

Town of Dover  
126 East Duncan Hill Road  
Dover Plains, NY 12522

## Town of Dover Planning Board



(845) 832-6111 ext 100

Planning Board Meeting  
Monday March 01, 2010  
7:00PM

- Co-CHAIR David Wylock
- Co- Chair Valerie LaRobardier
- Member John Fila
- Member Brian Kelly
- Member James Johnson
- Member Peter Muroski
- Member Michael Villano

Also, in attendance representing the Planning Board were Planning Board Attorney Victoria Polidoro, Planner Ashley Ley and Joseph Berger.

Special Guest Speaker- Willie Janeway, Regional Director of NYS DEC

For the Applicants: Peter Coppola for Coppola Accessory Apartment, John Nelson and Jon Adams for RASCO, Joseph Buschynski and Debra Kaufman for Prendergast Subdivision, Jamie Lintner for Lawrence Timber Harvest, Nina & James Nastasi for Tattoo Mamma, Supervisor Courtien, Councilwoman O'Neill and 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 7:05PM and began with the Pledge of Allegiance

### Public Hearings:

1. COPPOLA- ACCESSORY APT 7061-02-611874-0000  
Applicant: Peter Coppola  
Plans Prepared by P.W.Scott  
Property located at 2504 Route 22, Deveron 5.33 acres in the SR district  
Application for Special Permit for a 1,000 square ft Accessory apartment  
On the second floor of new garage

Mr.Coppola- Stated he did not believe that his project would adversely affect neighboring properties, and is consistent with the character of the Town. Last summer he updated his septic and installed rain gardens. The accessory apt is allowed by special permit by the Town Code.

Co-Chair Wylock - read the following:

**PUBLIC HEARING**

**Project Name:** “Coppola Accessory Apartment”

**Project Address:** 2504 NYS Route 22

**Applicant seeks:** Site Plan, Special Permit

The Town of Dover Planning Board will hold a Public Hearing for a Site Plan Special Permit & Erosion Control Permit on the application known as Coppola Accessory Apartment on Monday March 1, 2010, at 7:00 PM at the Town of Dover Town Hall, 126 East Duncan Hill Road, Dover Plains, NY 12522. The parcel is located in the SR District, on NYS Route 22 in the Town of Dover. The Applicant seeks to create an apartment on the second floor of his existing external garage on a 5.33 acre parcel.

The property is bounded on the North by n/f Hyatt, Russell, Snyder, Lakin, Town of Dover and Austin, West by n/f C. Vincent South by n/f Anderson, Oaks, Carlo and Johnson & East by n/f Town of Dover

**Motion made by Valerie LaRobardier to open the Public Hearing 2nd by Michael Villano**

VOTE: Co-CHAIR DAVID WYLOCK – AYE

MEMBER JOHN FILA – AYE

MEMBER JAMES JOHNSON - absent

MEMBER MICHAEL VILLANO– AYE

Co-CHAIR VALERIE LAROBARDIER- AYE

MEMBER BRIAN KELLY - absent

MEMBER PETER MUROSKI - AYE

*Motion approved*

There was no Public Comment

There was no Further comment from the Board

**Motion made by John Fila to close the Public Hearing 2nd by Peter Muroski**

VOTE: Co-CHAIR DAVID WYLOCK – AYE

MEMBER JOHN FILA – AYE

MEMBER JAMES JOHNSON - absent

MEMBER MICHAEL VILLANO– AYE

Co-CHAIR VALERIE LAROBARDIER- AYE

MEMBER BRIAN KELLY - absent

MEMBER PETER MUROSKI - AYE

*Motion approved*

**RESOLUTION GRANTING SITE PLAN AND SPECIAL PERMIT APPROVAL  
COPPOLA ACCESSORY APARTMENT**

**March 1, 2010  
Plains, NY**

**Property Address: 2504 Route 22, Dover**

WHEREAS, the applicant, Peter Coppola, has submitted an application for site plan and special permit approval to construct an accessory apartment above an existing garage located at 2504 Route 22, Dover Plains, Tax Parcel No. 7061-02-611874 (the “site”), in the SR District; and

WHEREAS, pursuant to Sections 145-10 & 145-12C of the Town Code, an accessory apartment in an accessory structure is a permitted use in the SR District subject to special permit and site plan approval; and

WHEREAS, the accessory apartment will consist of 1,000 sq. ft.; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the application was referred to the Dutchess County Department of Planning and Development, which responded by letter dated July 3, 2009, that it was a matter of local concern; and

WHEREAS, on January 15, 2010, the Dutchess County Department of Health approved the plans for the accessory apartment and endorsed the site plan; and

WHEREAS, on February 1, 2010, the Board adopted a determination of non-significance for the project, determining that no significant adverse environmental impacts would result from the proposed project and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, a public hearing on the application was held on March 1, 2010, during which all those who wished to speak were heard.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board finds that the proposed application for an accessory apartment above an existing detached accessory structure complies with the Town Code and meets all of the criteria set forth in Section 145-63 of the Town Code.**

**BE IT FURTHER RESOLVED, that the Planning Board hereby grants special permit and site plan approval to the application, as shown on a site plan entitled, "Proposed/Existing Septic Plan for Peter Coppola", prepared by Timothy A. Ross, P.E., dated 6-10-09, last revised January 15, 2010, subject to the following conditions:**

