

Town of Dover Planning Board

Town of Dover
Historic Tabor Wing House
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Dover Plains, NY 12522



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Planning Board Meeting
Monday - June 15, 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: Michael Zarin, John Saccardi, Denise Coyle, Russ Mohr, Kathy Schibanoff, other consultants for the Applicant, names unknown to the Secretary, 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 7:06 PM and began with the Pledge of Allegiance

Chair Wylock- We would like to welcome the clients and the Principles of the Dover Knolls development tonight, they will be the only applicant on this agenda- before that begins I would ask for a motion to go into a brief Attorney Client conference

Motion made by John Fila to go into Attorney Client; 2nd by Barbara Kendall

Before the Board went into Attorney Client Member LaRobardier ask which reason number was being used for Attorney Client - Attorney Polidoro clarified that this was not for Executive session but Attorney Client for advice of Counsel.

Attorney Zarin- Respectfully is this dealing with our project and the thing on the agenda today- I'm not sure there is a rational for going into executive session.

Attorney Polidoro- It's not executive session, but Attorney Client. Q: Is there an Attorney Client issue for the record to explain why.

Member Kendall- I thought one of the reasons for Executive session was an Attorney Client privileged conversation and you don't have to disclose the reason, the reason is Attorney Client. Attorney Zarin- I thought you were supposed to explain the issue that will be discussed that warrants a privilege.

Member LaRobardier – 'For proposed, pending or current litigation'

Attorney Polidoro- That is a listed reason for Executive session

Member LaRobardier- I didn't realize there was a way to go out of an open meeting without being in executive session.

Attorney Polidoro- There was an opinion on this, I don't have it with me, under open meetings law a board may go into executive session to discuss one of 8 or 9 topics, as an exception under open meetings law a board can always go into Attorney client session for advice of their Attorney.

Chair Wylock- The motion has been made and the vote

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

Motion made by Barbara Kendall to return from Executive Session, no money was spent, no decisions were made; 2nd by Peter Muroski

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

Chair Wylock- For the record I would like to state, while we were in Attorney Client, the applicant and their representatives, for reasons unknown, got up and walked out and left the meeting.

Member LaRobardier- They stated their reasons-

Secretary- Not to the Board, on the record, they did not say anything specifically to me or on the record, I was just in the room.

Member LaRobardier- We have been waiting all this time to see the presentation. The presentation could conceivably say something the, answer some questions, that we might have. Now, we're not going to see the presentation, I don't see why it was so important to discuss what we discussed before we saw the presentation. In my mind it would be appropriate, seeing the number of billable hours that they have brought to the room that they bring to every single meeting that they attend, that we should have had the politeness and the curiosity to have them give their presentation first. Then do our business that doesn't affect them that we don't need them to be sitting here for afterward.

Chair Wylock- Have you ever gone to a Town Board meeting and they do an Attorney Client conference meeting in the beginning, I have.

Member LaRobardier- Yes I have, I did go to one and they did and I let them know I thought it was rude, because Pete Wassell was waiting to give his report and he had another meeting to go to and he wasn't able to go to the other meeting. I thought it was rude then as well.

Member Fila- if you are going to discuss things that have any potential impact on what's going to come after that should be addressed before hand.

Member LaRobardier- It doesn't have an impact on us just listening to their presentation.

Attorney Polidoro- Technically, I did speak to Michael Zarin, numerous times. He was aware that the Planning Board was going to be going over the proposed local law before they did their presentation, this has been discussed. They were actually going to comment on some of these proposals so I thought I needed to give the Board some advice before they reviewed this proposal. They were very aware that this was first on the agenda.

Member Fila- Would you prefer that we discussed that before we got advice from out attorney?

Member LaRobardier- No, I didn't think that we here tonight, I don't think, I think that finally now that we have a reason to watch the presentation, I think that that should be the thing that we're doing.

Member Fila- We're not here to see presentations we're here to ask questions.

Member LaRobardier- then why did we say that they could come.

Member Fila- they were here for us to get a better understanding, not just for us to sit through a power point presentation, that doesn't serve much for us, that doesn't help us very much.

Member LaRobardier- So after the presentation you can ask whatever questions that were not answered by the -

Member Fila- You just heard the first item on the agenda was not the presentation, but discussing this issue.

Chair Wylock- Discussing the zoning amendment.

Member LaRobardier- I don't understand the rush for getting that zoning amendment finalized, because our clock on our comment period runs out July 21, so I don't see why we have to finish that the first thing on the agenda tonight. Because I think that we still need to take some more time to think about it.

