DUE TO A LACK OF QUORUM, THESE MINUTES HAVE BEEN FILED NOT ADOPTED AS FINAL BY THE PLANNING BOARD

Town of Dover Planning Board

Town of Dover
Historic Tabor Wing House
3128 RT 22
Dover Plains, NY 12522

(845) 877-4271

(845) 877-4273 fax

Planning Board Meeting
Monday – September 21, 2009
7:00PM

☑	Co-CHAIR David Wylock
☑	Member Barbara Kendall
☑	Member John Fila
o	Member Brian Kelly
☑	Member James Johnson
☑	Member Valerie LaRobardier
o	Member Peter Muroski

Also, in attendance representing the Planning Board were Planning Board Attorney Victoria Polidoro, Planner Ashley Ley and Engineer Joseph Berger.

For the Applicants-Peter Rusciano, , Rich Pearson and Rob Roselli for Dover Estates, Rich Rennia and Anthony Palumbo for Plum Hill, Peter Coppola for Coppola Accessory , Curt Johnson for Camp Ramah Rick O'Rourke and Cathy Kulzer for the Zoning Amendment as well as other interested Members of the Public.

Meeting Called to Order

The regular monthly meeting of the Town of Dover Planning Board was called to order by Chair Wylock at 7:02 PM and began with the Pledge of Allegiance

Public Hearings:

A. SINGH DBL - 7160-00-001179
Applicant: Baljit Singh --Plans Prepared by: Jordan Valdina of Synergy Design Engineering
Property located at 1827 Route 22, Wingdale
Applicant in front of Planning Board for Site Plan approval

No one was present for this application
Discussion moved to later in the agenda to allow additional time for the applicant to arrive

B. DOVER ESTATES 6 LOT SUBDIVISION- 7060-00-788552 & 7060-16-779491
Applicant Peter Rusciano, plans prepared by Richard Pearson of Meyer Consulting
Property located at Rt22 and Rural Avenue, Dover, NY RU district
Applicant seeks to subdivide 16.64 acres to create 6 new lots

FILED

The Town of Dover Planning Board will hold a Public Hearing for a 6 lot Subdivision on the application known as Dover estates 6 Lot Subdivision on Monday September 21, 2009, at 7:00 PM at the Town of Dover Town Hall, 126 East Duncan Hill Road, Dover Plains, NY 12522.

The property is bounded on the **North** by n/f HAF Custom Homes and Munks
West by n/f GEM Builders, Vira and RT 22 Dover Corporation
South by n/f Hernandez, Muncey, Plantier, Richards, Schreiber, Webber, Dutchess County Water and Waste Water Authority and Orser and **East** by n/f Barto and Nabels Nurseries Inc

TAKE FURTHER NOTICE, all interested residents and persons are invited to attend.

Motion made by Barbara Kendall to Open the Public Hearing 2nd by John Fila

VOTE: DAVID WYLOCK – AYE MEMBER BARBARA KENDALL – AYE MEMBER JOHN FILA – AYE
MEMBER BRIAN KELLY- absent MEMBER JAMES JOHNSON- AYE MEMBER PETER MUROSKI- absent
MEMBER VALERIE LAROBARDIER- AYE

Rich Pearson, Peter Rusciano and Rob Roselli

Mr. Pearson- Last before the Board last fall since then a site walk was conducted. Adjustments to the plans were made:

- Planning Board requested no common driveways, that was modified – there are now individual driveways for each parcel
- Lot line concerns along with ownership of the road- The lot lines have been extended across the properties in an east west direction and the proposed common drive will be a cross access easement over each of the properties. Rather than 1 property owning the entire road.
- Comments have been received from Mr. Berger- they too will be addressed in coordination with Mr. Berger as well as the Fire company comments.

He now seeks public comment

No questions or comments from the Public

Engineer Berger- Most comments pertain to requirements of Final Plat-
At this time preliminary approval is recommended. This will allow the applicant to move forward with Department of Health

The Fire Company did recommend 10% slope on the drives, Town Code does allow for 12%- he saw no need to hold the applicant to a stricter requirement than the code allows- this complies too with the recently adopted rural road Standards.
Fire Company and Applicant should work together towards final.

Attorney Polidoro- Road ownership- will there be common maintenance- how do you propose this to work?
A: There will be a district created where taxes will be paid for road maintenance and storm water drainage maintenance-
Q: So a Drainage district will be created? **A:** Yes
Attorney Polidoro- So as a condition of approval she asked that Board require review of by-laws and the agreements A: Mr. Pearson Agreed.
Q: Have you spoken to the Town about the formation of a drainage district? **A:** No, only Mr. Berger.

FILED

Chair Wylock- I have been advised the Fire Department has agreed to the 12% grade and not to hold the applicant to a more restrictive standard than the Town Code.

With respect to the Fire Company there were other comments aside form the grading percentage

Mr. Pearson approached the Fire Company to arrange a meeting to discuss items of concern. He is seeking to keep areas of disturbance to a minimum.

No further questions or comments from the Board

Motion made by Valerie LaRobardier to close the Public Hearing 2nd by Barbara Kendall

VOTE DAVID WYLOCK – AYE MEMBER BARBARA KENDALL – AYE MEMBER JOHN FILA – AYE
MEMBER BRIAN KELLY- absent MEMBER JAMES JOHNSON- AYE MEMBER PETER MUROSKI- absent
MEMBER VALERIE LAROBARDIER- AYE

The Board reviewed the Long Form EAF which resulted in the adoption of the following resolution:

RESOLUTION DETERMINING SIGNIFICANCE

DOVER ESTATES SUBDIVISION

September 21, 2009 Tax Parcel Nos. 7060-00-788552 & 7060-16-779491

WHEREAS, an application for preliminary subdivision approval of 16.64 acres into 6 residential lots, as depicted on a preliminary plat entitled, "Dover Estates, Town of Dover", dated 10/21/04, last revised 4/09, prepared by Northern Westchester Civil Engineering, PC, has been submitted to the Planning Board; and

WHEREAS, the proposed subdivision is located at Route 22 and Rural Avenue in the RU District; and

WHEREAS, on August 4, 2009, the Planning Board classified the action as an unlisted action and declared its intent to serve as lead agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, the Planning Board has reviewed the Full EAF provided and found that it contains sufficient information on which to base a determination of significance; and

WHEREAS, the Planning Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines that the proposed action will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared and directs the secretary to the Board to send notice of this determination to all involved agencies.

