

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 - July 20, 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, 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 7:15 PM and began with the Pledge of Allegiance

Chair Wylock- The only item on the Planning Board Agenda tonight is the Dover Knolls Zoning Amendment

1. Knolls of Dover DEIS-
Review and discuss the Planning Board comment report created by Planner Ashley Ley

Chair Wylock began by thanking the Board for submitting their comments to our Planner as well as thanked the Planner for her work on this document

Substantive Changes from 7/17/09 Version

Page 3

The Planning Board finds the proposed trail system insufficient. In particular, additional trails should be proposed in the vicinity of the reservoir. Trail connections to Boyce Park and other existing trail systems should be proposed and expanded. The Planning Board noted that the Appalachian Trail Conservancy (ATC) typically does not allow additional trail connections or crossings. However-the-board was not opposed-to such connection should the ATC desire one. However, some members of the Planning Board were supportive of such connections and the Town of Dover Master Plan goal of establishing open space trail connections between the Appalachian Trail the project site, and Boyce Park. Therefore, they encourage the Applicant and the Town to continue to work with the ATC to establish such connection. New trails should be Environmentally sensitive to the surroundings and should be constructed of materials appropriate for the location. The former track should also be restored for walkers and joggers.

Re: Planning Board Report to the Town Board on the Knolls of Dover

Dear Supervisor Courtien,

Pursuant to §145-16 of the Code of the Town of Dover, the Town of Dover Planning Board has reviewed the Knolls of Dover Master Development Plan (MDP) and Draft Environmental Impact Statement (DEIS) and has prepared this report.

This report is the result of one special meeting held on June 29, 2009, and three regular meetings held on June 15, 2009, July 6, 2009, and July 20, 2009, as well as written comments from individual Planning Board members. This report seeks to present the majority opinion of the Planning Board, as well as supplemental opinions where a consensus could not be reached.

The comments are presented in three sections, the first section being those comments which apply to both the MDP and the DEIS; the second section addresses the MDP specifically; and the third section addresses the DEIS.

SECTION 1: THE KNOLLS OF DOVER MASTER DEVELOPMENT PLAN AND DEIS

1. Both the MDP and DEIS use a variety of terms to describe the proposed project and its environs. The MDP and DEIS should specifically define these terms, and use them consistently throughout both documents. Each document should contain glossary to define the terms identified below, as well as any other technical terms or phrases that could be interpreted to have a variable meaning. In particular, the following terms should be more fully described and used consistently:
 - a. Great Swamp versus Great Swamp River
 - i. The use of the name Great Swamp River versus Great Swamp should be clarified as the desire of the Planning Board is to protect the Great Swamp as a whole including the river. The Planning Board recommends that the term Great Swamp Critical Environmental Area (CEA) be utilized to define the area that should be protected as it encompasses both the river and surrounding swamp and reflects the legal designation under the State Environmental Quality Review Act adopted for the Great Swamp in 1993.
 - b. Age-targeted versus age-restricted housing
 - i. The applicant should clarify the difference between these two terms especially as they relate to the potential for generating school-age children.
 - ii. In particular, the methodology for ensuring that the age-targeted housing will not generate school children should be provided.
 - c. Workforce versus affordable housing
 - i. These terms appear to be used interchangeably in the documents. More clarity should be provided as how each is defined relative to the Area Median Income.
 - d. Community
 - i. The term “community” is used interchangeably when describing the proposed development and the existing Town of Dover. Both the MDP and DEIS should take care in specifically describing which community they are referring to.
 - e. Wetlands
 - i. The protection of wetlands should not be limited to NYSDEC regulated wetlands. Federal wetlands, vernal pools, and local wetlands (should a local wetland law be established) should also be protected.

SECTION 2: KNOLLS OF DOVER MASTER DEVELOPMENT PLAN

1. Vision of the Town for the Site
 - a. The Planning Board discussed the Knolls of Dover Master Development Plan’s consistency with the Town of Dover Master Plan. The Planning Board has determined that the Knolls of Dover Master Development Plan generally reflects the Town’s vision for the site as presented in the Town of Dover Master Plan as detailed in Chapter III.A of the DEIS. However, the Planning Board has noted that the proposed project is not wholly consistent with certain details of the Town of Dover Master Plan. The Town of Dover Master Plan was adopted in 1993, prior to the full closure and sale of the Harlem Valley Psychiatric Center (HVPC). At the time this document was written, the future of the HVPC, in terms of

whether it would be sold, re-purposed, or retained by the State was unknown. Therefore, as part of the master planning process a Town-wide survey was conducted that presented a variety of alternatives for the HVPC. Page 13 of the Town of Dover Master Plan presents the results of this survey, and as noted by some members of the Planning Board, the proposed project is not wholly consistent with the results of this survey. However, it is also noted by the majority of the Board that the Master Plan is outdated, and should be updated to reflect the current goals of the Town with regards to the property as well as other zoning concerns.