Chair Wylock- We weren't even going to get into the DEIS tonight, we were going to get into the zoning amendment and the master development plan. The DEIS at our next meeting June 29th. Do you have a problem with us getting legal advice from our attorney? A: No, I don't have a problem with that I just think that if, it were my understanding and I guess I was completely wrong. It was my understanding that we were going to have a presentation from the client.

Chair they were going to after we went through the zoning amendment that was the order of business tonight.

Member LaRobardier- There was no agenda on the website. Secretary -it was given to the webmaster as well as everyone else. It was sent at 12:39 today.

Member Fila- Valerie, in view of that do you still see objection of going into Attorney Client?

A: I'm not going to pretend that I understand the whole thing, because I don't I'm not aware of this exception and I'm not going to be pinned into a corner and say that I understand it . I'll look into it, I'll read up on it and I'll attempt to understand it, but at this point in time, I'm not going to claim that I understand it.

Chair Wylock- I disagree with you totally on that part of our Board being rude, we were not rude, we did something that was perfectly legal, perfectly normal.

Member Muroski- Well I haven't been here very long and based on what I witnessed today, I don't think we were rude, I think they were rude.

Member Fila- I think they should have waited for the Board to come back, and voiced any feelings and perhaps worked it out.

Member LaRobardier- they should have given us at least 5 or 10 minutes

Member Muroski- To walk out without even an announcement, I think is totally wrong.

Member Kendall- I think we should continue with the meeting, personally I think it would probably have been the same presentation that was given at the Public hearing, which I was at last week or the week before, I am assuming it's a similar presentation only we would have had an opportunity to ask questions. I think we should just move on, maybe they had another meeting to go to.

Attorney Polidoro- So lets work on the proposed local law- 2 weeks ago I recommended some changes to the local law, this is the ' clean version' of it.

This board needs to prepare a report to the Town Board on the recommendations of the proposed zoning law-So we can review what is proposed and offer our own recommendations.

**FOR EASE OF REFERENCE – SET FORTH BELOW IS A COMPARE VERSION OF SECTION 145-16 WITH PROPOSED ADDITIONS AND DELETIONS
§ 145-16. Mixed-Use Institutional Conversion Overlay District (MC).**

A. Findings and purpose. The purpose of this overlay district is to facilitate the redevelopment of the former Harlem Valley Psychiatric Center as a mixed-use community that fulfills the goals of the Town of Dover Master Plan and the purposes of this chapter as expressed in Article I. The town wishes to attract development to this site because it contains certain serviceable buildings and water and sewer infrastructure, as well as both highway and commuter rail transportation access. This overlay district is the most appropriate area of the town for intensive mixed-use development. The provisions of this overlay district are intended to streamline permitting and allow greater use flexibility. The regulations that follow require the preparation of a Master Development Plan that shall be subject to review and approval by the Town Board with input from the Planning Board. Upon approval of the Master Development Plan, an applicant shall be required to secure site plan approval for the various phases of the development from the Planning Board in accordance with Article IX of this Ordinance, as applicable. As part of its review of the Master Development Plan, the Town Board shall refer the Master Development Plan and supporting documents to the Planning Board for its input and recommendation.

B. Boundaries. The boundaries of the MC Overlay District are shown on the Overlay District Map.

C. Effect of district. Within the MC District, all uses listed on the Use Table, Article III, Section 145-10B, as permitted or requiring a special permit shall be permitted by right subject to site plan approval only. Any use not listed on the Use Table and not prohibited by § 145-10C may be allowed by special permit of the Town Board, pursuant to Section 145-10B of the Code. Dimensional and density regulations and requirements for buffers between uses may be modified by the Town Board in the course of Master Development Plan approval to fit the unique characteristics of the district. In addition, land use district classifications may be changed in the following ways:

(1) The Town Board may, in its sole discretion, by zoning amendment granted at the request of an applicant, reclassify any portion of the overlay district to any other land use district, except for the M District. In so doing, the Town Board shall make a finding that the reclassification is consistent with the purposes of the Town of Dover Master Plan and this chapter. The reclassification shall entitle the applicant to approval by right subject to site plan approval of all specially permitted uses in the district to which the use has been classified. The Town Board may attach such conditions as it finds necessary to ensure that the reclassification of land in the district will be in harmony with surrounding land uses and the purposes of the overlay district.

(2) The Town Board may, by zoning amendment in its sole discretion, rezone all or a portion of the MC District and rezone lands substantially contiguous to the MC District pursuant to a Master Development Plan for a portion of the property that includes at least 40 acres. Such rezoning shall be in the form of a planned development district and shall be consistent with the Town of Dover Master Plan and any other master plan for the site adopted by the Town Board.