**1. Payment of all fees and escrow.**

<b>Moved by:</b>	<u>Valerie LaRobardier</u>	<b>Seconded by:</b>	<u>John Fila</u>
Dave Wylock:	<u>Aye</u>		
John Fila:	<u>Aye</u>		
James Johnson:	<u>absent</u>		
Brian Kelly:	<u>absent</u>		
Valerie LaRobardier:	<u>Aye</u>		
Peter Muroski:	<u>Aye</u>		
Michael Villano:	<u>Aye</u>		

Planning Board Co-Chair David Wylock

**Discussions:**

**2. RASCO MATERIALS SITE PLAN-7061-00-585063 & 7061-00-580190**

Applicant: RASCO Materials, Property Owner Howland Lake Partners, LP  
Plans Prepared by Frank Peduto of Spectra Engineering  
Property located at Wingdale Industrial Park, 2241 NYS RT 22, Wingdale  
Application for Site Plan on 3.0 acres *in the M district*

Willie Janeway Regional Director for DEC Region 3 was invited to discuss Planning Board concerns with the Howland Lakes Site

Co-Chair Wylock thanked Mr. Janeway for responding to his letter, there was a site walk January 16, 2010 and The Board was shocked at the site. There are bags of carbon, barrels of unknown substances, abandoned cars and trucks, and a tent like structure all within proximity of the Great Swamp. It was understood that someone from DEC did visit the site prior to the permit being issued. He was unsure if something was overlooked, if the site was in this condition, or if this was outside the scope of the inspection. He felt that DEC and The Town should work together to get the site cleaned up, before the application moves forward; certainly prior to the Application of Cricket Valley Energy. The Landowner not the applicant should be held accountable; it has the appearance of an environmental nightmare.

Willie Janeway, Regional Director for DEC:

He began with thanking the Board for their service.

They (DEC) are familiar with the site and reviewed the site walk photos submitted to him by Engineer Berger. He acknowledges that there are problems with the site and the photos capture that. The question is now how do we work together- Town, DEC and other Stakeholders in moving forward in seeing improvements on this property. He does make note of the Great Swamp and the resources here, and their great importance. DEC does look hard at those resources when reviewing permits and try to look at changes to make sure environmental concerns are addressed.

This site- there are a number of different issues going on- There is the Cricket Valley Power Plant Project and within the context of that review, that may provide an opportunity to look at options for clean up and moving forward on some parts of the property. That proposal does not engage the entire property, but that could help address some of the site issues. One issue, front and center for this property is the existence of a current permit from DEC for operation here. They (DEC) are aware of the history of some of the compliance issues and violations and have made modifications to the permit to put in place conditions to address that. The applicant is in a position of not being able to move forward not because of not having approval from DEC but it is not valid for them to move forward until they have local approvals. The issues between you (The Planning Board) and the applicant on the local level are your jurisdiction, not ours; you need to sort through them with them.

He also noted that as well as having a permit from DEC they have a BUD (Beneficial Use Determination) this is providing authority of the Department for the operation to go with regard to the materials that come into the site and how they will ultimately be used.

There is some product and some contaminated soil that they (DEC) believe is on the site. It is referred to in the materials from the Planning Board about the drums of activated carbon on site - they(DEC) are aware of them and are concerned about them, they ( DEC) hope that You (?) on local level are able to work with them (?) to determine whether or not you are able to move forward- moving to operation would be one way to resolve those issues. If such an approval is not granted, he suggests that whether or not granting that approval, there should be another path in place for moving forward in resolving the issues. At this point DEC's position is that they (the Applicant) have met their permit conditions and they are looking to move forward and need local approvals. Without local approval, they can not move forward. There are times when it is the other way around; an applicant may have local approval, but not DEC. We need to coordinate, if there are other questions for him (Mr. Janeway) to answer or for him to take back to his department, he would make sure the Department will help. They (DEC) are limited on help, staff has been reduced and asks for patience if there are more technical questions, it may take some time to give attention to those questions, but they will do so to the best of their ability.

Unless noted otherwise, questions in this section were answered by Mr. Janeway

Member Fila- on the BUD in existence, has that been in place for a while?

A: He was unsure exactly how long - he believes more than 1 year, and he can check.

Q: Aren't there 3 categories in a BUD- based on chemical composition, each increasingly stringent characteristics of hazardous material.

A: He was not familiar with the 3 different categories- he could talk to technical staff on that. He does know the site is not considered a hazardous waste site. BUD's tend to be fairly customized to the site and the material in the process. Some have asked if the BUD and the Permit are still valid given the lack of activity on the site. If a project does have all of its permits and for an extended period of time does not operate, at some point those permits do lapse. That doesn't trigger and take effect if there haven't been other local approvals. The applicant is not penalized for not having local approvals- so if it takes the time period plus a day- the applicant is not penalized.

Member Fila- It's not "hazardous material" as it comes out, but might be hazardous as it goes in?

A: He would not comment on whether it would be legally or technically "hazardous material" or not- he does not have that expertise.

Q: But it is not hazardous material as it comes out? A: Correct.

Co-Chair Wylock-We were told" contaminated" going in. Afterwards leaving stabilized and encapsulated and then can be reused.

Co-Chair LaRobardier- The DEC permit/approval that they have, that's just for their operation on their site, correct?

A: Their operation and their site with regard to the jurisdiction of DEC as with most applicants they need other approvals from other entities and their approval from the Department should not prejudice the Planning Board in anyway, for their decision making for what is their authority.

