

Minutes of a Special Meeting for a Joint Public Hearing between the Town of Thompson Town Board and the Village of Monticello Board of Trustees held at the Town Hall, 4052 State Route 42, Monticello, New York on **April 07, 2015 at 6:45 PM.**

ROLL CALL: **PRESENT FOR TOWN OF THOMPSON**
Supervisor William J. Rieber, Jr., Presiding
Councilman Richard Sush
Councilman John A. Pavese
Councilman Peter T. Briggs
Councilman Scott Mace

Also Present: Marilee J. Calhoun, Town Clerk
Michael B. Mednick, Attorney for the Town

PRESENT FOR VILLAGE OF MONTICELLO
Trustee Carmen Rue
Trustee Larissa Bennett
Trustee Douglas Solomon
Trustee Jill M. Weyer

Absent: Mayor Gordon Jenkins

Also Present: Janine Gandy, Village Clerk
Michael Davidoff, Attorney for the Village
David A. Sager, Village Manager

Supervisor Rieber welcomed the Village of Monticello Board of Trustees to the meeting. He advised the public that the Town and Village would be holding a joint public hearing this evening for the purpose of considering (2) Annexation Petitions that have been received by MMNR Realty LLC and Gaiman Property Holdings LLC.

Supervisor Rieber opened the Special Town Board Meeting at 6:50 PM.
Trustee Doug Solomon opened the Special Village Board Meeting at 6:50 PM.

The Pledge to the Flag was conducted.

Prior to commencing the Joint Public Hearings the Village Board of Trustees had other business that had to be conducted. They made an appointment of Deputy Mayor and accepted the agenda for the Joint Public Hearing.

It was agreed that Supervisor Rieber would preside over this meeting for both Joint Public Hearings.

JOINT PUBLIC HEARING WITH VILLAGE: PROPOSED ANNEXATION REQUEST FOR MMNR REALTY LLC, TAX PARCEL #'S 12.-1-52.2, AND 102.-2-1 LOCATED AT 214 STATE ROUTE 17B, MONTICELLO

Supervisor Rieber called the 1st joint public hearing to order at 6:52 PM. Town Clerk Marilee J. Calhoun read the legal public notice and stated that she had an original affidavit of publication. Village Clerk Janine Gandy also had an original affidavit of publication, which is similar to the Towns so it was not read again. Both legal notices for the Town and Village were published in the Sullivan County Democrat on Tuesday, March 10th, 2015.

Attorney Jacob Billig was present on behalf of the applicant/petitioner MMNR Realty LLC. The applicant Mr. Ron Resnick was also present. He thanked both the Town and Village Boards for their cooperation regarding this matter.

Attorney Billig explained that this annexation request is for a parcel of property located along NYS Route 17B and Kaufman Road consisting of approximately 1 acre of land. This property has approximately .4 of an acre on the vacant side, which is located in the Town of Thompson and the front/other side of the property containing the buildings is located in the Village of Monticello. The applicant is present seeking annexation of the portion of the property located in the Town to go into the Village. He said that over the last several months the applicant has been before the Village Zoning Board of Appeals (ZBA) and Planning Board (PB). The proposed site plan is to develop a Boat Storage/Repair Facility to sell sporting equipment, fishing equipment etc. The applicant feels that this site is a good location. Mr. Resnick also owns Blue Chip Medical located in Rockland County. He owns a home in Emerald Green and is looking to extend his roots and build a business in the area since he likes this area so much. He is planning to rehab and expand the existing building already there. There will be a Boat Storage area as well as a proposed parking and sales in the front. There will be fencing and landscaping around the proposed site. A copy of the site plan, property layout and storage type were provided for review, which will be included in the file as part of the record that can be found in the Town Clerk's Office. As part of the process the applicant appeared before the Village (ZBA) to obtain necessary variances, which have been received. The project was sent to the Sullivan County Environmental Management Department for GML-239 County Review and received back in November 2014 on behalf of (ZBA) and February 2015 on behalf of (PB). The County performed the review for both the (ZBA) and (PB), copies were provided and distributed. They have been before the Village Planning Board and the Village Engineer Glenn Smith Consulting Engineer has provided his comments and the applicant's Engineer Pietrzak & Pfau have responded to all those comments. There were no major concerns a couple technical comments concerning the fence and some of the landscape issues. The County is recommending that the fencing be moved along the west and south side of the property behind the proposed landscape plantings. They want the fence to be behind the proposed landscape plantings as opposed to the landscaping and then the fence. He discussed the proposed landscaping plantings as indicated in the GML-239 comments. The access will be located off Kaufman Road and not State Route 17B.