D. Procedure for project approval within the MC Overlay District.

An application for development within the MC Overlay District shall include a Master Development Plan. The land use review process will be coordinated between the Planning Board and the Town Board. The review process consists of the following steps:

1. Preapplication conference. A request for a preapplication conference shall be submitted along with the appropriate preapplication fee to the Town Clerk. The intent of the preapplication conference is for the applicant to obtain a general awareness of the Town's planning rationale, the compatibility of the proposed development with existing and anticipated land uses in the vicinity, and a familiarity with the Town's MC Overlay District procedures. The conference will be an informal meeting with the Town Board during a Town Board meeting, open to the public, and included in advance on its agenda of the meeting. The Planning Board shall be invited to attend this meeting. The preapplication conference is mandatory, but does not require the filing of a Master Development Plan, site plan, subdivision plat, or other application.

2. Master Development Plan submission. A Master Development Plan is a detailed plan which shall include a narrative description of the overall plan, along with appropriate graphics, which show proposed street layouts, density and general use classifications, recreation and open spaces, principal, and accessory buildings, off-street parking and major utility systems. The Master Development Plan shall also present dimensional regulations, which shall be applicable to the development and project-specific design guidelines illustrating proposed architectural and site plan details. Said regulations and guidelines shall include off-street parking and loading standards applicable to the proposed development in the MC District. Project-specific guidelines shall consider and refer to the Hamlet Design and Building Form Guidelines produced by the Dutchess County Department of Planning and Development to the extent applicable. Deviations from the Hamlet Design and Building Form Guidelines should be explained in writing. A phasing plan shall also be provided in the Master Development Plan. An application for approval of a Master Development Plan shall be submitted, along with the appropriate application fee, to the Town Clerk. Once the Town Board determines that the application is administratively complete and that all filing requirements have been met, it shall forward the Master Development Plan to the Planning Board. In an effort to facilitate the Planning Board's review and comment on any Master Development Plan submitted to the Town Board and in an effort to keep the Planning Board apprised of the various revisions to such plans prior to the referral provided for above, twelve (12) copies of any Master Development Plan and any revision thereto submitted to the Town Board shall also be simultaneously submitted to the Planning Board. Ten (10) of the twelve copies submitted to the Planning Board may be submitted on a Compact Disk (CD) or Digital Video Disk (DVD).

The Environmental Assessment Form (EAF) and/or Draft Environmental Impact Statement (DEIS) shall be submitted to the Planning Board in accordance with New York State Environmental Quality Review Act (SEQRA) and the referral provided for above.

3. Environmental Review of the Master Development Plan. The Master Development Plan is intended to be a conceptual plan for a development project. To permit flexibility in the final design of a development project and to assure that changes are within the limits of what has been reviewed under SEQRA, the Town Board may request that the applicant assess the environmental impacts of a project if the following factors were increased by 10%:

- A. traffic;
- B. water consumption and wastewater and sewage disposal;
- C. units of residential development;
- D. Gross square feet of commercial development;
- E. Gross square feet of impervious surfaces.

4. Planning Board Review of Master Development Plan. The Town Board shall refer the Master Development Plan submitted by an applicant to the Town Planning Board for review and comment. The Planning Board shall provide written comments within sixty-two (62) days from its receipt of the Master Development Plan and an accompanying EAF or Draft Environmental Impact Statement (“DEIS”) deemed complete pursuant to the requirements of the New York State Environmental Quality Review Act. The Town Board may not take action on the Master Development Plan until the Planning Board has submitted its report or 62 days time has elapsed from the Planning Board’s receipt of the report and DEIS. The timeframe for comment may be extended by mutual consent of the Town Board and Planning Board.

5. Town Board Action on the Master Development Plan. The Town Board shall hold a public hearing on the proposed Master Development Plan, which may be combined with a public hearing held on the DEIS. Within 62 days of the adoption of SEQRA findings, the Town Board shall approve, approve with conditions, or disapprove the Master Development Plan. The decision of the Town Board shall be final and shall be supported by written findings. The decision of the Town Board shall be forwarded to the Planning Board for further action. If the Master Development Plan is disapproved, there shall be no further proceedings by the Planning Board. If the Master Development Plan is approved or approved with conditions, the Planning Board shall proceed in accordance with such determination.

6. Effect of Master Development Plan. The Master Development Plan approved by the Town Board shall provide the development framework for subsequent site plan review by the Planning Board. At its sole risk, an Applicant may submit a detailed site plan(s) to the Planning Board as part of Master Development Plan approval for all or part of an MC development concurrently with the Town Board review of the Master Development Plan, provided, that approval of a site plan may not occur until the Town Board approves the Master Development Plan.