Co-Chair LaRobardier- What DEC was called in for was assistance on the problems we saw, they are on the same site, but not part of their( Rasco) application, above and beyond their approval we need some sort of input from DEC as to what the next step might be to get this clean up orchestrated. It can't really be on 1 application.

A: there are multiple things in front of the Town as a site, with Rasco in particular, they do have some untreated material on site that is theirs that is awaiting treatment, they have DEC approval to proceed with that treatment and in a vacuum we would say the sooner they can do that, the better. We recognize that you may or may not give approval.

Scenario A- if you give approval with conditions with changes you feel are appropriate, they move forward then and are able to treat that, if they are not able to - if you deny it and they can't move forward under our permit, then we have to look at an alternative scenario.

Q: What if there were no applications before us, would we be able to get any kind of help from the DEC to get the site cleaned up?

A: The opportunity right now is in part because there are applications before the Board. Through out the Hudson Valley there are approximately 1000 "Legacy "sites, Ranging from places with PCB's, oil to the other end of the spectrum in terms of the variety of issues. There are also a variety of clean up programs and incentives that the State has to encourage the clean up and redevelopment of those sites. They almost universally require a cooperative partner or government stepping in and we then clean it up using a revolving fund, then the Attorney General tries to collect the money back for that fund for the next clean up. He did not believe given what is on this site - a state initiated "superfund" hazardous waste clean up as it doesn't appear to rise to that level. So that would cycle back to the primary opportunity to work with the applicant.

Member Villano- DEC would provide an on site monitor- do you have any idea of how often the monitor is there? It's understood that it is not full time.

A: He (Mr. Janeway) spoke to the monitor and neglected to ask that specific question - but he will. He (the monitor) is familiar with this site. Usually monitors divide their time anywhere from 3-5 sites, that gives a sense as to how much time might be spent looking a site.

C0 Chair Wylock- Would it be unusual for the town and DEC to work together to get this property cleaned up? It shouldn't be the applicant- most of this has been there for 7-8 years; it would be the responsibility of the property owner. Would this be unusual for DEC and the Town to go after the property owner?

A: It wouldn't be unusual, the question is to what degree - are there violations that warrant that approach. Are there other things that we could do to work together? One thing we could all agree on is the long term continuation of the status quo is not in any of our interests. We, as the State of NY, and you as in the Town, want to find a way to resolve any issues and achieve clean up, and have some more productive use of that property. Whether it is tax base, community base or good neighbor. Any discussion we can have for those common goals would be worth while. (At this time the site walk photos were projected for the Public to view.)

It was believed that this site was not used for over 10 years around the time of the tire fire.

Engineer Berger- Wanted to point out that in the BUD it states:

This BUD is only applicable to virgin petroleum contaminated soil (PCS) that is determined to be non hazardous as defined in 6NYCRR 371 and 40 CFR section 261 In order for the permit to be - they can only bring in non hazardous, but low level contaminated material and it is listed in the BUD. It is only petroleum and can not have any of the by products.

Mr. Nelson- In the permit there is a list of criteria, if you look at the levels; we can only take in low level virgin petroleum contaminated.

Mr. Janeway- We do have facilities that in their operation do end up having compliance issues with us, if they have brought in something that exceeds those standards, they have to reject that load and one of the reasons why we have monitors they have to pay for is to make sure we have that independent unscheduled verification. And we can work on the violation or shut them down.

Member Fila- Do they have to test it on site? A: Mr. Janeway- was unsure specifically.

Mr. Nelson- Prior to the soil coming in there is some paper work that is required, there is a certain amount of testing that has to be done by a certified laboratory, the test results are sent to us and compared to a table. We then have to prove it they do have to give us a letter, there's an analytical soil representative, there are manifests to track it, and it's a fairly sophisticated process to get it to come in. They just can't pull up and say we're going to show up with a truck and the analytical, it's all got to be submitted ahead of time. It needs to be approved and an appointment has to be made.

Co-Chair Wylock - Approved by whom- A (Mr. Nelson) - by us  
Q: Do you go to the site where the material comes from? A: We don't have to go to the site, we can ask for the history of the site, sometimes industrial sites have a long history of different operations, if there's the possibility of the material not properly being characterized the material, we could then visit the site ourselves.

Engineer Berger- Within the permit, the permitted shall provide weekly reports, logs of what came in and all of the testing that was done. So the permitted is required by either faxes acceptable, but weekly reports to DEC on all information see page 6 of the permit.

Mr. Nelson- with the requirements, it's tough to make a mistake and if you do it's very costly, they don't send you a bill but you do get punished monetarily.

There was a brief discuss of a site in Westchester.

Attorney Polidoro- Many times when we work on a project that also requires DEC review, we know DEC puts restrictions - what we're not sure of is how frequently there will be review of those restrictions or follow through on the site. So we would like incorporate those restrictions into our approval and at times the applicants frown upon the conditions, they feel DEC has already done it and that the Town doesn't need to - do you have any policy or best practices?

A: Mr. Janeway was unsure if DEC did or not. He asked if we could follow up with the technical staff. Linkage could be discussed, if the department feels the need to modify the permit, then that rolls through then there has to be modification at the Town level. There should be ways to reference and link in and carry forward with the DEC permit. We (DEC) do not have an issue with cross linkage, but the specific technical details should not be redundant.

