

**VILLAGE OF MONROE PLANNING BOARD
REGULAR MEETING
JANUARY 23, 2012
MINUTES**

PRESENT: Chairman Parise, Members Cocks, DeAngelis, Niemotko
Engineer Queenan, Attorney Levinson

ABSENT: Member Syrianos

Chairman Parise opened the meeting at 8:00 p.m. with the Pledge of Allegiance to the flag. An announcement was made regarding the location of fire exits.

PUBLIC HEARING:

1. Liberty Collision Group, Inc. – Amended Site Plan – (217-2-5.2)

Present: Michael Sandor, MJS Engineering; Jay Myrow, Esq.; Floyd DuBose, Applicant; Kelly Edwards, Liberty Collision; Elisabeth Mansfield, Mansfield Realty

Chairman Parise read the Public Hearing notice dated 12/20/11 into the record. Chairman Parise noted for the record that the proof of mailings have been received from the applicant. Engineer Sandor described the project as auto sales through auction and auto repair to take place in the existing building formerly known as Monroe Ford. The auction is through GSA. Used government cars will be delivered to the facility, cleaned and prepped and sold through auction. The cars are typically low mileage and under 3 years old. Auctions will be held no more than twice per month, inside the building only, and during the months of March through September. Interested buyers will be permitted to view the vehicles prior to auction although no test driving is allowed. On non auction days the facility will be open to the public 6 days per week from 7:00 a.m. through 6:00 p.m. for auto service and repair. The Planning Board had concerns with vehicles parking along Route 17M. Engineer Sandor pointed out the parking areas on the site and where auction vehicles would be parked, where customer parking would be, and where large carrier and truck parking can park. GSA has security concerns therefore security fencing needs to be installed as well as a gate at the entrance. The gate will be left open during business hours and auctions, and will be manned for directions on parking and flow throughout the site. Engineer Sandor explained that once a patron successfully bids on a car the car is not typically taken off site that same day. Cars are picked up later the same week which will limit truck traffic during auction days. Most patrons of the auction are dealers even though the auction is open to the public. Engineer Sandor explained the original site plan for Monroe Ford was approved in 1999 with an amendment for additional parking in 2001. In 2008 Monroe Ford moved out of the site. The applicant will not be altering the site with the exception of the fencing and gate. Attorney Myrow clarified that the auctions will average about 150 cars

per auction with approximately 40-50 bidders to attend the auction. Most bidders are dealers through private mailing even though the auctions must be open to the public. Bidding does not have to be done on site. Telephone bids and internet bids can be made on the day of the auction as well. Chairman Parise opened the floor for public comment or questions.

Jennifer Currillo, 186 Route 17M, Harriman – Ms. Currillo owns commercial property on Route 17M in Harriman and wants to verify the type of work which will be done on site. Will there be body work, oil changes, and general service? Engineer Sandor said yes all of those will be available.

Julia Maloney, 26 Marc Terrace, Monroe – If there will be 150 cars for auction plus cars for customers where are the cars going to be parked? Engineer Sandor stated there are two parking areas, 1 with 314 spaces, a second with 153 spaces and 82 spaces for the general public. Most people who buy at auction are dealers who purchase more than one car. Ms. Maloney asked what if 100 customers come and there are only 82 spaces then what will happen? Engineer Sandor stated there is plenty of parking on the site to handle an overflow. Attorney Myrow stated the applicant will turn away cars if the parking area is full. There will be a gate keeper who will be monitoring traffic flow and parking on the site. The Planning Board has made it clear they do not want parking or traffic on Route 17M and the applicant understands this and will comply. Ms. Maloney wants it in writing. Attorney Myrow explained there is a special use permit which will be granted which will outline all of the conditions and the permit will be conditioned on these issues. Ms. Maloney does not want overflow parking in her neighborhood.

Ms. Maloney asked if the applicant has permits to store paints and chemicals on the property. Engineer Sandor stated all of that is very strictly controlled by the DEC and the applicant must comply with DEC regulations. Ms. Maloney stated she will be checking up on them.