7. Planning Board Approval of Site Plans. No site plan or site plan amendment shall be approved by the Planning Board unless the Planning Board determines that such site plan or site plan amendment complies in all material respects with the Master Development Plan adopted by the Town Board, or any amendments thereto. The Planning Board shall follow the site plan review procedures set forth in Article IX of this Chapter. The Planning Board may, in its discretion, waive a public hearing on the site plan if: a) the applicant is proposing an amendment to an approved site plan which does not represent a substantial change from an approved site plan, as provided in Section 145-68D; or b) the applicant has proposed an initial site plan for approval and:

a. Fewer than 5 years have elapsed between Town Board approval of the Master Development Plan, or any amendments thereto, and the submission of the site plan; and

b. The site plan substantially conforms to the approved Master Development Plan, including, without limitation, the following factors:

i. The total number of residential units is less than or equal to the number of residential units approved in the Master Development Plan.

ii. The total number of bedrooms is less than or equal to the number of bedrooms approved in the Master Development Plan.

iii. The distribution of residential unit types is not anticipated to increase the number of school children by more than 5 percent from what was considered in the Master Development Plan and analyzed under SEQR.

iv. The site plan does not deviate from square footage of retail and commercial space approved in the Master Development Plan by more than 5%.

v. The site plan does not deviate from the neighborhood phasing plan approved in the Master Development Plan.

vi. The site plan does not cause an intersection considered in the Master Development Plan to operate at an Acceptable Level of Service (LOS), with or without mitigation, to operate at an Unacceptable LOS;

vii. The site plan does not increase impervious by more than two percent (2%) than the Master Development Plan;

viii. The site plan does not increase the amount of sewage effluent or water consumption (gpd) by more than two percent (2%) from the Master Development Plan;

ix. The site plan conforms or substantially conforms with any Design Guidelines or other conditions adopted in connection with the approved Master Development Plan; and

x. The site plan does not increase the area of disturbance by more than 5%.

8. Expiration and Renewal of Master Development Plan.

a. The Master Development Plan shall expire if a site plan is not submitted for the Planning Board's consideration within 2 years of the resolution of the Town Board approving such plan. The Town Board may grant an extension of the time to submit a site plan to the Planning Board after a duly noticed public hearing.

b. A Master Development Plan shall expire 10 years after the resolution granting approval unless the Town Board renews the Master Development Plan. Each renewal period may not exceed 10 years. Each renewal of the Master Plan shall be preceded by a public hearing and referral to the Planning Board for a report and recommendation, following the procedure set forth in Section 145-16D (3). The applicant shall submit an application for renewal of the Master Development Plan to the Town Clerk at least 62 days prior to expiration of the Master Development Plan.

i. The Town Board's review of the Master Development Plan for renewal shall be limited to review of any changes proposed by the applicant and any external conditions and circumstances related to the project.

9. Amendment of the Master Development Plan. The Master Development Plan may be amended following the procedure for adoption set forth in Section 145-16D (3).

10. Phasing. The Master Development Plan shall include a phasing plan. Changes in the phasing plan shall require an amendment of the Master Development Plan.

E. Standards for Development within the MC Overlay District..

1. Residential Density of Development.

a. The maximum density of residential development shall not exceed 1.6 dwelling units per gross acre of land. The gross acres of land within the District shall be determined by calculating, without any qualifications or deductions, the total acreage within the District, including roads, parking and loading areas, land under buildings, water bodies and other natural features.

b. No more than (30%) of the gross floor area of all development in the MC Overlay District may consist of residential dwelling units containing three or more bedrooms. No more than (50%) of the gross floor area of all development in the MC Overlay District may consist of residential development, except that age-restricted senior citizen housing shall be excluded from this calculation.

2. Nonresidential Development. Non-residential development shall be designed primarily within a mixed use hamlet center. It shall provide a variety of retail, restaurant, personal service, community facility, and other uses that support the proposed development and provide a focus for the immediate area.

a. The minimum total square footage of non-residential development in the District shall be 200,000 square feet of floor area. Outdoor recreational amenities such as the golf course, walking, and hiking trails shall not be included in the calculation of this minimum.

b. The maximum square footage of non-residential development shall not exceed a floor area ratio of 0.015, with the floor area ratio defined as the total square footage of all non-residential uses divided by the gross acres of land within the District without any qualifications or deductions, the total acreage within the District, including roads, parking and loading areas, land under buildings, water bodies and other natural features,.

3. Dimensional Regulations. Lot and bulk controls and off-street parking requirements shall be defined as part of the proposed Master Development Plan.

