

### Town of Dover Planning Board

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



(845) 832-6111 ext 100

Planning Board Meeting  
Monday July 19, 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.

For the Applicants: - Rich Renna & Daniel Quezada for El Universal, Rich Renna & Daniel Katz for Fresh Town Amendment, Don Flood For Lavish, Doug Ramey For Preston Mountain Timber Harvest, Brian Houston & Janet Pickering for Gardner Hill Subdivision , Linda French, Brigid Casson, Miroslaw Czuszal 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 7:03 PM and began with the Pledge of Allegiance

Co-Chair Wylock announced: Written Public comments on Rasco's conditioned neg dec will be accepted until end of business on July 30, 2010, due to DEC posting the ENB 1 week later than expected

#### Public Hearings:

##### **EL UNIVERSAL- 7059-04-756319**

Applicant Daniel Quezada Plans Prepared by Renna Engineering Design PLLC  
Property located at 1456 Route 22, Wingdale  
Application for Special Permit as per March 11, 2010 G.T.Hearn letter  
Parcel in the SR district with in the AQ overlay district on .872 acres of land  
Site plan and survey submitted

Continuation of Public Hearing opened July 7, 2010

Rich Renna - Since the last meeting a revised set of plans have been submitted (dated 6/15/10)

These plans included:

- o a revised entrance - necked down, this too was submitted to NYS DOT and is waiting review and comments

- o Landscaping plan- plants were added and removed as needed
- o Sign along with planter have been relocated and along with sign detail has now been submitted to ARB
- o Dumpster enclosure has been provided and detailed with gates

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

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

*Motion approved*

Brigid Casson requested a brief description of the site

Engineer Rennia- This is the former Strada’s site in Wingdale. This is an existing non conforming use, applicant seeking to amend Special use permit to change use from restaurant to Deli/mini market.

No further Public Comment

Engineer Berger- All submitted documents have been reviewed all concerns have been addressed - no further comments

Planner Ley- All submitted documents have been reviewed all concerns have been addressed - they are an improvement to the previous plan- - no further comments

Attorney Polidoro- No further Comments

No further comments from the Board

Engineer Rennia- We will appear before the ARB on Monday 7/26 and are still waiting for DOT.

**Motion made by Peter Muroski to continue the Public Hearing to August 2,, 2010 2nd by Michael Villano**

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

*Motion approved*

**DOVER PLAINS PLAZA- FRESHTOWN 7063-00-509295**

Applicant Dover Acquisition LLC c/o Daniel Katz  
 Plans Presented by Rich Rennia plans prepared by Rosenbaum Design Group  
 Property located @ 3081 Route 22, Dover  
 Application for Site Plan amendment / Special Permit  
 Parcel located in the HC / AQ district on 4.7 acres of land

**Public Hearing**  
**MONDAY, July 19, 2010, 7:00 PM**  
 “FreshTown / Dover Plaza” 7063-00-509295

**Applicant** Daniel Katz, Property owner  
**Property located** at 3081 NYS Rt 22, Dover  
**Application for** Site Plan Special Permit Amendment  
**Applicant seeks** approval to modify existing site plan & special permit” in the HC district on 4.705 acres

The Town of Dover Planning Board will hold a Public Hearing for Site Plan & Special Permit Amendment Approval on the application known as "FreshTown Dover Plaza" on Monday July 19, 2010, at 7:00 PM at the Town of Dover Town Hall, 126 East Duncan Hill Road, Dover Plains, NY 12522.

The property is bounded on the North by n/f Town of Dover, Dover Plains Water Company, Binotto & Kelly, West by n/f Keller & B. Vincent, South by n/f Kent Hollow Inc, & Dover Village LLC, & East by n/f Dover 1, LLC & McDonalds Corporation

TAKE FURTHER NOTICE, all interested residents and persons are invited to attend.