- b. The Planning Board would like to ensure that an appropriate and viable mix of commercial and residential uses are constructed on the site. The majority of the Planning Board is concerned that, as proposed, there would be insufficient retail on the site. As discussed more fully below, the majority of the Planning Board is concerned that the proposed 40,000 sq ft supermarket is insufficient space to attract a contemporary grocery store. However, some members of the Planning Board also expressed concern that a larger footprint has the potential to attract an undesirable big box retail store, and suggested that the proposed 40,000 sq ft store is appropriate for the anticipated population of the Town of Dover. The FEIS should amend the tables on pages III.G-19 and 20 to include the square footages of the commercial buildings to provide a reference point for what is proposed.
 - c. As the Town has envisioned this site becoming a new Town center, the use of the Administrative Building as a new Town Hall and court room could be considered. This would place the Town's primary services within the center of the new development and help establish a daytime population to support the new businesses. The current Town Hall could be set aside for senior citizens and the recreation department. While a number of the Planning Board members were supportive of this concept, some members preferred retaining Dover Town Hall at its present location in the center of the Town of Dover.
2. Pedestrian connections
 - a. The Planning Board finds that certain neighborhoods, such as the Meadow Hamlet and portions of the Millpond Hamlet are underserved by the proposed system of sidewalks and trails. In general, additional trails that are sensitive to the onsite natural resources should be proposed to better connect these hamlets and provide additional onsite recreation. All trails should be limited to pedestrian and bicycle traffic. All motorized vehicles, including ATVs, should be prohibited.
3. Onsite recreation
 - a. The Planning Board finds the proposed trail system insufficient. In particular, additional trails should be proposed in the vicinity of the reservoir. Trail connections to Boyce Park and other existing trail systems should be proposed and expanded. The Planning Board noted that the Appalachian Trail Conservancy typically does not allow additional trail connections or crossings. However, the board was not opposed to such connection should the ATC desire one. New trails should be environmentally sensitive to the surroundings and should be constructed of materials appropriate for the location. The former track should also be restored for walkers and joggers.
 - b. More information on the proposed membership structure of the golf course should be provided. The Planning Board finds the golf course to be an important community resource, and would like its availability for public use to be consistent with the current membership structure. More specific information is needed regarding the fee structure/membership of the golf course. In addition, the anticipated future of the existing golf club (HVGCC) both as an entity and for individual members should be described.
 - c. The Planning Board also finds that the proposed onsite recreation is insufficient to meet the demand of the new residential population that would be generated by the proposed project. Therefore, the Planning Board recommends that the Town require recreation fees to be paid. Recreation should be paid in accordance with §125-13 of the Town Code.
 - ~~d. The proposed trail system should not connect with the Appalachian Trail.~~
4. Floodplain
 - a. FEMA recently issued new floodplain maps for the Town of Dover. These new maps indicate that a significant portion of the project falls within the floodplain. The Planning Board recommends that the site plan should be adjusted to relocate residences outside of the floodplain.
 - b. The Planning Board also recommends that parking areas be removed from the floodplain to the greatest extent practicable to avoid cars being damaged during severe storm events and the potential for contaminants to seep into the Great Swamp.

5. Train station

- a. Since it is a single track serving the Harlem Valley—Wingdale Station, the Planning Board recommends that the existing train platform be retained when the new platform is constructed on the opposite side of the track. This way, a passenger can enter the train from both sides of the track, and the potential safety issue of a person attempting to cross the track to catch a train can be avoided.
- b. The ownership of the existing train station and parking lot should be clarified. In addition, the Planning Board recommends that MTA be added as an Involved or Interested Agency.

6. Phasing

- a. The majority of the Planning Board recommends that the grocery store be constructed as part of Phase 1A. The Planning Board also recommends that more detailed information on the phasing of the remediation and demolition/restoration of the existing buildings be provided. Where possible, Phase 1A and 1B should be more integrated.
- b. A member of the Planning Board also recommended that the Economic Development Committee initiate collaboration between Dover Knolls and the existing nearby plaza tenants to ensure a sustainable retail mix within the hamlet. It was also identified that some development of the residential component is needed to bring in new households and create a demand for a new supermarket.

7. Hazardous Materials

- a. The Planning Board recommends that more detailed information on the area near the store house and power house be provided. In particular, what is the classification of this site? Could it be considered a brown field? Is the applicant or NYSDEC going to clean it up?