4. Architectural Guidelines. The applicant shall submit architectural and design guidelines for the project as part of the Master Development Plan. The guidelines shall consider and incorporate the Hamlet Design and Building Form Guidelines produced by the Dutchess County Department of Planning and Development and the Town's Sign Design Manual, as found in Chapter 37 of the Code, to the extent applicable. Deviations from the Hamlet Design and Building Form Guidelines and the Sign Design Manual shall be explained in writing. The Planning Board and the Architectural Review Board shall apply the approved architectural and design guidelines in the Master Development Plan during site plan review in lieu of the architectural and design guidelines set forth in the Code.

5. Protection of open space resources. All development in the MC District shall protect open space of conservation value by clustering development and utilizing traditional neighborhood design concepts, to the maximum extent practical. Particular open space of conservation value includes the existing golf course, the Great Swamp River, the Appalachian Trail, and the views from the Appalachian Trail.

6. Protection of Natural Resources. All development within the MC Overlay District shall protect natural resources to the maximum extent practicable. Natural resources worthy of conservation include New York State designated wetlands, federally designated wetlands, vernal pools, steep slopes in excess of 15%, the reservoir, and habitat corridors for species of special concern, threatened and endangered species.

The Planning board discussed the document as originally submitted as well as revisions suggested by the Planning Board Attorney. It was requested that the Members of the Board review the documents and revisions again and submit written comments to insure all concerns and suggestions will be incorporated into the final document.

Discussion and review of the DEIS will take place at the next Planning board meeting

Chair Wylock read into the record the comments made as the Dover Knolls Public hearing he had made as a concerned citizen, not Planning Member:

SYNOPSIS OF COMMENTS FROM D. WYLOCK AT PUBLIC HEARING 6/03/09-

I AM TROUBLED BY THE ZONING AMENDMENTS PROPOSED BY THE APPLICANT IN THIS MATTER. WHAT IS BEFORE THE TOWN BOARD ARE PROPOSALS TO CHANGE THE RULES IN THE MIDDLE OF THE GAME, TO EXCLUDE THE PLANNING BOARD FROM ANY DECISION MAKING IN THE DEVELOPMENT OF THE HOSPITAL SITE.

IN MY WORLD AND IN THE VIEW OF MANY OTHERS IN THE COMMUNITY, THE BIG GUYS SHOULD BE TREATED THE SAME AS THE LITTLE GUYS WITHOUT EXCEPTION. THEY SHOULD BE TREATED WITH RESPECT AND DIGNITY, BUT HELD TO THE LETTER OF THE EXISTING LOCAL LAWS, LAWS THAT I MIGHT ADD HAVE SERVED AND ARE SERVING THE TOWN WELL

THE FOLLOWING COMMENTS ARE MINE ALONE. I MUST CAUTION YOU THAT IF YOU APPROVE THE PROPOSED AMENDMENTS YOU MAY BE TRAVELING DOWN A SLIPPERY SLOPE. THE NYS ATTORNEY GENERAL'S OFFICE HAS ISSUED AN OPINION THAT, A TOWN BOARD HAS NO JURISDICTION OVER ANY FUNCTION ASSIGNED TO THE PLANNING BOARD. BY STATE STATUTE, AFTER THE TOWN BOARD HAS ESTABLISHED A PLANNING BOARD. BASED ON THAT OPINION IT WOULD APPEAR TO BE IMPROPER FOR A TOWN BOARD TO APPROVE SUBDIVISION PLATS IF THAT FUNCTION WAS ASSIGNED TO THE PLANNING BOARD, BY STATE STATUTE. FURTHER, NYS LAW, (TOWN LAW), REQUIRES PLANNING BOARD APPROVAL BEFORE FILING A PLAT WITH THE COUNTY CLERK. WHAT THAT MEANS IN ESSENCE IS, THE COUNTY CLERK WILL NOT ACCEPT ANY SUBDIVISION PLATS THAT ARE NOT SIGNED BY A PLANNING BOARD CHAIR, IF THE TOWN HAS A PLANNING BOARD.

THIS SECTION OF LAW ALSO LISTS REQUIREMENTS THAT MUST BE MET BEFORE THE PLANNING BOARD MAY APPROVE A SUBDIVISION. THESE REFERENCES INDICATE A CLEAR INTENT ON THE PART OF THE STATE TO HAVE PLANNING BOARDS PERFORM THESE FUNCTIONS. IT WOULD APPEAR FROM THIS THAT IF YOU WERE TO TAKE DECISION MAKING AWAY FROM THE PLANNING BOARD, THEN YOU MUST ABOLISH THE PLANNING BOARD.

