

MINUTES OF PUBLIC HEARING FOR HAINES FALLS AUTO SCRAP PROCESSOR
LICENSE HELD ON TUESDAY, OCTOBER 12, 2021, AT 6:00 PM AT THE TOWN HALL
LOCATED ON RTE. 23A IN TANNERSVILLE, NEW YORK

Present:

Daryl Legg	Supervisor
David Kukle	Councilman
Raymond Legg	Councilman
Sean Mahoney	Councilman
Dolph Semenza	Councilman

Other Present:

Lara Hamrah-Poladian	Budget Officer
John Farrell	Superintendent of Highways

Absent:

Corina Pascucci	Town Clerk
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Supervisor Legg makes a MOTION to open the Public Hearing-Haines Falls Auto at 6:00 PM.

Seconded by Councilman Mahoney.

Ayes -5- Noes-0-

M. Nihan reiterates her concerns that were read at a previous meeting.

The following are 7 reasons **not** to issue a renewal license.....unfortunately there are more than seven.

1. The Scrap Facility Renewal Application was received on 5/27/21. That is almost 2 months after the required submission date of 4/1/21.
2. An Inspection was done on 8/2/21 more than a month after the current license expiration date.
3. The Inspection indicated the following problems:
 - a. Storing more than the allowed 1,000 tires
 - b. Cars not identified as either for sale or parts. This is the same issue as in the 5/29/20 inspection
 - c. Cars parked in areas not allowed by site plan
 - d. According to the Code Enforcer's Inspection Report of 8/2/21 – "Water discharged is not from metal its runoff from catch basin on Northside of yard." This statement raises questions whether HFA is in violation of the SWPPP
4. Before the 8/2/21 inspection, junk cars were located outside the junkyard gate. Be aware that there was a frenzy of activity to remove these junk cars before the announced inspection date of 8/2/21.
5. The Scrap Yard Application states hours of operation are 8am -5pm Mon.- Sat. Recently there was work being done on Sundays and well after 5pm.
6. Only one ingress & egress point has signage. That "Entrance Only" point is almost always used as an exit point.
7. Tractor trailers continue to back into both the north & south sides without traffic control.

In addition to the 7 pressing issues I just read, there are several concerns that date back over the last 10 years. Some of these on-going problems were addressed in the Local Law No. 13 of 2016: The Town of Hunter Scrap Facility Law. Unfortunately, they were addressed in name only. There is no consistent enforcement of these scrap laws.

“Section 3. Purpose

The purposes of this local law are to promote a safe, clean, wholesome, and attractive environment; protect the health, safety and well-being of residents; protect water quality and other natural resources; help preserve the scenic and aesthetic qualities of the Town to encourage tourism and outdoor recreation; prevent depreciation of property in the neighborhood and community; and further the goals of the Comprehensive Plan. The Town of Hunter is a nationally recognized Preserve America Community whose major roadways are designated by New York State as the Mountain Cloves Scenic Byway.”

The Local Law No. 13 of 2016: The Town of Hunter Scrap Facility Law:

p. 6, Specific Regulations, #3

Only the premises covered by the license shall be used in the licensed business. All motor vehicles, and parts thereof, and all junk and scrap materials as hereinabove defined, stored either permanently or temporarily by the applicant, shall be kept within the enclosure of the facility except for reasonable transportation of same.

P. 7 #4

Motor vehicles or other junk or scrap materials shall be piled or stacked in a safe manner and shall not be visible from the Scenic Byway based upon topography.

A sitting Town Board member stated that he didn't see the violations or conditions of complaint because he doesn't drive past HFA/NER.....this has been a matter of voiced public concern and outrage for the past 10 years! This is a blatant dereliction of duty. Although we have been called “two-monthers” by this Town Board member, we are tax paying residents. Some home owners have lived on this mountaintop for more than 8 decades. We vote in local elections, support our local community and are active in preserving and protecting our environment and our cherished way of life. The Town of Hunter went through an arduous ordeal amending our Town Laws and our Comprehensive Plan. However, this is all for naught if these laws and visions are not enforced and protected.

Despite the TOH Scrap Facility Law, this facility has continued to grow, and the owner, Mr. France, has continued his unsafe practices with no regard for the public's outcry. The current scrap facility is inadequate to safely house the current operations. It is unsafe for the public. It is a scar which crosses the Scenic Byway. Tell me, how does this scrap facility in anyway approach satisfying the TOH's stated Purpose of The Town of Hunter Scrap Facility Law? It is long past time for the Town Board to enforce its local laws. You owe it to the citizens who you took a public oath to protect. M.Nihan

She adds that her feeling is the business continues to grow and the facilities are too small. Also, the facilities are unruly, unsightly, and unsafe.

J. Nihan reiterates his concerns from a prior meeting. He adds concerns about employee/customer parking and states that the signage issue was never answered by the Town Board and that traffic flow and a map for each plot was supposed to be submitted. He also references a letter (see below) from Rory France dated 1/23/18.