Planner Ley- Are you aware of any past cleanups on this site or existing violations?

A: He is aware of past violations, that we (DEC) feel have been addressed with changes on the permit, in terms of how they would need to work going forward.

Attorney Polidoro- Knowing that the applicant would need local approvals- DEC did not do a coordinated review, and now the planning Board has to go through and look at everything, is that general policy, in the future, could we receive notice?

A: Yes going forward it would be in the best interest to have coordinated reviews rather than separately, unless it is discussed to be separate. He was not aware that the previous review was uncoordinated.

Planner Ley- Were the wetlands reviewed within the permit for this application?

A: He did not have information on that. It would have been standard practice to know that there is no activity within the wetlands and the 100' buffer of state wetlands. It would have been reviewed, if not a mistake might have been made.

Mr. Nelson- I believe we are far enough away from the wetlands, I know there were wetlands maps submitted, DEC looked under every rock they could have. We went through a review for about 4 years, I'm sure if there were a wetlands issue, it would have been in their review.

Mr. Janeway- It is our preference, and we make this clear to people, not to do a wetlands review as a result of the proposal being modified so that it doesn't need a wetlands permit, we would much rather have the proposed activity stay outside the buffer.

Co-Chair Wylock - How does the Board feel about going on record and asking Our Attorney to draft a letter to the Town Board, requesting that they look into working with DEC and contacting the property owner, Howland Lakes, and getting after them to clean up the existing site? There are obviously violations of the Town Code on site, like the abandoned cars etc. This would be a step in the right direction

Member Fila- Wouldn't we need to site specific violations in order to do that?

Co-Chair Wylock- The Code Enforcement officer would need to inspect the site and document the violations

**Motion made by John Fila to Authorize Attorney Polidoro to draft a letter to the Town Board  
2nd by Peter Muroski**

VOTE: CO-CHAIR DAVID WYLOCK – AYE  
MEMBER JOHN FILA – AYE  
MEMBER JAMES JOHNSON - absent  
MEMBER MICHAEL VILLANO– AYE

CO-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER BRIAN KELLY - absent  
MEMBER PETER MUROSKI - AYE

***Motion approved***

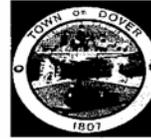
Mr. Adams- Due to the technical nature of this application - Their Engineer is not able to be present; he requested further discussion of this application take place at the next meeting at March 15 as it could be part of the Public Hearing taking place that night.

Co-Chair Wylock - Thanked Mr. Adams for submitting the documents requested. He also shared the comments submitted from the circulation received from DOT and Fire Department.

As well as this letter from the Code Enforcement Officer:

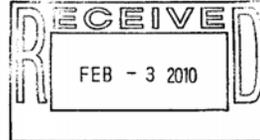


TOWN OF DOVER, NEW YORK  
BUILDING AND ZONING DEPARTMENT  
George T. Hearn, Code Enforcement  
Officer  
126 East Duncan Hill Road  
Dover Plains, New York 12522



February 3, 2010

Town of Dover Planning Board  
Att. D. Wylock, Chairman  
126 E. Duncan Hill Rd.  
Dover Plains, NY 12522



Re: RASCO

Dear Chairman Wylock:

I understand your board is reviewing the application of RASCO to operate their soil manufacturing facility.

I would suggest that since the buildings are over 50 years old and there are no maintenance records for them and the fact that some of the support post show sign of being hit by heavy equipment, they should be inspected by a structural engineer to determine if they are safe for their intended use.

Yours truly,

George T. Hearn  
Code Enforcement Officer

Co-Chair Wylock then addressed the structural report, it is 3 years old. At that time the structural engineer did note there were signs of deterioration and there could be more. Based on Mr. Hearn's letter and we do have 2 state certified inspectors on our Board, who could unfortunately not be here tonight, they concur with that opinion. Engineer Berger has contacted Noviello Engineering to conduct a structural inspection of the site. The quote we have is \$2,500.00, and they would submit a report to the Board within 2 weeks of the inspection. He felt it would be in the best interest of the Town to proceed with that inspection.

Mr. Nelson- With all due respect, Spectra has performed an inspection of the building and structurally it's concrete and the support beams - there has been no activity in there, and to think the building has deteriorated to the point that the beams have rusted and rotted, they would have had to have been very flimsy to begin with. Any work we (RASCO) do there has to be supervised by an engineer, he has to be on site the entire time, and when the work required in that report is complete, the

engineer then has to prepare a final report and sign off. To bring in another engineer at this point, is not cost effective. We already have 1 engineering firm there, why not just let them inspect again and recertify that report, would that be enough to satisfy the Board?

Co-Chair Wylock - If they did another inspection, they could just give the same report from 3 years ago.

Mr. Nelson- When the Engineer puts his signature on the report, you can rely on it, as being accurate.

Mr. Adams- Could there be a cap on that? A: Yes. Q: You mention a figure and while we disagree I ask for a considerable cap.

Co-Chair LaRobardier- We have a bid and if Engineer Berger is comfortable with the reputation of the engineer if he wants to replicate the scope of work fine, we have a quote and that would be it.

Mr. Nelson- That work has been done and he does not believe that in 3 years time, the condition has changed much, and they could get Spectra to update their report.

