

Town of Dover Planning Board

Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522



(845) 832-6111 ext 100

Planning Board
Wednesday, September 19, 2012
7:00PM

- Co-Chair David Wylock
- Co- Chair Valerie LaRobardier
- Member Peter Muroski
- Member Michael Villano
- Member Tom Holmes
- Member Nicholas D'Agostino
- Member William Sedor

Also, in attendance representing the Planning Board was Planner Ashley Ley, Attorney Victoria Polidoro & Engineer Berger

For the Applicants: Charles Hatcher for Westchester Modular Homes Multi Family Dwellings, John Kalin, Ali Abou-Eid, Mike Quadar for Dover Mobil 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 at 7: 02 pm by Chair Wylock and began with the Pledge of Allegiance

Public Hearings:

WESTCHESTER MODULAR HOMES - 7160-00-227678, 167667& 196673

APPLICANT: Paul Walter for PROPERTY OWNER Charles Hatcher PLANS PREPARED BY: ANTHONY PISARRI

PROPERTY LOCATED at: 30 Reagan's Mill Road, Wingdale combined 4.042 acres in the CO district.

APPLICATION FOR site plan special Permit & Subdivision to construct 4 multi family dwellings -
1 acre lot per unit

Chair Wylock- public notices went out in July, signs were posted on the property, adjoining property owners were notified by mail, including the HOA for Country Mills. If you were not notified by your HOA, then you will have to take that matter up with them.

Motion made by Pete Muroski to open the Public Hearing for Westchester Modular Homes Multi-Family Dwellings 2nd by Valerie LaRobardier

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

This plan shows the drainage situation. The new DEC regulations say you have to retain all the water that is generated on the property from the impervious surfaces, such as the roofs and driveways, and that's what this shows. There are rain gardens for the roof. Rain gardens are basically leeching pits for the water as it comes off the roof. The driveways, there are the same number of driveways as there are now driveways 1 & 2 are parallel as well as 3 & 4 to each other. The contour lines in the back show retention areas for the water that can't be handles by the rain gardens

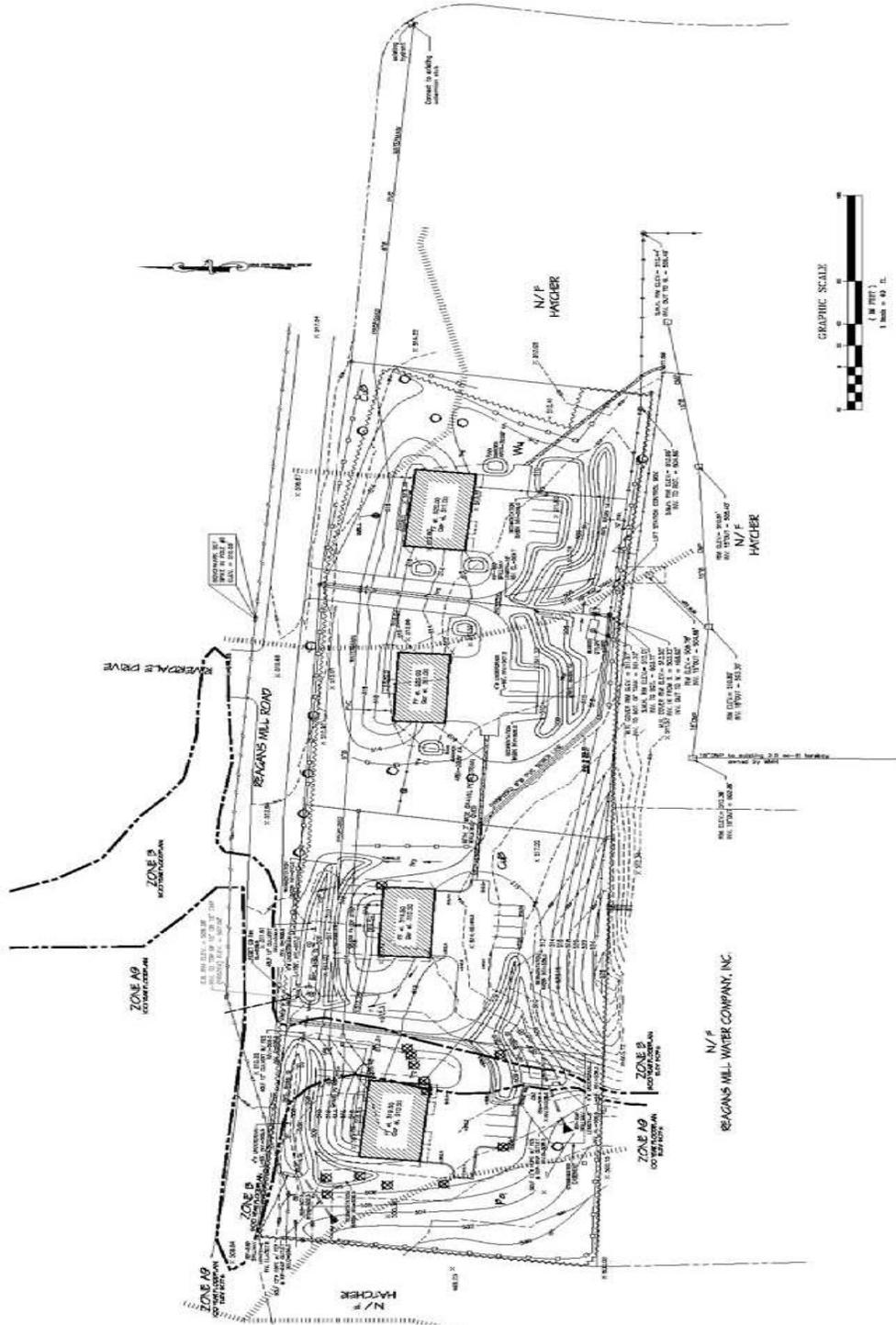
Final

LEGEND

- PASTING MINOR CONTOUR
- EXISTING MAJOR CONTOUR
- PROPOSED MINOR CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED SALT PENCE
- LIMITS OF DISTURBANCE