Joyce Smith – 28 Marc Terrace, Monroe – Ms. Smith wants to know why all the fencing is needed because it will be ugly. Engineer Sandor stated GSA requires the fencing for security, and the Planning Board had a concern about aesthetics and has asked for plantings around the fencing. Ms. Smith asked if there will be something in writing stating they cannot expand so they don't cause flooding in her development. Engineer Sandor stated any changes to the site, or to any site in the Village, would have to come before the Planning Board for approval. Ms. Smith asked the Planning Board for something in writing that they will never allow the applicant to expand. Chairman Parise stated that if an applicant appears before the Board with an application the Board has to entertain them. He cannot do anything until an application is made and see what the applicant proposes. Ms. Smith asked if the homeowners could be heard and protected. Chairman Parise stated the public hearing is the time for the public to address their concerns. Attorney Levinson asked what she is seeking protection from. Ms. Smith stated water runoff runs constantly and comes from across the road. Attorney Levinson stated across the road is the Town of Monroe and there has been development in the Town across from her neighborhood which has affected the water issue. The Village

has no jurisdiction over what the Town approves. Ms. Smith also has issues with traffic on Route 17M. It is already backed up today where she cannot make a left turn out of her development and feels this business will only make traffic worse.

Richard Serajian, Esq., 67 North Main Street, New City, NY – Attorney Serajian stated he was retained today to represent Dan and Linda O’Sullivan and Michael Katzman all who live on Emma Lane across the street from the site. Attorney Serajian understands that the applicant is trying to present the business as the same type of business as Monroe Ford but in his opinion it is not the same. Attorney Serajian questioned how many cars Monroe Ford sold per month compared to the sales volume that will happen with the applicant. The applicant will probably sell more cars each month than Monroe Ford sold therefore it is not the same as Monroe Ford. Traffic will not be the same either as more volume of customers will be brought in on auction days as would be in on a typical business day of Monroe Ford. Attorney Serajian suggested the Board visit a functioning Auto Auction site to see how it operates as opposed to how a regular auto dealership operates. Attorney Serajian points out the number of people stated who will come on auction day has changed between the minutes of the past few months, and the Outline of Operations and what he has heard tonight. He suggests the Board should put conditions in the permit regarding specific number of days per month to hold an auction. Attorney Serajian stated any traffic studies done for Monroe Ford were based on car dealerships which he feels is a different use than an auction, and also feels they are outdated, even though it is an existing building and site. Attorney Serajian also interpreted the Village code to state that auto sales only allows for new cars, not used, and that used cars can only exist if there are new car sales on the site. This auction is all used cars therefore the use is not permitted. In addition, outdoor storage is not permitted, and Attorney Serajian feels that parking the used vehicles on the site is classified as outdoor storage of used vehicles. Attorney Serajian stated that storing 300 used cars surrounded by an ugly black fence is not permitted in the code. Attorney Serajian reminded the Board to make sure conditions are imposed if the application is approved.

Don O’Sullivan – Emma Lane, Monroe – Mr. O’Sullivan has a concern with traffic and parking. What will happen when car carriers enter the site and backs up traffic, or has nowhere to park. Are there spots to accommodate car carriers? Will this applicant really turn away a car carrier if there are no spots for it to park? Mr. O’Sullivan stated he is not opposed to business in the community but wants to see the right kind of business.

Attorney Myrow stated that the plan includes accommodations for flatbed trucks, large vehicles and car carriers. The applicant understands the conditions the Planning Board has imposed and understands the issues and concerns and will comply with everything. The volume stated is based on past experience. Mr. DuBose has been operating auto auctions and knows typically how much volume can be expected. The applicant also understands that they will be subject to periodic reviews with the Board to revisit the issues and see how things are working and if there are problems adjust things to make it work better. The applicant understands and agrees to include wording in the permit

as to the number of auctions per month. The wording will be in the special use permit as well as on the site plan.

