

**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 - January 12, 2009  
7:00PM

- Ⓟ Co-CHAIR David Wylock
- Ⓟ Member Barbara Kendall
- Ⓟ Member John Fila
- Ⓟ Member Brian Kelly
- Ⓟ Member James Johnson
- Ⓟ Member Valerie LaRobardier

Also, in attendance representing the Planning Board were Planning Board Attorney Victoria Polidoro, Planner Ashley Ley and Engineer Joseph Berger. For the Applicants: Attorney Bethany Ralph Chris Colby of Spire Architecture & Patrick Mitchell for Ketcham Corners, Engineer Michael Bodendorf and Wayne Neckles for Robb Turner, , Brian McGrath for Getaway Chippewalla, Ruth Parkins & Brian Wolf for Dover Compressor Site Plan Amendment, Fire Chief Aaron Sherer & Deputy Chief Joseph Dingee Jr. 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 6:59 PM and began with the Pledge of Allegiance

All Members of the Board and Public were reminded of proper decorum during a meeting

**A. 2009 Appointments to the Planning Board**

**RESOLUTION APPOINTING ATTORNEYS TO THE PLANNING BOARD**

WHEREAS, pursuant to Section 271(2) of the Town Law, the Planning Board is authorized to employ experts, clerks and a secretary, and to provide for such other expenses as may be necessary and proper.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board of the Town of Dover does hereby appoint Rappport, Meyers, Whitbeck, Shaw & Rodenhausen, LLP (Victoria Polidoro, Esq.), as Attorneys to the Planning Board for the year 2009, and authorizes the Chair to execute the retainer agreement on file with the Planning Board Clerk.

Dated: January 12, 2009

Moved By: Barbara Kendall

**Resolution Approved**/Disapproved:

Dave Wylock: Aye  
John Fila: Aye  
James Johnson: Aye  
Brian Kelly: Aye  
Barbara Kendall: Aye  
Valerie LaRobardier: Aye

The Resolution was thereupon adopted.

David Wylock, Planning Board Chair

**RESOLUTION APPOINTING ENGINEER TO THE PLANNING BOARD**

WHEREAS, pursuant to Section 271(2) of the Town Law, the Planning Board is authorized to employ experts, clerks and a secretary, and to provide for such other expenses as may be necessary and proper.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Dover does hereby appoint Berger Engineering and Surveying (Joseph Berger, L.S., P.E.), as Engineers to the Planning Board for the year 2009, and authorizes the Chair to execute the retainer agreement on file with the Planning Board Clerk.**

Dated: January 12, 2009

Moved By: James Johnson Seconded By: Barbara Kendall

**Resolution Approved**/Disapproved:

Dave Wylock: Aye  
John Fila: Aye  
James Johnson: Aye  
Brian Kelly: Aye  
Barbara Kendall: Aye  
Valerie LaRobardier: Aye

The Resolution was thereupon adopted.

David Wylock, Planning Board Chair

**RESOLUTION APPOINTING CLERK TO THE PLANNING BOARD**

WHEREAS, pursuant to Section 271(2) of the Town Law, the Planning Board shall is authorized to employ experts, clerks and a secretary, and to provide for such other expenses as may be necessary and proper.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Dover does hereby appoint Betty-Ann Sherer as Clerk/ Secretary to the Planning Board for the year 2009.**

Dated: January 12, 2009

Moved By: Valerie LaRobardier Seconded By: John Fila

**Resolution Approved**/Disapproved:

Dave Wylock: Aye  
John Fila: Aye  
James Johnson: Aye  
Brian Kelly: Aye  
Barbara Kendall: Aye  
Valerie LaRobardier: Aye

The Resolution was thereupon adopted.

David Wylock, Planning Board Chair

**RESOLUTION APPOINTING A PLANNING CONSULTANT TO THE PLANNING BOARD**

WHEREAS, pursuant to Section 271(2) of the Town Law, the Planning Board is authorized to employ experts, clerks and a secretary, and to provide for such other expenses as may be necessary and proper.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Dover does hereby appoint AKRF, Inc., as Planners to the Planning Board for the year 2009, subject to the terms and conditions of AKRF's contract with the Town of Dover.**

Dated: January 12, 2009

Moved By: Brian Kelly Seconded By: Barbara Kendall

**Resolution Approved**/Disapproved:

Dave Wylock: Aye  
John Fila: Aye  
James Johnson: Aye  
Brian Kelly: Aye  
Barbara Kendall: Aye  
Valerie LaRobardier: Aye

The Resolution was thereupon adopted.