Engineer Rennia- Project before the Board to fix items from previous site plans that have not been completed. New plan presented relocating thing for ease of construction

- 1- relocation of Clock Tower- originally proposed to be on the center of the building, over the entrance to FreshTown - now proposed to be moved to the North end
- 2- bottle recycling center- it has always been in this corner - in a previously approved site plan it was proposed to be on the north end- the proposal is to keep it in the existing location , enclosing it. Due to change of traffic flow- the first parking space in that area will be removed, concrete curb installed and filled with brick pavers.
- 3- To off set clock tower landscaping is now proposed , just beneath it
- 4- Notes added to plan to tie this revision back to original approval , in order for other details completed to remain enforceable
- 5- Bulk regulation table added

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

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

*Motion approved*

An enlargement of the plans showing the bottle redemption area was projected and Engineer Rennia reviewed the details - plan projected sheet SK-2A 6/14/10 revised date

- o Existing parking space to be removed
- o Concrete curb to be extended
- o Brick pavers to fill existing space
- o Bottle machines to be enclosed, sliding or folding glass door to enter room

Brigid Casson- Member of the ARB, familiar with Fresh Town/ formerly food Town renovations for years. There had been improvements when owners changed.

She was secretary of the ARB, Chair of the ARB and is now a Member of the ARB, so there is history with this project

There are many good things but some concerns:

The clock tower was to be located over the entrance and since reconfigured to be moved north- the ARB- is fine with the concept. There are other issues we would like to have brought to discussion

Co-Chair Wylock - asked if she were speaking for the Board or as a citizen

She responded as citizen, but the points were discussed by the Board too.

The location of the bottle machine was an issue, and contingent for ARB approval hinging on the relocation of the machines. For aesthetic, cleanliness and traffic purposes, it is strongly felt that they need to be moved

She said it will be a minor adjustment, only requiring an outlet being installed at the north end where an over hang and sidewalk already exist.

\* This will reduce the traffic clogging the entrance and accessing the other stores in the shopping center

\* A glass enclosure is initially nice, but creates a hygienic problem as time goes on

\* Better to have them open to the air easier to clean and maintain.

\* Will reduce the added labor and expense of paving a walkway, losing a parking place

\* Staff inconvenience is minimal, they already go outside to empty the machines and collect shopping carts

She recently went to the bottle machines - two different days at different times- it is awkward to stand there with people traffic around, hard to be a customer while others are redeeming bottles

Sadly it is not articulated in previous minutes- originally approval for signage was all establishments should have uniformity in signs -

The lighting is as requested in the past as well as other details have been complied with.

Co-Chair Wylock - the ARB has approved this plan, correct?

Ms. Casson- Correct- but she voted no, and wanted to express at this Public Hearing the reasons to support her vote.

Co-Chair Wylock - felt the revisions to the plans as presented would clear congestion.

He also expressed that if it weren't for the Planning Board's pro active stance, this site would still be in violation, with no plan to remedy in place, due to lack of enforcement.

He also felt negotiation is part of working out a plan.

Ms Casson- Although the paved area increases the walk way- it now exposes pedestrians to the weather with no canopy or overhang- while there is cover at the north end. She feels it's logical to move the machines to the north, and wanted to express her opinion and feels she's not alone in her opinion

Attorney Polidoro- to the Applicant- Have to reviewed the new Better Bottle Bill- would they allow you to move the bottle redemption center?

A: Mr. Katz- He was aware of the new deposit on water-

He thanked Ms. Casson for her comments and concerns

From experience- to have the bottles near the entrance allows the customer to redeem their bottles then begin shopping- if it's inconvenient, there's a risk of losing a customer.

Emptying the machines can be heavy and hard for staff- they would have to leave the curb and go in the fire lane of 18" and dangerous. There was recently an accident at a different location, but due to an increase in redemption, it now requires them to be emptied more frequently. There is room for cleaning in the plan, and he felt this was better for safety.

No further Public Comment

Engineer Rennia - felt the comments were good and appreciated the input. And did express concerns for the safety for the employees with heavy carts full of broken glass especially in the winter

Engineer Berger- No further comments

Planner Ley- No further comments

Attorney Polidoro- the applicant did add the notes as requested to the plan.

Co-Chair LaRobardier- agreed with Ms. Casson's comments, and was fearful of moving the bottle redemption to the north end and thought this was a good compromise

Member Muroski- Agreed with the concerns for cleanliness- Is there a spigot and how will the area be cleaned, will it be off hours?