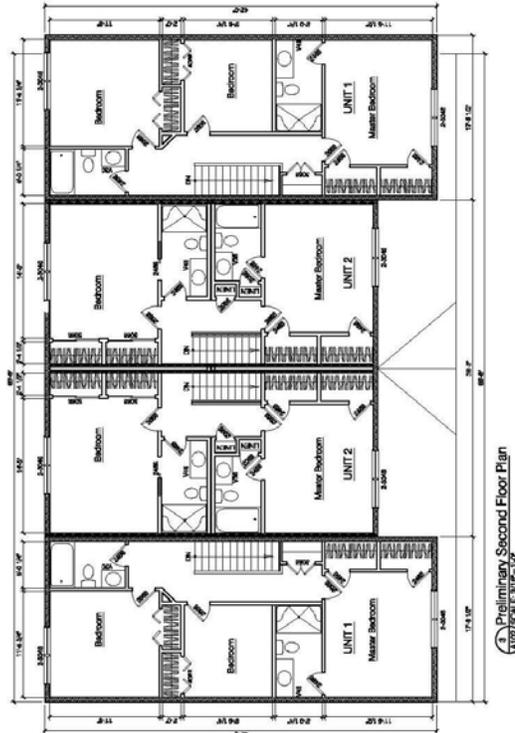
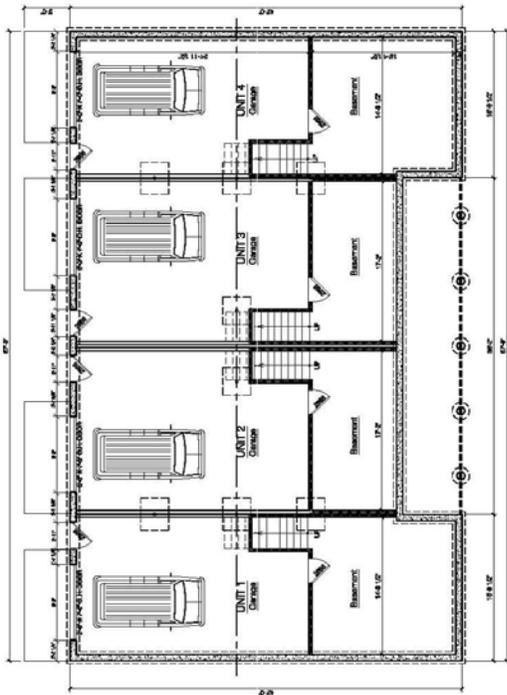
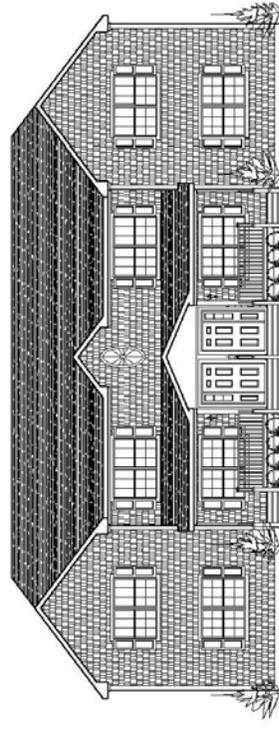
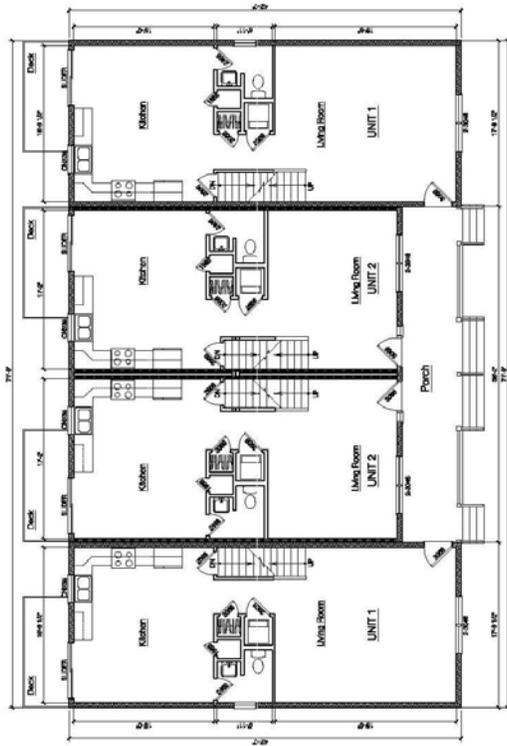
NOTES:
1. LIMITS OF DISTURBANCE=3.8 ACRES

X - Tree to be removed





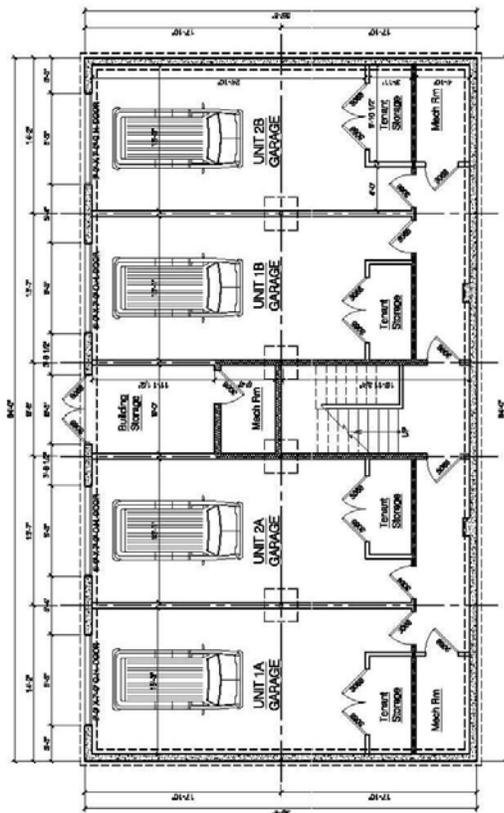
These are the Town Houses, these will be buildings 1 & 4, the end units will be 3 bedrooms inside will be 2 bedroom units



