

Town of Dover Planning Board

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



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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: , Christopher Colby For Ketcham's Corner New Site Plan Amendment Heather Anderson of Ed Loedy Architects for Odunsi site plan and special permit& Richard Renna Jr, for the Keller 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 7:04 PM and began with the Pledge of Allegiance

A. KETCHAM'S CORNER AMENDMENT- 7063-11-534507-0000

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- Last meeting there were modifications requested

Combining site plans into 1 complete set

Went to ARB- Changes were made to the plans to reflect the revisions as well as the errors that were pointed out:

- o 2nd lot Tax ID # on page C1 lots were combined -lot numbers are the same
- o C-2 remains the same
- o C-3 remains the same
- o A-1 Clock tower revised added the face to the drawing, Apt # 3 labeled incorrectly # of bedrooms
- o Rear facade- canopies remained the same under the review of the ARB there was a discussion on adding a canopy over the Café service entrance, at the meeting it was requested.

Subsequently Mr. Daversa & Mr. Mitchell met at the site. Due to fence enclosing that area, it was determined the canopy over the service entrance would not be required.

- o All of the drawings now match the comments requested
- o Master plan sheets remained the same

- o Questions on the free standing signs:

- o Sheet C-1 Free standing sign for the Café is not technically supposed to be there as per the code. In order to keep the project moving forward we have noted the note on the drawing that the sign will either be brought into compliance or completely removed. The sign can come into conformance by submitting to the ZBA. Or it will be taken down prior to the issuance of a C/O. These revisions were submitted to the Board as well as PDF's were forwarded via email.

Attorney Polidoro: The Planning Board also added in their resolution the condition of Either take down the sign or Bring into compliance

Planner Ley- Is the clock a working clock or just decorative? A: Existing- I believe it is decorative

No further comments from the Board

Chair Wylock- On May 1, The ARB Chair reviewed the revisions to the plans and signed off on their approval and the detail changes.

Read from the ARB Approval:

Approving the construction of canopies proposed shown on the plan.

Condition of the canopies over double doors and stair /elevator tower with identical materials of construction

Chair is prevented from signing site plan until revision showing canopies over double doors, stair/elevator tower & until non conforming temporary signage is removed.

Certificate of Occupancy not to be issued until non conforming permanent signage is removed i.e.: free standing sign

RESOLUTION GRANTING SITE PLAN AMENDMENT APPROVAL

Ketcham's Corner Site Plan Amendment – New Canopies

Date: May 4, 2009

Moved By: Barbara Kendall

Seconded By: James Johnson

WHEREAS, the applicant has submitted 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 April 13, 2009, last revised April 30, 2009; and

WHEREAS, the applicant is not proposing any changes in the gas station area, which is identified by a separate tax grid number although it is part of the same lot; and

WHEREAS, on January 12, 2009, the Board adopted a negative declaration for the Ketcham's Corner conceptual master plan; and

WHEREAS, on April 6, 2009, the Planning Board reaffirmed its prior SEQRA determination of non-significance for the proposed action; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the application was referred to the Dutchess County Department of Planning and Development, which responded by letter dated April 10, 2009, that it was a matter of local concern; and

WHEREAS, the Architectural Review Board has reviewed the proposed site plan amendments and has approved said plans on the condition that all non-conforming temporary signage be removed and that a Certificate of Occupancy shall not be granted until all non-conforming permanent signage is removed; and

WHEREAS, pursuant to Section 145-68(D)(1), if the Planning Board finds that a proposed site plan amendment does not represent a substantial change from the approved site plan, it shall grant the amendment without a hearing; and

WHEREAS, on April 6, 2009, the Planning Board determined that the proposed site plan amendment application did not represent a substantial change from the approved site plan and waived the public hearing.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant site plan amendment approval for the site plan entitled, "Ketcham's Corner Site Plan Amendment", prepared by Spire Architecture LLC, dated April 13, 2009, last revised April 30, 2009, subject to the following conditions:

1. Payment of all fees and escrow.
2. Removal of all nonconforming temporary signs.

BE IT FURTHER RESOLVED, that a Certificate of Occupancy shall not be issued for the amendments until the nonconforming freestanding sign (country café) is removed, unless a variance allowing such freestanding sign has been obtained from the Zoning Board of Appeals.