8. Reservoir

- a. The Planning Board strongly recommends that all development be removed from the watershed of the reservoir. New York City watershed rules and regulations should be applied to protect the reservoir. The reservoir and surrounding area should be used strictly for passive recreation such as hiking and fishing. No motorized vehicles or other potential pollutants should be utilized in the vicinity of this reservoir. No development shall be permitted within the reservoir watershed, except as necessary for the provision of potable water and maintenance and/or replacement of the dam.

9. Project site maintenance

- a. The Planning Board recommends that a special tax district be formed to ensure the long-term maintenance of site roadways, water and sewer systems, and stormwater management features. The Planning Board is concerned that the Homeowners Association will lack the oversight necessary to ensure the proper maintenance of the features and does not want these items to become a burden on the Town.

10. Onsite Parking

- a. The Planning Board recommends that more information on the parking be provided. In particular, how will fire lanes and no parking zones be enforced? Will there be metered parking? If the Town will have to hire a parking enforcement officer this should be noted and the costs should be factored into the community service analysis.

11. Workforce housing

- a. The Planning Board requests that more information on the workforce housing component be provided. In particular, where will the housing be built and in what phase will it be constructed?

12. Landscaping

- a. The Planning Board recommends that all landscaping comprise native plant species indigenous to the area. These native plant species should be tolerant of the onsite native soils, particularly the limestone based soils of the Harlem Valley region.
- b. Native plants should be utilized for wetland mitigation and low-impact development landscape features.
- c. The requirement for use of native plants should be integrated into the Master Development Plan and Design Guidelines. The Master Development Plan should include a list of plant species appropriate for each onsite microclimate.

13. Retail

- a. Overall, the majority of the Planning Board finds that the proposed retail space is too small to serve the needs of the Town of Dover and the proposed community. Specifically, the proposed supermarket should be 65,000 to 80,000 square feet. However, some Planning Board members recommended setting a cap on the total square footage of any one store to discourage big box retail.

- b. More detail on how the proposed flex commercial/residential spaces would transition to commercial over time should be provided. The Planning Board is concerned that once a unit is utilized as residential space it will not revert to commercial space.
- c. The FEIS should clarify whether the flex commercial space has been included as commercial space or residential space in the socioeconomic and community services analyses contained in the DEIS.

14. Design Guidelines

- a. A comparative analysis of the proposed design guidelines versus the Dutchess County Design guidelines should be included. Any deviation from these guidelines should be more restrictive of the Proposed Development. The ARB should be consulted in the development of these guidelines.
- b. The Planning Board favored the ARB retaining review of the proposed project, and that the ARB's role in the process be consistent with their current role with regards to other projects in the Town.

SECTION 3: KNOLLS OF DOVER DEIS

CHAPTER I—EXECUTIVE SUMMARY

1. Pg. I-2, 5th paragraph. The proposed parking lot for the train station should have heightened stormwater controls to protect wetlands and Swamp River. Bioretention areas could double as stormwater management and landscaping elements in the parking lot.
2. Pg. I-5, Table I-4. The Town of Dover Planning Board should retain subdivision and Erosion and Sediment Control Permit (Chapter 65) approval. Site plan approval should be returned to the Planning Board. It should also be noted in these tables which approval authorities are existing and which are proposed.
3. Pg. I-7. The Town of Dover Planning Board should be listed as an Involved Agency.
4. Pg. I-12, 3rd paragraph. The per-pupil costs and revenue for the project should be clarified. It should be noted whether these figures are fixed or marginal costs.
5. Pg. I-15, 4th paragraph. The best management practices for control of soil erosion and sedimentation should be updated to reflect current NYSDEC standards. Haybales are not included in the list of approved practices for inlet protection in the New York Standards and Specifications for Erosion & Sediment Control. Approved practices are excavated drop inlet protection, filter fabric drop inlet protection, stone and block inlet protection, and curb drop inlet protection.
6. Pg. I-19, Table I-5. The percent reduction in population for Alternative D should also be provided so a comparative analysis of community services can be evaluated? It is given for alternatives B and C but not for D.