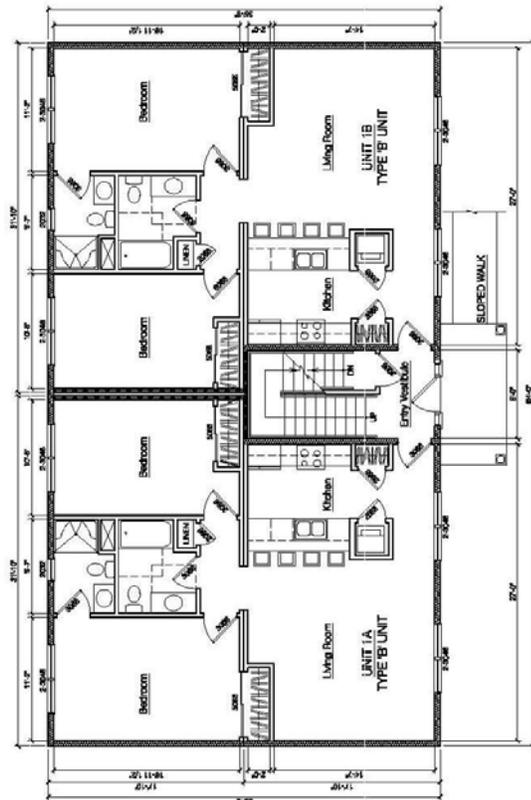
Floor Plan for Town Houses- the intent is for each to have one car parked in the garage and hopefully if the utility room is smaller possible 2 cars in each. The 3 bedroom townhouses will be approximately 1,500 square feet, 2 1/2 baths. The 2 bedroom units, 2 1/2 baths approximately 1,100 square feet



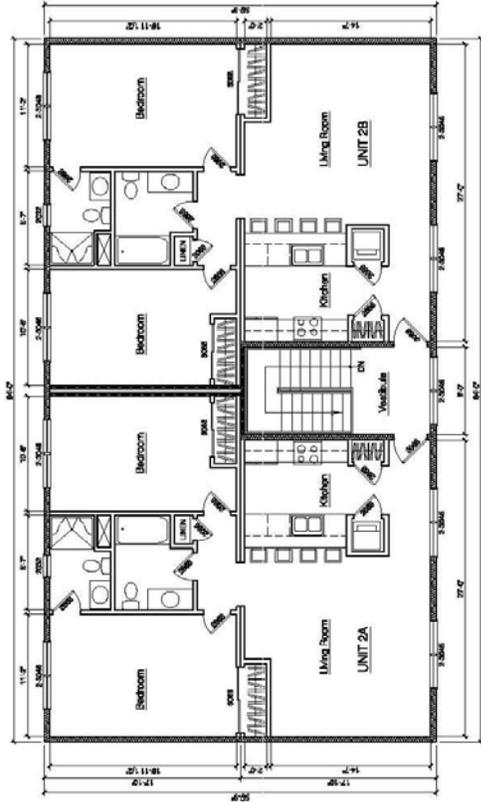
These are the flats, for lots 2 & 3, same basic garage situation. All of the houses will meet or exceed the all energy standards that exist to the State of NY at present. The heating will be propane; the furnaces will be about 2' wide 3' high and 10" high and hang on the wall. Hot water will be instant hot, hanging on the wall also. The houses will be insulated with open cell insulation, sprayed on in the factory. The purpose of the housing is to accommodate employees of the factory and also to offer any employees of the Town. At present the people who live in the 2 existing homes will occupy 2 units in the town house, when that unit fills up, if there is demand for the second unit, then that will be built, and so on. They do not intend to build all four units at the same time. It will be as demand warrants.



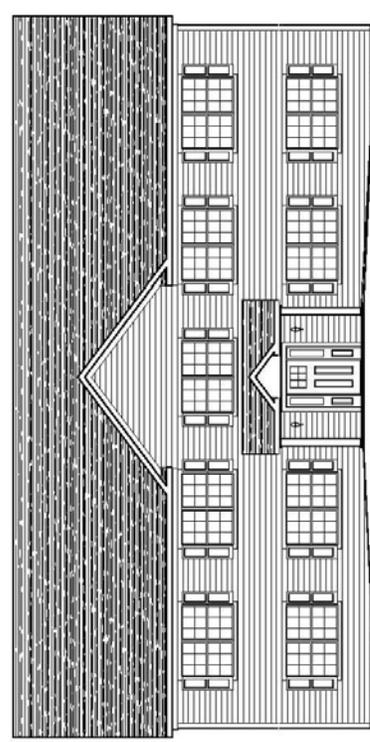
1. Preliminary Foundation Plan
A107/SCALE: 3/16"=1'-0"



3. Preliminary Second Floor Plan
A107/SCALE: 3/16"=1'-0"



2. Preliminary First Floor Plan
A107/SCALE: 3/16"=1'-0"



4. Front Elevation - Reagan's Mill Road
A107/SCALE: 3/16"=1'-0"

Co Chair Wylock- before opening this up to the Public, please be reminded, there will be a 3 minute time limit for each speaker, please direct all comments to the Board, not the Applicant, no personal attacks or derogatory statements will be accepted by this Board

Keep in mind that what is proposed is allowed by zoning, it meets the Zoning Code.

Speakers- Carl Quaglino, Dale Gaglio, Vivian_____, Chris Burns, Ken Ptasnick, Douglas Schroeder , Virginia_____, Theresa Quaglino, Francesca Soto, Ray Soto, Marie Katz, Lorraine Rivera, Harry Palmer, Chris_____ White Oak Circle, Danielle Reinhart, Luis Pabon,

Concerns:

- o This will decrease property values
- o Health Department concerns
- o Problems with retention ponds, smells
- o Why being built "as needed" without knowing demands
- o Too big, and need to be reduce, or not built
- o Landlord will not be on site
- o "Delinquents" running through neighborhood
- o What will happen when he no longer needs this housing
- o How can 30 people in a 2 bedroom apartment be stopped
- o HOA did not notify Homeowners
- o Traffic impact and how it will impact the developments and children in the area
- o Concerns with Standards of living being decreased
- o Water /Sewer- currently no problems- will the additional people added to system be a concern
- o Will Water/ Sewer system be enlarged to accommodate extra people?
- o If so who will pay for it, will current fees be increased?
- o Rules and regulations/ By laws for the Country Mills HOA in effect, will this be in effect for the apartments
- o Occupancy concerns
- o Rumors of recreation fees being "not accommodated"
- o Concerns with Filling in of Flood Plain, what is being done to compensate for flooding?
- o Two houses are being removed and four being put up, instead of putting a house on lot 1, why not leave it open for better access to the river, as a recreation area.
- o How will this affect the schools, how many children will be added to the school system
- o What will be the cost for adding children, since these are rented units?
- o Concerns that the decision has already been made
- o Hopes that the area would have progressed in the past 20 years and it has not.
- o What will it take to not allow this?
- o School Bus system already over crowded, children sit 3 across
- o Taxes already too high
- o This needs to be done somewhere else, people have moved here to get away from this
- o Nothing is happening by the Psychiatric Center
- o If Employees are let go, what happens, will they be open to the Public, closed down?
- o Can the Special permit be denied?
- o Why is the developer being given all that he is asking for?
- o What is the developer giving the Town?
- o How long has the zoning been in effect?