BE IT FURTHER RESOLVED, that site plan and site plan amendment approval for Ketcham's Corners does not cover the portion of the lot identified as grid number 132600-7063-11-534507-0001, which will require further review and approval when and if the applicant proposes to further develop the identified area.

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>
Peter Muroski:	<u>AYE</u>

David Wylock, Planning Board Chair

It came to the Boards attention late in the process that there is a separate tax parcel number but part of the same lot. This is stating that there is an approval to the Ketcham's corner area not the gas station portion.

B. ODUNSI SITE PLAN- 7059-02-734525

Applicant Heather Anderson of Edmond Loedy Architects .P.C for Lydia Odunsi Property owner

Property located at 1531 Rt 22, Wingdale

Application for Site Plan Special Permit

Applicant seeks the conversion of an existing mixed use (2) story building to (5) apartments

Property located in the HC district on .74 acres

Heather Anderson:

This project has been before the Board in a Site plan application that began in 2007.

There were concerns at that time since the septic system had failed

- o New Plans are similar- there are changes in the parking
- o We are looking to convert a building that has an existing retail area with 2 apartments into a 5 unit apartment building
- o There is an existing 2 story single family dwelling in the rear of the lot, it will remain as such
- o Health Approval department for new septic
- o Waiting for DEC, they are waiting for the Board's SEORA determination of Significance
- o Curb cut on rt 22 being proposed which will reduce the area to 11 spaces for parking
- o Trees and light poles and new dumpster area
- o She is aware of the Comments from Joe Berger
 - o Re: drainage and runoff
 - o Aware of DEC as well as Army Corps Wetlands along southern border of the site
 - o There are many pre existing conditions

§ It was originally considered to pave the area, now seeking to use gravel or some other pervious surface, to reduce draining off to the wetland areas.

Joseph Berger-

- o 2 major issues that need to be resolved before we move forward- drainage study to show how the storm water will be handled. Since the septic is now nearer to the parking lot
- o Army Corp is on the south and DEC is on the west
- o Septic design is shown in conceptual; we need to have the design included in the package.
- o The rest of the concerns are more minor and are in his comment letter provided to the applicant

Attorney Polidoro:

- o Procedural concerns
- o Since the application has not been before the Board for 1 ½ years, it has changed somewhat and I would ask if the Board would like to re-circulate this application.
- o The applicant did go to the ZBA for a variance 11/2 years ago for some of the apartments that were proposed, 1 will be less than 800 square feet.
 - o The code has provisions re expirations of variances
 - § 1 says it expires if it's not exercised by application of a zoning permit otherwise commencing the use within 1 year
 - § The other is shall expire if the applicant does not obtain the proper building permits with in 12 months

It was recommended that this be referred back to the ZBA to ask for them to re- issue it if they determine that it is expired.

This has been already been brought to the attention of the ZBA Secretary and although this Board will make formal referral, this item is already on their May 20 agenda
The variance is 150' since the apartment is 650 ft

Ashley Ley-

- o It would be the recommendation that the Board require some mitigation within the wetland buffer with respect to plantings appropriate to the wetland buffer.
- o Using pervious paving, although it is noted on the plan, as asphalt
- o Landscaping bed in the front of the building the number of plants does not seem proportional to the size of the bed, additional plantings in that area would be appropriate
- o Concern with lighting & candles seems high for residential property it should be lowered to a max of 3' candles.
- o Fence shown on the MTA property- it shows as to be replaced, did they agree to this?
 - § A: it's existing and lying on the ground, it will have to be fixed. And remain as a barrier between the residents and the train

Member Kendall-

Is the septic under the parking lot? A: portions of it

This might be an issue with DEC, but most likely not a problem with Dutchess County DOH. If the parking lot is gravel, DEC should not have a problem either, they will need to determine that.