Supervisor Rieber asked each Board if they had any comments on this matter. The following comments were made:

Councilman Mace asked how high the boat storage would be.

Attorney Billig replied that they are not planning to go higher than three boats as indicated in the storage plan/rack.

Councilman Mace asked if they are used boats, ones for sale and/or storage.

Attorney Billig said that they would be a combination of all the above. Most of the business would be the storage of boats for sale and not winter storage. The applicant has another site location for storage of boats. Since there is a limited amount of space the racks would be used to show boats for sale. The Boat Storage would primarily be during the season.

Councilman Pavese is all for new business, but is concerned with how slightly or unsightly this will look from State Route 17B.

Mr. Resnick said that if you look around the property it is pretty unsightly across the street and everywhere else. Fundamentally it's not really a great spot for storing boats, because if you take the site plan and the road to come in it takes up a significant amount of space and there is so much open space that he can buy or rent space for storage. He is already in the business he has rented space outside of the County.

Attorney Billig responded to Councilman Pavese's comment regarding the esthetics, which is something that the County Planning Department raised. The esthetic issue was not really raised by the (ZBA) or (PB). They seemed more concerned with any chemicals being used for the boat repairs would be addressed according to the law, because of the harness track property being adjacent to the site. The (PB) is required to make the applicant comply with the law as well as the applicant. He said that this is a site plan issue, which they address. In terms to the esthetics that is why they are proposing the fence and landscape plantings. The applicant is not planning to stack the boats (6) boats high, space is valuable so they only plan to use it for the sale of the new boats, because there is limited space available.

Supervisor Rieber has concerns regarding the esthetics as well. He referred to the aerial view of how the property was maintained. He asked if there was a built in safeguard so that we do not see that type of configuration of clutter, unsightly materials and blue tarps. He referred to other similar issues in the Rock Hill area that the Town is currently dealing with. Supervisor Rieber does not want to have a repeat issue. He would like some assurances that there will be some restrictive covenants or representations on the site plan that states that this will not happen in the future. Such as scattered boats in a car parking area and limit number of boats to be parked along the NYS Route 17B frontage area.

Mr. Resnick said that wherever boats are stored it will be fenced in for security.

Attorney Billig said that the Town Board has a legitimate concern; however the previous business owner did not operate their business under site plan review. A site plan review was never done. This applicant has gone before both the (ZBA) and (PB). He thinks that the site plan that they have addresses some of these concerns. He explained the proposed site plan identifying the areas of concerns that have been mentioned regarding the fence and storage area.

Mr. Resnick said that the entire building will be re-habilitated with an architect view. He cannot speak for what you see there now, but if you visited the Suffern and Rockland County locations to see what those buildings before and what it is today there would be no question.

Supervisor Rieber asked the name of the business.

Mr. Resnick said "Blue Chip Medical Products".

Trustee Weyer clarified that there will be no storage racks on the front entrance to the property where for sale boats will be located. She is assuming that in that location it will be where for sale boats will be showcased.

Attorney Billig said that the exact issue Supervisor Rieber raised is the reason why they provided the aerial photo, they do not want to hide from it, someone else operated the business that way. The (PB) asked the applicant right away the types of storage racks that would be used, which is the reason why they provided a photo of the type of storage racks. The Planning Board is requesting that the storage be pushed to the back end of the property. The parking in the central area of the property across from the building and the sales area, which will be dressed up to be attractive to come in to purchase boats.

Mr. Resnick said that this business will be totally opposite of the situation in Rock Hill.

Trustee Solomon asked if there would be any winter storage on the site.

Mr. Resnick said there might be a couple of boats to show that they provide winter storage service. There could be ½ dozen/dozen boats located at the far and back end of the property. This should not be seen from 17B behind the fence.

Attorney Billig said that the site plan is the ultimate hammer. The previous owner did not operate with the site plan.

