

## Planning Board Minutes July 22, 2008

BOSTON PLANNING BOARD JULY 22, 2008

PRESENT: Patricia Hacker, Chairman

David Stringfellow, Vice Chairman

David Bernas

Mark Coppola

Bill McGirr

David Ruzzine

Rick Skinner

EXCUSED: Jonathan King

ALSO Brian Downey Town Attorney

PRESENT: Cathy Maghran Councilwoman ? Town Board Liaison

Don Hoefler Town Engineer

Thelma Faulring Secretary to the Boards and Committees

Mary Francis Kraft Prospective member

Bill Brunner Applicant ? 7166 Boston State Road

Glenn Christner Architect ? 7166 Boston State Road

Mark Henneberg Applicant ? 8964 Boston State Road

Nicole Henneberg 8964 Boston State Road

Dan Sundell Architect ? 8964 Boston State Road

Chairman Hacker called the meeting to order at 7:33 PM following an interview with prospective member Mary Francis Kraft.

#### MINUTES

Mrs. Hacker asked if there were any corrections or additions to the minutes of June 24, 2008.

Being none, Mr. Bernas made a motion to accept the minutes, seconded by Mr. McGirr and carried.

#### CORRESPONDENCE

Secretary Faulring reported the following:

? Town Board letter dated July 11, 2008 forwarded to the Planning Board with a request from Mary Francis Kraft dated June 23, 2008 expressing interest in serving on the Zoning Board of Appeals

? Planning Board letter dated July 15, 2008 to Mary Francis Kraft inviting her to an interview with the Planning Board members

? Planning Board letter dated July 1, 2008 to the Town Board with recommendations for appointment of Jeffrey Genzel as regular member, and Richard Skinner and David Ruzzine as alternate members

? Code Enforcement Officer Ferguson's June end of month report

? Deputy Code Enforcement Officer Juda's June end of month report

? Deputy Code Enforcement Officer Lisowski's June end of month report

? Town Board letter, dated July 11, 2008, to Richard Skinner advising him of his appointment as a regular member of the Planning Board

? Town Board letter, dated July 11, 2008, to David Ruzzine advising him of his appointment as an alternate member of the Planning Board

Please Note: Due to lengthy discussions for the next two agenda items the following will be used instead of individual names:

PBC ? Planning Board concern/comment made by a member of the Planning Board, Town Attorney, Town

Engineer or Town Board Liaison

AR ? Applicant response or remark made by the applicant or any associate of the applicant

#### CONCEPTUAL SITE PLAN REVIEW ? 7166 BOSTON STATE ROAD ? GLAD YOU'RE HAIR

Secretary Faulring reported the following correspondence:

? Planning Board letter dated June 26, 2008 to TVGA requesting their review and written report

? Planning Board letter dated June 26, 2008 to Richard Brox requesting his review and written report

? Planning Board letter dated July 8, 2008 to Glenn Christner requesting his presence at this evening's meeting

? Richard Brox fax on July 14, 2008 with his written review

? Distributed this evening is the TVGA written review

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Mrs. Hacker read Mr. Brox's review.

Mr. Bernas: His letter is dated May 9, 2008, but it was faxed over on July 14.

Mrs. Hacker: We will use July 14, 2008 as the letter date.

Mr. Stringfellow: Items 2 and 3 the 6 at the end is supposed to be a letter 'b'. There is no 6 but there is a 'b'. With regard to item 3, we need to look carefully at the code. Basically b (3) that he is talking about is dealing with storage of equipment and supplies by an owner not on the premises, and that's not what's involved here. I wanted to ask the Town Attorney if Mr. Brox section 3 comment really applies or not. At the bottom of the page 12379, at the top of the page it's 123-71, item 3.

Mr. Stringfellow read from this Code Section.

Mr. Stringfellow: As I read it that applies only to buildings for storage of tools and materials for a business not on that lot.

Mr. Downey: You are correct.

Mr. Stringfellow: Then he is talking not about that kind of use at all.

Mr. Downey: On the application I would say yes. It doesn't appear to match up with the section that he is looking at. The other thing I would say about his letter is he mentions that certain uses are not permitted; but there have been proposals to make changes. The Board is finishing up their fine tuning of the Code, but the thing is there has to be probably 1, 2 up to 3 Public Hearings with the massive amount of Code involved. You don't know what's going to come up with as far as what's going to pass. So I would not use that, the proposed changes, for a basis of approval for any project, unless someone is willing to put their project off, and I don't think they are. So I would in any examination, and until those Code changes are made and passed, I would use the existing Code in all your analysis.

Mr. Bernas: Item 2 he refers to it as a residential use. It is not a residential use and hasn't been a residential use. It used to be residential but now it's a hair salon and still going to be a hair salon.

Mr. Downey was called out of the meeting at this time.

PBC: Residential use or commercial?

AR: Commercial.

PBC: Proposed lighting locations; the site plan shows lighting on the two walkways that project from the building, a light on the "house?"; is there any other lighting planned in that parking lot or not?

AR: There are two lampposts, if you look at page 2; there are 4 lights on the entrance and a new light on the chimney of the previous structure.

PBC: Has consideration been given to how much light will fall on residences.

AR: It's in the center of the property. There are four lights on the principle structure, there are two lampposts and there is a lamp on the chimney. (Lampposts were pointed out on the site plan) There is a shield by these mature trees.

PBC: As the sewer connection is drawn, there appears to be one sewer lateral running from the relocated older building to the newer building and there is a sewer main going down through the middle, are those two laterals draining into the main at the same point?

AR: Two laterals meeting up with the existing drop that is on the current existing lateral.

PBC: Both sewers drain into existing sewer that goes through the lot?

AR: Correct.

PBC: Parking. There are 31 spaces shown with the requirement at 1 space per 350 square feet?

PBC: On the next page they show a calculation of the total square footage divided by the number of parking spaces. They are providing one space per 135 square feet. It looks like 1350 but that square with a line through it stands for square feet. They were calculating it at 1 space per 200 square feet, which is correct for other professional offices. With 4100 square feet, they got 21 space required, so I believe they were doing it at one space per 200 square feet, not one per 350 square feet.

PBC: The Code defines a beauty shop as a personal service and does not specifically say how many spaces are required for a personal service. In looking at the Code I interpreted that 1 per 350 is required. Even at 1 per 200 only 21 spaces are required. I would suggest that you eliminate some of the parking spaces closest to the road and get more green space closer to the road.

AR: Currently there is only 25 feet of grass, and we're increasing that by 50 feet by taking out existing paving.