Attorney Polidoro- The report left open several recommendations the Board is trying to get a follow up, have any of those recommendations been done? A: (Mr. Nelson) we have applied for a permit for those repairs and the CEO indicated they needed site plan approval. There will be repair to the columns and trusses and a professional engineer will be supervising. Upon completion he has to inspect the entire building and submit a report to DEC with his stamp on it. This is just another engineer when there's already on in place.

Member Fila- Has no objection to the applicant using any firm as long as it meets the scope of effort.

Co-Chair Wylock - Ask the board to support retaining a structural engineer to inspect along with the Building inspector and report back to the Board. He has concerns with the business going into operation and structurally there being an accident- then the board did not do due diligence

Member Fila- If we select the engineer and something happens then we have more of a liability.

Co-Chair LaRobardier- Any Engineer could come up with the same thing, their engineer said they need to do work, in the end it gets inspected.

Engineer Berger- The report is 4 years old and agrees to have it updated- it's the Board's decision as to who does the review. Spectra is a very reputable firm and the Engineer is reputable and the report is thorough, but it shouldn't wait till after. After 4 years it should be done before hand. Whether or not it is their engineer - Planner Ley agreed. The one concern is if a structure needs to come down that does affect site plan.

Mr. Nelson- This is a pre engineer shed on the side of the building, 2 of the walls will remain 1 is bowed out and will be torn apart and put back together, plum with a new roof and skin, same size and structure.

***Co-Chair Wylock asked for:***

***A Motion for the Board to engage Noviello Engineering to conduct a structural inspection of the site, at a cost not to exceed \$2,500.00 and an escrow is set for this Inspection***

Attorney Polidoro- So these are your options:

Either the Board asks for an update the existing inspection to bring it up to Engineer Berger's standards, under the applicant's cost and we get to review it

Or

The Board can hire its own consultant and then the report comes to the Board

Co-Chair Wylock prefers to hire a separate consultant to go on site with the Building Inspector and Engineer Berger

**Motion made by Valerie LaRobardier to hire the inspector to bring the report up to standards  
2nd by Peter Muroski**

VOTE: CO-CHAIR DAVID WYLOCK – AYE

MEMBER JOHN FILA – AYE

MEMBER JAMES JOHNSON - absent

MEMBER MICHAEL VILLANO– AYE

CO-CHAIR VALERIE LAROBARDIER- AYE

MEMBER BRIAN KELLY - absent

MEMBER PETER MUROSKI - AYE

*Motion approved*

Reminder Public Hearing was set for Monday March 15<sup>th</sup>

**3. PRENDERGAST SUBDIVISION 7059-04-810295 & 7059-00-820299**

Applicant: Michael Prendergast Engineer: Joseph Buschynski of Bibbo Associates

Property located at 48 Sprague Road Wingdale, NY

Application for a 3 lot Subdivision, conventional plans submitted  
with E & S profiles & details

Joseph Buschynski present

Co-Chair Wylock - There was mention about the DOH approval you will need to return, and the nature conservancy- is there an update?

A: Engineer Buschynski- They had talked to the conservancy and there is a contact person if the Board has questions, they (the Nature Conservancy) have no concerns for the situation.

Co-Chair Wylock - Did you get a letter from Mr. Mc Dermott?

A: We met with him about the intent to add a rectangle to his parcel for his septic; he was also told his name a signature would be needed for the plat.

Member Muroski- The water course that runs on the east side, there are times when residents tend to throw their brush or debris into these areas; we need to assure this course remains open.

A: Engineer Buschynski- Agrees it is an amenity to the property.

Member Muroski- We just don't want to see it get blocked with leaves or brush.

A: Engineer Buschynski- We can put something together, a restriction in the form of a note for the plat, he did not think it was necessary but willing to do it, the stream is an attractive thing for the lots and the environment. It would be a travesty for anything to happen to it.

Member Fila- from the site walk remembers it being steep and not something easily clogged.

A: Engineer Buschynski- the banks are very well defined the contours on the map are 2' - The channel is quite deep by the road.

The Short form EAF was reviewed resulting in the following

**RESOLUTION GRANTING PRELIMINARY SUBDIVISION APPROVAL  
PRENDERGAST MINOR SUBDIVISION AND EROSION AND SEDIMENT CONTROL  
PERMIT**

**March 1, 2010**

**Property Address: Old Sprague Road**

WHEREAS, the applicant, Michael Prendergast, has submitted an application for approval of a 3-lot subdivision and associated erosion and sediment control permit for property located on Old Sprague Road, identified as tax parcel numbers 7059-04-810295 & 7059-00-820299, in the SR District; and

WHEREAS, the applicant seeks to subdivide two contiguous parcels of land consisting of approximately 4.05 acres into 3 residential lots consisting of 1.70 acres, 1.24 acres and 1.10 acres and to convey approximately .006 acres to an adjacent lot identified as tax parcel number 7059-04-804287; and

WHEREAS, on July 15, 2009, the Zoning Board of Appeals granted the applicant an area variance to permit a side yard setback of approximately 17 feet for an existing structure on a corner lot; and

WHEREAS, on January 6, 2010, the Planning Board determined that the proposed subdivision would not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, pursuant to Section 277 of Town Law and Section 125-13 of the Code of the Town of Dover, before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground and other recreational purposes; and

WHEREAS, such land for parks and other recreational purposes may not be required until the Planning Board makes a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town; and