CHAPTER II—PROJECT DESCRIPTION

1. Pg. II-20, Infrastructure. Experience in New Jersey and Maryland over the last 15 years has shown that the long term maintenance of stormwater management basins and other stormwater practices by an HOA does not work. The Town Board should put in place a drainage district for the entire site where an assessment on each property would provide a dedicated funding stream to the Town for maintenance of the stormwater management practices. The Town can use the funds to either contract out the maintenance to a private firm or conduct the maintenance with Town staff.
2. Pg. II-20, 2nd paragraph. The proposed project should use the existing Town of Dover Sign Regulations to provide visual continuity between the proposed development and the rest of the Town of Dover. The existing sign regulations could be amended, if needed, to reflect the anticipated signage needs of the Knolls of Dover hamlet area if these types of signs are not already present in other areas of town.
3. Pg. II-21, II-29 (Table), and III.A-20. The proposed zoning changes should be replaced with the proposed zoning amendment recommended by the Planning Board at its July 6, 2009 Planning Board meeting. In particular, subdivision approval should remain with the Planning Board to remain consistent with traditional New York State planning and zoning approvals processes. Furthermore, the FEIS should provide the rationale given for placing subdivision approval with the Town Board.
4. Exhibit II-7, Conceptual Site Plan.
 - a. East side reservoir area: the disturbance necessary for roads, utilities, and construction would pose too great of an environmental threat to the reservoir, which is the back-up water supply for the entire hamlet. Long-term road sanding and salting, fertilizers, pesticides, and stormwater runoff would also pose a threat to the reservoir. The houses and the stormwater basin in the reservoir watershed should be removed, and the development in this area revised so the loop road is outside of the reservoir watershed.

The remaining houses on this hillside should be changed to single family homes on 5- acre lots to reflect the RC zoning that is typical of environmentally sensitive areas in the Town of Dover.

- b. East side: areas with soil with severe erosion potential (SkD and HoF soils) should be limited to 5-acre lots with single family homes to reduce the potential environmental impacts from severe soil erosion.
 - c. West side: homes within the 100-year floodplain should be removed.
 - d. West side: houses should be removed from the areas designated as potential habitat areas ES-1 and ES-5 to eliminate impacts on amphibian habitat.
5. The proposed project should make more of a commitment to implementing green building technologies. While LEED status cannot be assured, the project sponsor should commit to meeting a specific number of environmental performance standards during each phase of the Master Development Plan.
 6. The methodology for ensuring that age-targeted housing will not generate school children should be provided.
 7. The percentage of affordable housing units in the overall development, and for each phase of the development, should be clearly defined. The types of units and their distribution should also be more fully described.

CHAPTER III.B—VISUAL RESOURCES

1. In general, the Planning Board found that the photographs contained in the DEIS were too small to accurately evaluate the impacts of the proposed project. In addition, the Planning Board found some of the photographs to be misleading as they took too narrow a view and thus dismissed potential views of the project site.
2. The DEIS insufficiently evaluates the views from Schaghticoke Mountain. It is currently possible to see the project site from this location, therefore views of the proposed residential development in this area may be visible as well. Photo-simulations of the proposed development from this location should be provided.
3. The DEIS insufficiently evaluates the views of the project site from Route 22. In particular, views of the neighborhood near the reservoir, and any other roads or houses that would be located on the hill should be evaluated. The Planning Board recommends that several representative cross sections from points along Route 22 be provided as part of the FEIS.
4. The Planning Board discussed whether the 3D Visual Simulation of the Proposed Project should include views of the project at the time of planting. The images included in the DEIS utilize mature trees. A number of Planning Board members believed that the FEIS should show what the project will look like as it is built. However, some Planning Board members suggested that showing more mature landscaping, such as what it would look like in 5 to 10 years, would be appropriate. The purpose of this analysis is to determine whether or not the proposed project would result in a significant adverse visual impact to sensitive locations, and whether additional landscaping would be required as part of the mitigation.
5. The FEIS should explain the methodology used to create the 3D Visual Simulation. This explanation should clarify whether the 3D model used existing and proposed topography, took into account the site grading, and whether the housing units shown in the simulation were drawn in accordance with the proposed Design Guidelines. It is noted that the 3D model has a disclaimer, which among other things, states that it is an artist's rendering of the Proposed Project. The term "artist's rendering," the remainder of the disclaimer, and the purpose of the 3D model should be more fully explained.

CHAPTER III.D—NATURAL RESOURCES

1. The FEIS should include more information on the preservation of existing trees. A color-coded figure that identifies the following should be provided: (1) existing trees to remain, (2) existing tree canopy to remain; (3) proposed evergreen trees; (4) proposed deciduous trees; and (5) proposed shrubs.
2. Any building on steep slopes should be kept to a minimum and should comply with §145-36, "Steep Slope Regulations" of the Town of Dover.

3. The reservoir area should be utilized for passive recreation only. It should be regulated in a similar manner to a New York State Park Preserve. No camping, camp fires, picnic areas, or motor vehicles should be permitted.
4. The existing dam should be repaired to New York State standards.