Dated: September 21, 2009

Moved By: James Johnson Seconded By: John Fila

FILED

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Resolution Approved/Disapproved:

David Wylock	Aye
Barbara Kendall	Aye
John Fila	Aye
James Johnson	Aye
Brian Kelly	absent
Valerie LaRobardier:	Aye
Peter Muroski:	absent

David Wylock, Planning Board Chair
Involved Agencies:

Dutchess County Department of Health
NYS Department of Transportation
Town Highway Department

Interested Agencies: JH Ketcham Hose Company

RESOLUTION GRANTING PRELIMINARY SUBDIVISION LAYOUT APPROVAL

DOVER ESTATES SUBDIVISION

September 21, 2009 Tax Parcel Nos. 7060-00-788552 & 7060-16-779491

WHEREAS, an application for preliminary subdivision approval of 16.64 acres into 6 residential lots, as depicted on a preliminary plat entitled, "Dover Estates, Town of Dover", dated 10/21/04, last revised 4/09, prepared by Northern Westchester Civil Engineering, PC, has been submitted to the Planning Board; and

WHEREAS, the proposed subdivision is located at Route 22 and Rural Avenue in the RU District and will be served by a private road; and

WHEREAS, on August 4, 2009, the Planning Board classified the action as an unlisted action and on September 21, 2009, the Planning Board determined that the action would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, by letter dated August 9, 2009, J. H. Ketcham Hose Company, Inc., submitted comments on the proposed layout, requesting, among other things, that a pull off area measuring 12' wide by 50' long be provided approximately 700' from Rural Avenue and that no hardscape features be placed within 10' of the road on either side; and

WHEREAS, pursuant to Section 277 of Town Law and Section 125-13 of the Code of the Town of Dover, before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground and other recreational purposes; and

FILED

WHEREAS, a duly noticed public hearing on the application was held on September 21, 2009, during which all those who wished to be heard were heard.

NOW, THEREFORE BE IT RESOLVED, that the Dover Planning Board hereby finds that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town and that a suitable park or parks of adequate size to meet the requirement cannot be properly located on the proposed plat and in lieu thereof requires that payment to the Town of Dover Recreation Trust Fund in the amount of $ 12,500.00 be made prior to the signing of the Final Plat by the Planning Board Chair.

BE IT FURTHER RESOLVED, that the Dover Planning Board hereby grants preliminary plat approval to the subdivision plat entitled "Dover Estates, Town of Dover", dated 10/21/04, last revised 4/09, prepared by Northern Westchester Civil Engineering, PC, subject to the following conditions:

Revision of the plat to show proposed buffer trees along Route 22 and trees to be removed due to revised house locations.

1. **Revision of plat to show setback lines from Route 22.**

2. **Revision and recalculation of limits of disturbance shown on plat. If limits of disturbance are greater than 5 acres, a SWPPP must be submitted to the Planning Board Engineer for review and approval.**

3. **Revision of Sheet 3 of 10, Grading and Drainage Plan, and Sheet 4 of 10, Erosion Control Plan, per comments in 9/18/09 letter from the Planning Board Engineer.**

4. **Department of Health Approval for methods of water and sewage disposal.**

5. **Revision of the plat to show a pull off a pull off area measuring 12' wide by 50' long approximately 700' from Rural Avenue and elimination of any hardscape materials within 10' on either side of the private road.**

6. **Approval by Planning Board Attorney of method of ownership and maintenance of private road, including review of easement and maintenance agreement or HOA documents and declarations.**

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Moved By: John Fila Seconded By: James Johnson

Resolution Approved/Disapproved:

David Wylock	Aye
Barbara Kendall	Aye
John Fila	Aye
James Johnson	Aye
Brian Kelly	absent
Valerie LaRobardier:	Aye
Peter Muroski:	absent

David Wylock, Planning Board Chair

FILED

C. PLUM HILL 7061-00-369979
Applicant Anthony Palumbo -- Plans Prepared by Rich Rennia of Rennia Engineering Design
Property located on Dover Furnace Road, on 9.052 acres in the CO land use district within the AQ district Application for Site Plan, Special Permit and Erosion Control
Applicant seeks to Modify a previously approved but un-built site plan to meet current zoning, DEC wetland setbacks and add additional building

The Town of Dover Planning Board will hold a Public Hearing for a Site Plan, Special Permit and Erosion Control Permit on the application known as Plum Hill on Monday September 21, 2009, at 7:00 PM at the Town of Dover Town Hall, 126 East Duncan Hill Road, Dover Plains, NY 12522.

The property is bounded on the **North** by n/f Ferm and Van Nostrand
West by n/f Danny Fortune, Metropolitan Transit Authority and Plaw
South by n/f Vincent and **East** by n/f Furnia and Hoag

TAKE FURTHER NOTICE, all interested residents and persons are invited to attend.

Motion made by Barbara Kendall to Open the Public Hearing 2nd by Valerie LaRobardier
VOTE: DAVID WYLOCK – AYE MEMBER BARBARA KENDALL – AYE MEMBER JOHN FILA – AYE
MEMBER BRIAN KELLY- absent MEMBER JAMES JOHNSON- AYE MEMBER PETER MUROSKI- absent
MEMBER VALERIE LAROBARDIER- AYE

Rich Rennia
This is a site Plan amendment of a plan approved in 1996, the amendments proposed to come into today's Town Code as well as DEC wetlands setbacks and modify a 2nd building, of approx 20,000 square feet. There a re 57 proposed parking spaces with 23 in reserve for future use. A Storm water Plan was submitted. Some revisions were made to the site plan, including the addition of a fence along the wetland buffer, adjusting some of the grading, adding more drainage basins. The next steps will be getting Health Department approval. Test bores have been done. A suitable location for the septic has been found. They will be working with the Department of Public Works on the driveway application permit. There was some confusion as to who was doing the lighting plan that is being worked on and should be delivered along with sign detail shortly. Then circulation documents will be submitted

Open to the Public:
Lisa Krug- Would like more information on the truck traffic and are there any plans to work with the Dutchess County Officials to work on renovations to the bridge at the end of the road? Are there emergency evacuation plans in place, in case of a fire or explosions? Right now there's only 1 egress on Dover Furnace. The area seems to be becoming more industrial. The south and can be accessed by a 6 ton bridge- if there is a major emergency have plans been made? So 2 questions 1) truck traffic and 2) are there plans to rebuild the bridge?
A: We are applying to the Dutchess County Department of Public Works they have jurisdiction, they will make those decisions. At this time he did not feel they work make a requirement to do any work on the south. This project is closer to RT 22 and is on the east side of the tracks as opposed to the bridge. The trucks will be using the north end of Dover furnace.
Q: how many trucks? A:-that could be varied by the uses allowed on the site. This will be an industrial office park, light industry.
Q: Can access go directly to RT 22- why can't a road be built? A: Others own the properties surrounding the site
Comment- the Bridge is in poor shape, Ms.Krug was wondering about evacuation plans.

Chair Wylock - we have not circulated to the Fire Department yet-

Engineer Rennia- There is an alternate access through Pleasant Ridge Road, in case of emergency. The County will look at this application when it gets sent to them

Chair- to Engineer Berger- Do you think they would require a traffic study A: They may – they are currently looking at Ridge Road, there's a possibility of re aligning ridge Road, Rt 26 and looking at alternatives.

Engineer Berger- The drainage study was submitted, for preliminary- for the record this is not in a flood plain now, but it will be as the new maps get generated – The study done shows it won't have an impact, but it will be taken into consideration as the plans mover forward.
This meets all the standards at this time.

Attorney Polidoro- In August the Board voted to classify the action as unlisted and to circulate- we're just waiting for those documents with a lighting plan, elevations and signage.