A: Mr. Katz- A hose from inside the store is run out and used. A spigot would make sense; there are concerns of freezing in the winter

Member Muroski- they do make frost free spigots - it would make sense to have the access outside

Mr. Katz agreed to put a spigot outside

Co-Chair Wylock - made note of caution in the winter and creating icy walkways

Engineer Berger agreed to have a spigot outside would make sense

Engineer Rennia- it would have a special key to assure it could not be accessed by just anyone

Co-Chair Wylock - We are awaiting a response from County Planning

**Motion made by Peter Muroski to continue the Public Hearing to August 2,, 2010 2nd by Valerie LaRobardier**

VOTE: CO-CHAIR DAVID WYLOCK – AYE

CO-CHAIR VALERIE LAROBARDIER- AYE

MEMBER JOHN FILA – Absent

MEMBER BRIAN KELLY – Absent

MEMBER JAMES JOHNSON - Absent

MEMBER PETER MUROSKI - AYE

MEMBER MICHAEL VILLANO– AYE

*Motion approved*

**LAVISH- 7059-02-765531**

Applicant Donald Flood- Property Owner Lavish Inc.

Plans prepared by the applicant

Property located at 1534 Rt 22 Wingdale

Application for Special Permit for a contractor’s yard on 1 acre of land in the HC district

Erosion Control Permit to remedy violation

**Public Hearing**

**MONDAY, July 19, 2010, 7:00 PM**

**LAVISH SITE PLAN SPECIAL PERMIT 7059-02-765531**

**Applicant** Donald Flood

**Property located** at 1534 NYS Route 22, Wingdale

**Application for** Site Plan Special Permit

**Applicant seeks** special permit and site plan approval to operate a contractor’s yard, a service business, on an existing site located in the HC District, and for a remedial erosion and sediment control permit for grading that has already been performed on the property

The Town of Dover Planning Board will hold a Public Hearing for a Site Plan & Special Permit Approval on the application known as Lavish on Monday July 19, 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 HC District, on NYS Route 22 in the Town of Dover.

The property is bounded on the North by n/f Czuszel, Smith & D&D Mill, West by n/f Slattery, Metropolitan Transit Authority, Odunsi & Lehtonen, South by n/f Yeno, & East by n/f Wingdale Village Park

TAKE FURTHER NOTICE, all interested residents and persons are invited to attend.

Mr. Flood- briefly described his project -

- o he will be parking trucks and heavy equipment,
- o no changes to the building
- o new fencing was installed
- o there was a mobile home which was removed

- o no signage
- o no structure to be built

Member Muroski had visited the site and made the following recommendation:

For screening of fence

- o 15 evergreen trees in front of the fence
- o Possibly a handful of white spruce,
- o some white pine and
- o arborvitae along the fencing could make a better presentation- 6-8'

It was mentioned that the entrance to the site might be changing

Mr. Flood- there is a utility pole in the way and he was interested in moving the entrance over to allow a larger area for the trucks to access the site

Member Muroski- would like to meet at the site to further discuss landscaping

Mr. Flood Agreed

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

VOTE: CO-CHAIR DAVID WYLOCK – AYE

CO-CHAIR VALERIE LAROBARDIER- AYE

MEMBER JOHN FILA – Absent

MEMBER BRIAN KELLY – Absent

MEMBER JAMES JOHNSON - Absent

MEMBER PETER MUROSKI - AYE

MEMBER MICHAEL VILLANO– AYE

*Motion approved*

Miroslaw Czuszel- neighbor resident for 15 years

Problems on the property,

Contamination on the site- the past 5 years, he has complained to the Town, nothing was done

He has photos of what the site used to look like

Billy Smith was the property owner and for 5 years there was truck repair taking place

The site was cleared and Mr. Flood bought in dirt and covered everything

His house is next door and he never had problems with his well, now there's rust

There is activity all hours of the night

He is not sure how big trucks can be allowed to operate on only one acre of land, he is not against Mr.

Flood, he is concerned it will become a junk yard and then oil changes and tires will be dumped, he

has seen it happen. He has smell oil, gear oil, asphalt machines, garbage trucks for the last 5 years.