CHAPTER III.F—COMMUNITY SERVICES

1. The majority of the Planning Board finds the evaluation of anticipated fire demand to be insufficient and does not agree with its conclusions. The Planning Board specifically questions the assumption that the proposed project will increase the number of volunteers. The FEIS should provide more data and documentation regarding how the anticipated needs were assessed.
2. The FEIS should more thoroughly analyze the impacts of the proposed action on the fire department. The applicant should work with the fire department to determine whether volunteers would be able to meet the anticipated demand or whether new paid staff, particularly during daytime hours, would be required. The FEIS should thoroughly evaluate the anticipated cost of any new staff required to meet this new demand. These costs should be based on similar paid fire departments in Dutchess County, such as Fairview and Arlington.
3. The Planning Board finds the evaluation of anticipated ambulance service demand to be insufficient. Existing ambulance service conditions and costs should be more fully described, and should be verified by the ambulance service providers. The FEIS should evaluate whether the proposed project will require the Town to go to 24 hour paid Basic Life Support ambulance services and/or upgrade to Advanced Life Support services.
4. The FEIS should clarify which aspects of the proposed onsite community facilities would be open to the public. More detail on the ownership, management, and fees for these facilities should be provided.
5. The FEIS should clarify which streets would be public and which would be private. In particular, how will fire lanes and no parking zones be enforced? Will there be metered parking? If the Town will have to hire a parking enforcement officer this should be noted and the costs should be factored into the community service analysis.
6. The FEIS should include an analysis of the cost to the Town if the roads are public versus private. In recent years, the Town has declined accepting new roads, the FEIS should identify whether this policy is anticipated to continue with regards to this project.
7. The Planning Board questions the feasibility of long-term private security due to anticipated cost.
8. The FEIS should clarify how the anticipated future enrollment of the Dover Union Free School District was determined. The anticipated future enrollment should be based on actual enrollment trends over the past ten years, and not the 1993-94 study discussed in the text.

CHAPTER III.H—CULTURAL RESOURCES

1. An exhibit that identifies the limits of the existing onsite cemeteries should be provided.

CHAPTER III.I—STORMWATER MANAGEMENT

1. Pg. III.I-10. The multi-family homes, single family homes and other structures proposed to be in the 100-year floodplain west of the Powerhouse on Wheeler Road should be removed. Filling and encroachment of the floodplain will increase flooding potential upstream and downstream. Storm events have become unpredictable, with 150 and 200 year floods occurring in the Town of Dover over the last 5 years. Therefore it is critical that all floodplain areas be protected, especially when so much adjacent residential development is proposed. There are enough opportunities for residential development outside of the floodplain.
2. Exhibit III.I-6, Stormwater BMPs. The proposed porous paved parking lot for the train station should help with water quantity control, but provides little for water quality. The parking lot should have additional stormwater controls to protect wetlands and Swamp River. Bioretention areas could double as stormwater management and landscaping elements in the parking lot.

CHAPTER III.J—TRAFFIC AND TRANSPORTATION

1. The applicant and the Town should work with New York State Department of Transportation to improve the Route 22 Corridor.
2. Local laws will need to be adopted to enforce speed limits on public streets within the development. Private streets within the development will present an enforcement problem.

CHAPTER III.M—HAZARDOUS MATERIALS

1. The term “irreversibly degraded” should be more fully described.

2. All such irreversibly degraded sites mentioned in the DEIS should be inspected and or investigated per federal EPA and/or New York State DEC regulations and/or guidance to determine if they should be classified as brownfields, hazardous waste sites, etc. If this is the determination, then full remediation should be performed prior to the construction of an approved site plan.
3. Exhibit III.M-1 should be amended to identify that status of each landfill/dumping area (e.g. capped, abandoned, etc).

CHAPTER III.N—CONSTRUCTION

1. Pg. III.N-2. The bullet list should specify that no demolition debris will be stored in the tunnels.

CHAPTER III.O—INFRASTRUCTURE AND ENERGY

1. The FEIS should further evaluate the feasibility of the reservoir as a back-up water supply. The Planning Board recalls that during the operation of the Harlem Valley Psychiatric Facility, water was drawn from the Swamp River to recharge the reservoir. The FEIS should review the history of this operation and include any information that would be relevant to the use of this reservoir by the proposed project.
2. The FEIS should address the concerns raised by Leggette, Brashears and Graham in their report submitted June 30, 2009 regarding the water supply and well pumping analysis in the DEIS. Specifically, the FEIS should address whether the proposed wells will supply enough potable water at full build-out during drought conditions; whether there are potential groundwater contamination concerns in wells near the landfill area; and whether the analysis of potential effects of long-term well pumping on adjacent wetlands, streams and the Swamp River is valid.
3. The Planning Board questions the future HOA's ability to sustain the costs of maintaining the infrastructure (stormwater management system, roads, water supply, and sewer system). Therefore, the Planning Board recommends that the Town establish a special tax district to facilitate the maintenance of this infrastructure.
4. The FEIS should analyze the formation of a sewer district. In this analysis, the FEIS should identify whether or not the sewer district could be expanded to include the hamlet of Wingdale and the Route 22 corridor.