Planner Ley- Note 7 on the dimensional table- in the past the Board has interpreted this as apportion to be wooded as screening. Right now there is a single row of white pine trees- could more trees be planted? A: Mr. Rennia- that is in addition to heavy brush and trees already there

Can the limits of disturbance be delineated on the plan identified where the existing woods would be remaining **A:** Yes that can be done

Member Kendall- This is on a knoll? **A:** Yes, you won't see the buildings from the road, it goes up and then go down with the first building into the ground set at 420 the top of the knob is 440. The trees will obstruct.

Member Fila- The traffic study- It may be required? Engineer Berger- The County may require it but since this area is already being looked at they may not need it **Q:** Can it be a requirement of site plan, for worst case? **A:** We should wait for the County to respond.

Mr.Palumbo was asked how many truck runs daily occur at the other site- A: 4 trips a day- they are the sole tenants
Q: How many tenets are anticipated- A: It can be 1-2 but could be as many as 6.

Motion made by Jim Johnson to continue the Public Hearing to Monday November 16, 2009 2nd by Barbara Kendall

VOTE: DAVID WYLOCK – AYE MEMBER BARBARA KENDALL – AYE MEMBER JOHN FILA – AYE
MEMBER BRIAN KELLY- absent MEMBER JAMES JOHNSON- AYE MEMBER PETER MUROSKI- absent
MEMBER VALERIE LAROBARDIER- AYE

Chair Wylock returned to ask about representatives for Singh DBL

There was no one present

Discussions:

D. COPPOLA- ACCESSORY APT- 7061-02-611874

Applicant: Peter Coppola --Plans Prepared by P.W.Scott

Property located at 2504 Route 22, Deveron 5.33 acres in the SR district

Application for Special Permit for a 1,000 square ft Accessory apartment on the second floor of new garage.

FILED

Photos of revised rain gardens have been submitted- Engineer Berger and Member Muroski may comment if inspected- Applicant seeks possible release of existing bond

Peter Coppola- There is a performance bond – the site was inspected by Joe Berger—recommendations for release of bond

RESOLUTION RECOMMENDING RELEASE OF PERFORMANCE BOND

COPPOLA

Date: September 21, 2009 Project Address: 2504 Route 22, Dover Plains, New York

WHEREAS**,** by Resolution dated November 8, 2007, the Town of Dover Planning Board granted the Mr. Coppola a Chapter 65 Erosion & Sediment Control Permit in connection with certain remedial work on its property; and

WHEREAS**,** the Code Enforcement Officer of the Town of Dover conducted a final inspection on June 26, 2009 and confirmed that the remedial work has been completed and all provisions of the Permit have been met and issued a certificate of compliance; and

WHEREAS, by letter dated September 19, 2009, the Planning Board Engineer notified the Board that he had conducted an inspection of the property and that the rain gardens have been properly installed and recommended release of the performance bond; and

WHEREAS**,** pursuant to Town Code Section 65-11(C), "such performance guaranty shall continue in full force and effect until a certificate of compliance shall have been issued by the authorized official after such consultation with any agencies or individuals as he deems necessary to ensure that all provisions of this chapter and of the permit have been met"; and

NOW THEREFORE BE IT RESOLVED, pursuant to Town Code Section 65-11(C), the Town of Dover Planning Board has no objection to the release of the performance bond.

Moved By: Barbara Kendall Seconded By: Valerie LaRobardier

Resolution Approved/Disapproved:

David Wylock	Aye	Barbara Kendall	Aye
John Fila	Aye	James Johnson	Aye
Brian Kelly	absent	Valerie LaRobardier	Aye
Peter Muroski	absent		

Planning Board Chair David Wylock

E. CAMP RAMAH- 7161-00-610450

Applicant: Michael Landau Plans Prepared by Zarecki & Associates
Property Located at 91 Ramah Road, Wingdale on 294.2 acres of land in the RU district
Application for Erosion Control Permit to regrade an existing soccer and Frisbee filed

Curt Johnson:
The area for this project was known as the 'golf course', now it is a soccer field and Frisbee fields.
The fields are in poor condition
There is slight slope to them and there are holes- so it is becoming a safety issue.
The intent is to re grade the existing field area
To create a regulation soccer field and ultimate Frisbee field

FILED

They have requested waivers, prepared to do a bond estimated at $37,000.00 and are hoping to begin this fall in order to reseed for next season

Engineer Berger-

Plans submitted are thorough and provide a large amount of detail
Suggestions for additional information are as follows:

1. A sequence of when the swales and silt fence will be installed. It is recommenced that the proposed swales as well as additional swales as needed to divert runoff away from the area being constructed as first item of work.
2. Consider placing check dams in swales during construction to slow water down
3. Consider sediment traps as well as the proposed silt fence at bottom of construction.
4. Is soccer filed going to have any under drains, if so where are they going to discharge?
5. Is soccer field going to have any irrigation, if so provide location on map.

Attorney Polidoro-

Should the board be reviewing a site plan amendment? The application shows site plan approval was received in 2002, were these fields shown on that site plan? A: Unsure, but the Building inspector felt this did not need site plan approval just erosion control. This is a regarding of existing fields
The Applicant should obtain a letter fro The Building Inspector stating his conclusion

Planner Ley- There was a survey previously done for timber rattlesnakes; this area was not noted as a sensitive area

Member Fila- Asked where the old dump area is with respect to this project A; It's the complete other side of the site

Chair Wylock- Currently there is a positive escrow of $1,900.00 from the gymnasium project. If they would like to transfer the balance from that project to this one it would be possible.
A new escrow would have to be established if that project were to return.

Member Kendall- What is the status of the gymnasium project? A: They are looking at options, the ZBA denied the variance request, there are changes proposed with the zoning, the applicant will be looking at that.

Member Johnson- We need to make sure this is on the old site plan, there would be a problem if Public Hearing is set for erosion control and they really need to return for site plan.
The applications could run simultaneously.

The Secretary will go through the files of 2002 to confirm if this area exists on the previously approved site plan.

At this time a Public Hearing for the erosion control can be set and if it is determined site plan is needed as well, a separate public hearing can be set – this will allow this application to move forward while the other aspect is researched.

RESOLUTION CLASSIFYING THE ACTION AND SETTING A PUBLIC HEARING

CAMP RAMAH EROSION AND SEDIMENT CONTROL PERMIT

September 21, 2009 Property Address: 91 Ramah Road, Wingdale

FILED

WHEREAS, an application for erosion and sediment control permit approval was submitted by Zarecki & Associates., on behalf of the Jewish Theological Seminary of America, the owner of property at 91 Ramah Road, Wingdale NY, tax parcel number 7161-00-610450 (the "site", also known as "Camp Ramah"); and

WHEREAS, the owner seeks approval to regrade existing soccer and Frisbee fields located on a portion of the site which has not been identified as potential significant habitat for the Timber Rattlesnake; and

WHEREAS**,** the application was accompanied by a Short Environmental Assessment Form ("EAF"); and

WHEREAS, the Planning Board of the Town of Dover has performed a preliminary review of the EAF and other application materials; and

WHEREAS**,** in accordance with the New York State Environmental Quality Review Act ("SEQRA"), said Board is required to determine the classification of the proposed action.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby classifies the Camp Ramah Erosion and Sediment Control permit application as an unlisted action under SEQRA; and

BE IT FURTHER RESOLVED, that the that the Planning Board shall hold a public hearing on the application on October 5, 2009 at 7:00 p.m. at the Town Hall, 126 East Duncan Hill Road, Dover Plains, NY 12522, to hear all interested parties and directs the secretary to the Board to publish notice of said public hearing in the official newspaper of the Town of Dover, to provide notice to the applicant and to provide notice as otherwise required by law.