Michael Katzman – 11 Emma Lane, Monroe, NY – Mr. Katzman asked if the applicant runs an operation similar in size in Syracuse. Ms. Edwards answered they have facilities in Syracuse for auto body, as well as working with other auctions in Syracuse. Ms. Edwards stated they have a limit as to how many cars they can sell. Mr. Katzman said the numbers of how many people will show at an auction keeps changing which scares him. Traffic is an issue on Route 17M. There has been new building and new development on 17M since Monroe Ford was built and this will only add to the problem. Another concern Mr. Katzman has is that Monroe Ford had problems with their car carriers making the turn and the entrance onto the site and typically emptied their trucks on Route 17M. Has there been any investigation into why they could not enter the site and what is the applicant going to do to alleviate that for this business? Mr. Katzman doesn't understand how anyone can think only 40 or 50 people will show up at an auction given the population there is around here. Mr. Katzman doesn't understand why the Village isn't looking more closely at the traffic problem.

Joyce Smith – 28 Marc Terrace, Monroe – Ms. Smith asked about noise level and the PA system. Ms. Edwards stated there would be no PA system and the auctions will all be held indoors. Car carriers and deliveries are made ahead of time and only during normal business hours.

Jennifer Currillo – Harriman – Ms. Currillo asked if the Board has addressed traffic flow with law enforcement agencies? Chairman Parise stated letters were written to all emergency services in the Village of Monroe and have had no response from any of them.

Don O'Sullivan - Has the Board asked DOT for their opinion? Attorney Levinson stated in the County review the DOT should be contacted to determine if the levels are appropriate.

Julia Maloney – will DOT be contacted before any voting is done?

Tim Casey – Monroe, NY – Mr. Casey read an article in the paper quoted from a Village official that there will be outside auctions as well as indoor. Chairman Parise stated there has never been any mention of outside auctions at this Board. Ms. Edwards responded there will not be any outside auctions.

Richard Serajian, Esq. – Will the Board keep the public hearing open? As a representative of some of the public present Attorney Serajian asked the Board to keep the public hearing open to give the public a chance to comment on any studies performed. Chairman Parise stated it is up to the Board as to whether or not the public hearing will be closed.

Michael Katzman – Are the applicants other auction facilities located in a residential area? Ms. Edwards stated they are commercial but not industrial areas and are on par with the site in Monroe. Mr. Katzman asked where the facilities were located. Mr. DuBose stated one in Townline and one in Lafayette and the road they are on is a 2 lane road like Route 17M.

Dan O'Sullivan – Does the applicant own the other auction facilities? Mr. DuBose stated he owns the one in Townline and the one in Lafayette is subcontracted.

Jennifer Currillo – Are you leasing or buying the site? Ms. Edwards stated they are leasing for one year with an option to buy, which they intend to do.

Chairman Parise asked if there was any further public comment. There was no further comment from the public. Member Cocks felt that all the comments made by the public had been discussed and addressed by the Planning Board. On a motion made by Member Cocks and seconded by Member DeAngelis, it was unanimously **Resolved, that there being no further public comment this evening, the Public Hearing for Liberty Collision Group, Inc. Amended Site Plan be closed.**

REGULAR MEETING:

1. **Liberty Collision Group, Inc. – Amended Site Plan – (217-2-5.2)**

Present: Michael Sandor, MJS Engineering; Jay Myrow, Esq.; Floyd DuBose, Applicant; Kelly Edwards, Liberty Collision; Elisabeth Mansfield, Mansfield Realty

Chairman Parise stated the conditional use permit will set conditions on the site. Engineer Queenan discussed technical comments which still need to be addressed such as dumpster enclosure, lighting details, notes, operational time line all need to be updated and included on the site plan. Attorney Levinson commented that the wording in the Operations timeline needs to state “auctions will be held no more than 2 times per month and will be held between March 1st and September 30th” to make it clearer. Chairman Parise reminded the applicant that traffic cannot back up onto Route 17M. The Village will have the Police and Building Department monitor the site and the applicant will have to return to the Planning Board in 6 months for a review. Chairman Parise stated that the comments heard from the public during the public hearing are the same comments the Board has been making for the past two months. Attorney Levinson added that a note stating no loading or unloading of any vehicles will be permitted on Route 17M. Attorney Levinson discussed a comment made by Mr. Katzman regarding Monroe Ford's vehicles being unloaded on 17M due to issues with the trucks not being able to get onto the site and questioned what has been done to address that. Engineer Sandor stated he has looked at the site and the measurements and feels there is adequate turning radius. Member DeAngelis suggested Engineer Sandor check the slope of the driveway as well as the turning radius. Engineer Sandor stated if there is a problem then they will fix the entrance area to accommodate the deliveries. Attorney Myrow stated the gates will be open during business hours