CHAPTER IV—PHASING

1. The phasing of the proposed project should be clarified. In recent months, the Planning Board has heard a number of build-out years discussed. The anticipated time for full build-out should be explained.

CHAPTER V—ALTERNATIVES

1. The Planning Board does not agree with the economic analysis for Alternative E. The rationale for dismissing Alternative E should be more thoroughly explained. It seems counter-intuitive that more commercial use would generate less tax revenue than the proposed project. The FEIS should include a thorough economic analysis of this alternative using current data. Future projections should utilize consistent dollars. This alternative could be amended to include the use of additional low-density residential properties for commercial space.
2. In addition, Alternative D should be more seriously considered as a viable alternative to the proposed project.
3. An additional alternative should be added showing a different development design that incorporates the natural resource protection concepts mentioned previously in this report as follows:
 - a. Reservoir - No development will take place within the reservoir watershed, except as necessary for the provision of potable water and maintenance and/or replacement of the dam. The reservoir and surrounding area will be used strictly for passive recreation such as hiking and

fishing. No motorized vehicles or other potential pollutants will be utilized in the vicinity of this reservoir.

- b. Areas with soil with severe erosion potential (SkD and HoF soils) will be limited to 5-acre lots with single family homes to reduce the potential environmental impacts from severe soil erosion.
- c. No new development will occur in the 100-year floodplain as mapped in the most recent floodplain maps for the Town of Dover.
- d. There will be no development in the potential habitat areas ES-1 and ES-5 to protect amphibian habitat.

Review of this document was briefly discussed with the changes of:

- the deletion of item D in section 3 titled **Onsite recreation**,
- There was also discussion about another site in Town that used construction and demolition fill on a site and the illegal uses and if this same situation would be a concern on this site- this concern would have to be addressed in the FEIS - these details will be part of the demolition permits-

Member Fila-

- Page 1 #1- would like to broaden the terms used, possibly drop the word "technical" to say any and all terms or phrases
- Page 2 sec 2 - 1 -a the last sentence is in appropriate and would like a revision it is not the Planning Boards position to comment on the Master Plan at this time.
- Procedural question with respect to the report from the planning board showing a "minority" of the Board where it should reflect the "majority". Other members of the Board agreed - This item was through out the document and revised in the final version of the report.

- Section 1- glossary- agreed
- Section 2 # 1 a- remove the last comment
- *Paragraph b commercial-* "however some members..." a discussion on the possible recommendation of a maximum square footage allowance.
- *Paragraph c-* use of administrative building- as town hall and court room- - the was a discussion held on the ideas that the Town Hall should be centered in the Town of Dover, for centralized access. Also concerns in usage maintenance of such a large building, it could be s huge burden. Others felt the building was stately - there were concerns with the building not having large meeting rooms. - The expensive of the operating costs, conversion costs and feasibility - as well as Smith Hall.
- Another question came up as to the center of town - does it mean geographic center or population center.
- Items in phasing
- Economic Development committee discussion what their role could be and how they are utilized in other Towns
- Commercial / retail space and the MC overlay district with respect to the over all space - concerns that the overall square footage has been reduced more than once through the planning of this project.
- Add the terms retail , Commercial and Light industrial to the definitions
- Visual resources show visuals at time of planting as well as mature plantings.
- Flood Plains- There was a map created by Joe Berger with respect to the new flood plain laws-showing existing and newly mapped flood plains - the members would like this map to be included in the report

RESOLUTION ADOPTING REPORT ON MASTER DEVELOPMENT PLAN AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

DOVER KNOLLS DEVELOPMENT COMPANY II, LLC

WHEREAS, Dover Knolls Development Company II, LLC (“Dover Knolls”) has submitted an application to the Town Board of the Town of Dover for approval of a comprehensive development plan, also known as a Master Development Plan, for the redevelopment of the Harlem Valley Psychiatric Center campus and has submitted in furtherance of its application a Draft Environmental Impact Statement (“DEIS”); and

WHEREAS, pursuant to Sections 145-16(C) of the Town of Dover Code, the Planning Board shall provide written comments on the Master Development Plan and DEIS; and

WHEREAS, the Board has reviewed the proposed Master Development Plan and accompanying DEIS and has prepared the attached written report.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby adopts the attached report, dated July 20, 2009, and authorizes the Chairman of the Board to take any and all other actions necessary to deliver the report to the Town Board.

