

### 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 - April 6, 2009  
7:00PM

- Ⓟ Co-CHAIR David Wylock
- Ⓟ Member Barbara Kendall
- Ⓟ Member John Fila
- Ⓟ Member Brian Kelly
- Member James Johnson
- Ⓟ Member Valerie LaRobardier
- Ⓟ 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: John Kalin for Mountain View Subdivision, Christopher Colby For Ketcham's Corner New Site Plan Amendment & Andrew Peterson for Peterson Subdivision, 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 7:03 PM and began with the Pledge of Allegiance**

#### A. Mountain View Subdivision-7160-00-720215

Applicant John Kalin of DC Engineering for Property Owner Michael Conway  
Plans Prepared by Zarecki & Associates

Property located at 14 Mountain View Drive, Wingdale

Application for a 2 Lot Subdivision - 32 acres in the RU/RC district - 2lots proposed are 27 acres and 5 acres -

- Preliminary Plat granted on 09/04/2007, extensions granted 03/04/2008 & 09/02/2008
- ZBA Variance granted 06/21/2007
- Department of Health statement dated 01/21/2009
- Applicant submitted letter of waivers requested for Chapter 65 dated 02/11/2009
- Proposed well Easement description submitted

Applicant seeks final Plat approval

John Kalin

Chapter 65 Map revision date March 24, 2009 for this meetings discussion

Map revised as per comments from the last meeting fro drainage modifications and overlay district

- Note added to map - site in the UAZ- Upper Aquifer District and it should be noted on map- Language provided- " THIS PROJECT IS LOCATED WITHIN THE UPPER AQUIFER OVERLAY DISTRICT (UAZ). ALL LAND USES AND ACTIVITIES WITHIN THE UAZ ARE SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 145-15 OF THE TOWN CODE OF THE TOWN OF DOVER, AQUIFER OVERLAY DISTRICT, AS AMENDED FROM TIME TO TIME."
- Note re-Drainage : "DRAINAGE ON DRIVEWAY SHALL BE DIRECTED TO THE CATCH BASIN TO THE EAST OF THE DRIVEWAY , UNLESS DIRECTED BY THE TOWN ENGINEER SEE SHEET 2"

Letter from Code Enforcement officer re: Stop Work Order previously issued

Mar 26 09 11:44a

BUILDING DEPARTMENT

845 852-0370

p.1



TOWN OF DOVER, NEW YORK  
 BUILDING AND ZONING DEPARTMENT  
 George T. Hearn, Code Enforcement  
 Officer



126 East Duncan Hill Road  
 Dover Plains, New York 12522

March 26, 2009

VIA FAX 577-4273

Dear Betty-Ann,

I sent an e-mail to you on March 18, 2009 concerning 14 Mountain View (a copy faxed herewith).

The erosion control matter is corrected for now but the issue of the driveway cut is still pending the action of the Planning Board. If you approve it, it still must be approved by the Highway Superintendent, then that will remove the final violation as of this point in time.

Sincerely,

George T. Hearn  
 Code Enforcement Officer

Engineer Berger Commented:

The previous Highway Superintendant had been to the site and approved it over 1 year ago, the current Highway Superintendant has not been out to the site, and generally does not look at

Chapter 65 applications.

No further comments from the Board

Chair Wylock read the following letter submitted by Planning Board Attorney Victoria Polidoro

Re: *Mountain View Subdivision*  
*14 Mountain View Lane Grid*  
*No. 7160-00-720215*

*Dear Chairman Wylock:*

*I have reviewed the Declaration of Easement and Restrictive Covenants, submitted by the applicant in furtherance of above referenced application, and approve said document with the following revisions:*

*The first paragraph should include the last revision date of the plat and the date of approval from the Dover Planning Board to read as follows: " ... dated September 17,2007, last revised \_ \_ and approved by resolution of the Dover Planning Board dated \_ \_ .... "; and*

*The phrase "on or under" should be inserted between "structure" and "nor" in the last sentence of the first paragraph on page 2 to read as follows: "The owner of Lot 2 shall not build any structure on or under nor disturb the easement area."*

*By copy of this letter, I am requesting that Joe Berger review the metes and bounds description attached to the document as Exhibit "A".*

*Please do not hesitate to contact me should you have any questions or concerns.*

*Sincerely,*

*Victoria L. Polidoro*  
*Planning Board Attorney*

VLP:jeb

cc: *Joseph Berger, Planning Board Engineer (Via First-Class Mail) William*  
*A. Shilling, Esq. (Via First-Class Mail)*

Attorney Polidoro added that she spoke to Attorney Schilling and he agreed to the changes and as a condition of approval to add final approval by Town Attorney to assure he agrees as well.