At the August 2017 Town Board meeting this Board unanimously approved a MOTION to hire an independent inspector to handle junkyards and scrap facilities.

Unfortunately, 4-years have gone by without the board implementing that Motion.

An independent inspector is needed to objectively determine if the junkyards and scrap facility are operating in a safe manner and meet industry standards.

The Local Law includes this expense in the License Fee.

It is unreasonable to think that any town Code Enforcer has the time or expertise to handle this task.

A renewal license should NOT be issued until a qualified independent inspector can assure this community that Haines Falls Auto is working within the framework of the local laws and its site plan. J. Nihan

To: Marc Czermerys, Chairman Planning Board

Attached is a copy of Rory France's letter to the Town of Hunter Planning Board dated January 23, 2018. The letter states: "this is our final application for the proposed changes to our existing 2011 town approved site plan."

Item 2 of Section 2 of this final application letter states "... **customer parking area on Lot 183.05-1-9...**"

The HFA site plan maps identify Lot **183.05-1-9** as the property formerly known as the Reen property. After sitting through years of Planning Board meetings regarding this site plan, it was my understanding that customer parking was **not** for junk cars, cars for sale, repaired vehicles or scrap facility equipment but for **customer parking**. Attached are some photos taken this weekend when there wasn't a customer in sight and all of the HFA facilities were closed. The photos show everything but a customer vehicle in the customer parking area. Also, attached is a photo of the HFA tow truck parked on the Planck property.

There are two additional issues frequently discussed at the Town Board meetings that no one on the Board can answer. These issues are addressed in the attached letter. It would be very helpful and appreciated if you would provide us with a definitive answer regarding signage and a map depicting the primary uses of all areas. These two issues are referred to in *Section 4 Mitigation Proposed by the Town of Hunter* as follows: "(item) 2: **Depiction of area uses including parking areas and storage areas, (item) 3. Depiction of all proposed signage for traffic flow and (item), 6. Depiction on Maps for primary uses of all areas.**"

I would appreciate a written response to this email as soon as possible. If you have any questions, please call me at 917-859-7550. Thank you in advance.

Jim Nihan

Cc: Daryl Legg, Town of Hunter Supervisor
Bob Cologero, Code Enforcement Officer

Cover Letter

January 23rd, 2018

Town of Hunter Planning Board
P.O Box 70
Tannersville, NY 12485

Town of Hunter Planning Board:

Please consider this our final application for the proposed changes to our existing 2011 town approved site plan. With the understanding that when and if the town law, enacted to prevent us from obtaining the necessary New York State permits to keep our existing 25 year old town permitted operation in compliance is revised, we will reinstate our plan for the original portions that have been omitted due to this law.

Rory France

R. Bates would like to clarify comments he made at the 8/24/21 meeting. He states that the biggest problem lies with the Town Board when they passed their new laws. He feels they were passing something that they couldn't handle. He points out that the problems were New York State's before and by writing the new laws and taking on all this stuff themselves, the problems are now the Town Boards'. He adds that the Town Board members are just as much into this as the Code Enforcement Officer and feels that if a board member drives by Rory's business and sees a problem, they should pull in and work it out with Rory. He feels that by adopting these laws the Town Board has taken on a liability that would have been the State's problem, not the Town's problem.

M. Nihan references a 9/14/21 letter from Rory to the Town Board. She feels that it goes to his sense of priority at the public and the public's concern for safety and aesthetics. She adds that the property values are going down and their joy of living is diminished. She feels that the tone of his fifth point in the letter shows he (Rory) doesn't take it seriously and the laws are not being enforced.

****Secretary Note**** - there is no scannable electronic copy of this 9/14/21 letter. I have transcribed into the minutes the fifth point referenced above.

5. I believe its evident to all, that the 3 or 4 cronic complaining Town of Hunter residents that have a self serving agenda and will continue to waste Town and State resources with there illegal defaming and harassment of Haines Falls Auto and its employees until their goal is met. The Town, State or Federal governments have investigated all complaints that they have generated, most of which are duplicate many times over, and have not resulted in any new or outstanding compliance issues.

Thank you,
Rory France

E. Ezrick of Sunset Park Road states that Haines Falls Auto is not a well-kept place for the entrance to the Town of Hunter. He adds there are a lot of rusted vehicles and dangerous traffic situations with there being a business on each side of Rte. 23A. He feels the Town Board doesn't understand where they are coming from, and that Rory can do better. He would like the Town Board members to walk the area with the residents so they can point out their concerns to the Board.

Supervisor Legg makes a MOTION to close the Public Hearing at 6:25 PM. Seconded by Councilman Semenza.

Ayes -5- Noes -0-

EXECUTIVE SESSION

Supervisor Legg makes a MOTION to go into Executive Session at 6:25 PM to discuss the employment of a particular person. Seconded by Councilman Mahoney.

Ayes -5- Noes -0-

Supervisor Legg makes a MOTION to come out of Executive Session at 7:09 PM. Seconded by Councilman Mahoney.

Ayes -5- Noes -0-

Corina Pascucci, Town Clerk, RMC
Town of Hunter