Big trucks entering the site block traffic

Co-Chair Wylock - You said the soil is contaminated?

A: Yes, I guarantee- Billy Smith ran a business without a permit.

He then presented the photos to the Board -

Co-Chair Wylock-these are from when Mr. Smith owned the property?

A: yes

*The photos were then projected- Mr. Czuszel- described his concerns with what had previously occurred on the site, as he viewed it from his home*

Co-Chair Wylock - He's gone now correct?

A: yes

Mr. Czuszel- was frustrated because he lives in that area, not just runs his business

Co-Chair Wylock- reminded him this is a permitted use in the HC district

Mr. Czuszel- did not think dumping oil was a permitted use

Co Chair LaRobardier- How long has it been since the property changed hands

A: Mr. Flood- 2 years

Q: Since that change has there still been the problem of noise in the morning

A: Mr. Czuszel- No, No noise it has been quite.

*Photos submitted by G.T.Hearn dated 9/30/08 & 10/01/09 were then projected*

Member Villano- Is this a fair representation of what the site is like today?

A: Yes it is.

Member Muroski- So would you agree that Mr. Flood has cleaned up the property since he's owned it?

A: yes, he did, but he brought in 1,000 yards of dirt, I think that's what he did wrong.

The problem is the last 5 years, Mr.Czuszel went to the Building Inspector and letters were sent to Mr. Smith. That problem is now gone.

Mr. Flood- Understands Mr. Czuszel concerns, feels that most of the issues brought up were with Mr. Smith. He has owned the property for two years and as far as he knows there have been no complaints since he has owned it this is the first time he has met Mr. Czuszel. With respect to the 12:00 work - he is in the excavation business and if a water line breaks what ever time of day or night he has to go out and take care of business. He does not come in at 10:00 at night

Mr. Czuszel- not you but your people- you have red trucks

Mr. Flood stated his trucks are maroon. It was also repeated that since he has taken over, things are in order. And It was believed that Mr. Czuszel has issue with Mr. Smith

Mr. Czuszel- Did not complain about Mr. Flood, but has concerns that it is a "junk yard" and the same problems will happen. He understands emergencies, but not 24 hours a day 7 days a week for 365 days a year. There is a lot of residential in this commercial zone.

The little building on site is being used to repair cars -4 months ago- 2 young men repaired cars till after midnight using a generator.

Linda French- Asked the Planning Board to be careful with looking at the RT 22 Corridor- at this time it is not presented well, and there is an opportunity for improvement. She has seen how thorough the Board is and feels this can make a difference, plantings and screening would be nice.

Engineer Berger- Concerns are the additional soils placed- make sure we have seeding, mulching and stabilization in those area to assure there is no erosion in the site.

*\*\* Any change in the entrance would require a DOT permit*

Additional landscaping- he will defer to others but would assist with any dust from the yard for the neighbors.

Planner Ley- Agreed additional landscaping along rt 22 would be recommended. With respect to noise - there can be a condition of the special permit approval - in restricting the hours of operation.

Attorney Polidoro- Is there a way to go back and test underneath the fill that was placed- to assure there was no contamination covered

A: Engineer Berger- Yes, an auger could be used, there are different methods, but it is done all of the time.

Attorney Polidoro- Great because usually the Board is able to see the site before the fill is in place - so it may be a good consideration to have Joe ( Berger) help craft a condition of the ESC permit that would require some form of soil sampling.

*Hours of operation can be restricted*

Since the site is small, you can consider limiting the number of trucks and materials brought on site.

Generally when a site plan is looked at, we look at driveway- one is shown- but if it is to be moved, that would need to be on the plans. The Fire Company did want to see the driveway widened to at least 12' - if it were to be moved they may want to review again to assure it meets any turning radius issues they may have.

The building has not been discussed at all. She did not know there is a commercial operation going on.

Mr. Flood- Not commercial operation- 2 kids have a racecar and they have electricity in the building.

Attorney Polidoro- if there is going to be a commercial operation - then that would need to be part of this approval.