Moved by: Jim Johnson Seconded by: Barbara Kendall

David Wylock	Aye	Barbara Kendall	Aye
John Fila	Aye	James Johnson	Aye
Brian Kelly	absent	Valerie LaRobardier	Aye
Peter Muroski	absent		

Planning Board Chair David Wylock

F. Site walk 9/13Lawrence Thinning- 7163-00-738572
Applicant: Jamie Lintner for Elizabeth Crane Lawrence
Property Located on McCarthy Road Rear Applicant seeks Site Plan and Timber Harvest permit for selective thinning on 212 acres of land in the RC district

The site walk was extensive- there is a considerable amount of information still needed for this application. Joe Berger did review these items, he was invited to come to the Planning Board office to review past submissions, to help him figure things out.

G. Rusciano Erosion Control Permit – 7060-00-850712 &7060-00-891744
Applicant and Project Prepared by Richard Pearson PE of John Meyer Consulting
Property located at 236 & 246 Cricket Hill Road on 12.95 acres in the RU district
Application for an Erosion Control Permit to fill and level property

Rich Pearson-

Seeking to level out the property the fill is needed for the septic
There's an area behind the house where the grade is approximately 31/2 'higher than the existing grade. The applicant seeks to balance tout the area where the existing septic is. There are other areas on the site the applicant will be looking to add approximately 1' of fill. As shown in red. There are 2 lots involved 246 where his house is located and 236 an approved building lot which is vacant at this time. There is an existing barn on the property which will not be impacted by the filling operation.

Comments from Joe Berger have been received and will be addressed.
Chair Wylock- Will the fill come from the Dover Estates project? A: Yes

Member Johnson- Has the old file been looked at - when this parcel was originally subdivided; there are concerns if this parcel had a conservation easement across the rear of this site. This was originally owned by Mrs. Mill. Some of the older subdivisions had easements in this area.

Berger-General site review

1. The stabilize entrance detail is provided please add location and length to plan as well
2. Area of total disturbance should be shown and if over 1 acre will require a NYSDEC NOI and SWPPP
3. Fill will be placed next to existing fill area of SDS. This alteration will add additional fill up against the SDS and should be avoided and start at limits of clay surrounding the SDS.
4. General fill around the site is only 1 foot deep however it may cause some drainage issues especially on lot 4 and 5. Spot elevations should be providing to make sure areas of ponding are not being created.
5. Silt fence placed should run along contours.
6. The fill being placed in the rear of Lot 6 may need additional erosion control then just silt fence. Consideration for mulching as the fill is placed should be considered with final seeding and mulching occurring upon completion.
7. Seeding and mulching specifications as well as sequence of work should be provided
8. An erosion control bond should be submitted for review.
9. Soils data as well as site vegetation should also be provided on the map. The vegetation could be taken from the county aerials.

Member Kendall- Are you proposing to fill 2 lots? **A:** Yes- Q: What is the purpose of filling lot 7 **A:** Just to level it out.
Q: How much fill? **A:** 4,500 cubic yards it's not deep but it is large.

The applicants consultant requested the Public Hearing be pushed to December due to other commitments

RESOLUTION CLASSIFYING THE ACTION, REFERRING THE APPLICATION TO THE DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT AND SETTING A PUBLIC HEARING

RUSCIANO EROSION AND SEDIMENT CONTROL PERMIT

September 21, 2009 Property Address: 236 & 246 Cricket Hill Road

WHEREAS, an application for erosion and sediment control permit approval was submitted by John Meyer Consulting, P.C., on behalf of Peter Rusciano, the owner of property at 236 & 246 Cricket Hill Road, Dover Plains, NY, tax parcel number 7060-00-850712 & -891744 (the "site"); and

WHEREAS, the owner seeks approval to fill 1'-3' to level property used for and intended to be used for residential uses; and

WHEREAS**,** the application was accompanied by a Short Environmental Assessment Form ("EAF"); and

WHEREAS, the Planning Board of the Town of Dover has performed a preliminary review of the EAF and other application materials; and

WHEREAS**,** in accordance with the New York State Environmental Quality Review Act ("SEQRA"), said Board is required to determine the classification of the proposed action.

FILED

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby classifies the Rusciano Erosion and Sediment Control permit application as an unlisted action under SEQRA; and

BE IT FURTHER RESOLVED, that pursuant to Section 239-m of the General Municipal Law, the Planning Board hereby authorizes and instructs the secretary to the Planning Board to refer the application to the Dutchess County Department of Planning and Development for review and comment; and

BE IT FURTHER RESOLVED, that the that the Planning Board shall hold a public hearing on the application on December 7, 2009 at 7:00 p.m. at the Town Hall, 126 East Duncan Hill Road, Dover Plains, NY 12522, to hear all interested parties and directs the secretary to the Board to publish notice of said public hearing in the official newspaper of the Town of Dover, to provide notice to the applicant and to provide notice as otherwise required by law.

Moved by: Barbara Kendall Seconded by: Valerie LaRobardier
Resolution Approved/Disapproved:

David Wylock	Aye	Barbara Kendall	Aye
John Fila	Aye	James Johnson	Aye
Brian Kelly	absent	Valerie LaRobardier:	Aye
Peter Muroski:	absent		

David Wylock, Planning Board Chair

Motion made by Barbara Kendall to set escrow for $ 1500.00 continue the Public Hearing to Monday November 16, 2009 2nd by Valerie LaRobardier

VOTE: DAVID WYLOCK – AYE MEMBER BARBARA KENDALL – AYE MEMBER JOHN FILA – AYE
MEMBER BRIAN KELLY- absent MEMBER JAMES JOHNSON- AYE MEMBER PETER MUROSKI- absent
MEMBER VALERIE LAROBARDIER- AYE

Brief discussion on the next few meeting dates

Motion made by John Fila to cancel the November 2 meeting due to election Day 2nd by Barbara Kendall

VOTE: DAVID WYLOCK – AYE MEMBER BARBARA KENDALL – AYE MEMBER JOHN FILA – AYE
MEMBER BRIAN KELLY- absent MEMBER JAMES JOHNSON- AYE MEMBER PETER MUROSKI- absent
MEMBER VALERIE LAROBARDIER- AYE

Motion made by Barbara Kendall to cancel the October 19 meeting due to Election Day 2nd by John Fila VOTE: DAVID WYLOCK – AYE MEMBER BARBARA KENDALL – AYE MEMBER JOHN FILA – AYE
MEMBER BRIAN KELLY- absent MEMBER JAMES JOHNSON- AYE MEMBER PETER MUROSKI- absent
MEMBER VALERIE LAROBARDIER- AYE

H. Discuss **Zoning Amendment referred to the Planning Board by the Town Board** to modify the existing definitions of "Camp Type 1", Lodging Facility, and "Recreational Business" and amend the existing use table to permit these uses in the RU district by special permit of the Planning Board and to adopt supplemental regulations to reduce potential impacts from those uses.