IT IS CRITICAL THAT THE TOWN BOARD TAKE ALL OF THIS UNDER CONSIDERATION BEFORE ACTING ON THESE PROPOSED AMENDMENTS. AT THIS STAGE OF THE GAME IT WOULD BE UNFORTUNATE AND ILL ADVISED TO RISK POSSIBLE LITIGATION SHOULD THE BOARD ACT NOT ONLY IMPROPERLY, BUT ILLEGALLY.

AS FOR THE PLANNING BOARDS EXPERIENCE AND COMPETENCE IN HANDLING THIS PROJECT, I MUST STATE WITH ALL DUE RESPECT THAT THE PLANNING BOARD DEALS WITH SITE PLANS, SUBDIVISION PLANS, AND EROSION SEDIMENT CONTROL APPLICATIONS ON A REGULAR BASIS. THE CURRENT BOARD HAS 3 MEMBERS PLUS A SECRETARY WHO HAVE GRADUATED FROM THE PACE UNIVERSITY LAND USE CENTER.

1 MEMBER WHO IS AN EXPERT IN STORM WATER MANAGEMENT AND EROSION CONTROL ISSUES. SHE CONDUCTS SEMINARS THROUGHOUT THAT STATE ON A REGULAR BASIS. 2 OF OUR NEWER MEMBERS ARE FREQUENTLY ATTENDING SEMINARS IN LAND USE MATTERS. ALL OF OUR MEMBERS COMPLETE THE REQUIRED NUMBER OF HOURS MANDATED BY THE STATE EACH YEAR. I BELIEVE THAT THESE CREDENTIALS MATCH IF NOT EXCEED THOSE OF THE TOWN BOARD.

SIR, (Addressing the Supervisor) IT IS TIME FOR YOU AND THE TOWN BOARD TO TAKE A STAND AND REJECT THESE PROPOSED ZONING LAW AMENDMENTS AND ACT IN THE BEST INTEREST OF THE PEOPLE OF DOVER AND NOT IN THE INTEREST OF A DEVELOPER, WHO APPARENTLY WISHES TO WRITE HIS OWN RULE BOOK.

THANK YOU

Signed David Wylock

One point further discussed was if the Planning board wanted to make comment on Site Plan approval, Subdivision Approval and Erosion Control Permit Approval

Member Fila- Felt the Government was organized this way for a purpose. Checks and balances as well as expertise. There is no rationalization in changing authority. If there is it is not presented. He would request site plan be returned to Planning and for Subdivision and Erosion control to remain with the Planning Board. Member Fila added the 7 year terms of the Planning board as set up to remove the politics from the Board

Member Kendall- Agrees as well with Member Fila's point, the Planning members have longer Terms. 7 members are diverse and the applicant has opportunity to make a stronger application to a more diverse group.

Member LaRobardier- Agrees as well, for the intent and the way it should be. She feels its unfortunate the Board was politicized not by the Planning boards fault but by the Board did get politicized.

Chair Wylock is concerned with setting precedence if the zoning law is amended, to fit the request of the applicant, who is to say down the road another large developer comes into town and they want to have review taken from the Planning board, how is the Town Board going to pick and choose who has authority in review?

Member Muroski- feels this project is very unique, the more help the Town Board can get, it would be better. It is a good point that the process did get political, and it's a shame.

Chair Wylock Would like to move forward and feels the Planning Board is in a position to handle subdivision and erosion control. To do what the applicant wants to is an insult to the Planning Board.

Chair Wylock read the following letter:

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

Re: Knoll of Dover
Draft Environmental Impact
Statement

Dear Chairman Wylock:

We appreciated the opportunity to meet with you, the Planning Board attorney and others this past Wednesday to discuss procedures for the Planning Board's review of the Draft Environmental Impact Statement ("DEIS"), and the proposed Master Development Plan and Zoning Amendments prepared in connection with the above-referenced project ("Project") in accordance with the Town Board's referral under Section 145-16(C) (2) of the Town Code of the Town of Dover (the "Town Code").

This will confirm that the Dover Knolls Development Company II, LLC will provide a \$5,000.00 Escrow to cover the Planning Board's expenses in connection with its review of the DEIS, Master Development Plan and Zoning Amendments hereunder. We shall also as agreed list your Board as an Involved Agency in the review of the Project consistent with the current version of the Dover Town Code.

Once again, we thank you for meeting with us yesterday. We look forward to appearing before your Board on June 15, 2009.

• As always, please do not hesitate to contact us should you have any comments or questions regarding the foregoing.

Michael D. Zarin

Planner Ley:

The following outline presents questions that should be considered while reviewing and preparing recommendations on the proposed Master Plan. The Planning Board will be discussing the Master Plan at the June 15, 2009 meeting, the following questions will help to facilitate that discussion and prepare the report to the Town Board.