Member Muroski-

Concerns with the proximity to the wetlands

Attorney Polidoro- How much of the disturbance in the back is existing- is there a parking lot? A: there's just gravel everywhere. Some work might have been done from the septic, but most of the site is existing gravel or disturbed gravel

Planner Ley- you might want to consider how to contain the gravel as well.

RESOLUTION CLASSIFYING THE ACTION, DECLARING INTENT TO SERVE AS LEAD AGENCY AND REFERRING THE APPLICATION TO THE ARCHITECTURAL REVIEW BOARD, ZONING BOARD OF APPEALS AND DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

ODUNSI SITE PLAN AND SPECIAL PERMIT

May 4, 2009

Tax Parcel # 7059-02-734525

WHEREAS, a revised application for site plan and special permit approval was submitted by Lydia Odunsi, the owner of property at 1531 Route 22, Wingdale, New York, tax parcel number 7059-02-734525 (the "site") on April 8, 2009; and

WHEREAS, the owner seeks to convert an existing mixed-use building located on the site into multi-family housing consisting of 5 residential units; and

WHEREAS, on November 14, 2007, the Zoning Board of Appeals granted the applicant a 150 ft area variance to permit the creation of an apartment that was less than 800 sq. ft.; and

WHEREAS, pursuant to Section 145-59B(3) of the Code, any variance which is not exercised by application for a zoning permit or by otherwise commencing the use within one year of the date of issuance shall automatically lapse; and

WHEREAS, pursuant to Section 145-59K of the Code, a decision on any appeal shall expire if the appellant fails to obtain any necessary building permit within 12 months of the date of such decision; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby classifies the Odunsi site plan and special use permit as an unlisted action under SEQRA; and

BE IT FURTHER RESOLVED, that the Planning Board hereby declares its intent to serve as lead agency in a coordinated SEQRA review and directs the secretary to the Planning Board to send notice of its intent to all other involved agencies, as indicated in the attached list; and

BE IT FURTHER RESOLVED, that the Planning Board hereby refers the application to the Architectural Review Board for review and approval of exterior alterations and landscaping; and

BE IT FURTHER RESOLVED, that that the Planning Board hereby refers the application to the Zoning Board of Appeals for a determination regarding the validity of the variance granted on November 14, 2007, or reissuance of same; and

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

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

David Wylock, Planning Board Chair

Involved Agencies:

Architectural Review Board, Dutchess County Department of Health, NYS Department of Environmental Conservation, NYS Department of Transportation, Zoning Board of Appeal, MTA

C. MEADOWBROOK - 7063-00-511774

Applicant: Meadow Brook Properties, LLC
 Engineer: Jonathan Walsh of Zarecki Associates
 Property located on NYS RT22, Dover

Request for extension need additional time to address comments from the Dutchess County Health Department

RESOLUTION TO EXTEND TIME IN WHICH TO SUBMIT A FINAL PLAT**Meadow Brook Estates Subdivision**

Date: May 4, 2009

Moved by: John Fila

Seconded by: Brian Kelly

WHEREAS, on November 8, 2007, the Planning Board granted preliminary plat approval to the subdivision entitled "Meadow Brook Properties, LLC" for property located on New York State Route 22, Tax Parcel No. 7063-00-11774 (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, the applicant was not able to submit a final plat for the Board's consideration before the expiration of approval and granted an extension of time in which to do so to May 8, 2009; and

WHEREAS, by letter dated April 29, 2009, the applicant has requested an extension time in which to submit a final plat from May 9, 2009 to November 8, 2009; and

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

NOW THEREFORE BE IT RESOLVED that pursuant to Town Law § 276(5)(h), the Planning Board hereby grants the applicant an extension of to submit a final plat for the Board's consideration to November 8, 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 -Motion</u>
James Johnson	<u>AYE</u>
Brian Kelly	<u>AYE-Second</u>
Valerie LaRobardier:	<u>AYE</u>
Peter Muroski:	<u>AYE</u>

David Wylock, Planning Board Chair

D. NEW KELLER 2 LOT SUBDIVISION- 7063-00-768737

Applicant Richard Rennia Jr., of Rennia Designs for Melvin Keller Property owner
 Property located on the north side of Clover Lane
 Application for Preliminary Plat Subdivision

Applicant seeks the creation of 1 new lot to separate an existing house from a larger farm parcel located in the RU district with in the AQ district on 148.7 acres

Rich Rennia

Existing house on clover lane off of Benson Road Dover.