A: 1999

- o If Employee is fired, do they have to evacuate the premises?
- o How will they know who it is really being rented to?
- o There are already Multi Families in Wood Winds, how is this accounted for?
- o Once built, is there a plan to close the factory and build more?
- o Will there be a limit?
- o Multi Family- is just a mini apartment building
- o There will be porches- will there be restrictions on loitering?
- o Are there tenants lined up?
- o Who will maintain property up keep?
- o What will be recourse?

A: Building Inspector/ Code Enforcement officer

- o What will happen with the garbage?
- o Will they be burning carcinogenics?
- o Will they get a 1099 at year end?
- o These apartments will ruin our town.
- o Deny the permit
- o The 19' strip is horrible, over grown weedy and slippery.
- o If these are built- will there be fencing or hedging so when you drive up Reagans Mill So you won't see the backyards?

A: No planned, you may see cars; they may put something like badminton courts.

- o Some residents stated they already drive over an hour to work each day and think the factory employees can do the same.
- o Why can't this be done some where else
- o Why can't a bus be rented for the transportation of the factory employees
- o On White Oak Circle the drainage has not been dredged in 12 years, how will this get cleaned out?

A: in woodwinds, it was designed to be cleaned by the Town, in Country Mill the detention basing on Reagan's Mill road, were to be maintained by the HOA

- o Local resident applied for a job and was denied, and he lives across the street, so he travelled for a few hours a day
- o Why not make the salaries so that they can afford to buy a house, there are houses for sale in Country Mills?
- o What level is the allowed number of houses currently?

A: "145-12D(4) - The maximum density for multifamily dwellings in the CO District shall be determined in each case by the Planning Board based upon all relevant special permit and site plan review criteria. New residential development shall not exceed 20% of the total floor space in any development project in the CO District. "

- o Renters do not have a vested interest in the property
- o Fear the Town Houses will become "the projects"
- o Once these four dwellings are filled, how will other properties owned by the applicant will be developed, possibly where the model homes are currently
- o There is no landscaping proposed, how can this be approved without the landscaping.
- o How long is Site plan good for?

A: 18 months unless a building permit is received, a 6 month extension is permitted and possible additional extensions

- o What if the Applicant wants to change the plan

A: They would have to return to amend the site plan, the special permit standards are in 145-63 of the Town Zoning Law

- o It is difficult to evict people
- o The empty lot in Country Mills is not maintained
- o People who feel like they are back in the city will look for other places to live

Q: So before anything is granted how many are allowed right now?

The only limit is that it has to be 20% of the factory floor space

The factory is 110,000 square feet the maximum is 22,000 square feet of residential- each building is at max 3,000, so this is below the maximum allowance

It was requested that this application be denied on the premise that it will greatly impact this area. The Applicant will be warehousing his employees; he is currently bussing in his employees. (It was clarified the applicant currently does not bus his employees in)

What is the time frame this will be built?

A: in the spring and next summer- lot 4 would be built.

Engineer Berger- A drainage study has been provided which shows this. In Flood Plane, there is not a floodway; there is no requirement in flood plain law to prevent you from filling. In flood plain, filling is allowed by FEMA, What is looked at is the location of the fill, and what happens to the water on the site. This is flood plain, not flood way. A drainage study has been done, and it shows no increase, however, there is no requirement in this code or in most codes, certainly not within FEMA requirements for compensatory- only within a floodway.

Chair- In response to some concerns- Water / Sewer are not to capacity. The HOA applies to Country Mills, there has been no discussion of recreation fees being waived. There is an assessment of recreation fees for each lot/ unit, which the developer will be required to pay.

Two members of the School Board were spoken to which said the schools are under capacity at this time.

The Special Permit is for Multi Family Housing in the CO district.

Mr. Hatcher- The access to the River, when Woodwinds was created a 19' access was created which comes out on Reagans Mill Road; the express purpose was to allow access to the river. The water & Sewer are adequate. There will not be absentee landlords. They are at the factory every day.

They are designed to look like colonials.

The plants are designed to work in this valley. The landlord will be in control.

The concerns are warranted, but there will not be multiple families in each unit, that will be controlled.

Credit checks will be made. Employees will have rent taken fro pay checks. The first building will be built and filled; they will see the need and that will determine when the next will be built.

Board questions:

Q: who owns the 19' strip for river access?

A: possibly given to some one, in Country Mill there is a HOA, there is none in Woodwinds, The factory may own it, it was surveyed not too long ago, since there was someone with a hotdog truck there. That had to be removed. That strip was available, a long time ago for access to holly Hill or Hemlock back to Reagans Mill Road.

Q: Doesn't the landlord handle the garbage and plowing on a rental?

A: on a building like this yes, there will be a refuse container, in 1 location for each building, it is on the site plan

Q: Each lot will be its own tax lot?

A: yes

Q: so each could be sold on its own?

A: yes, but there is no intension at this time. Currently, there are 4 houses in the subdivisions, for employees, so the intent is not to sell, but hold them for the people.

Q: Will there be regulations?

A: There are no anticipated problems, if there are, they will be out. The people in the houses now, there are no problems. The people, who live on Reagans Mill road, are no problem, neither are the people on White Oak Circle. There have been no complaints.

Q: are there any proposed deed restrictions on any of the lots in case they do get sold down the road similar to the HOA, but for each lot??

A: There is nothing planned now, there will not be a HOA, The number of people, per family possibly.

Q: As part of the employee occupancy will they be signing leases or will it be part of their employee contract. If they get fired you will have to go through landlord/ tenant.

A: A condition of the living there would be that they were an employee, if they leave the company, they would have to leave the housing.

Q: will that be in the lease or part of their employment?

A: part of their lease

Q: In terms of lease- you indicated the first building will be filled with employees, and then you will look at need, do you have enough employees to fill the project

A: There are currently 150 employees currently, through the years there have been over 1,100 there has always been a issue with housing. There is someone who lives on the other side of the mountain now and would love to live closer; if the unit were available he probably would have moved there, we lost him.

Q: is there some kind of an internal preference system?