Dated: July 20, 2009

Moved By: James Johnson Seconded By: Barbara Kendall
Resolution Approved/Disapproved:

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>
Planning Board Chair	David Wylock				

Response letter to Michael Zarin

July 20, 2009

Michael Zarin, Esq.
Zarin & Steinmetz
81 Main Street
Suite 415
White Plains, NY 10601

Re: Knolls of Dover Planning Board referral

Dear Mr. Zarin:

I am in receipt of your letter dated May 29, 2009, received by the Planning Board on June 17, 2009. Allow me to state that I reserved the June 15th meeting exclusively for discussion of the Dover Knolls zoning referral and a presentation by you and your clients, and scheduled a special meeting for June 29th to allow the Planning Board adequate time to review and discuss the Master Development Plan and the DEIS for the Dover Knolls project. This alone indicates the Board’s commitment to reviewing the Dover Knolls project.

To respond to your comment on the brief attorney-client session, the Board did not violate the Open Meetings Law, nor did it improperly retreat “into a closed-door session” at any time during the meeting. On the afternoon of June 15, 2009, I had a conversation with the Planning Board Attorney. She indicated that she wished to provide the Board with a legal opinion on an issue that had been raised at a prior meeting regarding the review of the zoning referral, Master Development Plan and DEIS. I was advised that attorney-client communications are exempt from the Open Meetings Law and that we could obtain her advice in private. As you acknowledged in your letter, confidential attorney-client communications are appropriate when the Board is receiving advice “on a specific legal issue, which requires their [attorney’s] area of expertise.” When we finished consulting with our attorney, after approximately five minutes, we were surprised to see that you and your clients had left the building. The Board had been looking forward to the presentation from Dover Knolls, confident that any questions or concerns we might have could be addressed expeditiously by you and your client directly at that meeting. The Board proceeded to review and comment on the proposed zoning amendments and Master Development Plan, although our task was made more difficult by your decision to leave. After 3 ½ hours, we adjourned.

As you may know, the Board has thoroughly discussed and analyzed the zoning referral, Master Development Plan and DEIS during its last five meetings, culminating in two written reports to the Town Board. Copies of both reports are enclosed herewith for your convenience. It is our sincere hope that you and your clients will take a synergetic approach to the redevelopment of the former Harlem Valley Psychiatric Center and implement the Board’s recommendations in the final project design, creating a project that is both beneficial to the Town and to your clients.

Sincerely,

David Wylock, Planning Board Chairman

Cc: Supervisor Ryan Courtien and Members of the Town Board (w/o enclosures)
Ashley Ley, Planning Consultant (w/o enclosures)
Victoria Polidoro, Planning Board Counsel (w/o enclosures)

Motion made by John Fila to approve the response letter to Michael Zarin 2nd by Peter Muroski

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

August 3, 2009 is the next regularly scheduled Planning board meeting- Previously there was a site walk schedule for Plum Hill- The site is over grown and a site walk may not be a recommendation at this time

- o The next Planning Board deadline is NOON August 12, 2009 for the September 21st meeting
- o Please note The September 7th meeting will be cancelled due to Labor Day

Motion made by James Johnson to adjourn 8:40 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

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This memo was received the morning of 07/21/09 and requested this document be filed with the minutes

Good morning everyone,

It had been my intention to respond to the accusations against me brought out in the July 6th meeting last night. However, the overall tone and spirit of our meeting was overwhelmingly positive and I did not want to take a chance on spoiling that atmosphere with anything that could have negative overtones.

I do feel it important however, to clear the air and clarify that my intentions had been misunderstood. Betty-Ann, if you could be so kind as to simply place this letter in the file for that meeting so that anyone who may come across the issue will see that it did receive a response I would appreciate it.

Thanks,
Valerie

Fellow members of the Planning Board:

I am going to read a statement. Charges have been made against me in public; therefore I must answer them in public. I will simply read my statement and let it end there. I expect neither a discussion nor an apology for offenses against me. Agreeing with me is unnecessary, as is continuing to debate the issue. These are my views, nothing more.

My intention with my comment of opposition opinion was simply just that—to state an opinion that differed from the majority view. As a member of both the public and the planning board, that is my right. As dictated by my own personal beliefs, that is my civic duty. My intentions were simply to state my opposing opinion with regret and then to move on to focus on issues where I might possibly be able to make a difference, as clearly on this one issue I am not. Beyond that I had no further agenda.