The current and proposed parking was described on the site plan.

PBC: Could that also be reduced back, by getting rid of some parking spaces?

PBC: Reduce by 6 spaces? That would still leave you more than required even at 200 square feet each.

AR: We felt that we are going to need more than the required amount of spaces for the 1000 square foot hair salon and the 500 square foot body salon.

PBC: How much green space is there now?

AR: It's 60% green.

AR: It's right at the open space requirement, that's 40%.

PBC: The parking lot must be at least 20 feet from the right-of-way, there must be 20 feet of grass.

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PBC: This is existing. He's holding the 14 feet that was preexisting, whatever that parking lot was before, he's holding it. So because this is an expansion, does he have to apply to the Zoning Board of Appeals?

PBC: Let's leave this as something to consider, whether you could get back to meet code requirement because while it is preexisting it is non-conforming and you are expanding by more than 25% which is the limit that you can expand a non-conforming use and still remain non-conforming.

AR: Okay.

PBC: There is no provision for stormwater runoff. It shows catch basins draining into an existing lateral which does not delay the runoff from areas that became paved, that were grass. I don't believe that will go with D.E.C.

AR: It will be stored on the pavement. A 25 year storm will be stored on the pavement. I am waiting to green light it to my Civil Engineer when I get past conceptual.

PBC: Never heard of anything like that.

AR: The engineer has done preliminary designs for this and it's for the difference of what we have in hard surfaces to the differences that we propose, there is adequate storage on the pavement for the 25 year storm.

PBC: I have that in my comments for stormwater calculations to be provided.

Mrs. Hacker to Mr. Downey: Does the change to this property as the parking now is in non-conformance, if they are changing this property to the extent that they are; are we able to require them to change that parking to be now conforming to code, in that it's not far enough from the right-of-way, is that something that when there is a change of use that we are allowed to do?

Mr. Downey nodded yes.

Mrs. Hacker: Also we have a question in regard to the provision for stormwater. The plans don't show anything, but they say they are working with an engineer on it and we're going to look at it from our end. They say they can store the extra stormwater on the pavement itself. I'm not aware of that.

Mr. Downey: I'm not an expert on that and I had the same question.

PBC: In the description, one of the things mentioned was that putting the building where it is, it helps to hide the loading dock and the guardrail running down to the property below; and it does help but it would help more if you could put some screening along the property from the building out toward the road and that is just a suggestion of something that I would like to see.

PBC: What is the situation with the 18-inch maple?

AR: It's seriously diseased, it's been cut down. We felt that the foundation was in the drip line of that tree.

PBC: The TVGA Review the driveway width? it was suggested that the driveway width be reduced from the existing 35 feet to 24 feet. I like the 35 feet and I will use CVS as an example CVS parking lot is 24 feet wide and there's their buffers. It's a disaster to get any kind of truck or SUV, it's just too? you just can't do it. People are driving over the curb and I think larger is better.

PBC: Do you know what size the sewer line is that they are dropping the two laterals into? It doesn't say on the plan, the main sewer.

PBC: Sanitary sewer or storm sewer.

PBC: We'll hear more from that when we get the engineer involved.

AR: Changed quite a bit from a year ago. We didn't know these parking things were going to be an issue, as they weren't at that time. The addition, though it satisfied the States requirements for the business, it didn't address the vehicular access, which was not good at the time. So we designed a larger addition that would accommodate a new entrance and we redesigned a parking lot, that's how we were looking at a structure that was a new build. The first idea was to build behind the existing structure and demolish the house, but then we were left with an expansive parking lot in the front with a shopping mall looking building. In the back it kind of drops back, it had limited visibility so I suggested putting it along the south property line to open up the site, with the building closer to the road it's more presence. Still we had it in mind to knock the existing structure down, but then it turned out to be very feasible to move the structure. So that's a very green thing to do.

PBC: I'm not sure if the gas and the water company will allow you to bring the service into the new build and take it out of the new build and go back to the house. That should be confirmed. Another thing is that I believe you will be required to put an RPZ (back flow prevention) in. Is the RPZ going to be in the building?

AR: Yes, in the building.

PBC: The way you have it is fine, with the overlay of the existing and the proposed, but couldn't clarify where the three relocated maples are coming from.

AR: From the survey, which turns out to be mislabeled the tress, we only have one tree that we can relocate, it's a locust of movable size.

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PBC: It's difficult to pick out the existing and the proposed.

PBC: The 18-inch maple that was taken out, is that the one on the west back side of the property?

AR: Pointed to location on site plan.

PBC: There's another one labeled diseased, straight up above there?

AR: That one's staying. The one diseased is already gone as well as the linden.

PBC: The ones in the parking area are already gone, but you're going to be able to save the others.

Discussion continued regarding the location of the trees.

AR: The one diseased tree ? they did a lot of work to that and it may still live. They put a cable into it to try to hold it.

More discussion regarding trees, but no specific locations were given ? just pointed to on the site plan.

AR: The parking lot was designed around the tree.

PBC: What about garbage storage?

AR: If the business requires a dumpster we'll have a dumpster location here (location pointed to on the site plan). There's a secondary entrance and also a basement entrance which it is adjacent to. It's going to be done out of brick. There will be mostly parking out that way and they will be taking garbage out at night as they are leaving.

PBC: Brick pilasters or brick all the around?

AR: Brick pilasters and will match the building.

PBC: Would you please recap what is to be addressed:?

Chairman Hacker: Gas and electric; the RPZ; which trees actually have been removed; which tree is proposed to be moved; clearly state commercial use only; parking in front ? issues with that fact was grand-fathered in but with the change we are now able to ask you to move, and we're going to have to do some more discussion on that; lighting design and placement; sewer with the two lateral meeting with the current; parking spaces as to the 1 per 350 or the 1 per 200; and issues with the main drain sanitary and storm drainage.

PBC: In relation to the two letters from Mr. Brox and TVGA are we adding those issues as well or are resolving anything off these?

Chairman Hacker: #3 on the Brox letter in regard to the principle allowed on a parcel, we believe he has an error on that. The TVGA letter has pretty much been covered. Clarify that the 18-inch tree is already gone. We'll ask Mr. Brox for his recommendation on screening, if he feels that there should be more on the north side or not. To me it appears to have a very green look.

PBC: Do we want those addressed in final site plan or do we want them to come back still in the conceptual stage?

Mr. Downey: We've gotten caught before, when we think we are all on the same plan and we are not. There are a fair amount of changes here, to be shown on it.