Member Muroski-It is a good point that commercial establishments south of the Hospital could benefit from curb appeal. For both Mr. Flood and Mr. Czuszel- maybe more trees in front as well as between neighbors would be helpful.

This could be a better sound screen, looking at the photos; maybe the trees could be more dense.

Mr. Flood agreed to plant trees in front and would look at the sides as well. He has an existing site in Putnam County and welcomed all to see how that site is maintained.

Co-Chair Wylock - Requested Engineer Berger to meet Mr. Flood on site with respect to the concerns of soil contamination, before the next meeting, since this is a new and unexpected concern brought up.

Mr. Flood- gave the Board his cellular number for ease of contact

**Motion made by Valerie LaRobardier to continue the Public Hearing to August 2,, 2010 2nd by Michael Villano**

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

*Motion approved*

**Discussions:**

**PRESTON MOUNTAIN CLUB TIMBER HARVEST- 7263-00-085315**

Applicant Nick Yanick, Manager Plans Prepared by East -West Forestry  
Property located @ 14 Preston Mt. Road (Bog Hollow Rd) Kent Ct  
Application for Site Plan & Erosion Control for Commercial Timber Harvest thinning & Wildlife Habitat Enhancement project- Previous approval 2001 for Forest Management Plan

Doug Ramey: This is a continuation of a long term, ongoing forest management program for 2,500 acres of property; half is in Dover, and under the 480-a Forest Tax Law Program. His is submitting to the Board for a continued forestry treatment and wildlife improvement for hunting activities. This has been submitted as a treatment to DEC; the forestry staff has reviewed and approved it. This portion is 150 acres, in the middle of the NY side of the property. This site was previously treated in 2001, now using the same road system, landings etc.

Engineer Berger- Complimented the applicant of a very thorough application, there are quite a few waivers needed, which are typical for an application of this size parcel

*Comments:*

1. *the Harvest Plan Map submitted shows the locations of wetlands, streams, and buffers.*
2. *Applicant stated that the proposed operation will utilize existing gravel drives, skid roads, and landing areas including two existing stream crossings.*
3. *The Erosion and Sediment Control Letter states that erosion control practices will be implemented to protect wetlands and streams but does not identify which practice will be implemented or provide construction details. A list of approved practices and typical details can be found in the "New York State Standards and Specifications for Erosion and Sediment Control".*
4. *It should be noted that the applicant has stated that tree thinning will occur within the wetland and stream buffers.*
5. *Provide all information listed in Chapter 65 below, or request specific waivers for each item not provided.*

**A. Existing features map(s), at a scale no smaller than one inch equals 100 feet, indicating:**

- (1) *The boundaries of all parcels on which site preparation activities are proposed to be undertaken and boundaries of all parcels adjacent to the subject site.*
- (2) *All structures and roads within a distance of 500 feet of the parcel on which site preparation activities are proposed to be undertaken. The structures shall be identified by their uses, and the roads shall be identified by their surface material and width of surface.*
- (3) *All watercourses within a distance of 500 feet of the parcels on which site preparation activities are proposed to be undertaken.*
- (4) *Existing topography at contour intervals of two feet within a distance of 500 feet of the parcels on which site preparation activities are proposed to be undertaken.*
- (5) *All sewer, water, gas and electric lines and all other utilities within the parcels on which site preparation activities are proposed to be undertaken.*
- (6) *Major wooded areas and tree clusters within a distance of 500 feet of the parcels on which site preparation activities are proposed to be undertaken.*
- (7) *All vegetation areas on the site proposed for site preparation activities, including areas of grass, areas of brush and wooded areas and tree clusters.*
- (8) *The depth to bedrock on the site proposed for site preparation activities, if determined during site evaluation.*
- (9) *The depth to permanent groundwater aquifers on the site proposed for site preparation activities, if such depth is determined during site evaluation.*
- (10) *The boundary of the one-hundred-year floodplain, together with the designated wetland boundaries, where applicable.*
- (11) *Drainage computations prior to site preparation and after site preparation may be required.*

**B. Development standards.** *All development, plus specifications and timing schedules, including extensions of previously approved plans, shall comply with provisions for erosion and sediment control in accordance with standards and specifications contained in a manual titled "Soil Erosion and Sediment Control Guidebook," published by the Dutchess County Soil and Water Conservation District, as it may be revised. In the event of conflict with this chapter, the provisions herein shall prevail.*

A Bond estimate for Erosion Control is also needed and timing of work to be done.