Attorney Rick O'Rourke:

August 5, 2009 there was a meeting at Tabor Wing- Ashley, Graham, Victoria, David, Cathy Kulzer and the Supervisor via conference call.

The objective was to figure out how best to assure zoning is in place should the PB move forward with Site plan.

FILED

There is a new draft of a Zoning Amendment drafted by AKRF and Rapport Meyers; this is what is now pending before the Town Board. We are here for discussion as per Town Code referral. It was a collaborative effort.
Wind Rose has already committed to a DEIS and Scoping Document was adopted.

Ashley Ley-

There was an original presentation of a new Recreational District overlay which would be a new type of zoning. After reviewing the code, and looking at other projects in Town, questions came up. It was determined that an amendment to the existing zoning and working within that frame would be the better option. There is a proposed amendment to the definition of Recreation Business and created new supplementary regulations fro that type of business; similar to the Special Permit conditions. Also being considered are the definitions for camp type 1 and lodging facility. To make those definitions more clear.

How this affects the camps- with smaller camps like state parks there would be tent facilities and rest rooms, camp fire- this would not affect them. This would affect camp Berkshire, camp Ramah any camp with more than 5 accessory uses could be considered a recreational business and would need to submit a master plan and meet these conditions.
This is designed to protect adjacent residences and to make sure the development stays within the character of the Town and also to make the Town an attractive place for these uses to be consistent with the Master Plan.

Member Fila-This is submitted by wind rose, and discussed, but there are no other camps involved? A: (Ashley)- no, this is in response to the Wind rose Zoning Petition , reviewed in that context but also in the recognition that there are other applications in the Town and changes to the Zoning should acknowledge the other properties this could affect.

Member Fila- Is that the way t should be done, having one involved in the creation of but have it affect other properties and not having the others sit down . A: It is open for public discussion, there is a Public Hearing scheduled for Sept 30. . This petition was submitted by Wind Rose and that's where it started, this is now the town's response to it and now is the opportunity to solicit comments fro other properties, nothing is set in stone at this point. All comments are taken into consideration.

Chair Wylock- We had that meeting because Wind Rose was the only application before us and this was proposed by them. No other camp was looking for this and they would probably benefit from it anyway.

Member Johnson- How will this affect what the other camps already have?

Attorney Polidoro- When this was up for discussion, the Town Board was not sure that was the way to go and when this was being discussed Ashley and Graham knew about Camps Berkshire and Ramah and that was taken into consideration in the drafting stage.

Member Johnson- So what other camps do we have in Town of Dover
Planner- There is the possible Munsey application

Member Johnson- Yes he has that camp type 1 a there and then there's the Boy Scout camp – until everyone looks at it could make someone non-conforming. **A:** No it probably would not; it might enable them to continue as they are now. In the future if they were to expand then it would require that they prepare a master plan, - it would be a permitted use and they would have to do something just like what Camp Berkshire is doing, they have already submitted a master plan. The way this could work out would benefit a variety of different size projects. It would allow the PB the ability to look at a project as a whole rather than piece meal.

Member Kendall- the underlines items are what here? **A:** They are new text, anything that is not double underlined is existing code anything that is double underlined is proposed new text anything that is stiked out would be deleted. There are sections where it would be all new text i.e. article 7.
Article 7 (k) 15,000 square feet that was referred to by Curt Johnson.

Q: What is it currently? A: 6,000 square feet in the RU, RC 4,000, HM 10,000, HR 1,000, HC 40,000 CO 200,000.

How large is the largest Wind Rose Structure- 30,000 square feet – 15,000 foot print with 2 stories. Right now both the dome and the auditorium at Camp Berkshire exceed 15,000 square feet- they might be submitting comments to the Town Board, they are pre existing non conforming and would continue that way- unless this was increased to 20,000.

Member Fila- Wouldn't some of this language change some things from a camp type 1 to a recreational business?

A: That was discussed- when you have a camp with so many uses, a go cart track, and auditorium, you have more than a traditional camp.

Member Fila- So in that sense it does affect other camps.

A: Yes but it does not change what a camp type 1 currently is- if you have more than 5 accessory uses that would kick you into a recreational business, but if there is an existing camp that has traditional camp with tent site-

Member Fila- How would this affect the existing camps? - A: Existing camps already have to come before the board for changes, but they would need to submit a master plan if there are large changes. Member Fila- if there is an existing camp and it has 5 accessory uses now and a camp type 1 does it stay a camp type 1 because it's grandfathered in? A: It would until they decided to make any changes.

Member Johnson- For the 5 accessory uses, can you explain that? A: If you look at the definitions of camp type 1 the existing is

'Any area of land or water on which are located two or more cabins, tents, recreational travel vehicles, shelters, houseboats, or accommodations designed for seasonal or other temporary living purposes, regardless of whether or not such structures or accommodations are occupied seasonally.'

The new text would add:

'Accessory facilities traditionally associated with an overnight camping facility, such as management office, swimming pools, tennis courts, laundry facilities, picnic pavilions or dining facilities, indoor gymnasiums and Playground areas are also permitted. All Camp, Type 1 uses are subject to the provisions of §145-45.'

Which is an existing section of the code if you look at the first page 145- 45- there would be a new item

'B. A Type 1 camp with more than five accessory uses is considered a Recreational Business and is subject to the provisions of §145-52.1, including, without limitation the requirement for preparation of a Master Development Plan per §145-52.1.H.'

145.52.1 is all of the new language regarding recreational businesses

Member Johnson- What is an accessory use? A: As is defined in that definition, management office swimming pool etc.

Member Kendall- Maybe we should not say accessory use in one place and accessory facility in another.

Attorney Polidoro- I don't think this is meant to be limiting, it is just and example.

Member Johnson- Look at TMR- you have fishing, hunting, but you have trap skeet, does it fall under 1, a dog kennel, or does it all start adding up, like if you do pheasant hunting, is that another? A: That's an action.

Q: But what about camp Ramah- soccer field counts as 1 then a Frisbee filed- A: Both have so many uses

Q; So if they want to add something, they would have to come back in? A: They would have to come back in anyway to add something.

Member Fila- The definitions are confusing for an accessory use- what's incidental to the principle use of a camp almost nothing they need to be clarified.

If section b is revised from saying 5 accessory uses to 5 accessory facilities.

Member Fila- why not leave it the way it is ? A: Because it's so broad right now

We are not changing the definition of accessory use – the definition of a camp type 1

Member Johnson- between the gun club scout camp TMR- they're all approved for shooting and have a camp type 1 status , there is nothing in the definition about shooting A: there is nothing in the existing one about it either

Gun clubs and preserves probably take up about half the acreage in the Town of Dover and the next time someone wants to do this in Town there might be a problem because there is no definition of it.

