

**TOWN OF NORTH EAST PLANNING BOARD  
MINUTES  
January 8, 2014**

The regular meeting of the Town of North East Planning Board took place on Wednesday, January 8, 2014 in the Town Hall located at 19 N. Maple Ave, Millerton, New York. Board Members present were Chairman Dale Culver, Bill Kish, Leslie Farhangi, David Shapiro, Evelyn Garzetta, Willem deVogel and Charles Barrett. Also in attendance were Edmond Loedy, Bruce Flint, Edward Downey, Richard Rennia, Walter Hert, Gregg Osofsky, and Mary DiPasquale. George Rodenhausen, the Planning Board's attorney, arrived at 8:30 pm.

**McLean Ford  
Application for Site Plan, 182 Route 44**

**The Watershed Center, Inc.  
Site Plan Resolution, 33-44 Kaye Rd**

Willem deVogel made a motion begin the Planning Board Meeting of January 8, 2013 at 7:40 pm. The motion was seconded by Leslie Farhangi and passed unanimously.

**Public Comment**

There was no Public Comment.

**McLean Ford  
Application for Site Plan  
182 Route 44  
Tax Parcel # 7271-00-739225**

Ed Loedy, architect for McLean Ford, and Bruce Flint, Sales Manager for McLean Ford, appeared before the Planning Board with an Application for an Amended Site Plan.

Mr. Loedy stated that the Ford Motor Company has initiated a program nationwide to upgrade Ford dealerships across the country. Each dealership will look the same yet still be unique. He stated that the design is not his but rather a design provided by the Ford Motor Corporation. Mr. Loedy then gave a very brief history of the existing building explaining that the McLeans' are the second owners and that the building has housed a commercial business for the last 52 years.

Chairman Culver asked if the proposed design would change the building's footprint.

Mr. Loedy stated that most of the changes effect the building's interior and the original footprint of the building will not be changed. Proposed interior changes include handicapped access and upgrading mechanical systems such as heating, plumbing and

cooling. The exterior wall facing Route 44 will get a new look designed by Ford Motor Company. Existing area size window will not change but existing windows will be replaced with insulated glass.

Chairman Culver asked if the McLeans planned to upgrade the energy efficiency of building.

Mr. Loedy replied in the affirmative. He added that the existing Ford roof sign will be removed and new signage designed by Ford will be added. Mr. Loedy stated that as he understood it, this signage would not comply with zoning laws and would require a visit to the Zoning Board of Appeals. He stated that since the building and site have served as a dealership for over 50 years and there are no alterations or additions proposed to the existing, he believes that the amended site plan approval is not subject to SEQRA law.

Bruce Flint stated that McLean Ford is required to apply for permits, submit construction documents and seek approval of site plans from all relevant government entities. The Ford Motor Company must be notified of all such approvals, on or before January 29, 2014.

Chairman Culver stated that to meet that first deadline, McLean Ford should fill out an application documenting everything they wished to do and submit it to the Building Department. He added that a local ordinance had been passed a few years earlier stating that if there were any preexisting violations on a property, these must be cleared up before moving forward on an application.

The Planning Board members agreed that the Building Department should be asked if there were any violations regarding the site. Chairman Culver also recommended that McLean Ford comply with an earlier ZBA Decision regarding their signage.

Charles Barrett asked if the design presented was the only option available. Mr. Loedy replied that this design was supplied by the Ford Corporation and McLean Ford had objected to the portion of the design that extends a facade wall an additional 16 feet past the existing building. Chairman Culver stated that he believed the addition of a 16 foot wall did change the building's existing footprint. Mr. Loedy responded that he had spoken to Ken McLaughlin regarding the wall and Mr. McLaughlin's response was that if the wall extended only a few feet he would not consider it an addition to the existing footprint. Chairman Culver replied that while a few inches would not make a difference, the PB would consider 16 feet an addition. William DeVogel asked if Mr. Loedy believed that the Ford Corporation would allow McLean Ford to proceed with less than 16 feet.

Bill Kish stated he had several comments. First, while he believed it was premature to make any commentary on the proposed design, he did have questions regarding proposed lighting. Mr. Loedy responded that he understood that the zoning code does not permit interior lit signs and briefly discussed alternate options.

Mr. Kish stated he believed Mr. Loedy should review the comprehensive plan of the community with respect to appearance of buildings. He also thought that based upon his discussions with planners from other communities during training sessions, it was his belief that when corporations want to make upgrades within a community, the PB has the right to say they want the changes to be in accordance with the character of the community.

Leslie Farhangi stated that she believed the Ford Motor Company could offer a better design. She cited other dealerships in the area whose building designs fit better with the character of the areas in which they are located.

The Planning Board Members then discussed questions and concerns they had regarding the proposed site plan including exterior lighting, signage, and the proposed 16 foot addition to the facade of the building. PB Members agreed the McLean Ford dealership needed a new look and wanted to determine whether the Ford Corporation had other building-style options available. Leslie Farhangi suggested that the Planning Board look for examples of different styles of Ford Dealership buildings.