Mr. Ramey- Timing is restricted because of the Natural Heritage restriction on rattlesnakes, along with those restrictions the work would be best performed during the winter months when the ground is frozen to minimize disturbance.

Engineer Berger- this should be as a note on one of the maps

Planner Ley- When DEC conducted their SEQRA review- did they issue a negative declaration?

A: Actually- SEQRA was done by the Town in 2001- We request from DEC a review if rare, known threaten or endangered species In which there was no occurrence, At that time the planning Board asked we go to Natural Heritage and they said rattlesnake dens within 1-11/2miles of the site, that’s when the time frames came up.

Attorney Polidoro- No comments

No comments from the Board at this time

**Motion made by Peter Muroski to set escrow for Preston Mountain Timber Harvest for \$1,000.00 2nd by Valerie LaRobardier**

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

*Motion approved*

**Motion made by Valerie LaRobardier to set the Erosion Control Bond for Preston Mountain Timber Harvest for \$1,500.00 2nd by Peter Muroski**

VOTE: Co-CHAIR DAVID WYLOCK – AYE  
MEMBER JOHN FILA – Absent  
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  
PRESTON MOUNTAIN CLUB TIMBER HARVEST**

July 19, 2010

Bog Hollow Road

WHEREAS, the applicant, Preston Mountain Club by its agent Nick Yanick, has submitted an application for approval of a site plan and erosion and sediment control permit for a Timber Harvest on property located at 14 Preston Mountain Road in the Town of Kent, CT and Bog Hollow Road in the Town of Dover, NY Tax Grid No. 7263-00-085315 (the “site”); and

WHEREAS, the site is located in the RC Zoning District and the Aquifer Overlay District; and

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

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

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

Moved by: Valerie LaRobardier      Seconded by: Michael Villano  
David Wylock                    AYE  
Valerie LaRobardier           AYE  
John Fila                         absent  
James Johnson                 absent  
Brian Kelly                      absent  
Peter Muroski                  AYE

Michael Villano AYE

Planning Board Co-Chair David Wylock

**Motion made by Valerie LaRobardier to waive the Public Hearing for Preston Mountain Timber Harvest 2nd by Peter Muroski**

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

*Motion approved*

**GARDNER HILL SUBDIVISION- 7260-00-089448**

Applicant Janet Pickering Plans prepared by Brian Houston of Bly and Houston, LLP  
Property located at 30 Old Forge Road, Wingdale  
Application to subdivide a 101 acre parcel into 3 lots in the RC district within the Flood Plain,  
Stream Corridor and Aquifer overlay districts

*Brian Houston*

*Items added to the Plan*

- o *Engineer Budzinski was retained to do work on the plans to show the project could actually be built*
- o *Wetland in the vicinity of the construction has been added to the Plan*
- o *As well as Dutchess Land Conservancy zones*
- o *Natural Heritage has responded, Bog Turtles have been found within 1 11/2 miles of the site.*
- o *Dutchess Land Conservancy has submitted a letter to the Board that the plans show the conservation easement as written*

Q: Are we doing a non realty or a realty subdivision which will not show any septic or house on the lot are we then doing ESC for 2 separate lots or for both together and then would we need a condition of approval that the subdivision mp be filed prior to the issuance of the chapter 65 for the lots we're actually creating.

With engineering on the chapter 65 plans, the septic and SDS are not shown - if we're going to be granting an ESC for the site it would be advisable to show the limits of the septic, so they are included in the permit. Otherwise when they do get approved it would not be part of the ESC, and they would have to come back for modification or an additional permit. They could not get a building permit for the house and drives without having DC Health Department approval on each individual lot and those septic would have to be part of it, they just couldn't go out and build the driveway and the house anyway without the sub surface sewer and wells would be non functional. So they should be included in chapter 65 unless we're deferring chapter 65 until Health Department approval

We're the Wetland map lines show on the plans?