Attorney Rick O'Rourke-

1- What ever is present now in the way of operations are probably preexisting non conforming they have been there and have been operational and permitted to continue.
2- When talking about accessory uses, yes there may be a number of accessory uses, but there is an over arching legal understanding that an accessory use is customary and incidental to the principle permitted use.
3- With all due respect, we are here for Wind Rose, we had a targeted voted petition to try to just make sure that our use as a golf course and the other actions

We need to have a level of comfort to move forward that we have zoning in place for our projected use. We understand the Towns responsibility to amend the zoning, we have no objections to that we don't want to lose sight of our time line. When I look at the definition of a recreational business- it says" a business which for compensation offers recreational services" many of the private reserves are not a recreational business.

We appreciate the Towns efforts but we want to make sure we can move forward.

Member Johnson – The problem is with every other camp we go back to the definition and we say a, b and c are listed and d is not can you do it an we then go to the ZBA for an interpretation. It's been happening for the past 10 years. We understand this was put in by Wind Rose, I understand, I like the idea of Wind Rose, but I have seen zoning code written very quickly and then a few months later you realized some tings were left out.

Attorney Polidoro- would you feel more comfortable if it was said that an accessory use –

Member Johnson- I would like to think about this until the next meeting

Attorney Polidoro- Unfortunately we asked for an extension we were not granted one.

The definition should include al of the current uses of a camp type 1-a.

Ashley- We could add more language-

Member Johnson- we should add hunting sporting clay, shooting, every time the shooting comes up- When you read recreational business- it sound like Wind Rose and Camp Ramah, Camp Berkshire- it does not should like TMR, Chestnut Ridge and Preston Mountain.

Ashley- we could add the term 'Hunting club' after theatres

Member Johnson- great

Member Fila- I am going to put on record that you are going to forget to put 6 things to put in there, you're limiting it.

Member Kendall- We haven't discussed that Camp type 1, Camp type 2 and recreational business are different in the use table- some are permitted in different zones.

Ashley- The Use table will be amended too to show as permitted by Special Permit .

Member LaRobardier- event management plan- instead of saying the Town code enforcement officer to judge the effectiveness, could it say a committee, like Emergency Medical, Fire Company and Highway to review it.

We could make sure it is circulate it to them for site plan.

Member LaRobardier- D- the buffers- is it ok to have the cart path in the buffer of the adjoining properties? A: It would be on the project site and with in the buffer where no structures would be permitted.

Cathy Kulzer- we put that in there because we have cart path accessible units only which is next to Valley View Property- that property has lots on the hill, so they are separated by a large slope. It would not be in their yard and there would be no headlights. There is an emergency access there as well and would be subject to site plan approval

Member Kendall- Back to 'K"- could we add something about protection of drainage and water resources
That too would be part of Site Plan approval.
There can be the requirement of to be set back 100' from the water course or water body.

Attorney O'Rourke- I'm not too sure if you want to do that because you will have the opportunity through site plan as well as SEQRA to review that – if it is proposed, then it would have to be mitigated.

Member Johnson- K- b- looks like we're only doing something for Wind Rose- nothing against Wind Rose, but I can't have tunnel vision for Wind Rose.

Attorney O'Rourke- This has been a work in progress for 10 months, we have internally looked at every alternative.

Member Johnson- Had concerns as to how this would really affect the other camp type 1 status businesses in town.
Chair Wylock- I understand how and why it may look like this is just Wind Rose, but it is on their dime.
Cathy Kulzer- Absolutely- but as it has moved forward it changed.

Chair Wylock- We have to during time constraints have to act tonight- we have a resolution, but we need to make sure it is with the comments we have made tonight.
Attorney Polidoro- We have been revising it through the meeting and can certainly make a list to add to the resolution

Member Fila- Section 4- item b- Type 1 camp with more that 5 accessory uses is considered as recreation business- That will be changed to a accessory facility. Now go back- what will be the definition of a accessory facility?
A: We are not proposing a definition of a accessory facility-the term accessory facility will be directly linked to the definition of a camp type 1. That section of the revision refers directly to section 145-45 which is the section that refers to the Camp type 1 with more than 5 accessory facilities.

Attorney O'Rourke it seems to me like the issue is the hunting clubs- and making sure that some how they are contemplated in this amendment and that there should be some provision for this regulation
Member Johnson- I'm just trying to think of what was done in the past- Attorney O'Rourke- That's a perfect illustration of you have supplemental regulations fro certain uses, and if there is an issue after this for shooting and gun firing- then it is something in the future you may want to make recommendation to the Town Board as supplemental regulation.

Member Johnson- I don't think we're restricting gun clubs, but over the past 1- 15 years, I've been on the Board, David and Barbara, and we realize how we go through Camp type 1 status, and I don't think Ashley and the others do- Years from now, if someone were to read this they may have a different interpretation of it. It should be written different, but it is not. There's no point in writing new law that's not good.

Member Fila- I think the public hearing and inviting the other camps to come would help.
The definition of Camp Type 1 it says any area of land or water145-74 the new definition of recreational business- it says minimum of 100 acres of land should it be land or water?

From: Graham Trelstad, AICP; Ashley Ley, AICP **Date:** August 14, 2009
Re: Wind Rose Zoning Petition
cc: David Wylock; Don Rossi; Victoria Polidoro, Richard O'Rourke; Cathy Kulzer

At the Town Board's meeting of July 29, the Town Board directed AKRF to meet with the Town

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Attorney, Planning Board Attorney, and Wind Rose applicant to develop a consensus approach to a zoning amendment for the proposed Wind Rose use. Such an approach should also differentiate and reflect other pending or potential applications for Camp uses (as they are similar in many respects to recreational businesses) to ensure that the Town's community character and environmental are suitably protected.

On August 5, 2009, a meeting to discuss this issue was held at the Tabor Wing House. The following individuals participated in the meeting: Supervisor Courtien (via phone), David Wylock, Don Rossi, Victoria Polidoro, Cathy Kulzer, Richard O'Rourke, Graham Trelstad, and Ashley Ley.

Following a very productive discussion, the group agreed that the most appropriate approach would be to:

1) Recognize the Wind Rose project as a "Recreational Business" and add Recreational Business as a use permitted in the RU district by Planning Board Special Permit;

2) Add "Camp, Type 2" uses (e.g., day camps) as a use permitted in the RU district by Planning Board Special Permit;

3) Modify the definitions of "Recreational Business," "Lodging Facilities," and "Camp, Type 1" to be more specific to the types of uses proposed by Wind Rose and to the anticipated types of uses that other large land owners have or may request in keeping with the Town's Master Plan;

3) Establish supplementary regulations for "Recreational Business" uses to ensure adequate protection of the Town's community character and environment; and

4) Modify the supplementary regulations for "Camp, Type 1" uses to ensure consistent application of the provisions regarding Recreational Businesses to these uses where appropriate.

We have attached a draft Local Law for your consideration that encompasses each of these proposed changes. We have also attached a draft Environmental Assessment Form (EAF) analyzing the potential effects of these Zoning Amendments town-wide.