A: Yes

Engineer Berger- The applicant's engineer has been going over the drainage and grading, modifications to the grading plan have been proposed to elevate the parking out of the flood plain, providing detention pond in the back for additional volume , although it is not required. The Engineer has been very accommodating providing additional things for drainage outside of what is required , for pre and post condition.

Planner- Can you discuss the phasing which end will you start with?

A: The first noted is closest to the existing model home, each next building moving west.

Q: Will the stormwater be done all at the same time

A: the storm water is designed to be done on each lot; the infrastructure will be done for all four at the same time

Engineer Berger- The stormwater may be more; the engineer is proposing phasing so the storm water may be based on what is proposed on each lot, the plan shows more than lot by lot

Attorney - If that is the case, you may want to submit a phased site plan in order for each lot to get a C/O lot by lot so the 4 phases, so we know what has to get done for each phase. Site plans do expire after a certain amount of time; that is something we would like to see.

The Board was thanks for allowing the Public to speak and for posting the signs
The Public Hearing was posted properly by mail, posting the sign and in the Poughkeepsie Journal, this was also noticed on the web site

A written response to these comments, from the Applicant, is expected by the Board

Motion made by Bill Sedor to continue the Public Hearing to October 1, 2012 2nd by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Motion made by Peter Muroski to take a brief recess 7:28 2nd by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Motion made by Valerie LaRobardier to return at 7:40 2nd by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Old Business:

I. DOVER MOBIL SITE PLAN - 7160-00-061080

APPLICANT: Quality Petroleum, Inc for PROPERTY OWNER Saber Ali Abou-Eid

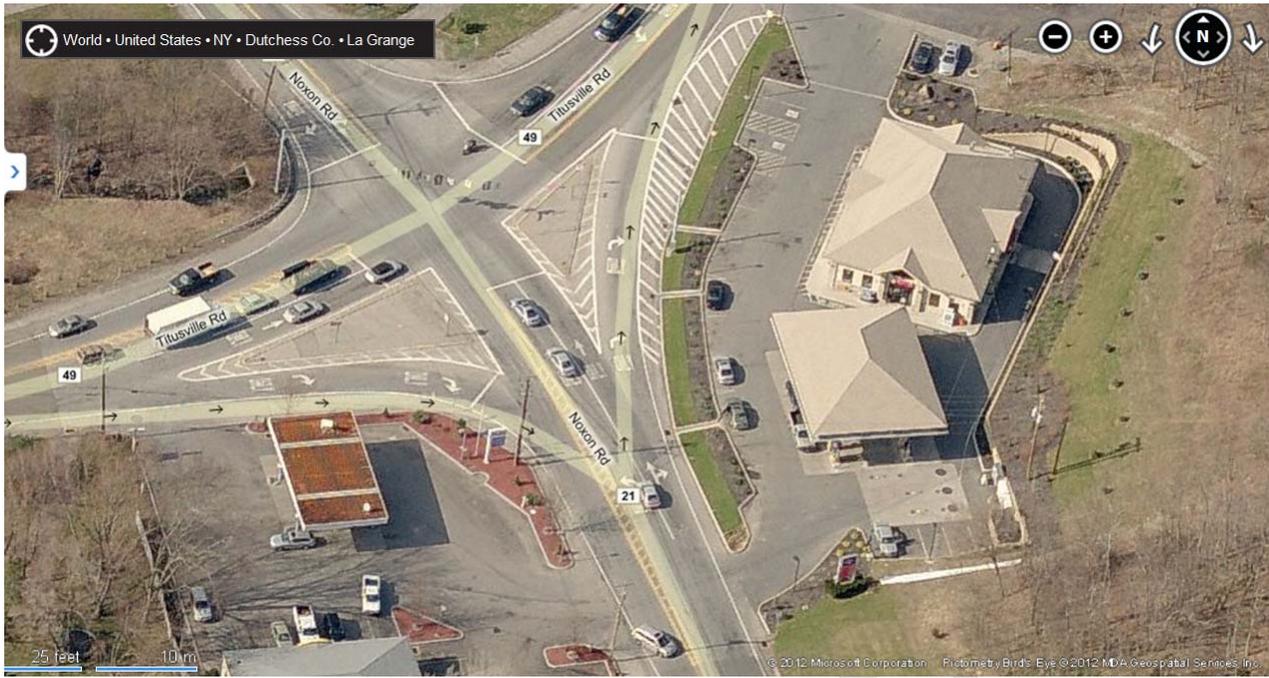
PLANS PREPARED BY: JOHN KALIN OF DC ENGINEERING PC

PROPERTY LOCATED at: NYS RT 22, RT 55 & County RT 21, Wingdale

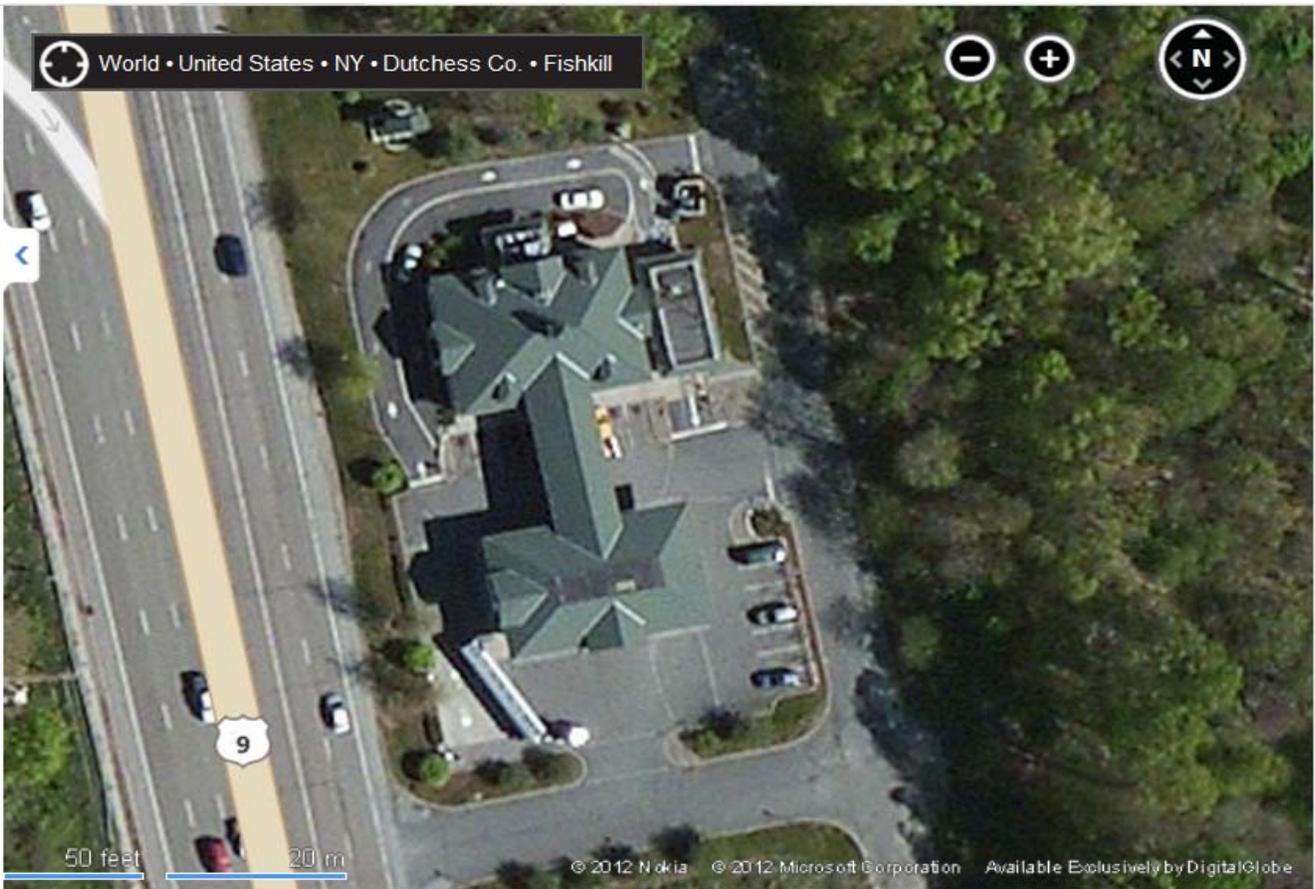
APPLICATION FOR Site Plan to create a gas station and convenience store with a drive through window a 3,250 sf retail convenience store on 3.370 acres of a land in the HM district

Since the last meeting there was a workshop in which options for the site plan were requested

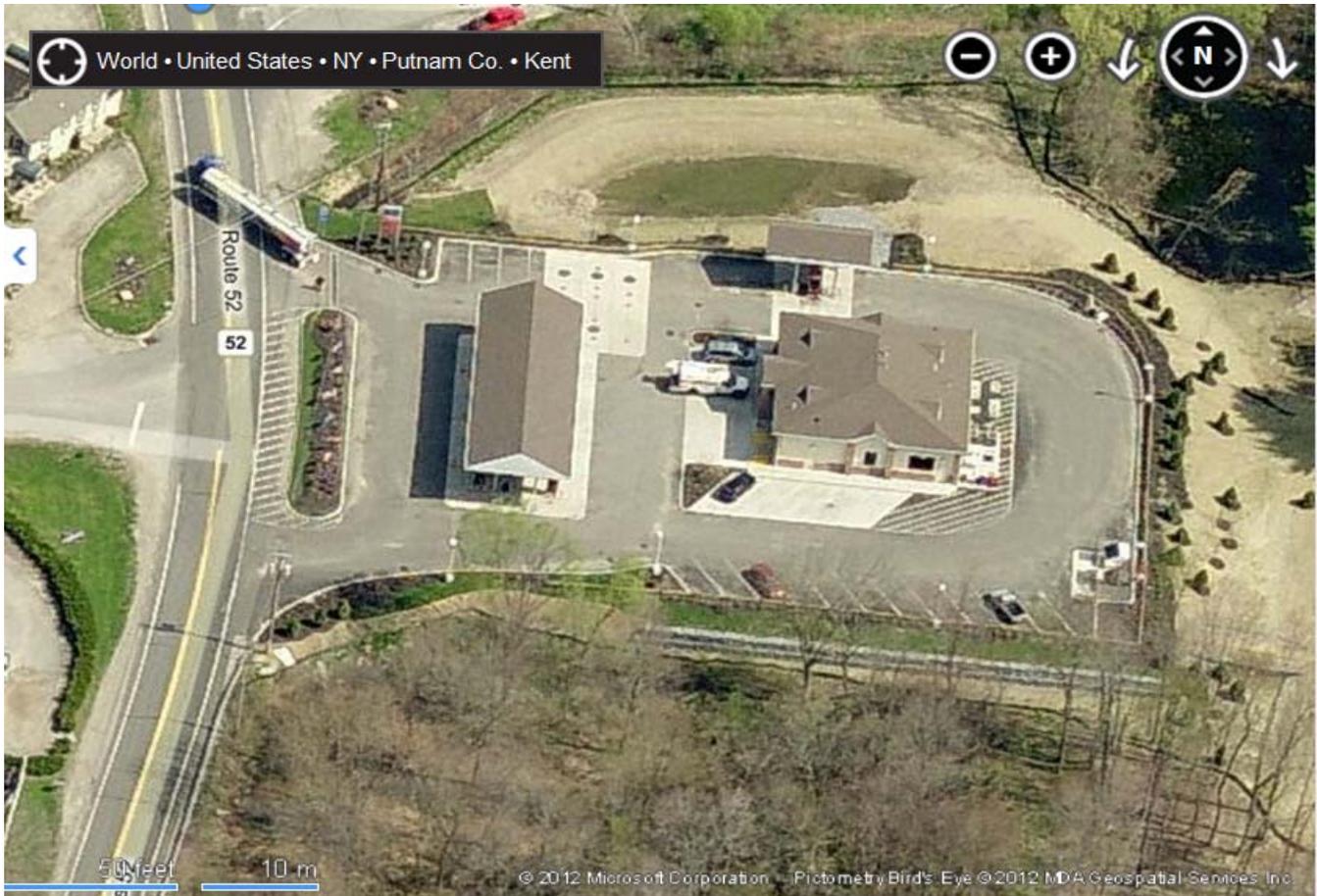
Mr. Kalin - There was a concern of the perception on how big the site actually is, it is 3 acres with 1 acre being developed. There will be three different operations on site, a gas station, convenience store and Dunkin Donuts.