Currently part of a much larger farm parcel

Applicant wishes to separate this parcel from the farming parcel so one of the family members can purchase the house

After studying the survey it became a concern of the ownership of the ROW. Since the farm parcel is in the rear and is larger, the owner feels the row should remain with that parcel

The location of the septic was verified and will be located on a revised map Right now, to gain the minimum of 2 acres, the ROW is used; a revised map will be submitted to show not using the ROW to gain acreage. (There was a small map presented at the meeting showing the reconfiguration of the lot not using the ROW in the acreage calculation)

Currently there is a legal ROW that exists

Survey February 1993 shows deeded ROW or easement, which allows access

The new 2 acre lot will use this access as well

Mr.Rennia will look into whether or not there is a maintenance agreement

As well as the private road standards.

Frontage is a concern if this is a private drive or a private road or a variance could be applied for. The applicant would have to meet the road standards if this were not deemed a common driveway. The applicant would have to meet the road standards if this were not deemed a common driveway or private drive

There are 3 houses and an empty lot - 4 access points

The variance for road frontage could be applied for

The code defines road or street as:

"A Public or private way for pedestrian and vehicular traffic including avenue lane highway or other way excluding a driveway or common driveway"

So this Board has taken the position that if it is not built to the town road specs then it's a common driveway.

The applicant can always go to the ZBA for interpretation.

There is an issue as to whether or not there is adequate frontage

If this is counted as a frontage, then there is frontage but if it is a driveway, then he has to rely on the frontage on Benson Hill Road, and it is inadequate. He is creating a new lot, not just working with an existing lot and the Board needs to make sure he is meeting all of the requirements. Clover Lane can be improved or the ZBA can be approached for a variance

§ 125-11. Streets and improvements.

- e- Design standards. Streets shall meet the following standards, unless applying country road standards or unless otherwise indicated on the Town Plan, as it may be adopted: [Amended 11-24-2008 by L.L. No. 4-2008]

Next steps:

Revise maps, show acreage with out including ROW,

- o Applicant being referred using conceptual maps provided to the Planning Board.

Note to be on the map with respect to the UAZ (language forwarded to Mr.Rennia via email during the meeting)

RESOLUTION CLASSIFYING ACTION
KELLER SUBDIVISION

May 4, 2009

Tax Parcel # 7063-00-768737

WHEREAS, an application for 2-lot subdivision of property located at Benson Hill Road in the Town of Dover, as shown on a plat entitled, "Minor Subdivision Plan Prepared For Melvin D. Keller," prepared by Mark. R. Graminski, dated April 4, 2009, was submitted to the Planning Board; and

WHEREAS, the property is located in the RU District and AQ Overlay District; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby classifies the Keller Subdivision as an unlisted action under SEQRA.

- David Wylock AYE
- Barbara Kendall AYE-Motion
- John Fila AYE
- James Johnson AYE-Second
- Brian Kelly AYE
- Valerie LaRobardier: AYE
- Peter Muroski: AYE

David Wylock, Planning Board Chair

RESOLUTION REFERRING APPLICATION TO ZBA
KELLER SUBDIVISION

May 4, 2009

Tax Parcel # 7063-00-768737

WHEREAS, an application for 2-lot subdivision of property located at Benson Hill Road in the Town of Dover, as shown on a plat entitled, "Minor Subdivision Plan Prepared for Melvin D. Keller," prepared by Mark. R. Graminski, dated April 4, 2009, was submitted to the Planning Board; and

WHEREAS, the property is located in the RU District and AQ Overlay District; and

WHEREAS, pursuant to Section 145-11 of the Code, a new lot in the RU District must have a road frontage of at least 250 feet on a Town Road; and

WHEREAS, the proposed lot has access from a common driveway known as "Clover Lane" but does not provide adequate road frontage on Benson Hill Road.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Section 277(6) of the Town Law, the Keller Subdivision is referred to the Dover Zoning Board of Appeals for an area variance from the minimum required road frontage.