Should the Town Board determine that it would like to move forward with consideration of these Zoning Amendments it would be appropriate to conduct the following actions at the Board's August 26 meeting:

1) Declare Lead Agency status under the State Environmental Quality Review Act (SEQRA);

2) Refer the proposed Zoning Amendments and EAF to Dutchess County Planning per General Municipal Law §239-m and Town Code §145-69.B(1);

3) Refer the proposed Zoning Amendments and EAF to the Planning Board per Town Code §145-69.B(2); and

4) Schedule a Public Hearing for the Town Board's meeting of September 30, 2009, and notice the Public Hearing in the newspaper and with adjoining municipalities per Town Code §145-69.C.

Please let us know if you have any questions on this matter.

Town of Dover, Dutchess County, NY

Local Law No. ___ of 2009

A LOCAL LAW entitled: "A Local Law to Amend Chapter 145 of the Town Code, 'Zoning'."

Be it enacted by the Town Board of the Town of Dover, Dutchess County, New York, as follows:

SECTION 1: LEGISLATIVE INTENT

The Town Board of the Town of Dover, in response to a Zoning Petition, proposes to amend the definitions of "Camp Type 1," "Lodging Facility," and "Recreational Business" to clarify these types of uses in light of various proposed projects in the Town which fall, generally, into those categories. In addition, amendments to the supplementary regulations of Camp Type 1 and new supplementary regulations for Recreational Business are also proposed in order to reduce potential adverse impacts from those uses.

The Town Board recognizes that the topographic landscape and rural character of the Town of Dover attracts outdoor recreational uses. The purpose of these amendments is to provide use and design flexibility for the development of recreation oriented businesses on appropriate large properties; protect scenic and environmental resources; and promote tourism, recreation, and open space protection all in accordance with provisions of the Town's Master Plan.

SECTION 2: PROPERTY AFFECTED

FILED

The premises affected by this rezoning are those properties and businesses that are located in zoning districts which permit those uses defined in the Zoning Code as “Camp Type 1”, “Lodging Facility”, and “Recreational Business”.

SECTION 3: AMENDMENTS TO ARTICLE III, “LAND USE DISTRICT REGULATIONS”

Section 145-10 “Use Table” is hereby amended to add “Recreational Business” and “Camp, Type 2” as uses permitted by special permit issued by the Planning Board in the Rural (RU) District.

SECTION 4: AMENDMENTS TO ARTICLE VII, “SUPPLEMENTARY REGULATIONS”

Section 145-45, “Camps,” is hereby amended as follows:

A. In Type 1 camps (as defined in Article XII), the number of tents, trailers, houseboats, or other portable shelters shall not exceed the number of single-family dwellings which could be erected on such premises in a flexible subdivision. Camp structures shall be set back at least 250 feet from property lines, unless the property line is the shoreline of a stream or lake, in which case the setback requirements of §145- 14.D shall apply.

B. A Type 1 camp with more than five accessory uses is considered a Recreational Business and is subject to the provisions of §145-52.1, including, without limitation the requirement for preparation of a Master Development Plan per §145-52.1.H.

C. Type 2 camps (as defined in Article XII) shall contain at least 50 acres.

Article VII is hereby amended by the addition of a new Section 145-52.1, “Recreational Business,” as follows:

A. Any Recreational Business (as defined in Article XII) shall be located on a parcel or assemblage of parcels containing a minimum of one-hundred (100) acres of land.

B. A Recreational Business shall protect open space or other site features having aesthetic, historic, scenic, or environmentally sensitive value by clustering any buildings or structures to the maximum extent practicable. Golf courses, open pastures for horse riding, and trail systems shall be considered open space.

C. A minimum of 50 percent of the total land area of the parcel or assemblage of parcels shall be maintained as open or undeveloped green space.

(a) Priority in open or undeveloped green space preservation shall be given to land within designated Critical Environmental Areas, the Floodplain Overlay District (FP), the Stream Corridor Overlay District (SC), ridgelines, historic resources, unique ecosystems, prime agricultural land, and water resources. Areas to be preserved as open or undeveloped green space shall be designated on the Master Development Plan and Site Plan.

(b) Open or undeveloped green space preserved under this subsection may include farmland and farm structures, ponds and streams, and recreational land such as golf courses, cross-country ski trails, equestrian trails, and hiking trails. It shall not include land lying under nonagricultural structures taller than 20 feet, non-agricultural buildings larger than 200 square feet in footprint area, or land that is covered by impervious surfaces other than trails or golf cart paths.

(c) A conservation easement on the entirety of this open or undeveloped green space per § 145-20 of this Code is not required. Should permanent open space land be preserved under § 145- 20 of this Code as part of a Flexible Subdivision or Conservation Density Subdivision, this land may be counted as part of this 50 percent open or undeveloped green space requirement.

D. The Planning Board shall establish appropriate buffers between any component of the Recreational Business use and adjoining properties given the proposed type of Recreational Business, the use of adjoining parcels, and the natural topography and vegetative cover. However, open space buffers of at least 100 feet from the property line of any existing residential uses and/or the Appalachian Trail shall be provided. Such buffers may be wooded or open and may contain trails, cart paths, and emergency access ways, but may not contain any buildings or other structures.

E. Retail sales, pro-shops, and food and beverage services accessory to the recreational business are permitted.

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F. Spa facilities that provide services such as, but not limited to, treatment rooms for massage, facials, body treatments, wet areas, instructional areas, wellness areas, and food and beverage service areas. Notwithstanding § 145-52.1.G, overnight accommodations for spa customers are permitted.

G. Overnight accommodations for members of a private club or their guests or Type 1 Camp uses are permitted. Lodging Facilities open to the general public are not permitted.

H. A Recreational Business that includes two or more permitted uses (or Type 1 Camp with more than five accessory uses) shall submit a Master Development Plan to the Planning Board as part of the Special Permit approval. The Master Development Plan shall include at a minimum a Site Plan indicating the following: an open space system; site access and road layouts; proposed buildings, including their uses, footprint, height, and total square footage; proposed recreational facilities; proposed utilities, including water supply and wastewater disposal; a phasing plan if the project is to be built in phases; and such other information as may be requested by the Planning Board.

(a) Any revision of the Master Development Plan shall require a Site Plan amendment. Any change of, or additional, use within a Master Development Plan shall require a Special Permit amendment.

(b) Following approval of the Master Development Plan and conceptual Site Plan with conditions on uses and dimensional standards, Site Plan approval only shall be required to implement individual components of the proposed plan. To the extent that design details necessary for Site Plan approval have not been provided in the Master Development Plan, they shall be provided at the Site Plan approval stage.

(c) Dimensional and density standards shall be as approved by the Planning Board in the Master Development Plan, based upon the physical characteristics of the site, the character of the proposed development, § 145-19 of this Code as applicable, and the requirements of the SEQR process.

I. Where a Recreational Business includes a residential component, residential lot sizes shall be determined by §145-19.C (1) and §145-19.C (2), except that the minimum lot size of lots that are connected to municipal or other common water and/or sewage disposal facilities may be 8,000 square feet or 6,000 square feet if 20 percent (20%) of the parcel is maintained as common open space such as a green park or trail. Road frontages for residential lots shall be determined by the Planning Board subject to Site Plan approval.