PBC: Glenn, are you comfortable with what we've asked; do you have a clear understanding of what it is we're looking for?

AR: I do. The stormwater isn't required on the Conceptual Site Plan.

PBC: We did the storage of the water on the parking area; that's a big issue for us.

AR: I've been assured that TVGA will approve that by John Shanaghan.

Mr. Hoefler: Nobody has talked to me about that. It can be done I guess. It comes down to how much they're considering storing and whether you (Planning Board) are comfortable with it too. Engineering wise they can back up and they could put a plate down and connection and throttle it back, but then you have to worry the sewage.

AR: That would be at final.

PBC: I think it should be addressed again at conceptual because it's a big issue, and it's not the only item.

AR: I'm not going to address stormwater until I have conceptual, until I'm instructed to go to final. I'm afraid if things change we would have to start our design over again.

Chairman Hacker: Is there a motion that we accept as Conceptual Site Plan?

Mr. Stringfellow: Or would someone prefer not to?

Mrs. Hacker: I think that we have enough issues that I would like to see it come back as conceptual.

Mr. Bernas: I'll make that motion to accept as Conceptual Site Plan.

Mrs. Hacker: Is there a second on the motion?

Mr. Coppola: Second.

Mrs. Hacker asked for a roll call vote on the motion to accept as Conceptual Site Plan.

Secretary Faulring:

Mr. Bernas aye

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Mr. Coppola aye

Mr. McGirr nay

Mr. Skinner aye

Mr. Stringfellow nay

Mrs. Hacker nay

Mr. Downey: Vote on the motion has failed. You can put it in a motion now. Sometimes, in situations, people put the motion on what you want and see if anyone changes their mind, and then table it. You only have a motion on for accepting it.

Mrs. Hacker: I will make a motion that we table this until our next meeting until we have more of these issues answered, between Mr. Brox, TVGA, and the applicant. Could I have a second on that motion?

Mr. McGirr: Second.

Secretary Faulring: The motion is to table until the next meeting.

Roll call vote on the motion:

Mr. Bernas nay

Mr. Coppola nay

Mr. McGirr yes

Mr. Skinner nay

Mr. Stringfellow yes

Mrs. Hacker yes

Mr. Downey: I guess I thought your motion would be different. If you don't have it passed that means that it would be automatically tabled until the next meeting. I thought your motion was going to be to have them come back with a revised Conceptual Site Plan with the additions. I think that it is automatically tabled.

Mr. Bernas: Even with a revised Final Site Plan, it doesn't mean that you have to approve it. You can work out the bugs on the Final Site Plan, correct? They presented their conceptual ideas, we all agreed that it looks like an attractive project; we've got some issues that need to be dealt with, why does it have to sit in conceptual? Let's get it in final and work it through there.

Mr. Downey: That's up to the Board. Here's the issue that you get into: when you have a number of changes, as you've seen in the past, when people come back it helps to clarify what they are doing. I think what you have is a number of changes and it's going to, for example, affect their stormwater. That's a concern that I have. That's influx especially with what they want to do is somewhat unique. That would be my concern is that once we see it, you may not be on the same page and they're going to have to revise those.

Mr. Bernas: That's an expense, but at least we'd be in final stage and not sitting in conceptual trying to get to final.

Mr. Coppola: We have a full month to the next meeting. These people could come up with revised stuff in less than a month but we're on summer term, so why not push it to the final instead of sitting on conceptual for a whole month? That's a whole month of construction time, of good weather.

Mr. Downey: This is to the applicant. Do you understand what they are looking at, especially with what you want to do as far as the stormwater; it seems like it's going to change?

Several speakers at the same time ? no one able to be understood.

Mr. Downey: But the problem is if you change anything on it, he has to change that stormwater again. In some way this is being thrown back on you as to how you want to handle that, because there is a concern. It may go fine: you put in your final, everything looks good, your stormwater, fine, but if there is a change on it you're going to have to change your stormwater and obviously you have to bear the cost and so they're trying to be sensitive to that; but I guess we're kind of throwing it back to you ? what do you think about that?

Mr. Christner to Mr. Brunner: Do you have any objection to moving two spaces in the front?

Discussion followed regarding the removal of two parking spaces to get to the 20-foot setback from the right-of-way.

PBC: Mr. Christner is correct in saying that stormwater calculations are not required at conceptual they are required at final. I guess if he does not want to address them in a conceptual phase and wants to let them go to final that's his choice.

AR: If we can agree to take those two spaces out then the pavement will not change. Those were the only comments regarding hard surfaces.

PBC: The storage of the water that will accumulate on it is an issue.

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AR: But that's not an issue in Conceptual Site Plan, so I'm saying at his point if we can agree to remove those two spaces then you will conceptually approve the hard surfaces and I can commence my stormwater that I want.

PBC: I think we should allow them the privilege of making the decision; if they want to go to final and they want to make adjustments to the Final Site Plan and it costs them money to do that, that's his prerogative to do it, at least he'll be doing it in Final Site Plan, not stuck in conceptual. To me conceptual is what we looked at tonight, we voiced our concerns, come back with final, address our concerns and see if he can get approval on that, if not you might have to make changes, might have to cost you more money go back and revise something.

PBC: It has happened many times, issues not addressed in conceptual, so that is why we are being as cautious as we are.

AR: We kept this in here; we are getting rid of all this blacktop. As far as green space there is more over here, there's one driveway, it's not property but there's another 75 feet of green coming into this. As far as I look at it too how to plow snow and what happens to the parking lot once you start plowing snow. This will probably be down to one spot during the winter; then if I start losing a spot back here and a spot back there, all of a sudden I start running into a parking problem, in the winter more so than in the summer, I'd like to have a little extra. I'd like to try to hide that loading dock, we'll have a little bit more of green trees, something, to block that more. There is quite a bit of green space.

PBC: What is the distance between that back island and the tree?

AR: 24 feet.

Mr. Hoefler to Mr. Downey: If they retain the 14 foot front setback and they're doing the expansion, can the Board okay it or does it have to go to ZBA because less than?

Mr. Downey: Once they change it, it's not grand-fathered.

Mr. Hoefler: And if they don't change it then they need to go to ZBA to get it approved?

Mr. Downey: Right.

Mr. Hoefler: So that would add a ZBA submission, if you leave that space. That would add to your timetable too, if you leave that.

Mr. Christner: They were there in the previous submission and the previous plan?

Mrs. Hacker: Zoning Board doesn't see anything, unless it goes directly to them.