David Wylock, Planning Board Chair

**B. & C. KETCHAM'S CORNER Grid# 7063-00-534507 & 532517**

Applicant- Michael LaFalce of Spire Architecture  
Property owner Patrick Mitchell  
Property located at 3156 RT 22, Dover Plains  
Applicant seeks Site Plan Amendment

**Continued Public Hearing**

**KETCHAM'S CORNER Grid# 7063-00-534507 & 532517**

Applicant- Michael LaFalce of Spire Architecture  
Property owner Patrick Mitchell  
Property located at 3156 RT 22, Dover Plains  
**Subdivision application to merge lot 532517 into 534507**  
**Public Hearing**

**Chris Colby, Patrick Mitchell & Bethany Ralph**

**Motion made by Brian Kelly to open the Public Hearing 2nd by James Johnson**

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

**Chris Colby:**

**Revisions to plans made, including landscaping**

**Chair Wylock- Met with applicant and neighbors in December on the site- an agreement of additional landscaping was made between all parties, an addition of 14 trees in a diamond formation are added to the plan for screening.**

**Q: Pete Muroski- What kind of trees?**

**A: green giant hemlock**

**Engineer Berger-**

**recommendation of waivers are already noted in the resolution**

**Since most information on Subdivision is noted on the site plan, a note is to be added to the Plat.**

**A Note of site topography sewers and ssts, storm water collection & treatment are shown on site plan.**

**This will show to look on the site plan for this information and that it was not just left off the plan.**

**Planner Ley- All concerns on this phase of the project have been addressed**

**Attorney Polidoro- Question if the service station is located on a separate lot or part of this parcel**

**After discussing this with Attorney Ralph and Joe Berger- all are located on the same lot with a separate parcel number.**

**A separate tax line with the same number on both parcels one has a -01, it's the same over all number- an internal line same deed but 2 separate grid #'s**

**All parcels are owned by 1 owner but are considered separate parcels by the County**

**A survey could be produced for the gas station because of the way the deed is written. It's a tax line not a parcel line 1 ownership, has to be owned by one person.**

No comments from the Public  
No further comments from the Board

**Motion made by James Johnson to close the Public Hearing 2nd by Brian Kelly**

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

**Review Long Form EAF which resulted in the adoption of a negative declaration( see below)**

Chair Wylock read the following letter of waiver request:

January 8, 2009

Chairman David Wylock and Members of the Planning Board  
Town of Dover  
Historic Tabor Wing House  
3128 Route 22  
Dover Plains, NY 12522

Re: Ketcham's Corner

Grid No.: 7063-00-534507

Dear Chairman Wylock:

On behalf of the applicant, we respectfully request waivers from the following requirements in the Town Code:

**Section 125-17 Preliminary Plat**

C. Topography at a contour interval of not more than five feet, unless waived by the Planning Board, and referred to a datum satisfactory to the Board.

E. The location, name and dimensions of existing streets, easements, property lines, building, parks and public properties.

F. The location of the existing sewers, water mains, culverts and storm drains, if any, including pipe sizes, grades and direction of flow.

K. The proposed provision of water supply, fire protection, sanitary waste disposal, storm water drainage, street trees, streetlight fixtures, street signs and sidewalks.

**Section 125-18 Subdivision Plat**

F. Setback Lines.

G. The location, size and invert elevations of existing and proposed storm water drains and sanitary sewers and the exact location of utilities and fire hydrants.

The reason for seeking the waivers is that, I am informed and believe, the above referenced Information either appears on various other drawings that have been submitted to the Planning Board as part of an Application for Site Plan Approval at the same location, of which this Application for Subdivision Approval is a part, or is not applicable to the Application for Subdivision Approval.





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**RESOLUTION GRANTING SUBDIVISION APPROVAL  
Ketcham's Corner 7063-00-534507**

Date: January 12, 2009 Property Address: 3156 Route 22, Dover Plains, NY

WHEREAS, an application for approval of a subdivision plat for a 2-lot merger entitled "Consolidation Map, Lands of Connor Rose Realty, Inc.," ("Ketcham's Corner Subdivision") prepared by Kirk Horton, L.S., dated 11/07/08, for property located on 3156 Route 22, Dover Plains, NY, Tax Parcel #s 7063-11-534507 & - 532517(the "Site"), was submitted to the Planning Board; and

WHEREAS, on January 12, 2009, the Planning Board determined that the proposed action would not have a significant impact on the environment and that an environmental impact statement would not be prepared; and