## **RESOLUTION GRANTING EROSION AND SEDIMENT CONTROL PERMIT APPROVAL**

### **Mountain View Subdivision**

**Date: April 6, 2009**

**Resolution: #**

**Moved by: Valerie LaRobardier**

**Seconded by: Barbara Kendall**

WHEREAS, an application for an erosion and sediment control permit to construct a single family residence, SDS and driveway in connection with a 2-lot subdivision located at 14 Mountain View Lane, Tax Grid No. 7160-00-720215, as detailed on plans entitled "Final Subdivision Plat Prepared For 14 Mountain View

Corp.”, prepared by Zarecki & Associates, LLC, dated September 17, 2007, last revised April 3, 2009, has been submitted to the Planning Board for approval; and

WHEREAS, the applicant was issued a Notice of Violation and Order to Remedy, dated February 4, 2009 Erosion and Sediment Control Permit, for work conducted on the site without a permit; 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, on September 4, 2007, the Planning Board adopted a negative declaration for the proposed action; and

WHEREAS, the applicant has requested several waivers from the requirements of Chapter 65 of the Code, which the Board and its consultants have considered.

**NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby waives the requirements of Sections 65-9(A)(2), 65-9(A)(3), 65-9(A)(4) & 65-9(A)(6) of Chapter 65 of the Code.**

**BE IT FUTURE RESOLVED that the Planning Board hereby grants the applicant an erosion and sediment control permit for site disturbance as shown on plans entitled “Final Subdivision Plat Prepared For 14 Mountain View Corp.”, prepared by D.C.Engineering, dated September 17, 2007, last revised March 24, 2009, subject to the following conditions:**

1. **The applicant shall file with the Town Clerk a performance guaranty in the amount of \$9150, 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. **Payment of all fees and escrow.**
3. **Revision of plat to include the following notation: Drainage on driveway shall be directed to the catch basin to the east of the driveway, unless field modifications are directed by the Town Engineer.**
4. **Submission of \$300 into escrow, to be replenished if it goes below \$50, to cover the cost of inspections by the Planning Board Engineer.**

**BE IT FURTHER RESOLVED, that this permit shall expire the earlier of: 1) 1 year from the date of this resolution; or 2) issuance of a certificate of compliance by the Building Inspector.**

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

David Wylock	<u>AYE</u>
Barbara Kendall	<u>AYE-Second</u>
John Fila	<u>AYE</u>
James Johnson	<u>absent</u>
Brian Kelly	<u>AYE</u>
Valerie LaRobardier:	<u>AYE-Motion</u>
Peter Muroski:	<u>AYE</u>

David Wylock, Planning Board Chair

**RESOLUTION GRANTING SUBDIVISION APPROVAL****Mountain View Subdivision****Date: April 6, 2009****Moved by: Barbara Kendall    Seconded by: Peter Muroski**

WHEREAS, on February 11, 2009, an application and plat for final plat approval for a 2-lot subdivision located at 14 Mountain View Lane, Tax Grid No. 7160-00-720215, entitled, "Final Subdivision Plat Prepared For 14 Mountain View Corp.", prepared by Zarecki & Associates, LLC, dated March 24, 2009, last revised April 3, 2009, was submitted to the Planning Board for approval; and

WHEREAS, on September 4, 2007, after a duly noticed public hearing during which all those who wished to speak were heard, the Planning Board adopted a negative declaration and granted preliminary plat approval to the proposed subdivision; and

WHEREAS, the Planning Board requested that the 2-lot subdivision be reviewed by the Dutchess County Department of Health even though the Department of Health ("DOH") is only required to review subdivisions of 5 lots or more; and

WHEREAS, by letter dated January 21, 2009, DOH granted the applicant conceptual approval of the SDS; 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

WHEREAS, such land for parks and other recreational purposes may not be required until the Planning Board makes a finding 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

WHEREAS, in the event that the Planning Board makes a finding that a proper case exists for requiring the set aside of recreation lands, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on the subdivision plat, the planning board may require a sum of money in lieu thereof, to be deposited into a trust fund to be used for park, playgrounds or other recreational purposes.