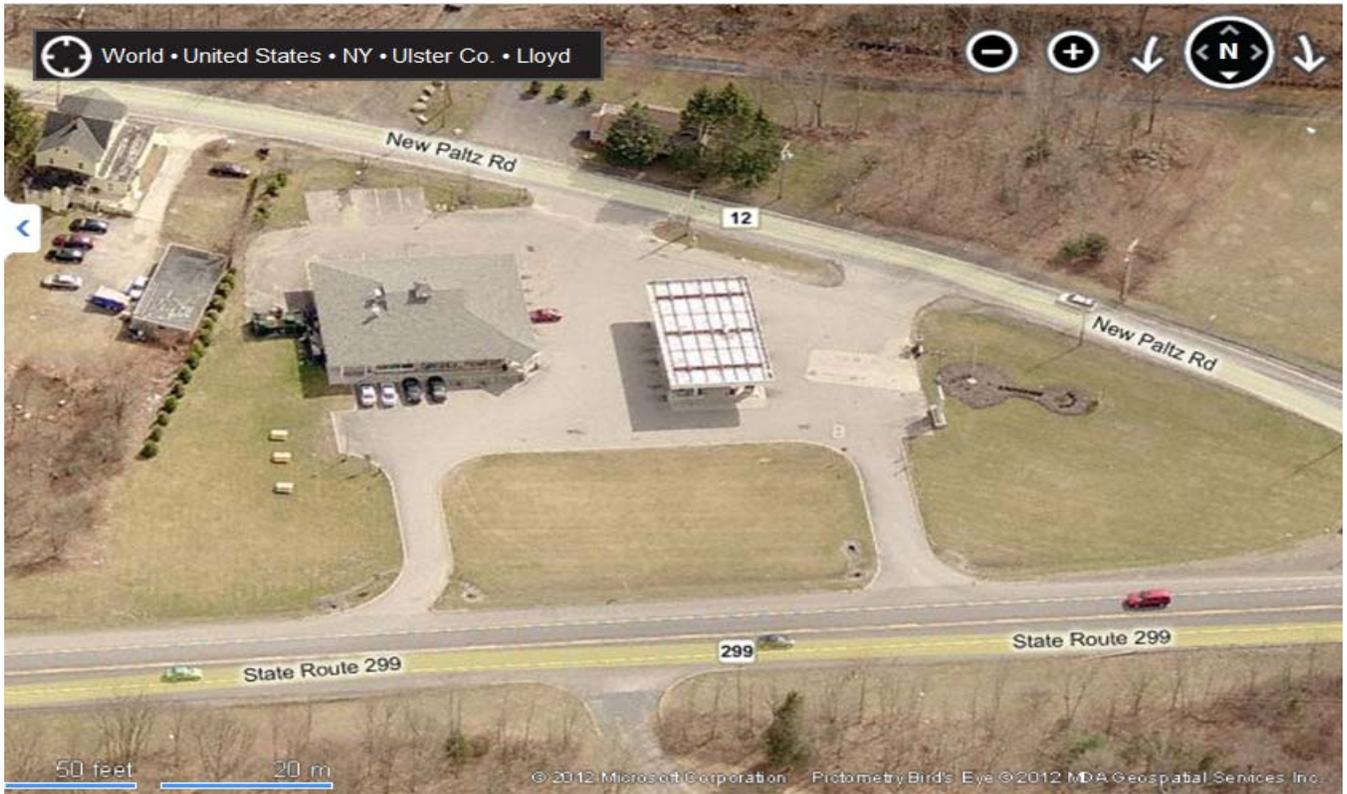
↑ This is Noxon Road, it is a recent Sunoco Station, the building is about 50 X 80 with a canopy of 50 X 70, the parcel is about 1.25 acres, with about .8 developed. It is small tight and narrow. This shows how you can successfully develop a smaller site



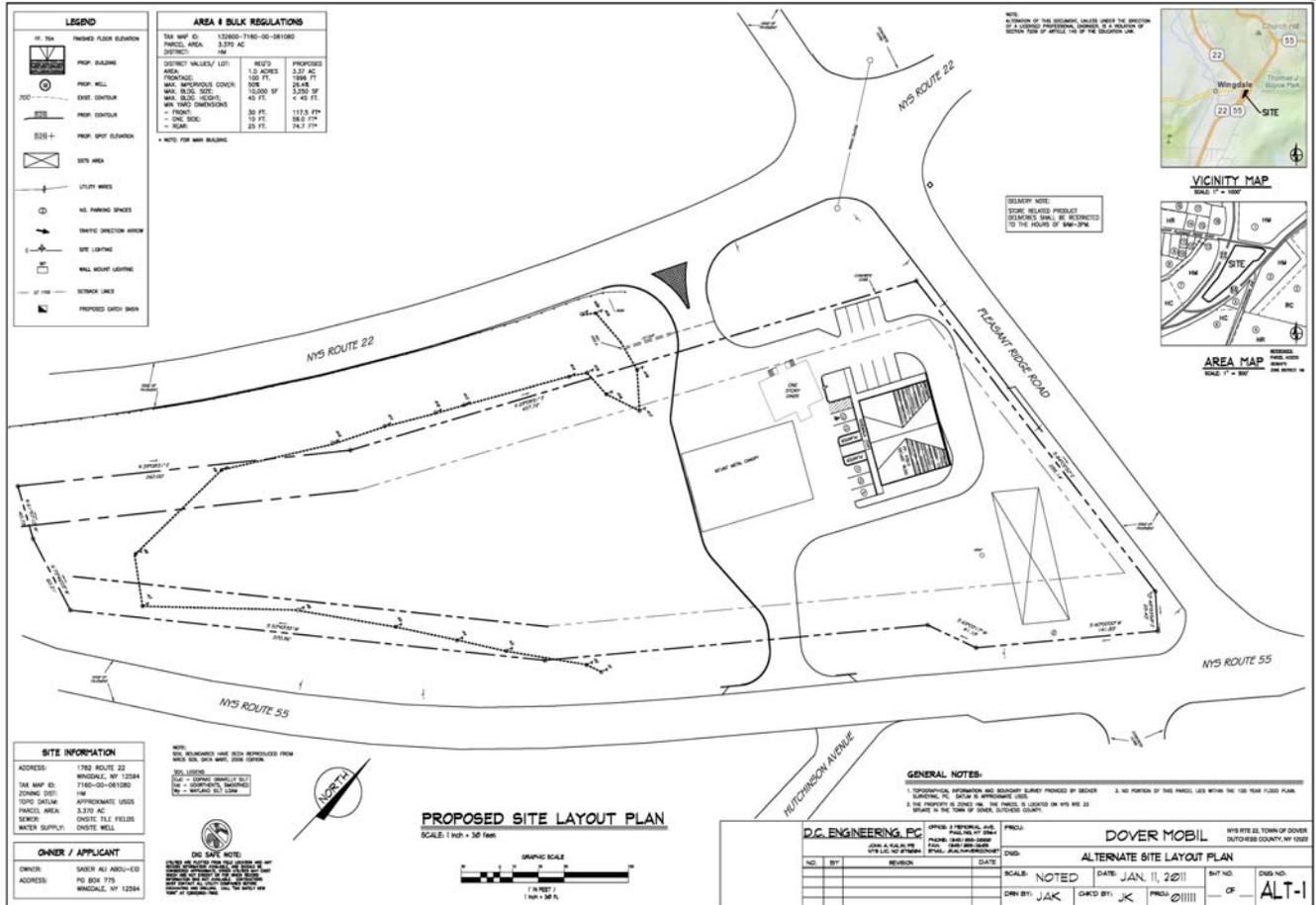
↑ This is in Fishkill, Hess across from Home Depot. This is 1.42 acres Commercial truck pumps regular gas pumps, car wash station, convenience store, no drive through, tight site