Master Plan Considerations:

1. Vision of the Town for the Site

- What role will this site serve for the Town?

Original comprehensive plan projected to create a new town center. An original vision was to have an anchor business to generate jobs and commercial

Is there a balance?

- What linkages need to be made to the built and natural environments?

Concerns with proximity to wetlands and reservoir this should be kept as pristine as possible. Recreation in this area should be passive, looking at NYS Parks preserves, the rules are strict, no camping, take out what you bring in... enforcement will be an issue.

Multi family homes west of the powerhouse should be removed from the flood plain

209 flood plain maps should be looked at for this project not the older maps.

- What economic development activities should be present?

Re Recreation: Should this be allowed to be counted toward the required recreation and the associated recreation fees? Cost of golf club and availability to the average resident- additional data needed - should this be counted toward recreation land and is it really available to the "Town" the general public and affordable to them.

- What community development activities should be present?

2. Program

- What are the uses? Are they properly scaled and mixed?
- Is sufficient parking provided?

3. Phasing Plan

- What is the phasing of the development? How will the community be established in a timely and appropriate fashion?
 - Exhibits 48 and 49 depict the construction phasing plan. The earliest phases are proposed to be in the Town Center and on the west side of the property. Consider whether more of the Town Center should be built in the earlier phases, such as the area northeast of the grocery store.

It was discussed the grocery store should be part of phase 1A and the Dykeman parcel to be part of 1B- Commercial development to help jump start the activity

Demolition of the east side- for remediation- it is understood to work in the cleaner areas first

There was a short power outage during review of this document some discussion was lost

4. Location

- Are the uses distributed across the property in an appropriate manner?
- Are the transitions between use areas appropriate?

5. Structure

- What types of structures?
- How do the structure types work together?
- Can there be flexibility in uses within the same structures?

Images of units presented- are not truly depicted, more specific detail would allow review to be more complete.

6. Building Design

- Density
- Height- 3 story
- Fenestration
- Materials

7. Streetscape

- Relationship of public and private spaces
- Where are the public open spaces?
 - What percentage of the public open space is useable for active recreation? What will the hours of operation be for the public open space?
- Roads: width, parking, number of lanes, traffic calming
 - How will traffic calming measures be integrated into the neighborhoods on the outskirts of the development?
- Sidewalks: width, amenities (trees, benches), activity
 - Exhibit 14 identifies the sidewalks and trails that would be part of the proposed project. It is noted that several of the neighborhoods are not connected by trails or sidewalks to the Town Center. What features will be in place to ensure that these neighborhoods are part of the larger walkable community?

Bike trails would be preferred to no connecting trail in the area north east – to help connect the communities, there should not be sidewalks to nowhere, but paths would be appropriate.

Trail system could be more interesting

8. How to integrate the following elements into the project:

- Train Station
- Golf Course
- Historic Buildings
- Swamp River
- Reservoir
- Appalachian Trail – Member Fila noted there was comment from the AT that they did not want trails coming in and connecting to their trail it's a policy to limit trail connections.

Trails in general- it was discussed if the housing in the reservoir area were reduced – Chair Wylock would be in favor of increasing the trail network in that area, no ATV's or motor vehicles- other members agreed

- Connections to Boyce Park

dumping transformers in the area, the applicant refers to this as irreversible degradation. Does that mean it is a brown field and if so that is another concern- Was there testing done or borings for PCB's then if positive who will be responsible for remediation- will it be the state?

Ashley will look into this

The reservoir area should be kept in pristine condition with no recreation other than fishing and passive recreation, no motor s

HOA Page 3- worried about long-term maintenances of streets and roads

If not- will they come to the Town and expect the Town to take over the streets. –

Applicant to analysis the impact to the Town if this were a private or town road

Member Kendall- feels there should be a drainage district formed to take care of the Storm water management

Chair- If streets are to be private- how are parking regulations to be set up and enforcement- fire zones, etc.

If the streets were to be Town Streets- will the Town be equipped for enforcement- parking etc. this could be a great burden for the Town of Dover

Shopping areas there would be parking and enforcement concerns- there should be more detail on parking and traffic

There should be a transportation corporation set up for the water and sewer Will they be contacting Dutchess County Water and Waste Water Authority?

The dam by the reservoir, does the developer plan to repair that?

Member Muroski-

Rt 22 Corridor- detailing on transportation and traffic by Wheeler road- concerned how this will really be addressed . During the rains now- that area floods.

2-15 work force housing- affordable housing- the units have not been identified.

