made a stink about it before, and now I'm really, really sorry. But my concerns are chemicals, and if you can do something about the drainage, because I don't want anything to happen to those animals.

Skip Wilson: Yes, ma'am, it's on the record.

John Fuller: I would be happy to walk with Mr. Fusco on the property. The only thing I would add, is that it was a lumber yard, and it was not immune from chemicals. A lot of the woods and wood products there were treated with chemicals, and so, this issue of run-off is consistent with what was a prior use there. He had equipment, he had all kinds of trucks, he had other things of nature there, as long as he stockpiled the equipment. So, the issue drainage, I mean, it would be reviewed by Mr. Fusco, as part of the application, and site plan review.

Skip Wilson: Our engineer will review it totally.

Debra Hayden: And if he would like to come onto my property, I'm there all of the time, and he's welcome to come there anytime too. I can show him the road where it comes down and everything. My animals are my babies. My son is almost through his second term of college, he became a mechanical engineer, graduated years ago, and went back for his degree, and is graduating this June, and... so those are my babies. And again the property values. And can a fence, one of those what do you call it... those fences that hides all of the stuff.

John Fuller: Was the other products visible from your property, from the previous owners?

Debra Hayden: No, he kept everything in, and they were very quiet there too. That was another thing with them. And you hardly heard them the time they were working. You wouldn't have even known that they were there. And they were just really, really quiet.

John Fuller: I mean, I don't know if we presented this application, as being on the noisy side. Most of the time the equipment will be parked, and the frequency, I would expect, as I've said before, the frequency of retail sales, I mean, people coming to buy equipment,

would be far less than what the lumber yard did experience on a day by day basis. The amount of vehicular traffic going in and out of the lumber yard was much greater than what this operation is. And again, it's on the assumption that we're going to contaminate the property, and I don't think that's a fair evaluation of the operation.

John Hanson: Oh, I think it's fair.

Skip Wilson: It will be reviewed by our engineer.

Willard Schadt: Al, what is the current definition or requirement of reportable spills according to the DEC now?

Al Fusco: Well, again it's almost anything. I mean, it's really any measurable amount will be investigated by the DEC. Now, one of the things that you have to look at, is the relationship to the amount of material that will be stored there, either waste material and/or replenishable material. There's specific rules and regulations that the DEC has in regard to that, it's very, very specific. Now, with that, they have the option of using smaller approved containers, and having them removed by licensed operators. Or, they can store larger ones on site. If you store the larger ones on site, you need to have a permit. And it's a cumulative permit. In other words, if you have 275 gallon containers, which is the norm, you need a permit. But one of them you probably do not need a permit. But if you have multiples, you will need a permit. Also, in relationship to waste, if you're re-using and recycling the waste oil, if you're doing it on a portable basis, sort of like those 20 gallon drums on wheels, that goes underneath the vehicle, and then it gets recycled later. You don't need a permit from the DEC for that. But if you take that, and put it into a larger container, you do need a permit. Now on the spills, it's basically any amount. You know, while you're filling your lawnmower, if you spill a gallon while you're filling your lawnmower or whatever happens, say the top comes off, and it spills over, and it has the potential to pollute something, that's a reportable spill. Pretty much anything is. What you need to look at, is on that basis, that the DEC is the enforcement agency. Now, in relationship to the storm drainage coming off of that. Under the new Federal Clean Water Act, after 2008, the DEC regulations take effect. Deerpark is not an MS-4 community now, and don't have a storm water system. But eventually all towns will be MS-4 communities, which means that they will be responsible for all of the run-off. Right now it's the DEC and the town. To give an example, let's say that some other site in town has a car wash operation going on. It's not one that you have with the mechanical means, it's just washing cars, and the soapy water is going into a ditch, the ditch is going into a stream. That's called an illicit discharge. If that would be reported to the DEC by a neighbor, the Building Inspector, myself, a town official would report that as a illicit discharge. The DEC officer, or the town officer, would see the bubbles in the stream, and follow it backwards, until they find out what the source is. At that point, they would be ordered to cease and desist. It would be the same way with an oil slick. It would be the same with muddy water. I've seen it before where we've gotten complaints on construction projects, where there's been muddy water, due to construction. The silt fences weren't working, they didn't have siltation basins. That again, is illicit discharge, and is protected and enforced in the town by the DEC. But the town officials can bring it to their attention.