therefore that will never hinder a truck entering the site. Ms. Edwards added that no after hours deliveries will be permitted. Member Cocks suggested installing no parking signs along the road to assist the police with enforcing the no parking requirement. Engineer Sandor will check with DOT on putting up the signs. Chairman Parise suggested parking monitors to control traffic flow on auction days. The community is adamant about traffic issues and parking on Route 17M. Ms. Edwards stated that invitations are sent out for the auctions and she can include specific parking instructions on the invitation. Member Niemotko stated that the applicant has been asked to provide spaces for trucks for parking on site and would still like to see that. Member DeAngelis asked if the stream running through the site can be looked at to confirm that the flooding issue is coming from offsite. Member Niemotko wants to see specific details regarding the fencing, specifically the ones in lieu of the bollards. Engineer Sandor stated it would be black coated anodized aluminum. Attorney Levinson reminded Engineer Sandor that not only should details be added to the plan, but also the fencing needs to be maintained in perpetuity. Member Niemotko stated the Board has requested and still would like to see a landscaping and lighting plan. Member Cocks asked how long the auctions would last, and if they would be held on Sundays. Ms. Edwards stated the auctions would be held on Saturdays, beginning at 9:00 a.m. and last approximately 4 hours. Engineer Queenan stated the plans need to be cleaned up to include landscaping, fence details, chain link details, lighting, Outline of Operations, bollard change, and certification regarding the septic system. Attorney Levinson asked if there will be towing and impound. Mr. DuBose stated no towing. Attorney Levinson stated no towing and impound should be included on the plans. Attorney Levinson stated the applicant will need to return in August 2012 to ensure all the conditions on the plan are being met and to discuss any issues otherwise the Board will vacate the conditional use permit. Chairman Parise stated there will be a Resolution detailing all of the conditions of the site plan. The Board agreed there were too many outstanding issues to be addressed to issue an approval at this point. The applicant needs to update their plans with the outstanding issues and submit the updated plans to the Board for review. Ms. Edwards was concerned about time issues with GSA. Chairman Parise understood Ms. Edwards concerns however the Board has been asking for some of these items repeatedly. The Board needs a completed submission to review before making any decisions.

2. 37 Hillside Terrace – Two Family Conversion – (218-5-9.11)

On a Motion made by Member Niemotko and seconded by Member DeAngelis it is unanimously **Resolved that a Public Hearing be set for 37 Hillside Terrace on Monday, February 27, 2012, on or about 8:00 p.m. Monroe Village Hall, 7 Stage Road, Monroe, NY.**

3. **Crystal Run Healthcare – Site Plan – (238-1-1)**

On a Motion made by Member Cocks and seconded by Member Niemotko it was unanimously **Resolved that the applicant has agreed to extend the Board's time to act following the close of the public hearing for an additional 120 days to 4/30/12 in order to allow sufficient time for the applicant to submit outstanding items and for the Planning Board to thoroughly review the materials and act on the application.**

APPROVAL OF MINUTES

On a Motion made by Member DeAngelis and seconded by Member Niemotko it was **Resolved that the Minutes of the December 14, 2011 meeting be approved.**

On a Motion made by Member Niemotko and seconded by Member DeAngelis it was **Resolved that the Minutes of the December 19, 2011 meeting be approved.**

ADJOURNMENT

On a motion made by Member Cocks and seconded by Member DeAngelis it was unanimously **Resolved that there being no further business, the Meeting be adjourned.** The meeting was adjourned at 9:15 p.m.