Rail Station- 2-17- He does not agree with that was proposed- there is concern with how people now cross the tracks, and feel the platform should be on both sides of the tracks. This will allow access from both the east and west side

Landscaping signage and lighting- there is not enough detail- recommends they should be native trees, less pesticide and maintenance. More of a study should be done, the whole are falls into the lime stone vein, it just can't be acid loving trees, and they should be adapted to the soil.

Member Fila-

Page 2- Clarification on term adaptive reuse the power plant and Store House-

Commonly used phrase when taking an existing building that is historic or with local character and re purpose the use.

Page 3- HOA- how to be structured

Golf Course- and Public accessibility

Rail Road platform- is that a decision of the applicant or Metro North?

Has this been proposed to Metro North on the platform?

Page 6- Flexible commercial space- portion of the town center- is the flexible included in that total??

Page 7- outer neighborhoods, east side – less intense - should be clarified

There is a whole page of golf issues he will submit

Rail Station page 12- station building- it's a vague statement that they are contemplating, if it were subject to some other approval that should be noted.

1st page appendix A- any change in a law even if it is one word- could be very significant- and should be justified

Adding "certain" serviceable buildings

Master development plan- conceptual site plan

Great Swamp River- instead of Great Swamp- adding river is significant – it narrows the definition

Why put the language in? What is the rationale or justification- why change it?

NYS Designated wetland- as opposed to just wetland not all wetlands are NYS designated, some are federally designated

Member Kendall- will be submitting by email-

houses in flood plans should be removed

HOA comments from before should be included

Member LaRobardier- as well since she had questions for the applicants

Draft report will be ready for the next meeting, on July 6

If everyone could submit their comments in writing as well, that would help

Once all comments are in Ashley will forward them to the members

Supervisor Courtien- "I just received a phone call, earlier, concerning the manner in which the Planning board went into executive session. I could always watch the tape, but came here to discuss it, this is an important project. I wanted to find out from you what transpired.

Chair Wylock- We opened the meeting and entertained a motion to go into executive session for Attorney Client, which I said would be brief. We were in conference and 5 minutes later, the applicant and consultants packed up and walked out.

Member Fila- They did make some comments.

Attorney Polidoro- Yes, Mr. Zarin, commented that it was not appropriate to go into Attorney Client session so they left. Had some objection before we went into session.

Supervisor- So the purpose for this session was for the client to express something to the attorney or the Attorney to express something to the client?

Chair- Attorney to Client- which took no more than 5 minutes tops. We noticed some packing up and out they went.

Supervisor- I would like everyone to get along and work together also, as Town Supervisor it might fall on me to defend any part of the Town if something was done improperly, so I wanted to

make sure nothing was done improperly.

Chair- There was no adversarial issues, other than they did not like the idea of us going into this session. But I think what we did was proper.

I think it was totally inappropriate for them to get up and walk out the way they did when we were out of the room.

Member Fila- Mr.Zarin asked why were going into executive session what the reason was, what we were going to discuss.

Supervisor- So what part of law were you going into session?

Attorney- The open meetings law provides the provision for executive session, but out side the scope of the open meetings law the Board is always entitled to go into Attorney client privileged conference for advice of counsel, so because, but since we were already in a meeting the Board went into Attorney Client.

Supervisor- I know the law allows you to go into executive session, Was it for one of the 8 reasons, or was there an exception under open meetings law?

Attorney- It was for Attorney Client conference, I was just giving them advise , we have been reviewing the proposed zoning amendments, so we just went into Attorney client to talk about that and it falls outside the scope of the open meetings law.

Supervisor- The Public Officers law allows for those 8 reasons , to not use one of those you would have to use the exception of State criminal law or section 108 I just want to make sure again, that everything is done right.

Attorney - I can talk to Tom about it tomorrow if you would like.

Supervisor- I don't know- I got one phone call and then I got 8 more.

Attorney- from the applicants?

Supervisor- I received a number of calls from a number of people

Attorney- They shouted and then they left.

Member Kendall- we we're back in the room

Member Fila- everyone wanted to hear from them, to discuss this with them

Chair Wylock- We were looking forward to meeting with them.

Attorney- The whole meeting was dedicated to this.

Supervisor- Ok

Chair- Hopefully they will come back, It s appropriate time to ask for that session was at the beginning of the meeting and get it out of the way.

Attorney- The Planning Board can go into attorney client even before a meeting it's a privilege.

Motion made by Barbara Kendall to adjourn 2nd by John Fila

VOTE: DAVID WYLOCK - AYE

MEMBER BARBARA KENDALL - AYE

MEMBER JOHN FILA - AYE

MEMBER BRIAN KELLY - ABSENT

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
Full Audio may be requested for a fee by completing a FOIL request form from the Dover Town Clerk

Final