Supervisor Rieber said he is not concerned with the actual site plan. His basic concern is that under the current Town Code outside storage would not be permitted in this

zone. He does not want to act like (PB), but the Town would have to trust that the Village will address the concerns. The Town would be turning control of the esthetic value of the property over to the Village. He said that granted anything that is done to the property would be a vast improvement of what is currently there now. Some people have the attitude that you could put a cardboard box there, because it's just as good as what's there now except they are trying to change that impression of our Town, because it's untrue.

Attorney Billig said that with respect to the storage issue the (ZBA) addressed it with the three meetings that they had with them. A variance was granted for the outside storage.

Supervisor Rieber asked what the terms of the variance were such as the type and size of fence and screening etc.

Attorney Billig said that the (ZBA) deferred to the (PB), because they are in the process of reviewing all of those issues. The (PB) will determine what is necessary and what they recommend. Those issues are not a problem; whatever the PB wants with respect to those issues is fine.

Councilman Mace asked if the fence would be seen through so that travelers driving by could see the business and know what it is.

Mr. Resnick said there will be a billboard's advertising the business that will be utilized.

Councilman Mace asked if the type of fence would be chain link fencing with screening.

Mr. Resnick said that yes the fencing would have some type of screening on it, but the exact type has not been chosen yet.

Councilman Mace questioned whether or not the applicant was proposing the fencing upon the request of the (PB) or if they originally chose the fencing. He is thinking that the applicant would want the people to see the boats that are for sale so that they know they are there.

Mr. Resnick said that he plans to advertise including on billboards along NYS Route 17.

Attorney Billig said that based on the way that the applicant wants the esthetics to look there will probably some level of screening in the fence.

Attorney Davidoff suggested that these minutes be submitted to the Village PB so that they take the concerns raised by the Town Board into consideration. This way the (PB) can do what is necessary to comply with those concerns. The Village Board would submit the minutes to the (PB) to make sure that they take all of the Town Boards concerns into consideration.

Attorney Billig said that they have no problem stipulating in the record with the Planning Board in terms of any esthetic issues if the Planning Board requires a solid or partially screened fence or landscaping requirements. These are all issues that can be stipulated in the site plan as well as the Resolution approving this Annexation. This way Supervisor Rieber's initial point what is the requirements and how does the Village govern all of the requirements, we can follow all of this, because again the aerial map that they provided shows an owner who did not go through any site plan process.

Councilman Pavese said what concerns him is the storage racks being proposed 18ft high containing three boats. While Mr. Resnick said you would probably not see the storage area from the road, however the proposed site plan indicates a 6ft high fence. His concern is that how you could have boats stored 18ft high with a 6ft fence and not be able to see them. He is not against this development he is all for new business and good business and he is sure that Mr. Resnick is going to do a nice job. However the Town and Village Board Members are the ones that are going to hear how unsightly it looks if it's not done correctly. It's like putting a skyscraper in the Town Hall parking lot it would stick out like a sore thumb.

Mr. Resnick said he is not sure even if he will store the boats three high.

Attorney Billig said that they could propose only two boat rack storage instead of three. He said that the applicant is willing to work with the (PB) on the issues.

Mr. Resnick said that his concern is regarding this entire process is that his business is going to look like a Taj Mahal compared to anything else on Route 17B and across the street there is a glass company almost falling apart. There needs to be increase enforcement to clean up the surrounding area.

Trustee Weyer asked if the property is annexed would they be doing a lot improvement by merging the lots into one lot.

Attorney Billig said that yes it will become one lot. The property currently located in the Town is vacant and the piece of property located in the Village is the piece with the building. The property will be zoned the same as whatever zoning is in the Village now. He said whatever esthetic issues are raised they will address. The (PB) has looked at this and if the (PB) recommends a two rack high storage area to limit the site then it will not be a problem for the applicant. He just wants to open and operate the business at that location. This business will generate sales taxes, employ people and pay the property taxes. He thinks that the esthetic issues are resolved by the fence and the screening and a two high storage rack instead of three. Also they are doing it according to Village Code and the (PB) so that they have enforcement authority. This will allow the Village to enforce whatever the (PB) has required if out of line.

Supervisor Rieber said then the Village would have to enforce the non-compliance issues, which could be another issue.

Councilman Mace confirmed that the applicant wants to put a fence around the entire property perimeter just for security purposes for the boats that will be on site.

Mr. Resnick said that yes that is correct. He said that if they are selling someone's boat, but it gets broken/damaged he would be responsible while it was on his property. He said that it does not look well for business if that happened. The property will be well guarded for security. The building will be replaced, which will not meet Code it will exceed Code.