WHEREAS, a duly noticed public hearing on the application was held on January 12, 2009, during which all those who wished to be heard were given an opportunity to speak.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant waivers from the requirements of Sections 125-17C, E, F & K and 125-18F & G of the Code.**

**BE IT FURTHER RESOLVED, that the Town of Dover Planning Board hereby grants preliminary layout approval to the Ketcham's Corner Subdivision.**

**BE IT FURTHER RESOLVED, that the Dover Planning Board hereby grants subdivision approval to the subdivision plat for a 2-lot merger entitled "Consolidation Map, Lands of Connor Rose Realty, Inc.," prepared by Kirk Horton, L.S., dated 11/07/08, last revised none, subject to the following conditions:**

- 1. Payment of all fees and escrow.**
- 2. Addition of the following notation to the plat: The location of the SSTS and stormwater collection and treatment system is shown on the "Commercial SSTS Expansion Plan," Sheet C-3 of the Site Plan entitled, "Ketcham's Corner Site Plan Amendment & Master Plan," prepared by Spire Architecture PLLC, dated as last revised and approved by the Planning Board.**

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

Resolution Approved/Disapproved:

Dave Wylock: Aye  
 John Fila: Aye- Motion  
 James Johnson: Aye  
 Brian Kelly: Aye  
 Barbara Kendall: Aye- second  
 Valerie LaRobardier: Aye

The Resolution was thereupon adopted.

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**RESOLUTION GRANTING SITE PLAN AMENDMENT APPROVAL**  
**Ketcham's Corner**

Date: January 12, 2009

Property Address: 3156 Route 22, Dover Plains, NY

WHEREAS, an application for the approval of a site plan amendment to permit upper-floor apartments in an existing commercial building, entitled "Ketcham's Corner Site Plan Amendment and Master Plan," prepared by Spire Architecture PLLC, dated 12/17/08, for property located at 3156 Route 22, Dover Plains, Tax Parcel Nos. 7063-11-534507 & -532517, the site, was submitted to the Planning Board by Patrick Mitchell, the applicant; and

WHEREAS, the applicant has submitted a conceptual Master Plan for the build out of the entire site to enable the Board to make a SEQR determination, but which Master Plan is not before the Board for approval at this time; and

WHEREAS, no new buildings are proposed as part of the site plan amendment being considered by the Board and the applicant will have to return for site plan approval to implement other site improvements shown on the Master Plan which are not shown on the current site plan amendment; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the Planning Board referred the application to the Dutchess County Department of Planning and Development, which responded by letter dated March 25, 2008, that it was a matter of local concern; and

WHEREAS, the site plan was referred to the New York State Department of Transportation, which responded by letter dated March 11, 2008, that the project would not have a significant impact on existing transportation systems; and

WHEREAS, on August 18, 2008, the Architectural Review Board approved the sign and associated landscaping; and

WHEREAS, by letter dated October 6, 2008, J.H. Ketcham Hose Company, Inc., commented that the existing septic area and rear of the building must be accessible to fire apparatus and that no fences can be installed or used in the rear area of the structure, to which the applicant has responded by revising the site plan to include asphalt over the septic area and removal of the fence; and

WHEREAS, by letter dated October 16, 2008, the Dutchess County Department of Health approved the expansion of the sewage disposal system; and

WHEREAS, on January 12, 2009, the Planning Board determined that the proposed action would not have a significant impact on the environment and that an environmental impact statement would not be prepared; and

WHEREAS, a public hearing was begun on the said site plan at the Town Hall in Dover Plains, New York, on April 1, 2008 and concluded on January 12, 2009, during which all those who wished to speak were heard.

**NOW, THEREFORE, BE IT RESOLVED, that the application for site plan amendment to permit upper-floor apartments in an existing commercial building, entitled "Ketcham's Corner Site Plan Amendment and Master Plan," prepared by Spire Architecture PLLC, dated 12/17/08, is hereby approved subject to the following condition(s):**

- 1. Payment of any and all pertinent outstanding fees and escrow.**
- 2. Proof of filing of the subdivision plat entitled “Consolidation Map, Lands of Connor Rose Realty, Inc.,” prepared by Kirk Horton, L.S., dated 11/07/08, as last revised, in the office of the County Clerk.**

Dated: January 12, 2009

Moved By: James Johnson Seconded By: Valerie LaRobardier

Resolution Approved/Disapproved:

Dave Wylock: Aye  
 John Fila: Aye  
 James Johnson : Aye  
 Brian Kelly: Aye  
 Barbara Kendall: Aye  
 Valerie LaRobardier: Aye

The Resolution was thereupon adopted.