It is unfortunate that David Wylock chose to believe that my intent was to slander him and to insult my other board members. I have read and reread my comment and I still do not take that from it. With regard to this one issue I still feel that we have a breakdown, and particularly I feel it was evidenced by our discussions of the June 29th meeting. You will note my continued use of the pronoun “we” throughout my comment, showing that I felt we all owned the problem, not that I was attempting to single out any one board member or to set myself up as superior.

While it is a simple fact that whether or not we are intelligent, we are all capable of making stupid errors, I do not see where I have accused anyone on the board as lacking in intelligence, as was suggested by David Wylock repeatedly at the July 6th meeting. My statement regarding not understanding that lead agency implies leading as opposed to doing it all ourselves was repeatedly edited and abbreviated to make it appear that I was accusing the board members of not understanding the term lead agency. There was no slander intended or slanderous comments made concerning David Wylock. The only time I mentioned him was regarding the actions of receiving and responding to the letter from Michael Zarin, and I believe these actions are on the public record and not being disputed here. To draw from my comment an opinion regarding the character of any of the board members is unfair to me and I could as easily claim these interpretations as slanderous to me. It is true that the letter was circulated eventually, and that the Co-

Chair did not use planning board stationary for his response. It is also true that the oversight of not responding properly has since been addressed at the recommendation of Victoria Polidoro—but I wonder whether or not the Co-Chair would find it appropriate for others on the board to whom the letter was addressed to also make a private response to Michael Zarin or even to the applicant regarding our private feelings on the events as they transpired at that meeting? Or would that be considered inappropriate? I do feel that continuing to allow these differences to affect the board working as a team is counter productive, and that is what I meant by stating that my opinion is just one opinion. Pressing for an empty and bad faith apology on my part without giving me a chance to think through what I found appropriate was not fair. Advance thought was put into the accusation. I should have the same chance for careful thought and clarity. Regarding preconceived decisions and preexisting bias, I am at a loss as to how so much could be read into my statement that was not there. Be that as it may, I made no accusations of impropriety in this regard, beyond the simple statement that letters to all of us should be circulated in a consistent manner regardless of the content or the writer, and that actions should not be taken outside the meeting. I also said it was difficult to arrive at the meeting with no idea as to how you feel on a subject. That would be unrealistic. But there was no reason to insist on a vote right then and there. There was no attempt to answer my questions which could have then changed my ideas, nor to say that you would vote on the resolution at the next meeting and use the intervening time to reflect on whether or not anything I said had merit. If that had been done the outcome of the vote may well have been exactly the same, or I may have changed my vote, or the amendment text may have been modified a little. Any of these alternatives would have been acceptable after proper reflection. The fact that no time was allowed for reflection I felt showed that no one was willing to consider alternatives. The value of considering alternatives was evidenced at our last meeting when Jim Johnson cast the single nay vote on releasing the Coppola bond. After hearing his reasoning, we all changed our vote. Perhaps if his reasoning had not been valid, or even if it were and we disagreed, we may still not have changed our minds. But the fact remains that we were open to listening to him—and this produced a good result.

I will say if anyone reads insults into my comments then I do apologize, for that was definitely not my intent, as evidenced by my use of the pronoun we and by my ending on a positive note that I continued to hope that we would be able to work as a productive team. It is always wise to take a step back and rethink your thoughts through another perspective if possible. Had I not felt rushed to turn my comments in during the public comment period I could have used the advantage of letting the dust settle for a few days. So if my frustration with our deliberations being off task crept into my comment I will apologize also for that, as this was not my intention. However—if I took every rude or insulting comment directed at me in these meetings as an affront to my character then I would never be able to get out of bed in the morning and go about my day.

No good can come of continuing to digress in this manner. We have work before us and we need to approach it with clear and level heads, not with an atmosphere charged with acrimony. We need to not let past insults and resentments govern our current and future views, and this is what I meant by politicizing—I certainly did not mean to imply that any one member was advancing their own political agenda. Any group becomes political to me when some in the group allow a preconceived dislike of a person or idea to govern them so strongly that they cannot hear what is said. In that way most groups do become political to an extent at one time or another and as such I should have chosen another, less charged, word to make my point.

No good can come of setting one board member against another. I have many times defended Brian and Jimmy's knowledge of the code and their ability to pick up points that might otherwise be missed and I do not see how it serves us as a team to try to make

it look like my comments were aimed at attacking them or anyone else. I could go on and answer each charge one by one but I find that argumentative and runs counter to the spirit in which my original comment was made. I have no desire to perpetuate divisions or hard feelings. I plan to govern my actions with an attitude of moving on and not harboring resentments and would sincerely hope that others can do the same. Sincerely,

Valerie LaRobardier