A: yes on Mike Budzinski's Plan

Q: But is that going to get filed at the County Clerk's office?

A: Yes

Engineer Berger- That's the procedural question - will the septic approvals be part of this  
Mr. Houston- No septics are not actually designed for these 2 lots; they will be taken care of later on  
Engineer Berger- the Health Department won't allow the maps to be filed without septic design.  
They will allow non realty subdivision which would not allow any houses with drives unless they show sub surface sewer disposals,

So the problem is we can't add that sheet 2 to the subdivision map as a proposed house and drive, the Health Department won't approve that

They can approve it a realty, individual lots, or as a non realty subdivision. But not with houses and drives without sub surface disposal design being done.

Mr. Houston- I thought if you weren't showing septics and a well, these are more for informational purposes right now.

Q: But you are going to be showing a propose house

A: We could certainly take that off

Engineer Berger -I'd defer to the Health Department if choose to accept it- I have just found in the past they have told us know. This is why this is more procedural right now early on before you get caught up

A: They were really shown for conformance with Dutchess Land Conservancy, there are specific spots for them to be placed on this property, and they can certainly be taken off the plan as we move forward.

Engineer Berger- Procedurally if you're going for chapter 65 now, without knowing where your subsurface sewerage disposable system will finally be, what is the purpose of doing that.

A: Maybe we would just withdraw that and stick with the subdivision.

Engineer Berger-We did ask for proof that it could be done and you have accomplished that. Sheets 1of 2 and 2 of 2 are perfectly acceptable, so now it's the next step of whether we go to chapter 65 and the rest of my comments are more towards if you proceed with chapter 65

*Engineer Berger Comments:*

1. Sketch plan, both versions, is not signed or sealed.

*A: New Plans submitted have been signed and sealed.*

2. Existing SDS and well should be shown on plan.

*A: Sheet one of proposed subdivision plan has been revised to show the location of the existing SDS and well*

3. The map should demonstrate that the lots are buildable.

*A: A report has been provided which demonstrates both lots are feasible.*

4. Wetlands within vicinity of proposed development should be shown.

*A: The location of the wetlands have been shown on the engineering plans. These should also be shown on the surveyors map with the land surveyors seal and signature.*

***New Comments:***

*1. The proposed drainage report should also include design calculations for the proposed culvert at the end of driveway along Old Forge Road.*

*2. All culverts should be designed to pass the 25yr storm event.*

*3. The proposed SDS fill pad for lot 3 should provide minimum 4' vertical separation from water to the observed mottling depth as this is an indicator of high water elevations.*

*4. The proposed limits of disturbance should be shown on the plans.*

*5. The ingress egress easement for Iroquois Gas will need to be modified to match the proposed new driveway.*

*6. For the purposes of chapter 65 the area and grading of the proposed SDS systems should be shown. The approval of the Erosion Control Permit is only for the items shown on the plans and the applicant will need to get approval for the SDS prior to being able to construct the lots.*

Attorney Polidoro- So just to clarify- since this is a small subdivision and the option as filing as a non realty subdivision- which means just doing pure lots, no grading no planning , no driveways etc.

Engineer Berger- right they have no approval other than the lots, the health department will approve for filing only, no approval would be made for sub surface and wells.

Attorney Polidoro- then the individual buyers would have to work all that out and if there's ½ acre or more of disturbance then they have to come in for an Esc FOR Each individual lot or we look at it as a whole with septics, driveways etc, and do esc for the whole

Engineer Berger- You could but the problem with that could be if on the individual approvals those houses move and sub surface etc move, they have to come back for modified esc. In my experience houses are rarely built where they are initially to be - later on the homeowner says I want the house else where, even though there may be more restriction s with Dutchess Land Conservancy , even if they move 20' , they could be bad.

Attorney Polidoro- they could always do building envelopes

Engineer Berger- they could do that with esc details

Attorney Polidoro- then there will be permit expiration concerns.

Mr. Houston- I think I'll have to confer with the applicant

Engineer Berger- There's always the third option of getting 2 individual esc permits at the same time which would mean advancing the designs, it's a third option.