**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 but that that a suitable park or parks of adequate size to meet the requirement cannot be properly located on the on the proposed subdivision plat and in lieu thereof requires that payment to the Town of Dover Recreation Trust Fund in the amount of \$ 2,500.00 be made.**

**BE IT FUTHER RESOLVED that the Planning Board hereby grants final subdivision approval to the subdivision plat entitled "Final Subdivision Plat Prepared For 14 Mountain View Corp.", prepared by Zarecki & Associates, LLC, dated September 17, 2007, last revised March 24, 2009, subject to the following conditions:**

- 1. Payment of all fees, including the recreation fee, and escrow.**
- 2. Revision of plat to note location in the UAZ and PAZ overlay districts.**
- 3. Approval by Planning Board Attorney of well easement**
- 4. Acceptance by Department of Health of well easement**

5. **Final approval of DOH**
6. **Revision of plat to include the following notation: Drainage on driveway shall be directed to the catch basin to the east of the driveway, unless field modifications are directed by the Town Engineer.**

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

David Wylock	<u>AYE</u>
Barbara Kendall	<u>AYE-Motion</u>
John Fila	<u>AYE</u>
James Johnson	<u>absent</u>
Brian Kelly	<u>AYE</u>
Valerie LaRobardier:	<u>AYE</u>
Peter Muroski:	<u>AYE-Second</u>

David Wylock, Planning Board Chair

**B. NEW-Ketcham's Corner Amendment- 7063-11-534507**

Applicant Christopher Colby of Spire Architecture for Patrick Mitchell, Property Owner  
Property located at 3156 Rt 22 Dover, NY  
Application for a Site Plan Amendment to add 3 metal roofed canopies over 3 existing door @ the North elevation as well as 4 walkways from the 4 existing doorways to parking /driveway area

Chris Colby

Seeks site plan amendment as stated above to add metal roofs over the 3 doors in the rear, the 4<sup>th</sup> will be covered by the proposed stairwell.  
The canopies will extend 5" out from the building 7'-6' wide  
? Will the addition of the walkways change the drainage?

Mr. Colby was unsure if the walkway were big enough to make a major impact to the drainage pattern in that area.

There will be no additional lighting added to the site

Only the residential entrance will have a light shown on the previously approved site plan.

A Complete full set of plans are required to be submitted to show entire site plan  
Since this is a site plan amendment the submission needs to contain all details.  
Previously approved stamped walkway is required to be shown as well for final submission

No further comments from the Board

**RESOLUTION REAFFIRMING PRIOR SEQRA DETERMINATION AND REFERRING  
APPLICATION TO ARB AND COUNTY DEPARTMENT OF PLANNING AND  
DEVELOPMENT**

**Ketcham's Corner Site Plan Amendment – New Canopies**

**Date: April 6, 2009**

**Moved By: Valerie LaRobardier**

**Seconded By: John Fila**

WHEREAS, on March 11, 2009, the applicant submitted to the Town of Dover Planning Board an application for site plan amendment approval for the addition of three metal 4'x5' shed canopies at the rear of the existing building and four asphalt walkways approximately 3' wide, as shown on the site plan entitled "Ketcham's Corner Site Plan Amendment", prepared by Spire Architecture PLLC, dated March 11, 2008[sic], no revision date; and

WHEREAS, on January 12, 2009, the Board adopted a negative declaration for the Ketcham's Corner conceptual master plan, which included development of the entire parcel; and

WHEREAS, the Board has reviewed the proposed site plan amendment and has compared the impacts that are likely to result from the action and has determined that there are no significant adverse impacts associated with the proposal and that the plans are consistent with the original approval.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby reaffirms its prior SEQRA determination of non-significance adopted on January 12, 2009.**

**BE IT FURTHER RESOLVED, that the Planning Board hereby refers the application to the Architectural Review Board for approval.**

**BE IT FURTHER RESOLVED, that the Planning Board directs the secretary 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.**

David Wylock	<u>Aye</u>
Barbara Kendall	<u>Aye</u>
John Fila	<u>Aye-Second</u>
James Johnson	<u>absent</u>
Brian Kelly	<u>Aye</u>
Valerie LaRobardier:	<u>Aye-Motion</u>
Peter Muroski:	<u>Aye</u>

David Wylock, Planning Board Chair

**Motion made by John Fila to waive the Public Hearing on the Ketcham's Corner Minor Site Plan amendment 2nd by Brian Kelly**

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

**C. Peterson Subdivision- 7059-00-308921**

Applicant Andrew Peterson  
Plans Prepared by Anthony Pisarri, P.E.  
Property located at 43 Hoags Corner Road  
Application to subdivide a 6.538 acre parcel in the SR district within the SC Overlay district into 2 residential lots

Initial Discussion

Andrew Peterson- Seeks subdivision approval to create another lot and build another house.

Why such a long driveway?-

Applicant requested long drive to continue to protect and access the existing stream. In review of the Flag lot calculations - "poles" are to be left out of the calculation "Poles" were not included in the calculations for acreage of the flag lots

Septic of lot 1 not on plan- Application showed the board where the septic location for lot 2 would be as well as where the existing lot 1 septic is - this will need to be on the next map submission

Comments by J. Berger-

Map is prepared by an Engineer - Subdivision Plat needs to be done by a Surveyor

Wetlands are a combination of information provided by the surveyors Morris and Fowler Stamps need to be on the map.