J. A Large Event Management Plan shall be provided during Site Plan approval. A Large Event is defined as a planned event, such as a wedding, conference, or sporting competition with more than 500 attendees. This management plan shall include provisions for traffic and parking management, hours of operation, noise abatement, and maximum number of guests. This management plan shall govern all large public events. The management plan shall be administratively reviewed on an annual basis by the Town Code Enforcement Officer or his/her designee for its effectiveness at properly managing the safety of guests and avoiding excessive disturbance to adjacent residences. Should the Large Event Management Plan be found ineffective by the Town Code Enforcement Officer or his/her designee, the Applicant shall return to the Planning Board for a review and modification of the plan.

K. The Planning Board may increase the maximum footprint of a recreational business structure up to 15,000 square feet provided that the following conditions are met:

(a) The structure is not located on a ridgeline; and

(b) The structure would not create an unmitigated adverse impact to any scenic view sheds, in particular views from public recreational resources such as the Appalachian Trail, Swamp River, and/or scenic byways; and

(c) The building is appropriately located on the site and landscaping is utilized to minimize its visibility from adjacent residences and public roadways; and

(d) The structure is subject to review by the Town of Dover Architectural Review Board.

SECTION 5: AMENDMENTS TO ARTICLE XII, "WORD USAGE AND DEFINITIONS"

Section 145-74, "Definitions" is hereby amended as follows:

CAMP, TYPE 1 -- Any area of land or water on which are located two or more cabins, tents, recreational travel vehicles, shelters, houseboats, or accommodations designed for seasonal or other temporary living purposes, regardless of whether or not such structures or accommodations are occupied seasonally. Accessory facilities traditionally associated with an overnight camping facility, such as management office, swimming pools, tennis

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courts, laundry facilities, picnic pavilions or dining facilities, indoor gymnasiums and playground areas, are also permitted. All Camp, Type 1 uses are subject to the provisions of §145-45.

LODGING FACILITY -- Any hotel, motel, inn, or other establishment providing sleeping accommodations for transient guests, with or without a dining room or restaurant, excluding bed-and-breakfast establishments, and sleeping and overnight accommodations associated with a Recreational Business or Camp, Type 1.

RECREATIONAL BUSINESS -- A business which, for compensation, offers recreational services, including but not limited to public stables, golf courses and driving ranges, miniature golf, tennis courts, fitness facilities, locker rooms, swimming pools, spa, clubhouse, event pavilions, trails, go-cart track, amphitheater, movie theaters, and other places of public or private entertainment subject to the provisions of §145-52.1.

SECTION 6: VALIDITY
The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 7: EFFECTIVE DATE
This Local Law shall take effect immediately upon filing with the Secretary of State.

RESOLUTION RECOMMENDING ADOPTION OF PROPOSED LOCAL LAW TO AMEND THE ZONING LAW AS IT PERTAINS TO CAMPS, LODGING FACILITIES AND RECREATIONAL BUSINESSES

WHEREAS, the Wilhelm Family Partnership Investments, LLC, (also known as Wind Rose) has petitioned the Town Board to create a new Recreation Community Development Overlay District in the Town of Dover; and

WHEREAS, in response to said zoning petition, a draft local law to amend the Zoning Law was prepared by the Town Board and its consultants in coordination with representatives from the Planning Board, and

WHEREAS, on August 26, 2009, the Town Board referred the draft local law to the Planning Board for review and comment pursuant to Section 145-69(B)(2) of the Town of Dover Code.

NOW THEREFORE BE IT RESOLVED, that the Planning Board makes the following findings with respect to the proposed local law:

1. The topographic landscape and rural character of the Town of Dover attracts outdoor recreational uses;

2. The proposed amendments would provide use and design flexibility for the development of recreation oriented businesses on appropriate large properties; protect scenic and environmental resources; and promote tourism, recreation, and open space protection all in accordance with provisions of the Town's Master Plan;

3. The Planning Board supports the proposed amendments to the definitions of "Camp Type 1," "Lodging Facility," and "Recreational Business" to clarify these types of uses in light of the Wind Rose application and other various proposed projects in the Town which fall, generally, into those categories;

4. The Planning Board supports the proposed amendments to the supplementary regulations of Camp Type 1, and new supplementary regulations for Recreational Business, to reduce potential adverse impacts from those uses; and

BE IT FURTHER RESOLVED, that the Planning Board of the Town of Dover positively recommends the adoption of the proposed Local Law subject to the following revisions:

1. Amend § 145-45B to replace the term "uses" with "facilities".
2. Add "hunting clubs" to the definition of "Recreational Business".
3. Add the phrase "and/or water" to the end of § 145-52.1A.
4. Individually notify hunting and gun clubs and camps in Town of the public hearing on the proposed local law.

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5. Add a new subsection (e) to § 145-52.1(K) which states that "any adverse impacts on water resources shall be mitigated to the maximum extent practicable."

September 21, 2009

David Wylock	Aye
Barbara Kendall	Aye
John Fila	Aye (second)
James Johnson	Aye
Brian Kelly	Absent
Valerie LaRobardier:	Aye (motion)
Peter Muroski:	Absent

David Wylock, Planning Board Chair

One final item - Singh DBL they did not appear- in their absence I will entertain a motion to continue their Public Hearing until November 16

Motion made by Barbara Kendall to open the Public Hearing on Singh DBL 2nd by Jim Johnson

VOTE: DAVID WYLOCK – AYE MEMBER BARBARA KENDALL – AYE MEMBER JOHN FILA – AYE
MEMBER BRIAN KELLY- absent MEMBER JAMES JOHNSON- AYE MEMBER PETER MUROSKI- absent
MEMBER VALERIE LAROBARDIER- AYE

No Comments from the Public

Motion made by Valerie LaRobardier to continue the Public Hearing to Monday November 16,2009 2nd by Barbara Kendall

VOTE: DAVID WYLOCK – AYE MEMBER BARBARA KENDALL – AYE MEMBER JOHN FILA – AYE
MEMBER BRIAN KELLY- absent MEMBER JAMES JOHNSON- AYE MEMBER PETER MUROSKI- absent
MEMBER VALERIE LAROBARDIER- AYE

Motion made by Jim Johnson to adjourn 2nd by Barbara Kendall

VOTE: DAVID WYLOCK – AYE MEMBER BARBARA KENDALL – AYE MEMBER JOHN FILA – AYE
MEMBER BRIAN KELLY- AYE MEMBER JAMES JOHNSON- AYE MEMBER PETER MUROSKI- AYE
MEMBER VALERIE LAROBARDIER- AYE

Respectfully submitted,

Betty-Ann Sherer
Secretary to the Board

This meeting may be viewed in full on the Town of Dover web site by going to www.townofdover.us
Full Audio may be requested for a fee by completing a FOIL request form from the Dover Town Clerk

DUE TO A LACK OF QUORUM, THESE MINUTES HAVE BEEN FILED NOT ADOPTED AS APPROVED BY THE PLANNING BOARD

FILED