Mr. Christner: In the previous comments from Foit-Albert and Brox, what we reviewed a year ago?

Mrs. Hacker: That was just an addition, that wasn't?

Mr. McGirr: An addition wouldn't have been enough to change it.

PBC: Can you live with losing those two parking spaces?

AR: I can get to 20 foot.

Discussion followed with solutions to parking spaces issue.

Mr. Coppola: With the elimination of the north and south parking spots on the east side of the entrance (spaces 28 & 29), I make a motion that we accept conceptual plan.

Mr. Bernas: I'll second it.

Secretary Faulring repeated the motion and took the roll call vote:

Mr. Bernas     aye

Mr. Coppola    aye

Mr. McGirr     aye

Mr. Skinner     aye

Mr. Stringfellow            aye

Mrs. Hacker        nay

Mrs. Hacker: So moved, gentlemen you are to Final Site Plan. Our next scheduled meeting is August 26.

#### SITE PLAN REVIEW ? 8964 BOSTON STATE ROAD ? MARK HENNEBERG

Secretary Faulring reported the following correspondence:

?        Planning Board letter dated July 10, 2008 to Richard Brox requesting his review and report

?        Planning Board letter dated July 10, 2008 to Donald Hoefler at TVGA requesting his review and report

?        Planning Board letter dated July 10, 2008 to Mark Henneberg requesting that he be in attendance for tonight?s meeting

Mrs. Hacker read the following correspondence:

?        Richard Brox review received by fax on July 14, 2008

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Mrs. Hacker: Again, our attorney has advised us that the change in Code hasn?t been adopted and probably won?t be in the time that Mr. Henneberg needs it to be. So that would require the variance for the use of the residential and the variance would be able to be addressed until the September meeting. Does anyone on the Board have questions?

PBC: It?s a very nice, very clear drawing. It is far short of all the requirements for a site plan, on the other hand you?re not really doing much. There?s no building to be built; the property has been existing with a house on it for a long time and I believe it is a residence. 5 parking spaces are required and 5 are provided. I have mixed feelings requiring all the things on a full site plan when all he?s putting in is a gravel area and stoned walkway, seems to me to be going farther than we need to. Maybe we need to be absolutely consistent every time. I believe with the gravel, I believe these are stones that are set in sand so they drain?

AR: That'll be sifted millings that will be rolled. It show existing, but we'll improve that even better. So we're taking it one level higher than what was described.

PBC: Does that make it impervious or not?

PBC: It would make it more impervious, I would have to check to see?I don't think it would be a concern.

PBC: That has been recommended in the past. I believe in the parking lot at the daycare.

AR: It's easier to maintain, snow blowing. It doesn't move, we don't get the big piles. We're looking at maintenance issues.

PBC: I don't see parking for employees.

AR: It's myself. No employees. It's me and my wife. We park at the house.

PBC: I would like to have an opinion from the Building Inspector, if he thinks this will cover everything he will need to see that it's done properly. Did we have a response from TVGA?

PBC: Yes. Basically it's only a drainage issue.

PBC: Probably more of a personal drainage issue than anything else. But it also might depend on the milling situation, with the stones it definitely is impervious.

AR: No grading will be changed, we actually have an area, there's a small retention area, that's kind of natural, it perks very well, no changes in any grades are going to be made. Basically everything flows back towards the creek as it is.

PBC: Were you originally requesting a rezoning? I think the Town Board gave him approval for rezoning change, knowing that they have a residence in a C-2.

AR: There's that letter, they changed our zoning from C-1 to C-2, that was all achieved back when we started the project two years. There was some question about whether there was some contingencies involved requiring site plan approval, but at no point did they mention that any contingencies were involved.

PBC: They just approved it. It doesn't look like it's requiring zoning variances or changes.

AR: We had the sign in our yard for 30 days, we had a Public Hearing on it. One gentleman's concerns?The letter was dated August 30th (2006) and the Town of Boston?at a meeting on August 22?

Mrs. Hacker: Any other questions?

PBC: Just to clarify what you're doing: how many cars are you envisioning to display.

AR: It's been discussed with us that certain Board member would like to limit, put a number on there. What we'd like to legally park on a 40 by 70 pad, whatever would be contained within that area, so possibly 7 or 8 automobiles.

PBC: You could certainly fit a whole lot more than 7 or 8?

AR: You could, but those don't necessarily qualify as parking spaces because it's display area, and I would refer to the fact that two doors down I've got Emerling Chevrolet, that if we're going to start casting stones, they've got automobiles parked in the grass, there's 20 of them there on any given day?

PBC: This Board didn't allow that parking.

AR: Tastefully, we reside there, we're not looking to cramming a zillion cars in there? 6 to 8 automobiles in there?

PBC: What are you looking at max?

AR: 8, if I have to commit. Again I don't want people counting cars and if I have 9 there all of a sudden?

PBC: They will be counting.

AR: Let's say 10 then, if I have to throw a number out, no more than 10.

PBC: Are you going to have any cars in the rear other than the 10 you are displaying?

AR: Possibly cars before they are ready for presentation, and that would be behind, we've got a containment fence that will completely insulate the back of the property from?there's this fence right here and the gate would conceal any potentially 3 or 4 cars back there.

PBC: And what is the maximum that you're looking at for that?

AR: Again, nothing that would be seen from the road, maybe 6 cars.

PBC: How can you expect him to accurately predict, he's a business man, he's going to?

PBC: Here's the problem, you have to do it in those situations otherwise what happens, not just him but other situations, is that if you don't put a limit it becomes a junkyard and so you really have got to?

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AR: But defined by automobiles that pass inspection. I've been through the court and we've been through this, round and round with the Town. They've cited me under those junkyard statutes and I've

argued that there isn't a single automobile on my property, cause I'm selling cars down there, I'm not lying, I'm selling cars right now. Every one of those cars is New York State inspected. There's not cars without wheels on them, there's no cars without fenders on them. As long as the cars qualify for inspection, these aren't junked cars or parked cars. Everything there, they might be an automobile that's waiting to have a check engine light fixed or something of this nature; certainly no scrap cars, certainly nothing that you can't put the key in it and start it and drive. But I've been cited for that in the past and we've argued, that's how I got around it, I've got inspections for everything, but no junk cars under any circumstances. I've got three children and I live down in that residence, and I have to clarify this I am not going for a motor vehicle repair license; we don't have any interest whatsoever in repairing automobiles other than preparing them for sale. I reserve the right to put brakes on a car to make it meet inspection or customer comes back?