Chairman Culver requested that the PB secretary ask Ken McLaughlin, the Building Department Inspector, to check department records for preexisting violations, and non-compliance issues regarding McLean Ford. Mr. Culver also asked that Warren Replanky, the town lawyer, determine whether the amended site plan would be subject to SEQR Law and if so, who was to be the Lead Agency.

**The Watershed Center, Inc.**  
**Site Plan Resolution**  
**33-44 Kaye Rd**  
**Tax Parcel # 7272-00-448662**

David Shapiro made a motion to reopen the Public Hearing for The Watershed Center Application at 8:30 pm. The motion was seconded by Leslie Farhangi and passed unanimously.

Chairman Culver asked if there was any Public Comment regarding the Continued Hearing.

Mary DiPasquale, opposition to The Watershed Center, read from a prepared letter, dated January 8, titled a "request to keep the Public Hearings open for public comments". Ms. DiPasquale requested that the Public Hearing be kept open until all relevant documents were received by the Planning Board. A copy of the letter was given to the Planning Board secretary to file with the Building Department.

Edward Downey, the lawyer representing The Watershed Center, stated that at the last meeting the PB had requested information from both the Building Inspector and the Fire Chief. Both have since responded in writing. He stated that it was his belief that the Fire

Chief's response letter is straightforward and his read on the letter from Mr. McLaughlin is the opposite of that of Ms. DiPasquale. The question posed to Mr. McLaughlin was, "will the code issues raised by members of the public, as set forth in the letter to you from Mr. Neiler, require site plan changes ...". Mr. Downey stated that he believed that Ken McLaughlin's letter was essentially saying that these details are part of the building permitting process and will not require significant site plan changes. Mr. McLaughlin's letter cites two effects upon the site plan, that of accessibility to structures and adequate parking to comply with the Americans with Disabilities Act (ADA). Mr. Downey believes that aside from those two points, all other components are part of the Building permit process and will be dealt with in that context. He further stated that the Town Engineer has been involved with this project since September of 2012 and has submitted several detailed sets of comments to both the Planning and Zoning Boards. There were also very detailed comments submitted by the Town Planner regarding what did and did not need to be done on the Site Plan. Based upon those comments, the applicant revised the Site Plan back in November and that revised Plan was sent back to the Planner and Engineer for further comment. At that time, both experts found very minor issues with the Site Plan. At the last PB Meeting, the opposition to the Watershed Project urged the PB to delay their decision until the Court ruled on the ZBA Decision. The Court had since ruled to uphold the ZBA Decision. Mr. Downey believed that all pertinent information had been received by the PB and therefore, on behalf of the Watershed urged the PB to close the Public Hearing and grant Site Plan approval.

Mary DiPasquale asked if there was any point in asking Ken McLaughlin to clarify his letter to the PB.

Planning Board members agreed that they found Mr. McLaughlin's letter straightforward and did not necessitate further clarification.

David Shapiro made a motion to close the Public Hearing. The motion was seconded by Willem deVogel and passed unanimously.

Chairman Culver asked if all were in favor, all responded Aye.

Chairman Culver asked George Rodenhausen to prepare a Resolution for the next Planning Board meeting scheduled for January 22, 2014.

George Rodenhausen asked if PB would require any particular conditions or approvals to be included in the Resolution, aside from items in the engineer's and planner's letters.

Chairman Culver polled the Planning Board members but none had any suggestions. Chairman Culver stated he felt that the Planning Board had dealt with all the concerns within their prevue. Items not addressed by the PB will be addressed in the permitting process and by the Board of Health.

George Rodenhausen stated he had run into Richard Renna on the way into the meeting and Mr. Renna told him that handicapped access parking spots had been added to the Site Plan.

Richard Renna stated he had a letter from Will Agresta asking that more notes be added to the Site Plan. His last revised plan was submitted November 6, 2013. Mr. Renna stated now that the Public Hearing was closed, he would address the comments from Will Agresta and the Fire Department.

George Rodenhausen asked Mr. Renna how long this would take.

Richard Renna replied that he could have it by the following week.

Bill Kish commented that with respect to the Resolution, he thought it should incorporate language to address the phasing of the project.

Chairman Culver added that it should include the pieces that were not being approved at this time to ensure that they would have to be approved later.

Chairman Culver then requested that Mr. Rodenhausen draw up the Resolution and send it to the PB Secretary. He also asked Rich Renna to speak to The Watershed Center regarding replenishing their escrow account.

#### **Minutes @ 9:21 pm**

Leslie Farhangi moved to accept the Minutes for both December 4, 2013 and November 6, 2013. The motion was seconded by David Shapiro and passed unanimously.

#### **General Business**

The Planning Board members briefly discussed the McLean Ford Application for Site Plan. Issues discussed were outstanding signage violations, removal of the proposed 16 foot wall extension included in the Ford Corporation's building design, and potential landscaping. Board members discussed also determining whether the Ford Corporation could provide alternate designs. Members agreed that no final site plan could be approved until existing violations are addressed.

At 9:30 pm, Evelyn Garzetta moved to adjourn the meeting until January 22, 2014. The motion was seconded by Leslie Farhangi and passed unanimously.

Respectfully submitted,



Claudia Stevens  
Planning Board Secretary

*Approved 5/7/14*