WHEREAS, a public hearing was held on the application on January 6, 2010, during which all those who wished to speak were heard.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board finds that a proper case exists for requiring parks and playgrounds to be suitably located and that a park of adequate size cannot be located on the site and the applicant shall be required to pay a fee for each new lot if the plat receives final subdivision approval to be deposited into the Town Recreation Fund; and**

**BE IT FURTHER RESOLVED that the Planning Board hereby grants preliminary approval to the subdivision plat entitled "Subdivision Plat, Prendergast Subdivision", prepared by Bibbo Associates, LLP, dated May 21, 2007, last revised January 27, 2010, sheets P-1, SP-1 and LP-1, subject to the following conditions:**

1. **Payment of all fees and escrow**
2. **Department of Health approval of methods of water supply and wastewater disposal.**
3. **Consent from Mr. or Ms. McDermott to the lot line alteration. The final plat shall contain signature blocks for both the applicant and Mr. or Ms. McDermott.**
4. **E-911 approval of the private road name.**
5. **Approval by the Planning Board attorney of the road easement and maintenance agreement as to form, substance and manner of execution.**
6. **Approval by the Planning Board attorney of the well-line easement as to form, substance and manner of execution.**

**Moved by:** Valerie LaRobardier      **Seconded by:** Michael Villano

Dave Wylock:            Aye  
 John Fila:                Aye  
 James Johnson:        absent  
 Brian Kelly:             absent  
 Valerie LaRobardier:   Aye  
 Peter Muroski:          Aye  
 Michael Villano:        Aye

Planning Board Co-Chair David Wylock

4. **LAWRENCE THINNING- 7163-00-738572**  
 Applicant: Jamie Lintner for Elizabeth Crane Lawrence  
 Property Located on McCarthy Road Rear  
 Applicant seeks Site Plan and Timber Harvest permit for  
 select thinning on 212 acres of land in the RC district

Engineer Berger- The maps have been submitted and request for waivers for sections Section 65-9(A)(2), (3), (4), (5), (6), (7) (10) & (11)  
 All have been granted on February 1, 2010 except for A(10), after further review the wetlands they are not in the area of the wetlands and there would be no need to show then as well as the 100 years flood plain.  
 Time schedule and cost estimate supplied by the applicant of \$1,400.00 are acceptable.

Attorney Polidoro - The Board has made practice of requiring an inspection fee for Engineer Berger and due to the waiving of section 65 A(10) item 4 on the resolution can be deleted.

**Motion made by John Fila to set the inspection fee at \$200.00 2nd by John Fila**

VOTE: Co-CHAIR DAVID WYLOCK – AYE                      Co-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER JOHN FILA – AYE                                      MEMBER BRIAN KELLY - absent  
MEMBER JAMES JOHNSON - absent                      MEMBER PETER MUROSKI - AYE  
MEMBER MICHAEL VILLANO– AYE

*Motion approved*

**Waivers requested:**

- 1. The boundary of the one-hundred-year floodplain, together with the designated wetland boundaries, where applicable.**

The Short Form EAF was reviewed resulting in the following resolution being adopted

**RESOLUTION DETERMINING SIGNIFICANCE, GRANTING EROSION AND  
SEDIMENT CONTROL PERMIT & SITE PLAN APPROVAL**

**LAWRENCE TIMBER HARVEST**

**March 1, 2010**

**Property Address: McCarthy Road Rear**

WHEREAS, the applicant, Elizabeth Crane Lawrence, has submitted an application for an erosion and sediment control permit and site plan approval for commercial logging on 212 acres of property located on McCarthy Road Rear, Dover, New York, Tax Parcel No. 7163-00-738572 in the RC District (“the site”); and

WHEREAS, the application was prepared by Jamie Lintner, forester; and

WHEREAS, commercial logging is permitted in the RC District, subject to site plan approval; and

WHEREAS, pursuant to Chapter 65 of the Code, disturbance of ½ acre or more is not permitted without an Erosion and Sediment Control permit; and

WHEREAS, on August 3, 2009, the Planning Board classified the action as an unlisted action under SEQRA; and

WHEREAS, on February 1, 2010, pursuant to Section 145-67 of the Town Code, the Planning Board waived a public hearing on the application and waived the requirements of Section 65-9(A)(2), (3), (4), (5), (6), (7) & (11) of the Town Code; and

WHEREAS, a referral to the Dutchess County Department of Planning and Development was not required because the project was not located within 500 feet of the Town boundary, state or county roadway, right-of-way, or park, a farm operation in an agricultural district or public land proposed for development; and

WHEREAS, the Planning Board has reviewed the EAF provided and found that it contains sufficient information on which to base a determination of significance; and

WHEREAS, the Planning Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern.

**NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines that the proposed action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared; and**

**BE IT FURTHER RESOLVED, that the Planning Board hereby grants site plan approval and erosion and sediment control permit approval for site disturbance as shown on plans prepared by Jamie Lintner, dated December 8, 2009 and February 7, 2010, subject to the following conditions:**

- 1. Payment of all fees and escrow.**
- 2. The applicant shall file with the Town Clerk a performance guaranty in the amount of \$1400.00 in form and manner acceptable to the Town Board and Town Attorney, which shall be kept in full force and effect until a certificate of compliance shall have been issued by the authorized official to ensure that all provisions of this chapter and of the permit have been met.**
- 3. The applicant shall place \$200.00 into escrow to cover the cost of inspections by the Planning Board Engineer.**

**BE IT FURTHER RESOLVED, that before the authorized official may issue a Certificate of Compliance, the Planning Board Engineer shall provide the authorized official with a written statement indicating that all work authorized under the permit has been completed in accordance with the approved permit.**

**Moved by:** Michael Villano

**Seconded by:** Valerie LaRobardier

Dave Wylock: Aye  
 John Fila: Aye  
 James Johnson: absent  
 Brian Kelly: absent  
 Valerie LaRobardier: Aye  
 Peter Muroski: Aye  
 Michael Villano: Aye

Planning Board Co-Chair David Wylock

**5. TATTOO MAMMA - 7059-04-723344**

Applicant: Christina Nastasi

Property located 1465 Rt 22, Wingdale

Applicant seeks site plan Special permit for change of use for a tattoo shop and retail store in the HC district

Christina & James Nastasi: requesting special use permit for change of use.  
 Co-Chair Wylock began with:

***Engineer Berger's Comments:***

- 1. The submission is detailed, thorough, and clear with only a few minor comments.*

- 2. *The Dutchess County Department of Health will need to review the proposed plans and insure the building has adequate and approved septic and water supply as a tattoo parlor has the potential for larger demand then the previous use.*
- 3. *A bulk table should be added on the plans showing the required and provided building setbacks. The existing building does not meet side yard setbacks for the HC zone.*

This should be on the map as required and as proposed and to be submitted for the next deadline

The applicant can also contact Jim Napoli from Health department re:septic

Co-Chair Wylock - Traffic- how many cars at one time?

A: 1-2 She will be the only Artist at the location - so it should be her and the Customer unless someone joins them.

Co-Chair Wylock - Is this by Appointment only?

A: Either way - there will be regularly open hours for appointments and walk in customers 1pm-9pm.

Q: Will there be guest Artists?

A: there are currently no plans but insurance is in place to accommodate.

Co-Chair Wylock - There is a side road for access to a residence we need to make sure not to obstruct traffic.

A: There is no plan to block that area, there is additional shared parking within the shopping plaza.

Q: Do you currently have a shop?

A: There was one in Patterson, in an office building.

Q: Did you find there was an attraction for kids to loiter?

A: No, She does not do tattoos on kids; they would not be allowed to loiter

Co-Chair Wylock - began a brief discussion about the inconsistency of applicants before the Board for change of use in this and other plazas in Town and commended the applicant for going through proper procedure.

Mrs.Nastasi- Felt not everyone is aware they should come to the Board and the Landlords don't tell them.

**Motion made by Valerie LaRobardier to waive Public Hearing on this minor site plan Amendment 2nd by John Fila**

VOTE: CO-CHAIR DAVID WYLOCK – AYE  
MEMBER JOHN FILA – AYE  
MEMBER JAMES JOHNSON - absent  
MEMBER MICHAEL VILLANO– AYE

CO-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER BRIAN KELLY - absent  
MEMBER PETER MUROSKI - AYE

*Motion approved*

**RESOLUTION CLASSIFYING THE ACTION, REFERRING THE APPLICATION TO THE  
DUTCHESS COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

**TATTOO MAMMA SITE PLAN AMENDMENT**

**March 1, 2010**

**Property Address: 1465 Route 22, Wingdale**

WHEREAS, the applicant has submitted an application for special permit and site plan amendment approval for a change of use to operate a service and retail establishment in an existing building located at 1465 Route 22, Wingdale NY in the HC District (the “site”); and

WHEREAS, the applicant has submitted a site plan entitled “Change of Use Site Plan, Prepared for Tattoo Mama”, prepared by Zarecki & Associates, L.L.C., dated February 9, 2010; and

WHEREAS, retail businesses are permitted in the HC District with site plan and special permit approval provided that the retail use does not occupy more than 20% of the floor area and only includes sale of items produced on the premises and customary accessories to such items; and

WHEREAS, service businesses are permitted in the HC District with site plan and special permit approval; and

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

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

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

**NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby classifies the application as an type 2 action under SEQRA; and**

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

**BE IT FURTHER RESOLVED, that the application is referred to the Architectural Review Board for review and approval of the proposed sign; and**

**Moved by:** Valerie LaRobardier

**Seconded by:** Peter Muroski

- Dave Wylock: Aye
- John Fila: Aye
- James Johnson: absent
- Brian Kelly: absent
- Valerie LaRobardier: Aye
- Peter Muroski: Aye
- Michael Villano: Aye

Attorney Polidoro reminded the applicant that there is a limit in the Town Code as to how much retail is allowed in that area

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

Applicant John Zingaro, Engineer- Insite Engineering Bill Brickelmaier  
Property located on Route 55 in the RC district  
Applicant proposing to subdivide property 7 residential lots  
with 1 open space parcel.  
Naming of Road approved by E911- consider referral to Town Board

**RESOLUTION ACCEPTING ROAD NAME FOR ENHANCED 9-1-1 PURPOSES  
ZINGARO**

**March 1, 2010**

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

WHEREAS, in order to enable appropriate responses from emergency service providers, the Dutchess County Enhanced 9-1-1 Addressing Office has requested that each municipality approve of private road names within the Town; and

WHEREAS, pursuant to Section 125-11H of the Town Code, all streets shall be named and such names shall be subject to the approval of the Town Planning Board; and

WHEREAS, the applicant has proposed to develop a private road named “Trails End Ct.”, which name has been conceptually approved by Dutchess County E-911.