PBC: But that becomes the question: if you're putting brakes on you're doing repair.

AR: But not in a situation where New York State would require me to have an automobile license to do these repairs. This is to service an automobile outside of the scope of, in order to sell the automobile.

PBC: Are you going to be doing any painting?

AR: No, under no circumstance. What amounts to a garage is actually one third of this building right here, the garage is actually office space, my kids play guitar here and video games in it, it's actually kind of a glamorized boy's hang out room. One automobile actually physically fits in there. We have no interest, there's no capacity for a lift in there, the ceiling is low. Just detailing of an automobile, washing, waxing, rotating tires, fixing a flat tire, again nothing were we solicit outside work. I have Sharco Enterprises, Boston Valley Auto and Truck does all my inspections and work that involves any sort of a scope where a lift is necessary; again if I can save myself \$100.00 by putting a set of brake pads on a car, for my own automobile that I'm selling, New York State doesn't require an automobile auto repair license to do that kind of work. And again I feel I fall under their jurisdiction of New York State with what they call a repair facility; but under no circumstances am I going to fix my neighbors cars, I don't want any of that other than something I'm responsible under the New York State Lemon Law to repair as a warranty type of an issue, I just don't care to work on automobiles.

PBC: What about oil changes and stuff like that?

AR: Quite possibly. Probably that may occur but with all the proper disposal techniques, I've got friends that oil is a commodity now that I might generate 10 gallons per month of used motor oil and I've got people arguing over it.

PBC: What is the purpose of the question of oil changes?

PBC: Because I'm trying to figure out what he's doing; because there are certain licensing requirements?

PBC: Right, but if he's got a car that he's purchased from an auction and he needs to get that ready for sale, like he's going to do an oil change on it.

AR: That's entirely possible.

PBC: I want to make it clear to what it is, so there's no misunderstanding as to what he is applying to do there.

PBC: His core business is to sell cars and to get them ready for sale, which will require any one of those things we've talked about. His core business isn't going to put a sign out "oil changes for \$19.95."

PBC: I want to make sure that it is clear what he is doing there. I think that is important so that there is no misunderstanding, so when we say yes you can do what you're doing, that it's clear and that if there are any issues that need to be resolved about having a license or a permit to be able to do certain things that we take care of it. I don't want to have a problem with that. You're in a very specific area, you have to have a license to do it. You've got a dealer's license, right?

AR: Not as of yet. We need Town approval before I can apply for one in my own name, I work for another person as of now, using another license, so I am not currently licensed. This will be the first step, in fact I'll probably start the procedure if I receive a favorable review, we'll start that process, it takes about two months; or there may very well be the situation where I could obtain a license by buying a facility. But there will be no storage of waste motor oil on the property, properly disposed of. When I accumulate 5 gallons of it I have friends that waste oil furnaces that fight for my used motor oil; I don't generate a lot of it, but there will be a few oil changes being performed.

PBC: You had mentioned that all your cars are inspected, are you expecting to have any that are not inspected or not registered?

AR: Never, it's illegal. Every automobile I sell is required by New York State Motor Vehicle law has to be inspected within 30 days of the sale, so that would be the only reason why there may have ever been an automobile that wasn't currently inspected, but it's frustrating to destroy a perfectly good 60-day old inspection sticker because New York State Law requires a 30-day inspection; but as I read the Code it says "capable of obtaining a New York State Inspection Certificate." We don't trade in junk and garbage, everything, we tend to deal in a lower end of automobiles, \$3000.00 and \$4000.00 cars.

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PBC: What were the legal issues that you were facing in Court to get that resolved.

AR: They cited me under the "junkyard" statutes because of the collection of automobile bodies, and this was all operable automobiles; someone, one of my neighbors had a deal for me and?

PBC: How did the Court suit end up?

PBC: The neighbors were very happy.

AR: I get along wonderfully with, I get letters from my neighbors? it was an acquittal in contemplation of dismissal; basically for a year as long as there's no property code violations, it just goes away. I was prepared to challenge it but why when they left me off with a?

PBC: At what point does Code Enforcement take over when we approve something, given him the permission to do what he wants to do and then Code Enforcement has to make sure that he's not doing something outside the bounds of what's been approved.

PBC: Right, but that's why we're asking so that it's clear what we approved because they as any entity wants guidance and especially, honestly, they don't want to deal, I don't they have a problem with him personally, it's just a code?

AR: Not at all. David Juda's a wonderful fella, and he's the one that cited me.

PBC: In these situations, especially when there are nuances, an area can grow, you want to make sure what he is doing there; the breadth of what he is doing there, then it's clear if they come in what was approved. You want as little interpretation as possible. It just makes it easier on him, on us, the Code.

AR: I bought, arguably the junkiest property in Boston; we hauled approximately 80 automobiles off that property that were in fact junk and garbage and in the watershed of 18-Mile Creek, some of them physically 3 feet under water. The previous property owner was never cited for any of these violations. We buy the property and clean it up and we've got these Code guys all over us; we just want it to be fair.

PBC: What they cited you for was because that vehicle was not registered and that vehicle automatically becomes a junk vehicle?

AR: You're allowed one unregistered automobile; and personally my wife and I are automobile enthusiasts, I have two Volkswagen vans, a Mazda convertible, and numerous different special vehicles and just in and of those I'm in violation of that; but I have a dealer plate that I'm using and I can put on anyone of those automobiles legally. But again somebody stirred the pot in response to?

PBC: So if this was in the past, now you would be allowed to have these vehicles unregistered on this property.

AR: But under the auspices of New York State Motor Vehicle Law doesn't allow for half torn apart vehicles, stolen vehicles, they're very?there is nothing on the property that would not qualify for a New York State Inspection Certificate. We're not talking about junky automobiles, we talking about cars that are ready to be sold. The majority of my business right now?(baby crying)?and I'm computer oriented, we all know that there are 20 guys on Boston Stare Road between the Expressway and where I live, that when one car gets sold another one shows up. I've never once offered an automobile for sale on my property to the curb, after all discreetly parked?but a Board member drives by and sees me screwing a license plate on or a hood open or doing a presentation on an automobile. I've never once hidden the fact that this is what I do for a living. But I'd like to play within the rules and get the Town's blessing. I feel I've paid my dues by cleaning up this property; it's park like my back five acres is gorgeous now where 80 cars were rotting into the ground, now are apple orchards and beautiful maintained lawns and I'm simply asking to build this little parking lot to display them and use the commercial aspects of my property.