David Wylock	<u>AYE</u>
Barbara Kendall	<u>AYE-Second</u>
John Fila	<u>AYE</u>
James Johnson	<u>AYE</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 set escrow for Keller Subdivision for the amount of \$ 2,000.00; 2nd by Barbara Kendall

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

E. MINUTES

03/16/09 & 04/06/09

Corrections & Comments: April 6th page 8 of 11 shown as RE should be P.E. "property to be stamped by a P.E. (RE can also be used for a registered engineer)

Motion made by John Fila to approve the minutes of March and April 2009 as corrected 2nd by Barbara Kendall

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

F. DISCUSSION-

Mr. Katz would like to discuss concerns with previous site plan approval of Fresh Town Plaza

Daniel Katz:

Owner of Plaza, took over the store in 2002

Showed plans of facade

Responding to letter from Planning Board

Took over the store and fixed it up, bought the shopping center 1 year after that to control the look of the whole plaza

There was a concept of a clock tower as part of the facade renovations it was designed, but not engineered properly.

It would have been very expensive to put the clock tower there. Changing the foundation structural work as well as wind issues

The way the site was built in 1984, it would have been economically unfeasible and today it would be even more

They did not come back to modify the site plan to show this and since they received the Planning Board letter they are now aware and would like to address these concerns

Mr. Katz submitted a letter to Mr. Hearn last year for an extension of the building permit, which was not properly closed out, he explained the clock tower work could not be done due to complexity and cost.

They were able to do the facade work

He received another letter today from Mr. Hearn stating the building [permit would expire June 7, 2009.

He apologized for what has happened and would now like to know what needs to be done.

Chair- Do you have a c/o for all of the stores in the plaza?

A: He would have to check but saw no reason why he would not

Why could he not put up a more open designed clock tower like in Amenia?

A: The building itself was built differently than the one in Dover

The clock tower was part of the final site plan approval- Member Fila- didn't you price that into the costs of the project at that time?

A: No we didn't think it would be an issue until we started to get into it.

If the applicant can not complete the site plan as it was approved, then he must return for a site plan amendment.

Member Fila- I would think an amendment to the site plan would be in order, if this clock tower is too costly.

Mr. Katz would take a look at the plans again

Applicant should look at proposing changes if any to the clock tower feature

An agreement of changing the location of the cans and bottle redemption machines was part of the previous approval as well - Applicant would like to reconsider that request as well he feels that changing the location would put people in harms way there is no side walk in that area so there is no safe path to walk as well as no coverage from the elements

The Board made recommendation that he relocate the machines as the previous plans were approved, or applicant can look at other options as long as they are removed from the existing site.

Some other architectural detail can be considered if a clock tower is not proposed.

Applicant should submit a reply to the Board for the July meeting this will allow 2 months

Mr. Katz made comment as to the cost of the renovation and the poor economy.

He was reminded that it has been years since the plan was approved, if he had concerns with the project as it was approved, he should have returned right away. These were improvements that should have been addressed at that time.

He should present plans that show the site as it exists as well as the proposed changes

Drainage on the south access to the site should be reviewed since during the rain a lot of water accumulates in that area as well as it erodes the paving

Advanced Power:

Chair Wylock - Made comments on a Preliminary meeting he attended with Advanced Power and the proposed power station looking at a site in Dover.

Public information meetings are being scheduled and the Board will be notified of those dates.

THE NEXT PLANNING MEETING WILL TAKE PLACE ON JUNE 1, 2009

Motion made by James Johnson to adjourn 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 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
Full Audio may be requested for a fee by completing a FOIL request form from the Dover Town Clerk