↑Sonoco in Kent, similar in size - actual parcel 4.9 acres, wetland in the back with restoration and remediation. A controlled accesses all actions within a counter clockwise flow. Set up for a drive through this site flows very well this is about 1 acre of disturbance, one way in one way out. The building is about 60X60, close to what is being proposed (55X65) island 35 X80 (we are narrower but longer) diesel canopy about 30X30. The elements are getting closer to what is being proposed



↑ This is the Hess in New Paltz - four means of egress, building about 80 X80, canopy possibly shorter and fatter lots of parking potential of drive through. Similar because it is a triangle parcel this gives the feel of a larger site.



↑ This is alternative 1, the building is moved north and rotated 90°, looking how the site is developed on this plan, an entrance off Pleasant Ridge Road is lost, DOT will still want to have a one way in one way out onto rt 22, the biggest concern is for southbound traffic, they will have to drive across Pleasant Ridge Road onto RT 55 in order to access the site. Tractor Trailers will not have easy flow through this site. Once on the site it will be tough to get back out. This can not move any further south due to the wetland and the alignment to Hutchinson Avenue is lost. The island became 60X90 and included diesel as well. The footprint of the existing diner is shown, the site as proposed here does not offer the flow or function.



↑ This rendering shows better scale of cars and trucks, the ghost foot print of the existing Diner, the canopy , and how the trucks are off to the side and have almost it's own little section, which is rare to see, the island has been shifted, a wide path between the canopy island and driving path , for cars and trucks. This is the fairest representation of a gas station/ Dunkin Donuts you can find. There will be Plenty of queuing room (possibly close to 5-6 cars) for the drive through with room to turn around if entrance is from the East side of the site, parking for delivery trucks as well as station tank fill up. It is important for two way traffic on the Rt 55 side for the trucks, with signage directing the drive through access point. The island is 12' wide; the detention pond is most efficient in this position considering the grade and its location.

What happens when someone enters the drive through the wrong way?

A: there will be signs, there will be 2 'Do Not Enter' signs, but the lane is 24' wide and they will most likely have to back out.

It can also be striped.

Site walk set for Thursday September 27 @ 5:30 pm at site
 The building and canopy can be marked or staked out

II. Circulation from Town Board- Cricket Valley Energy- Zoning Amendment Petition- Initial Discussion

Supervisor Courtien was present- This is a referral from the Town Board for a Zoning Petition from Cricket Valley Energy, it is a requirement of the Town Board to refer this to The Planning Board as well as Dutchess County Department of Planning. You have 30 days to give the Board a response; this is a matter of law, with no comment or recommendation by the Town Board.

Planner Ley has reviewed the Zoning Petition prepared by Cricket Valley Energy and offers the following comments:

1. As written, the proposed changes to the noise code appear to only apply to nighttime decibel levels. As such, 60 decibels would be allowed during the day, and 65 decibels would be allowed at night. To be consistent, we recommend that §145-40(C)(2)(a) also be amended to add “..., unless the property line is abutting a rail line in an “M” Zoning District in which no sound level measured at the boundary of the abutting “M” Zoning District and rail line shall exceed sixty-five (65) decibels on the A-Weighted Scale.”
2. The proposed text changes should use a consistent term to refer to the rail line. The proposed changes to the noise code uses “rail line” and the proposed changes to the fence height uses “Metro-North railroad tracks.”
3. The proposed §145-30(G)(3) starts the same as the existing §145-30(G)(1). It is unnecessary to repeat the retaining wall provision as that is applicable to all Zoning Districts. To improve readability, we recommend that the proposed §145-30(G)(3) be worded as follows:

(3) Within the “M” Zoning District, the setback requirements of this Chapter shall not apply to fences less than ten (10’) feet high in any side or rear yard of any property which borders another “M” zoned property, or which abuts a rail line.

Attorney Polidoro & Engineer Berger agreed with the comments submitted by the Planner

Motion made by Valerie LaRobardier to Authorize the Chair to sign a letter to send these comments to the Town Board 2nd by Bill Sedor

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D’AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Minutes:

III. Minutes of August 6 & August 20 2012

Motion made by Peter Muroski to Approve the Minutes of August 6 & 20, 2012 2nd by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D’AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Motion made by Bill Sedor to adjourn 2nd by Valerie LaRobardier

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	ABSENT	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	AYE	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Respectfully submitted,

Betty-Ann Sherer

Betty-Ann Sherer

PlanningARB@TownofDoverNY.US

This meeting may be viewed in full on the Town of Dover web site by going to www.townofdoveryny.us

Full Audio may be requested for a fee by completing a FOIL request form from the Dover Town Clerk
This meeting may now be viewed at Cablevision Channel 22 for residents who have that provider-
Please check local listings for meeting re broadcast times

All reasonable accommodations will be made for persons with disabilities. In such a case, please notify Betty-Ann Sherer in advance by phone at 845-832-6111 ext 100 so that arrangements can be made

Please call the Planning Board Office with any questions 845-832-6111 ext 100