PBC: Could you live with the restriction that none of the vehicles that you are preparing for sale, but are not yet ready for sale will be anywhere except in the paved area behind the fence?

AR: Currently there's no paved area back there?

PBC: But you're going to put one in.

AR: If need be I could live with that restriction. Because I understand that automobiles have no place being parked on grass, so I could live with that. And what you've seen here shows it as existing driveway, most certainly I could limit those behind the fence on that area.

PBC: When you say 10 or whatever, I think you need to layout how you're going to park it on there, how wide did you say it was? If?

AR: As an automobile display you need variables, you can't give a guy directions, varying them everyday?

PBC: But say I come on site and there are seven cars parked and I want the one way over here, how you getting that out of there without driving on the grass and?

AR: My handicapped parking space essentially, I've never once had a person ever?this is Dan Sundell, he's my architect, and he can answer some of the questions about the design, but he had improved upon what I had seen as a design and I thought it was a great idea. The handicapped parking space is an access to that display area. I've never once had a person roll into my lot on a wheelchair, so that would be the on and off, very easily?

PBC: That's all fine and good, but if you stacked them this way and you want this car out, there's no way to get this car out unless you move the other six cars. If you stacked them this way and wanted ten in there then you'd have to have two bays of five and this one's parked in?

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AR: Never to be a problem. If the lawn police are going to come and force my lot, I'm simply going to ask them to go over to Emerling's and get the six Corvettes off.

PBC: I'm not worried about the parking on the lawn, I'm worried about the short changing of getting the vehicle and rutting up your lawn, do I necessarily care about that, I think it's something that should be factored in?

AR: Would you like to see a conceptual layout of where those vehicles are, to get ten vehicles on there?

AR: It may be a little inconvenient for me to pull them all over into the drive, but that's? I'm going to commit to not parking automobiles in my grass, which is more than the neighboring business does wittingly without any problem?

Several people talking and baby whining ? not able to decipher what is being said.

PBC: Driving on the lawn, over the sanitary sewer and manhole, it becomes?

AR: It won't happen. Again the depth was created; I don't really anticipate automobiles in a second tier. I see seven automobiles parked across the front; possibly with one or two in the back? I'm very leery of having anybody put a number on, because I own more property than Emerling's and they have 300 cars over there.

PBC: You can't use them as your standard.

AR: Okay, I'm not going to use them as my standard, 10 automobiles and I wouldn't need to pull any automobiles anywhere. These pavers I'm going to be reluctant to drive on them anyways, it's going to be decorative walkway, but I worked at large car dealerships, we pulled them in and out of buildings, I can maneuver 15 cars around in a building. It isn't an issue. I'm the one mowing the lawn and fixing the grass, I'm not looking to mess it all up.

PBC: Our paperwork right now is looking at 10 shown, worst case scenario?

AR: 10 shown, worst case scenario, 6 behind the fence?

PBC: That's 16, then you've got your personal cars, how many of them?

AR: That's our driveway, that's our home driveway, every car in that driveway will have a license plate and will belong to my wife or myself or my family or visitors, so that doesn't become an issue. Our own

vehicles have nothing to do with the commercial area of the property, we have a driveway that is our own family driveway

PBC: There's no question this property is going to look a lot better and maybe encourage the neighbors to the left, south of the site, to perk up a little bit.

AR: We're in cooperation with them right now. The green house and there's a barn that straddles our property. My wife and Loren Bowers have a garden behind that barn and we're working on a fence between the property line that we're sharing the expense of, we've installed a vinyl fence to kind of shelter the opening of his greenhouse, it's been two years nonstop, it's a work in progress that we've just been improving the property, but we bought with every intention of using it for its commercial status. We've put up with the smell of the rotten cider pressings that he dumps behind the barn, and the sound of the exhaust fans from the restaurant next door. We're not whining and crying we live in a commercial district. The only thing I want to address is we show a split rail fence that we'd like to put in the front of the property to control the situation of when people pull over to the curb, over at Emerling's and I want to control that kind of activity, is why I want that fence there. I want to get them to pull in walk around and look. I wasn't aware that I really don't own that right-of-way, that sits kind of way back into my lawn, I'd like to talk about how close to the road I can legally put that fence.

PBC: You can't put it in the right-of-way at all. The right-of-way is more than the blacktop. It comes out and you're not allowed?

AR: It's considerable?this fence is not going to achieve it's intended purpose, which is to keep people from pulling over into my grass and walking over to look at an automobile, I don't know that I want to forgo the expense of that and it would look ridiculous, it's a third of the way back.

PBC: Just so you know, they don't have the right to let you have the right to have a fence in the right-of-way. That is the Highway Superintendent's right and he is adamant not to because of the danger.

Mr. Henneberg went on about the fence and the possible decision to forgo the fence.

AR: There are a couple of telephone poles out near the road, if the fence could be parallel with those it would achieve its intended purpose, where no one would consider pulling over. This is a relatively minor point but is the only thing in the plan that we might be vacillating over.

At this point tape 1 ran out. Discussion continued while the secretary went to get another tape.

Mrs. Hacker: For the record, we made it clear to Mr. Henneberg that signage is an issue.

PBC: What about the lighting?

AR: Just a clarification ? this isn't spot light, this isn't intended to draw attention to automobiles. I've got 4 8-foot, kind of like a fake gaslight is what I'm envisioning . A downcast, almost a mood setting, park-like, I'm trying to model my display

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like what is in front of the Town Hall here. The paver kind of thing, people that aren't looking at cars, might glance over and be able to say that's a nice looking little park thing, it just happens to have six cars parked on it. Nothing bright and crazy, again Emerling's probably lights up my lot plenty enough with their residual light that comes over from there.

PBC: Those fixtures will have to be specified.

AR: I understand and the power will be drawn, I've got two separate meters and this garage area is separately metered and that'll have underground conduit. We can address that in the next step on Final Site Plan.

PBC: The particulars of the make of the lamp, the wattage, candle power; shown clearly on the plans that we do or do not approve. That has been an issue in the past and the Final Site Plan can not be approved without it.

AR: We priced out having the whole thing blacktopped and that was just cost prohibitive \$20,000 to blacktop. Then we thought it was important to not get into drainage issues, to leave things where they were permeable and not have to deal with water pooling up everywhere, that's where we came up with the idea of screened millings, but for approach we feel strongly about the blacktop because we'd have a problem with the winged blade of the plows coming by and where we currently have the stone, every year we have a stripe 25 feet into our lawn, so that will kind of control that.

PBC: What on this are you now planning to now put the millings in?