David Wylock, Planning Board Chair

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**Motion made by John Fila to take a 5 minute recess 2nd by James Johnson**

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

**Motion made by Brian Kelly to return from the 5 minute recess 2nd by James Johnson**

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

**D. TURNER SITE PLAN, EROSION CONTROL - 6362-00-333200, 434085, 370940, 489160 and 505009**

Applicant Mike Bodendorff of Hudson Land Design for Robb Turner  
 Plans Prepared by Mike Bodendorff  
 Property located on McCourt, Corbin and Ridge Roads  
 Application for Erosion Control to construct a single family residence  
 guest house, barn, stables, paddock, driveways and a “constructed wetland”  
 site is currently vacant and wooded.

**Public Hearing**

**Motion made by Brian Kelly to open the Public Hearing 2nd by James Johnson**

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

**Michael Bodendorf-**  
**No longer pursuing constructed wetlands**

No comments from the Public

**Engineer Berger-**

Now just chapter 65

SWPPP is very thorough

A lot of information that is in the SWPPP should be included on the plans for the  
Building inspector for better monitoring purposes

Engineer stated he had no problem with these additions

Diversion swales added

Filters have been changed as requested to bio retention, additional silt fence and  
swales added, Bond provided

**Planner Ley-** A letter from DEC was submitted by application re: rattlesnakes.

She requested a report; a Study was done in July 2008 –

There were no dens or what appear to be dens in the limits of disturbance.

The possibility of rattlesnakes in other areas of the site was not ruled out ; site is large  
compared to the area of disturbance

**Public- Raymond Horton-** Is this an existing lake?

A: yes

**Q:** Will trees be maintained?

A: yes

**Member Kendall-**

Question of tree waiver 65-9- - 6 would like clarification-

Engineer Berger- Since the area of disturbance is so defined, outside of that area there  
will be no trees removed- only in that area of disturbance because of the creation of the  
driveway.

Member Kendall is concerned with the fact that this is the highest topographical point  
for several miles around, there's an importance for the trees to be shown on the top of the  
ridge on the site plan, because of the scenic view aspect. C

can this area be cross hatched around the house site to show the wooded area to be  
preserved? A: yes

Engineer Berger- It can be a condition of approval – no trees above 1180-

Attorney Polidoro- Note on map, - No trees shall be removed outside the area of disturbance

Mr.Bodendorf- Would this restrict the applicant wishes to log?

Attorney Polidoro- not if we use the language of best forest management practices

Member Fila- Felt the Language of “BMP or DEC Best Management Practices” would be  
appropriate.

No further comments from the Board

**Motion made by Valerie LaRobardier to closed the Public Hearing 2nd by John Fila**

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

Part 2 of long form EAF was reviewed by the Board resulting in the adoption of a negative declaration

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**617.7 State Environmental Quality Review (SEQR)**

**Negative Declaration**

**Notice of Determination of Non-Significance**

**Date of Adoption:** January 12, 2009

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Planning Board of the Town of Dover, as Lead Agency, has determined that the proposed action described below will not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Robb Turner Erosion and Sediment Control Permit

**SEQR Status:** Type I    
 Unlisted

**Conditioned Negative Declaration:**  YES   
  NO

**Description of Action:** The project proposes the construction of a single family residence, guest house, barn, stables, paddocks, driveways, and other associated site improvements. The site is comprised of approximately 512 acres, 485 of which are forested.

**Location:** McCourt, Corbin and Ridge Roads, Town of Dover, Dutchess County, New York

**Reasons Supporting This Determination:** The Planning Board of the Town of Dover has given due consideration to the subject action as defined in 6 NYCRR 617.2(b) and 617.3(g). After reviewing the Environmental Assessment Form (EAF) for the action and completing Parts 2 and 3 of the EAF, with the aid of its consultants, the Planning Board has concluded that the proposed action will not have a significant adverse impact on the environment and therefore does not require the preparation of an Environmental Impact Statement.

According to the New York State Department of Environmental Conservation (NYSDEC), a threatened species, the Timber Rattlesnake, has been documented within 1.5 miles of the site. The applicant performed a preliminary habitat assessment which did not reveal any habitat within the limits of disturbance suitable for Timber Rattlesnake dens. Documented Timber Rattlesnake dens are located on a neighboring property within 1.5 miles of the site, but given the intervening topography and roadways, and the limited scope of development proposed for the 512 acre parcel and the fact that only

19.8 acres will be impacted leaves a large area protected on the property for this species, significant adverse impacts to these dens are not anticipated to result from the construction of the proposed action.