**NOW, THEREFORE BE IT RESOLVED, that the Town of Dover Planning Board hereby approves the name “Trails End Ct.” for the private road shown on the subdivision plat entitled “Preliminary Subdivision Plat known as Route 55 Corp.”, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated 10/23/06, as last revised; and**

**BE IT FURTHER RESOLVED, that the approval of the private road name shall in no way be construed to impose any liability or maintenance obligations on the Town with respect to the road; and**

**BE IT FURTHER RESOLVED, that the Secretary to the Planning Board is directed to refer a copy of this Resolution to the Town Clerk, Highway Superintendent and Dutchess County Enhanced 9-1-1 Coordinator.**

**Moved by:** Valerie LaRobardier      **Seconded by:** Michael Villano

Dave Wylock:            Aye  
John Fila:                Aye  
James Johnson:        absent  
Brian Kelly:             absent  
Valerie LaRobardier: Aye  
Peter Muroski:         Aye  
Michael Villano:        Aye

**7. Domain-**

Attorney Polidoro: This applicant was before the Board for an Erosion Control Permit at that time they received DEC approval for expanding their mine permit. They submitted cost estimates, at that time what they had estimated was for the whole site, Engineer Berger did make comment that the estimate was high and asked if they wanted to reduce this amount, they declined, the resolution was adopted and the application closed.

Recently the applicant contacted the Supervisor; they have new consultants and are seeking a reduction in that bond amount. We have received no further communication from this applicant. Engineer Berger agrees with reducing the estimate, since he made recommendation to reduce earlier in the process. Once we receive formal notification the Board will need to review and make amendment to that resolution. We may also seek reduction of the engineer Inspection amount.

Co-Chair LaRobardier Felt if the Board were to revise the resolution we should clearly state Engineer Berger did make recommendation of a reduction earlier in the process.

**8. Katz**

Co-Chair Wylock - Met with Applicant on Feb 16, proposing amendment of site plan with Clock Tower on north end of building as well as enclosing the bottle redemption machines and possibly reducing the parking spaces in that area. A possible Master plan may be submitted to show further expansion of the business to include a drive up window, as well as drainage changes will be made to the rear of the site.

Wind Rose- Co-Chair Wylock - Had a recent meeting in which this project has been withdrawn

**9. Master Plan Committee**

Co-Chair LaRobardier- There is a project management schedule that was put together and Jim Muncey will be plotting that for the committee. We have been reviewing the old zoning maps and will be working through them. The meetings are the 3<sup>rd</sup> Wednesday of each month at Town hall and are open to the Public

**10. minutes 8/3/09 -****Motion made by John Fila to approve the August 3, 2009 minutes 2nd by Peter Muroski**

VOTE: Co-CHAIR DAVID WYLOCK – AYE                      Co-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER JOHN FILA – AYE                                      MEMBER BRIAN KELLY - absent  
MEMBER JAMES JOHNSON - absent                      MEMBER PETER MUROSKI - AYE  
MEMBER MICHAEL VILLANO– abstained

11. 9/21/09- Tabled to next meeting

12. 10/05/09- Tabled to next meeting

**13. 10/19/09- Motion made by Valerie LaRobardier to approve the October 19, 2009 minutes 2nd by Peter Muroski**

VOTE: Co-CHAIR DAVID WYLOCK – AYE                      Co-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER JOHN FILA – AYE                                      MEMBER BRIAN KELLY - absent  
MEMBER JAMES JOHNSON - absent                      MEMBER PETER MUROSKI - AYE  
MEMBER MICHAEL VILLANO– abstained

14. 11/16/09 - Tabled to next meeting

Member Fila requested these minutes be reviewed due to clarification of his comments- the Secretary will review the recording and revised the document for the next meeting

15. 12/07/09 - Tabled to next meeting

**01/06/10 Motion made by John Fila to approve the January 06, 2010 minutes 2nd by Valerie LaRobardier**

VOTE: CO-CHAIR DAVID WYLOCK – AYE  
MEMBER JOHN FILA – AYE  
MEMBER JAMES JOHNSON - absent  
MEMBER MICHAEL VILLANO– AYE

CO-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER BRIAN KELLY - absent  
MEMBER PETER MUROSKI - AYE

**02/01/10 Motion made by Valerie LaRobardier to approve the February 01, 2010 minutes 2nd by Michael Villano**

VOTE: CO-CHAIR DAVID WYLOCK – AYE  
MEMBER JOHN FILA – AYE  
MEMBER JAMES JOHNSON - absent  
MEMBER MICHAEL VILLANO– AYE

CO-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER BRIAN KELLY - absent  
MEMBER PETER MUROSKI - AYE

**Motion made by Valerie LaRobardier to adjourn 8:56 2nd by Michael Villano**

VOTE: CO-CHAIR DAVID WYLOCK – AYE  
MEMBER JOHN FILA – AYE  
MEMBER JAMES JOHNSON - absent  
MEMBER MICHAEL VILLANO– AYE

CO-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER BRIAN KELLY – absent  
MEMBER PETER MUROSKI - AYE

Respectfully submitted,

Betty-Ann Sherer

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

This meeting may now be viewed at Cablevision Channel 22 for residents who have that provider- Please check local listings for meeting re broadcast times

Please call the Planning Board Office with any questions 845-832-6111 ext 100