AR: What I would suggest is that we use the millings on the gravel drive since it's already a hard packed surface and that the customer parking and the auto display area be #1, the #2 stones.

PBC: So when you go up the drive, are you going just to the parking or all the way up to the house.

AR: We'll have the blacktop 30 feet from the shoulder of the road and everything from there on is where it's labeled existing gravel, that actually crushed shale right now, that will remain at its current grade with an overlay of millings, because it was my understanding we needed to improve that to

conform with Code, compacted dust-free material. As it sits I don't think you'd qualify it as compacted and dust-free.

PBC: Are you going back all the way to the fence??

AR: All the way to the fence, and I perceive this being, as of right now it's gravel, compacted shale that may very well be white concrete at some point in the future, as we can afford it. That's most likely the area where an automobile would be washed, or if you had to change a tire, it would be jacked, we need a hard surface to do our minimal maintenance that will be required in dealing with getting the cars ready, but it will be after the fence is installed and everything that's pictured here, the center area, these will be pavers, a five-foot walkway all the way around the display area, both for cosmetic appeal and we can't afford \$15,000.00 to do the whole job in pavers. But I think that will achieve the look that we're looking for and keep it permeable, but everything basically will be of those sifted millings.

PBC: Do we have a list prepared of what we're looking for?

PBC: Not a completed list but some issues that need to be addressed.

- ? Rolled and sifted permeability
- ? That there will be no additional employees
- ? C-1 C-2 already been addressed
- ? The size of the pad
- ? 10 to be shown, 6 behind the fence
- ? Repairs are limited to brakes or oil changes
- ? Detailing will be done, but no painting
- ? No lift on site
- ? Oil changes to be addressed as to whether a license is required or not

AR: One clarification on the drainage. It's my opinion that with the choice of materials that we are using, that we're just going to have no net increase in drainage, and I'm not quite sure how to calculate?

PBC: Well I guess I was okay when I saw the gravel drive and the stone for the parking and the minor, the pavers would be somewhat more impervious, but I wasn't that concerned when they were strictly pavers, I guess I have to go back and think how permeable the millings are and I will get back to you

before you go to final on whether or not that's an issue, because I didn't pay too much attention to if it's coming to you or going off to Brunner's?

AR: There are some elevations on here, but definitely everything flows to the back of me and my property, my lawn is all of five feet below grade to Brunner's, there's no way anything can come over here, over the driveway, the driveway is at grade with Brunner's and slopes towards my lawn; and if anything there's a low spot here that's easily three feet below grade, that's where when we get a vicious rain we might hold 6 -8 inches of water there for a couple of hours and then it goes away.

PBC: I will do some calculations and will send a letter or something to that effect.

Several discussions around the table.

Discussion followed regarding photographs versus the cost of a survey.

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It was decided to stay with Code and requested a stamped survey.

AR: Are you asking for more spot elevations in that area.

PBC: You've got a number of them. Doesn't your site requirements require a survey with contours and spot elevations?

PBC: Yes I'm sure it does. Do you have a copy of the Town Code?

AR: I don't have a copy of the Code but I did have a copy of the application requirements.

PBC: Section 97-7 Article III Final Site Plan. The Code is on the website, if you have any questions you can check there.

AR: Where is it showing that we have to show elevations, I've got it right in front of me A ? M?

PBC: F and H of that section

Mr. Hoefler and Mr. Sundell continued in discussion regarding the elevations.

PBC: When you get to Final Site Plan, follow it line by line because that is how we will be going through it.

PBC: Does this Board want to see the maximum 10 spots on the pad and the maximum six behind the fence, like we talked about?

PBC: I would strongly recommend it, you have a maximum so there is no misunderstanding.

PBC: I don't think?(Not able to be understood)

AR: Seriously, then that's going to open up my can or worms, because I'm going to go right over and stick it to Emerling's, I'm going to say?

PBC: It's not the same Mark, don't go there.

Discussion followed.

PBC: We are trying to come up with limits that you can live with that are still reasonable?

AR: But if I become successful all of a sudden, things work out for me and I'm not there scraping like I've been for two years. I've got to come back and start this process all over because I want 12 cars.

PBC: That's what Glad You're Hair did. His business became more successful and he had to come back and do it. That's why we're trying to be reasonable?

AR: It just seems like a double standard that's unfair, it really does. Mr. Brunner is doing more than I'm doing. I'm putting a parking display in. I could call it a basketball court, I could be building it tomorrow, my kids could be out there playing basketball, skate boarding. I'm not here to argue, I appreciate how this is going tonight. But it's been two years in the making and we're struggling. Honestly, I've been dragged through the court system here in Town, I've got people you know?

PBC: We haven't made you wait two years, we're working really hard?

AR: You tell us what we need to do and we're here to make it work. Yes, 10 automobiles is fine. I just?the limitation?to put a number on it, I just don't see where that's in your jurisdiction to do, I really don't, I think that's New York State, if I start parking them all over the grass and the neighbors complain, I think then you have something to talk to me about.

PBC: Your coverage is our issue, your parking areas our issue, your drainage, and all of that?

AR: I understand, and I will address all those; but if I've got my automobiles parked on my 40 by 70 lot and I'm not driving them all over my neighbors property to get them off and on up there, I feel I've complied with zoning but if I've to deal with Town Board members counting cars and putting citations

in, I really have it in my head that I don't want to be limited to a number, I just don't think that's your job to tell me what my business plan involves and how many automobiles I can park on my property.

PBC: It is our job, and you were doing good, but you need slow down, because I'm starting to get a negative attitude about where you're going with this. This is the Planning Board room, I don't want to hear about politics down here, I don't want to hear about Emerling anymore.

AR: But we all live in the same Town we should all play by the same rules, if they can cite me?

PBC: the rules are different based on when you did it; the Code is going to change again. Then people are going to say he's going to do this and that's going to be under the old Code.

AR: I'm passionate about this, this has been a long time in the making for me, and I want to get going; and I don't mean to alienate myself with the Board members?

Mrs. Hacker: We have quite a few issues that need to be addressed on this conceptual. How does everyone feel about getting the conceptual more updated, before going to final; that would be less expensive for him. We have issues with the drainage, the elevations, the fence?

PBC: Aren't we in the same place that we are with Brunner's? If he wants to go to Final Site Plan, it should be up to him; if he wants to go through the cost, same situation as before?

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AR: If it saves me a month's time from one more step, you tell me where I need to be.