Skip Wilson: So can the neighbors.

Al Fusco: The neighbors can as well, that's correct. Now eventually what will happen, is the town will be passing their own local law, mimicking the DEC law, and they'll set up certain individuals to have these certain responsibilities. It may be the highway superintendent, it may be the engineer, it may be the code enforcement officer. Then they would have to report in, annual reporting and there would be a certain amount of education for the public, you have fliers, Cornell Cooperative, classes in the schools, things of that nature. But there is a large check and balances that exist. They're more stringent now, than they ever have been.

Skip Wilson: Does the Board have anything else? Any other comments?

Derek Wilson: I just wanted to say, that if you're going to go out and do a site visit... I remember how it was with Charlie Meloi's, I wasn't in it so much when it was Rowleys, but where they put the lumber, just take a look at what it would entail. He's up on top of the hill there, so he might just have to put up some evergreen screening or something, and it might take care of some of her concerns as far as the visual impact. Will you look at that Al, when you're there with him?

Al Fusco: Yes, definitely.

Dan Loeb: The only thing that I want to add to that is, are there any restrictions regarding used automobile sales, used equipment sales, the amount of fuel that's allowed to be in the fuel tank? In other words, I know that if you store a car inside...

John Fuller: To answer that, I don't think there is, because all the tanks that are on vehicles are DOT approved, and they are approved for the gallons that they were made for. So, if they were all full, he's in compliance, but if they're leaking, he's not.

Dan Loeb: I understand that. And for all intents and purposes, you don't want them filled, if they're going to be laying out there for a long time. But with respect to vehicle sales, are the regulations, as to the amount of gallons that can be stored in their tanks?

Skip Wilson: Al, will you look that up for us please.

Al Fusco: On the amount of fuel? There's no amount. Like you said, inside storage, fire proof, outside storage, there is none. Generally, most equipment that is sitting like that, say old farming equipment, the fuel is usually lost to condensation. That's not a rule, that's just good judgment.

Skip Wilson: Any other comments?

John Hanson: I have one more thing, so you're going to abandon the project that is up on the mountain.

Skip Wilson: We don't know about that.

John Hanson: All right, but it's going to be abandoned. I'm just saying to you that he doesn't finish what he starts.

Skip Wilson: I understand.

John Hanson: No, you don't.

Skip Wilson: I've been around here for 70 years.

John Hanson: Sir, and your name is?

Skip Wilson: Skip Wilson.

John Hanson: I apologize.

Skip Wilson: What you're talking about here, has nothing to do with this site.

John Hanson: It doesn't but he started a project and didn't finish it.

Skip Wilson: That's up to the Code Enforcement Officer, not us.

John Hanson: But who gave him permission to strip that property?

Skip Wilson: I have no idea.

Theresa Santiago: That has nothing to do with us.

Derek Wilson: Actually, your problem with that property, you really need to take it to the Building Inspector, and then you need to take it to the Town Supervisor. Because it really is a code enforcement issue. That issue came up before this Board about a month and a half ago, and our attorney was supposed to be looking into it, and that's all I can tell you.

John Hanson: I wasn't notified on that.

Derek Wilson: I don't know anything about you, I'm just saying that the Board was made aware of that situation, as a result of looking at this application. We were supposed to hear back about the status of it. But it really doesn't impact us directly, because we're not code enforcement officers. But I do agree with you, that if a guy has three projects, and you're looking at one, and there's other two, you should get an indication of what he's going to do on the next one.

John Hanson: Please just take a look at these, I really would appreciate it.

Derek Wilson: Do you want us to keep these photos, for the record.

Skip Wilson: They'll be in our file sir.

Derek Wilson: Is there anymore public comment on this? I'll make a motion to close the public hearing on the Triplett LLC.

Willard Schadt: I'll second.

Skip Wilson: We have a second, Theresa?

Theresa Santiago: Yes.

Mike Hunter: Yes.

Dan Loeb: Yes.

Derek Wilson: Yes,

Willard Schadt: Yes.

Skip Wilson: Yes.

Motion carried.

Public hearing adjourned at 7:46 p.m.

Respectfully submitted,

Barb

ara Broliier, secretary