Property line is to be stamped by a P.E.

Topo was created by someone else. The property line, wetlands and if an engineer did the topography he can stamp that as well.

Because it is so close to the DEC wetland, a DEC permit and possibly an Army Corp permit for the Driveway for the new house. There is a proposed well circle shown but new septic it would be good for Planning Board to see where the adjoining wells are located Health Department requires this as well.

Chapter 65 needed for Driveway -

- o the area of disturbance as well as that length will be exceeded
- o Possibly will reach the 1 acre threshold for a SWPPP.
- o Driveway possibly 50-70' away (54')

If this 2 lot subdivision is viewed as a non realty it would be suggested to the Board that it is asked of the Health Department look at the plans due to the sensitivity of the slopes and the closeness to the wetlands, just as what was done with Mountain View

Mr. Peterson- Originally the map was done by Frank Fowler- he did the original property as well as located the topography and the flags that were done by Heather (Gerloff) If need be maps can be stamped by both.

Engineer Berger- Sate law requires that the Surveyor stamps and signs map.

There are also wetland flagged by Mike Clancy

A DEC block will be needed to show that both are signed off although it is on Mr. Peterson's property.

Driveway material will continue to be bank run and material taken from the site, it is an existing path Mr. Peterson is trying to continue and follow that path

On the EAF the Dutchess County Soil survey should be used to clearly define the soil type designation

- ✓ A Copy of Engineer Berger's and Planner Ley's written comments were given to Mr. Peterson.

Attorney Polidoro- Question on the Survey on Pleasant Ridge Road- is there another piece of property that goes in between the parcel and the ROW- A: It is the odd shaped highway ROW, because of the drainage from the bridge. - The Surveyor will need to show this on the map as well.

Q: on the new driveway area, is the neighbor's exiting drive on the parcel as well.

A: There is an existing area where they park their cars, there's a drop of about 20' Right now the neighbor's are not aware of a proposed driveway. The structure in that vicinity is not a shed but a canvas canopy, the garage is 6' from the property line. There is also a tree in the area that would be removed in order to improve site distance.

Septic testing was done in approximately 6 areas.

*Applicant will need to proceed:*

- o Engineer's stamp
- o More grading to be shown on map
- o Chapter 65 permits and check list
- o A draft drainage study
- o A method for treating storm water off the driveway

Look at rain gardens long grass swale, applicant should look at different practices that are more vegetative than structural.

- o Contact the Natural Heritage

Applicant need to have his septic design done in order to go through SEQRA and approach the Board of Health

**Motion made by Brian Kelly to treat this as a realty subdivision and forward this application to the County Health Department 2nd by Barbara Kendall**

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

**CLASSIFICATION OF ACTION RESOLUTION**

**PETERSON SUBDIVISION**

Date: April 6, 2009                      Property Address: 43 Hoags Corner Road, Wingdale, NY

**WHEREAS**, an application for preliminary plat approval for a 2-lot conventional subdivision located on 43 Hoags Corner Road, Wingdale, NY, Tax Parcel No. 7059-00-308921 (the "Site"), was submitted to the Planning Board on March 13, 2009 by Andrew and Marsha Peterson (the "Applicants"); and

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

**WHEREAS**, the Planning Board of the Town of Dover has performed a preliminary review of the application for preliminary plat approval and EAF; 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 of the Town of Dover hereby declares that the Peterson Subdivision is an unlisted action under SEQRA.**

Dated:                      April 6, 2009

Moved By:                      Valerie LaRobardier                      Seconded By:                      Barbara Kendall

**Resolution Approved/Disapproved:**

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

David Wylock, Planning Board Chair

Chair Wylock reminded everyone of the Training session April 28<sup>th</sup> 2:00-5:30 on Protecting our Natural Resources and the Impact of Storm Water Run Off

Chair Wylock spoke to The Code Enforcement officer re: Hunts Country Furniture and he stated the C/O's were issued for the buildings alone A&B and thought it would be appropriate that we send a letter to the applicant questioning when the Storm water and other site plan approval items would be completed. A letter will be submitted to applicant.

**Motion made by Barbara Kendall to go into executive session to discuss Fresh Town Plaza adjourn 2nd by Brian Kelly**

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

**Motion made by Barbara Kendall to come out of executive session, no money was spent no decisions were made 2nd by Brian Kelly**

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

**Motion made by Brian Kelly 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- absent                      MEMBER PETER MUROSKI- AYE  
 MEMBER VALERIE LAROBARDIER- AYE

Respectfully submitted,

Betty-Ann Sherer

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