PBC: It's a double edged sword. Site Plan allows that if there is a misunderstanding, that you work it out at a much more reduced cost to you. When you go to final there are a lot of other things that have to go there, and usually at more expense if you change it; and as Pat (Hacker) had brought up we had some people say I wish I had done that in conceptual than having to do it in the final. As much as we can ask is this Board's choice as to what they feel they need, and we ask input, that's what we try to do. That's the risk, and if you get too many things to change then it's much more easy to have misunderstandings and then when you look at it you may say ?I didn't think of that, because when you added those other six things, now I see it differently and I have more questions or issues.? That's where the more changes that get made the more complicated it gets. That's why Pat is asking the consensus of this Board as to what you want to do here.

PBC: We could go back to what David Stringfellow said in the beginning. This is a very simple plan, do we really want to make this guy go through all of the?

PBC: But several things came up as the meeting went on. We're now looking at a drawing where the split rail fence shown probably won't be there; the existing gravel will probably be tailings and what was going to be tailings in the thing will probably be existing gravel. I would recommend that you go another cycle in conceptual.

AR: Since you gave the other group the courtesy of asking their opinion on what they wanted to do, I think Mark will agree: the issues that I heard about, I feel comfortable addressing those and moving forward. Mark wants to be in business one month sooner; and in the worse case scenario, the issues that will have to be in the largest site plan all in all I have to redo my storm drainage calculations and all kinds of things. It's fairly minor and I think we'd like to move ahead, that's what we'd?

AR: The clear coat instructions from this Board?

PBC: They're in the Code Book Mark, and if you come back the next time and two things are missing all those final 22 copies have to be redone. We cannot do addendums on them, we cannot.

AR: I understand. I think we're close. I felt we were close until we started talking about numbers of cars, and then I started feeling as though the authorities are bringing exercise where they don't have?

PBC: No one has talked before, so leave it there. This Board's opinion then is that it is up to the applicant?

PBC: No, you're not going to do it that way, that's not appropriate. I think that you should ask if there's a motion as to?

Mrs. Hacker: Is there a motion on the table to accept the conceptual at this point with the items that we have brought to light being addressed, that the applicant go to Final Site Plan?

Mr. Bernas: I will be willing to make that motion as long as the applicant understands what it is he's required to do, as long as he's confident that he clearly understands what's required to do, I have no problem to go to Final Site Plan.

Mr. Sundell: As a clarification is there minutes that will be available?

Secretary Faulring: Not for quite a while, besides I should not be responsible for your minutes.

Mr. Sundell: Okay, that's fine.

Mrs. Hacker: They will be available to you. As soon as they are we can get them to you.

Mr. Stringfellow: I would add that usually by the time the minutes are available it is too late for you to use them and get a submittal in, in time for the next meeting.

Mr. Sundell: Reading between the lines, I figured that's what that meant, so? Would you kindly go down the list?

Mrs. Hacker: David (Bernas) made the motion. Is there a second to that motion?

Mrs. Hacker: I will second that motion. All were in favor of the motion.

Mr. Sundell: In regards that this is going for site plan approval, one thing I'd like to clarify is how many notes do you want on the drawing that pertain more to the way that the business is run and not so much the site plan itself and the little bit?

Mrs. Hacker: Everything should be clearly noted so that we don't have that question for you. The Final Site Plan comes to us with 22 copies of Final Site Plan, if there has to be changes to those then you have to start over with those and redo. Lighting; you'll have to have all the specs on there; you have to read the Code, line by line, and there can't be one miss, because that is how we'll go through it.

Mr. Bernas: Does the Code address the specifics on lighting?

Mrs. Hacker: Yes, what's required, it is clear in the Code Book what's required on lighting. In the past we've had cover sheets from the purchase of lighting that addresses the specifics in size. Clearly note on your final the height of your poles, clearly note the base of the pole. Signage will have to be addressed, the Code clearly notes what will be allowed; and if you want to address that at a later point, you can. But do not come to us with site plan and not tell us about a sign and then put one up. Is there anything else? We're really trying to help you here but you really got to get your?

Mr. Henneberg: I understand, and I'm sorry, I got to stick with that number thing, because I live next to a place that just seems to?

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KIDS? COUNTRY CHILD CARE ? 7346 BOSTON STATE ROAD

Mrs. Hacker read the correspondence TVGA dated July 21, 2008 which also included a sample of a ?requirement for as-built survey.?

Mr. Hoefler: From my standpoint I know you want it done. They have the two surveys and I could be satisfied with it as far as they followed the letter of the intent more or less with the drainage issues, but the fact that it doesn't have the landscaping on it that you wanted, and a few other things. That's why I said consider requesting I don't say you should.

Mrs. Hacker: Is it legal to combine two. We've never done that in the past, I wouldn't buy property with two surveys.

Mr. Downey: Buying a property with two surveys is a different issue than this. This is whether it meets Code and whether the Board is comfortable with that. Let me ask: if the Code allows it, is the Board comfortable with it.

Mr. Stringfellow: At the last meeting I suggested "do we really have to go all the way with this?" I went to the Building Inspector and asked "what do you need in order to be satisfied that you can be satisfied that you can issue a Certificate of Occupancy?" His answer was, "when I get a complete site plan that is recommended for approval by the Planning Board, then I will go to the property with that complete as-built site plan and make sure that everything that is on it is there and nothing's there that's not on it, then I will issue a Certificate of Occupancy." I interpreted that as he wants a complete site plan as-built.

Mr. Bernas: Plus he's probably looking for help as he inherited this issue and doesn't know the beginning of this.

Mr. McGirr: The last issue we had was drainage correct?

Mr. Downey: There were two: one was the dumpster issue, which we have put into place a procedure to resolve it, it's not resolved. The procedure is that they will have to make an application to the Town Board per the Code to not have a dumpster; to do off-site discharge of the rubbish; and they will have to have the Code Inspector come through to make sure that the location of the internal receptacles is appropriate.

Mr. Coppola: Have you sent that letter to her?

Mr. Downey: Yes, and I have not got a response.

Mr. McGirr: So there's two issues left?

Mr. Downey: Technically yes. The one we have a path to a resolution; the other I have not received any response.

Mrs. Hacker: I think this Board should require the person that sent the last application?

Mr. Downey: I'm not sure that we can require the same person, we can only require that it be done on one document.

Mrs. Hacker: Can this Board send her a letter stating that we feel we need to have the information from the two, the Carmina Wood as-built?

Mr. Bernas: What was the last letter that we sent, and then we got a response? How many letters can we?

Mrs. Hacker: If we're not accepting what's sent