The proposed action will require a State Pollution Discharge Elimination System (SPDES) Permit from the DEC. In order to obtain the permit, the applicant will be required to submit a Stormwater Pollution Prevention Plan (SWPPP) and meet the current NYSDEC stormwater requirements, including mitigation for stormwater quality and quantity.

**For Further Information:**

Contact Person: Betty-Ann Sherer, Planning Board Clerk Historic  
Address: Tabor Wing House, 3128 Rt 22, Dover, NY 12522  
Telephone: 845-877-4271

**A Copy of this Notice Filed With:**

Planning Board of the Town of Dover (Lead Agency), Ryan Courtien, Town Supervisor, All Involved Agencies

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**RESOLUTION ADOPTING NEGATIVE DECLARATION  
ROBB TURNER**

Date: January 12, 2009 Property Address: Mc Court, Corbin and Ridge Road,  
Dover Plains, NY

**WHEREAS**, an application for an erosion and sediment control permit to construct a single family residence, guest house, tennis courts, barn, stables, and associated site clearing and grading activities at property located at Mc Court, Corbin and Ridge Roads, Dover Plains, New York, Tax Parcel Nos. 6962-00-333200, -434085, 489160, -505009, & 6961-00-370940 (the "Site"), was submitted to the Planning Board on October 22, 2008 by Michael A. Bodendorf , P.E.; and

**WHEREAS**, on October 30, 2008, the Planning Board classified the action as a Type I action under the New York State Environmental Quality Review Act ("SEQRA") and declared its intent to serve as lead agency, to which no other agency has objected; and

**WHEREAS**, the Timber Rattlesnake, a threatened species, has been documented within 1.5 miles of the site; and

**WHEREAS**, the applicant has submitted a letter dated January 12, 2009, stating that it performed a preliminary habitat assessment, which did not reveal any habitat within the limits of disturbance for Timber Rattlesnake dens, and that dens are located across the street within 1.5 miles of the site, but given the intervening topography and roadways, significant adverse impacts to these dens are not anticipated; 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 thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gathered by the Board through its consultants and considered the criteria contained in 6 NYCRR 617.7.

**NOW THEREFORE BE IT RESOLVED, that the Town of Dover Planning Board has determined that the proposed action will not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared and directs the secretary to the Board to send the attached Notice of Determination of Non-Significance to the Environmental Notice Bulletin for publication.**

Dated: January 12, 2009

Moved By: John Fila      Seconded By: Valerie LaRobardier

**Resolution Approved**/Disapproved:

- Dave Wylock: Aye
- John Fila: Aye
- James Johnson: Aye
- Brian Kelly: Aye
- Barbara Kendall: Aye
- Valerie LaRobardier: Aye

Planning Board Chair Dave Wylock

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**RESOLUTION GRANTING EROSION AND SEDIMENT CONTROL PERMIT  
ROBB TURNER**

Date: January 12, 2009      Property Address: Mc Court, Corbin and Ridge Road,  
Dover Plains, NY

WHEREAS, an application for an erosion and sediment control permit to construct a single family residence, guest house, tennis courts, barn, stables, and associated site clearing and grading activities at property located at Mc Court, Corbin and Ridge Roads, Dover Plains, New York, Tax Parcel Nos. 6962-00-333200, -434085, 489160, -505009, & 6961-00-370940 (the "Site"), was submitted to the Planning Board on October 22, 2008 by Michael A. Bodendorf , P.E.; and

WHEREAS, pursuant to Chapter 65 of the Code, disturbance of ½ acre or more is not permitted unless an Erosion and Sediment Control permit has first been obtained by the applicant; and

WHEREAS, the applicant has submitted an Erosion and Sediment Control Plan, prepared by Hudson Land Design Professional Engineering, dated October 14, 2008, last revised December 12, 2008, which details temporary and permanent erosion and sediment control measures that will be implemented during and after construction; and

WHEREAS, the Timber Rattlesnake, a threatened species, has been documented within 1.5 miles of the site; and

WHEREAS, the applicant has submitted a letter dated January 12, 2009, stating that it performed a preliminary habitat assessment, which did not reveal any habitat within the limits of disturbance for Timber Rattlesnake dens, and that dens are located across the street within 1.5 miles of the site, but given the intervening topography and roadways, significant adverse impacts to these dens are not anticipated; and

WHEREAS, on January 12, 2009, the Board, acting as lead agency in a coordinated review of the project, determined that no adverse environmental impacts would result from the proposed project and that an environmental impact statement would not be prepared; and