Councilman Mace said that he thought it would look nice without the fence, but if it is a security concern then he understands.

Mr. Resnick said that there are a lot of issues that need to be done, which will all be addressed. Some of the issues he discussed.

Attorney Billig said that the (PB) recommended a fence from an esthetic standpoint and Mr. Resnick wanted it for a security standpoint. The (PB) recommended it from the very beginning. The (PB) has had a lot of the same questions that are being made this evening.

Trustee Weyer said that the site plan indicates two types of fencing, so the applicant could have more visual fencing in the front, but in the back more of a privacy fence.

Mr. Resnick said that one of the problems that he has had with this is that this project has taken so long, the weather, the different meetings etc. He really appreciates everyone showing up this evening for the meeting. He is really hopeful to obtain a vote on this Annexation, because by the end of April boats are starting to go into the water. He would really like to get started on the construction, he is way behind already.

Supervisor Rieber said that Attorney Billig contacted him regarding the Annexation request and was put on the very next agenda.

Supervisor Rieber asked for public comment. There was no public comment made.

TOWN:

A motion to close the joint public hearing at 7:20 PM was made by Councilman Briggs and seconded by Councilman Mace.

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace
 Nays 0

VILLAGE:

A motion to close the joint public hearing at 7:20 PM was made by Trustee Solomon and seconded by Trustee Weyer.

Vote: Ayes 4 Solomon, Weyer, Rue and Bennett
 Nays 0
 Absent 1 Jenkins

JOINT PUBLIC HEARING WITH VILLAGE: PROPOSED ANNEXATION REQUEST FOR GAIMAN PROPERTY HOLDINGS LLC, TAX PARCEL #'S 12.-1-35, AND 104.-2-16 LOCATED AT 136 JEFFERSON STREET, MONTICELLO

Supervisor Rieber called the 2nd joint public hearing to order at 7:21 PM. Town Clerk Marilee J. Calhoun read the legal public notice and stated that she had an original affidavit of publication. Village Clerk Janine Gandy also had an original affidavit of publication, which is similar to the Towns so it was not read again. Both legal notices for the Town and Village were published in the Sullivan County Democrat on Tuesday, March 10th, 2015.

Supervisor Rieber said that there is a small piece of property located next to the former Bean Bag property located along Jefferson Street, which is going to be proposed to be a Dunkin Donuts Franchise Restaurant. The property to be annexed consists of .07 acres and 97% of the other property is already located in the Village so it makes sense that the entire property be located in the Village.

Supervisor Rieber asked each Board if they had any comments on this matter. The following comments were made:

Trustee Weyer asked if this parcel would be a lot improvement with the Village property once it is annexed.

Mr. Robert Gaiman, Petitioner/Applicant and Mr. Jeffrey Schiller, Engineer were both present on behalf of the annexation request.

Mr. Gaiman said that yes it would become part of the Village Tax Parcel. Mr. Gaiman said that it will be the same operator that owns the Dunkin Donuts next door. He thinks that they would open just after the summer season.

Trustee Weyer expressed concerns regarding the access off Jefferson Street because of the dangerous intersection with increased traffic.

Mr. Gaiman said that the Sullivan County Planner for 239 Review inspected the site three times being so cognizant of the location, issues and details. He was impressed with how involved they were.

Village Manager David Sager said rightfully so we have one chance to get it right and it's important that it be done right.

Supervisor Rieber asked for public comment. There was no public comment made.

TOWN:

A motion to close the joint public hearing at 7:25 PM was made by Councilman Sush and seconded by Councilman Briggs.

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace
Nays 0

VILLAGE:

A motion to close the joint public hearing at 7:25 PM was made by Trustee Rue and seconded by Trustee Weyer.

Vote: Ayes 4 Solomon, Weyer, Rue and Bennett
Nays 0
Absent 1 Jenkins

With no further business to come before the Joint Town/Village Board, Supervisor Rieber entertained a motion that the meeting be adjourned.

ADJOURNMENT


TOWN:

On a motion made by Councilman Sush and seconded by Councilman Mace the meeting was adjourned at 7:26 PM.

VILLAGE:

On a motion made by Trustee Rue and seconded by Trustee Weyer the meeting was adjourned at 7:26 PM.

Respectfully Submitted By:



Marilee J. Calhoun
Town Clerk