WHEREAS, on January 12, 2009, a duly noticed public hearing on the application was held, during which all those who wished to speak were heard.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby waives the requirements of Sections 65-9(A)(2), 65-9(A)(4), 65-9(A)(6), 65-9(C)(1), and 65-9(C)(4) of Chapter 65 of the Code.**

**BE IT FURTHER RESOLVED that the Planning Board hereby grants the applicant an erosion and sediment control permit for site disturbance as shown on plans prepared by Hudson Land Design Professional Engineering, dated October 14, 2008, last revised December 12, 2008, subject to the following conditions:**

- 1. The applicant shall file with the Town Clerk a performance guaranty in the amount of \$50,193.00 in form and manner acceptable to the Town Board and Town Attorney, which shall be kept in full force and effect until a certificate of compliance shall have been issued by the authorized official to ensure that all provisions of this chapter and of the permit have been met.**
- 2. A note shall be added to the map stating that all bioretention areas shall be landscaped in accordance with NYSDEC 2003 Storm Water Management Design Manual.**
- 3. Evidence of approval of Stream Disturbance Permit and coverage under SPDES GP 0-08-001 from New York State Department of Conservation.**
- 4. Evidence of Approval of the sewage disposal system by Dutchess County Department of Health.**
- 5. A Note shall be added to sheet 4 of 9 stating that no trees shall be removed outside the limits of disturbance except for NYS DEC Best Management practices. Trees within the limits of disturbance shall be preserved to the greatest extent practicable**
- 6. Payment of all fees and escrow.**

Dated: January 12, 2009

Moved by: Valerie LaRobardier

Seconded by Barbara Kendall

**Resolution Approved/Disapproved:**

Chair David Wylock	<u>Aye</u>
Member Barbara Kendall	<u>Aye</u>
Member John Fila	<u>Aye</u>
Member James Johnson	<u>Aye</u>
Member Brian Kelly	<u>Aye</u>
Member Valerie LaRobardier	<u>Aye</u>

David Wylock, Planning Board Chair  
Engineer Berger- Wanted to thank the consultant for a very thorough SWPPP the first time around it made review of the project much easier.

**E. GETAWAY CHIPPEWALLA- 6961-00-932831**

Applicant Brian McGrath for James Muncey Plans Prepared by Spectra Engineering  
Property located on Ridge Road, Dover, NY in the RC district

Applicant seeks to subdivide a 223.47 acre parcel divided by Ridge Road and  
create 1- 123.47 acres parcel and 1- 100 acre parcel

**Public Hearing**

**Motion made by Jim Johnson to open the Public Hearing 2nd by John Fila**

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

**Brian McGrath:**

Here to ask for

a simple subdivision

parcel on Ridge Road

233.74 acre parcel

currently divided by a road and they wish to subdivide the parcel into 2 lots 123.74  
acres and 100 acres

There will be no building on the property

Fence on property, that's all that is planned

Property currently being leased

After this project is complete, all parcels will be merged into one

**comments from the Public:**

DIANE BIDERMAN- Curious as to what is actually happening on the parcel- is it a deer  
farm

A: (Mr. McGrath) Yes that is exactly what it is.

Q: Are the breaks in the fence for the deer to get out?

A; There shouldn't be any breaks in the fence, it should be continuous.

We have gates. The deer are not there yet

Engineer Berger- This application is specifically just for the subdivision- the other activities  
on the other parcels is not being discussed tonight, this is purely for subdivision.

Other discussions as to the business of the deer farm and other uses; how they will be  
hunted, etc.

Chair Wylock redirected the Public that the application before the Board is to subdivide a  
200+ acre parcel into 2 lots; the previous applications are not currently before the Board.

No comments from the Public

Attorney Polidoro- The Board should make a finding of recreation needs since 1 of the lots  
could be a building lot in the future.

No further comments from the Board





WHEREAS, an application for the approval of a 2-lot subdivision plat entitled "Chippawalla Properties, Inc.," ("Chippawalla Subdivision") prepared by Spectra Engineering, Architecture & Surveying, P.C., dated 10/17/08, no revision date, for property located on Ridge Road, Dover Plains, NY, Tax Parcel No 6961-00-932831 (the "Site"), was submitted to the Planning Board on October 29, 2008; and

WHEREAS, one lot will comprise approximately 100 acres of land for agricultural use and the second lot will comprise of approximately 123.47 acres of undeveloped land; and

WHEREAS, on January 12, 2009, the Planning Board determined that the proposed action would not have a significant impact on the environment and that an environmental impact statement would not be prepared; and

**WHEREAS, a duly noticed public hearing on the application was held on January 12, 2009, during which all those who wished to be heard were given an opportunity to speak.**

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant waivers from the requirements of Sections 125-17C, & F and 125-18G of the Code.**

**BE IT FURTHER RESOLVED, that the Town of Dover Planning Board finds that adequate parkland does not exist; and,**

**BE IT FURTHER RESOLVED, that the Town of Dover Planning Board hereby grants preliminary layout approval to the Chippawalla Subdivision.**

**BE IT FURTHER RESOLVED, that the Dover Planning Board hereby grants subdivision approval to the 2-lot subdivision plat entitled "Chippawalla Properties, Inc.," ("Chippawalla Subdivision") prepared by Spectra Engineering, Architecture & Surveying, P.C., dated 10/17/08, no revision date, subject to the following conditions:**

- 1. Payment of all fees and escrow including the recreation fee of \$ 2,000.00.**
- 2. Revision of the Plat to include a zoning district and bulk regulation table.**
- 3. Dutchess County Department of Health permission to file.**

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

**Resolution Approved/Disapproved:**

Dave Wylock: Aye  
John Fila: Aye- Second  
James Johnson: Aye- Motion  
Brian Kelly: Aye  
Barbara Kendall: Aye  
Valerie LaRobardier: Aye

The Resolution was thereupon adopted.

**F. NEW Dover Compressor Station Market Access Project- 7061-00-380560**

Applicant Ruth Parkins, Manager of Public Affairs

Property located 186 Dover Furnace Road, Dover

Plans Prepared by Russell Palucci of Cimarron Engineering

Applicant seeks site plan amendment to formally show a previously approved existing temporary access road outside of the existing fencing as a permanent access Town of Dover CEO verbal approval 01-15-08 FERC approval granted 10/24/08

**RESOLUTION CLASSIFYING ACTION, DETERMINING SIGNIFICANCE AND REFERRING ACTION TO COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT****Dover Compressor Station Site Plan Amendment**

January 12, 2009

Property Address: 186 Dover Furnace Road, Dover Plains

WHEREAS, an application for the approval of a site plan amendment for the Dover Compressor Station Market Access Project to maintain an existing temporary access road as a permanent access road, entitled "Plot Plan, Dover Compressor Station," prepared by Cimarron Engineering, dated 12/14/07, last revised 2/26/08, was submitted to the Planning Board on December 17, 2008, by Iroquois Gas Transmission System; and

WHEREAS, the application was referred to J. H. Ketcham Hose Company, which responded with comments of a turn around provided at the end of said road as well as this road be maintained; and

WHEREAS, the Planning Board and its consultants have reviewed the short environmental assessment form provided by the applicant and found that it contains sufficient information on which to base a determination of significance; and

WHEREAS, the Planning Board and its consultants have 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 classifies the Dover Compressor Station Site Plan Amendment as an unlisted action under SEQRA.**

**BE IT FURTHER RESOLVED, that the Planning Board has determined that the proposed action will not have a significant adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared.**

**BE IT FURTHER RESOLVED, that the Planning Board hereby directs the clerk to the Planning Board to refer the application to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.**

Dated: January 12, 2009

Moved By: Brain Kelly Seconded By: John Fila**Resolution Approved/Disapproved**

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

Planning Board Chair David Wylock

Applicant submitted an additional copy of application for submission to DC Planning as per 239M

**G. ZINGARO PROPERTY Grid # 7259-00-088958**

Applicant John Zingaro, Engineer- Insite Engineering Bill Brickelmaier

Property located on Route 55 in the RC district

Applicant proposing to subdivide property 7 residential lots with 1 open space parcel.

Entertain request for extension of Preliminary Plat

December 10, 2008

Honorable David Wylock, Chairman  
Town of Dover Planning Board  
Town of Dover  
126 East Duncan Hill Road  
Dover Plains, New York 12522

Re: Zingaro Subdivision

Dear Chairman Wylock and Members of the Board:

As you know, my firm represents Mr. John Zingaro who owns property located on New York State Route 55, which property received preliminary subdivision approval by resolution dated February 15, 2008. Thereafter, by resolution adopted on July 31, 2008, the Planning Board extended the time in which the applicant must submit a final plat to the Planning Board for a period of six (6) months. That extension permits filing on or before February 15, 2009.

Due to present economic circumstances and on-going discussions with respect to the donation of open space, we respectfully request that the Planning Board grant a six (6) month extension, until August 15, 2009 so as to permit fulfillment of the conditions necessary for the filing of the final plat. We respectfully request that this matter be addressed at the next available Planning Board agenda in January, 2009. Thank you once again for your continued consideration.

Very truly yours,

  
Richard L. O'Rourke

RLO/cp

cc: Mr. John Zingaro  
William Brickelmaier, P.E. (Insite Engineering)  
Patrick J. O'Sullivan, Esq.

**RESOLUTION TO EXTEND TIME IN WHICH TO SUBMIT A FINAL PLAT****Zingaro Subdivision****Date: January 12, 2009****Resolution: #****Moved by: Brian Kelly****Seconded by: James Johnson**

WHEREAS, on February 15, 2008, the Planning Board granted preliminary plat approval to the subdivision entitled "Preliminary Subdivision Plat known as Route 55 Corp" for property located on New York State Route 55, Tax Parcel No. 7259-00-088958 (the "site"); and

WHEREAS, pursuant to Section 125-8(A) of the Dover Code, a final plat must be submitted to the Planning Board within six months of preliminary plat approval; and

WHEREAS, on July 31, 2008, the Board granted the applicant a 6 month extension of time within which to submit the final plat, to February 15, 2009; and

WHEREAS, the applicant has requested an additional extension of time in which to satisfy the conditions of preliminary plat approval and submit a final plat for the Board's consideration; and

WHEREAS, the Planning Board has considered the particular circumstances of the applicant which warrant an extension thereof.

**NOW THEREFORE BE IT RESOLVED that the Planning Board hereby grants the applicant an additional 6 month extension of the time in which to submit to the Planning Board a final plat for the Board's consideration, to August 15, 2009.**

**It is the responsibility of the applicant to track the time frame within which this extension of approval will expire. There will be no written or verbal notification to the applicant from the Planning Board office prior to the expiration of this extension of the approval.**

David Wylock	<u>Aye</u>
Barbara Kendall	<u>Aye</u>
John Fila	<u>Aye</u>
James Johnson	<u>Aye</u>
Brian Kelly	<u>Aye</u>
Valerie LaRobardier:	<u>Aye</u>

David Wylock, Planning Board Chair

DISCUSSION ITEMS:

1. BULFAMANTE SUBDIVISION -Grid # 7163-00-380625

Applicant Sebastian Bulfamante Plans Prepared by Brian Franks

Application for a Lot Line Change

Applicant seeks a lot line change to subdivide a 100 acre farming parcel into 1- 70 acres parcel and 1- 30 acres parcel

Property located on Poplar Hill Road, in the RU district

Discussion Point- Applicant will need to revise his application or withdraw

December 15, 2008

Chairperson David Wylock and Members of the  
Planning Board of the Town of Dover  
Town of Dover Town Hall  
126 East Duncan Hill Road  
Dover Plains, NY 12522

RE: BULFAMANTE SUBDIVISION; TOWN OF DOVER

Dear Chairperson Wylock and Members of the Town of Dover Planning Board:

I wrote to you by letter dated May 6, 2008 concerning a Bulfamante subdivision application which improperly included a 6.33 acre deed overlap parcel that is owned by my client, Elizabeth Crane Lawrence.

At this point, the litigation between my client and Mr. Bulfamante has been concluded.

I enclose a copy of an executed Boundary Line Agreement dated as of December 1, 2008 in which Mr. Bulfamante and my client agree that my client is the owner of the 6.33 acre deed overlap parcel. This Boundary Line was recorded on December 10, 2008. The document is recorded as Document No. 02 2008 7606.

I ask for confirmation that the Bulfamante application will be denied unless it is amended to delete the 6.33 acre parcel.

**Mr. Schilling (Mr. Bulfamante's Attorney) was notified that the applicant would need to revise his application as well as his maps if he would like to move forward with this subdivision application, through a letter created by Attorney Polidoro.**

## 2.Approval of December Minutes

**Member Kendall- wanted to mention corrections – a few sentences began but did not end.  
Secretary to review minutes and revise as needed**

### **Motion made by Valerie LaRobardier to accept the December 2008 minutes as corrected 2nd by John Fila**

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

## 3. 2009 Meetings - revisions & dates

### **Motion made by James Johnson to adopt the New Planning Board meeting schedule as the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month 2nd by John Fila**

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

### **Motion made by James 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 VALERIE LAROBARDIER- AYE

Respectfully submitted,

Betty-Ann Sherer

Please call the Planning Board Office with any questions 845-877-4271

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