Mr. Houston- So option 1 non realty subdivision - we'd have to come back for esc later I think we'd probably move ahead with doing a realty subdivision - there are a lot of particulars with this site and when it's going to go on the market, it could be a while, so I think we would move forward with a non realty

Engineer Berger- for the subdivision they have demonstrated the ability to provide sub surface- I'm satisfied

Planner Ley- there are some concerns with the wetlands on the site, and the identification for the potential for Bog Turtle in the area. However if we were to go forward with a non realty subdivision, it could be analyzed in the future when they came back. There is no disturbance proposed with a non realty.

If you do go forward with chapter 65 a habitat assessment of the wetlands of your site to identify the potential or non potential should be looked at

Mr. Houston- although that's an existing road, there is minor grading to the road and the houses are substantially away from this

Planner Ley- Are they more than 300' away? I'm not saying you couldn't develop the site we would just need to investigate mitigation measure with disturbance to the habitat, and the time of year they would be doing the grading

It was noted there was some minor grading within 100'

Attorney Polidoro- We have been asking applicants in some of the overlay district to put notes on their maps informing potential purchasers of restrictions within those districts, and I can send you some of that language.

If you decide to circulate and do a coordinated review, we suggested notifying Iroquois although they're not technically involved.

**RESOLUTION CLASSIFYING THE ACTION AND DECLARING INTENT TO SERVE AS LEAD  
AGENCY IN A COORDINATED PROJECT REVIEW**

**GARDNER HILL CONVENTIONAL SUBDIVISION**

July 19, 2010

30 Old Forge Road, Wingdale NY

WHEREAS, the applicant, Janet Pickering, has submitted an application for approval of a conventional subdivision plat to subdivide a 101 acre parcel into 3 lots, located at 30 Old Forge Road, Wingdale, Tax Grid No. 7260-00-089448 (the “site”) and for an erosion and sediment control permit for associated grading; and

WHEREAS, the site is located in the RC Zoning District and the Aquifer, Floodplain and Stream Corridor Overlay Districts and in a certified Agricultural District; and

WHEREAS, the property contains a portion of the Duell Hollow Brook, a Class C(T) stream; and

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

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

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

**BE IT FURTHER RESOLVED, that the Planning Board declares its intent to serve as lead agency in a coordinated review of the project and directs the Secretary to the Planning Board to provide notice of its intent, along with a copy of the application, the agencies set forth in the attached list.**

|                     |                        |              |                      |
|---------------------|------------------------|--------------|----------------------|
| Moved by:           | <u>Michael Villano</u> | Seconded by: | <u>Peter Muroski</u> |
| David Wylock        | <u>AYE</u>             |              |                      |
| Valerie LaRobardier | <u>AYE</u>             |              |                      |
| John Fila           | <u>absent</u>          |              |                      |
| James Johnson       | <u>absent</u>          |              |                      |
| Brian Kelly         | <u>absent</u>          |              |                      |
| Peter Muroski       | <u>AYE</u>             |              |                      |
| Michael Villano     | <u>AYE</u>             |              |                      |

Planning Board Co-Chair David Wylock

Involved & Interested Agencies:

~~JH Ketcham Hose Company~~, Department of Environmental Conservation, Dutchess County Department of Health  
Iroquois Gas Transmission System, L.P.

**Since we are removing the driveways at this time The Board will not be submitting to Fire at this time**

**Motion made by Peter Muroski to set the Public Hearing for Gardner Hill for September 20, 2010 2nd by Michael Villano**

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

*Motion approved*

**MINUTES 06/21/10**

**Motion made by Valerie LaRobardier to accept the minutes of June 21, 2010 2nd by Peter Muroski**

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

*Motion approved*

**REMINDERS:**

**\*\*MANDATORY Cyber Security workshop on 7/21 10:00 am & 7:00 PM all members with a Town Email account are required to attend - acknowledgement page must be signed and handed in by 7/21-original notices were sent 7/1/10**

**Motion made by Michael Villano to adjourn 8:53 2nd by Valerie LaRobardier**

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

*Motion approved*

Respectfully submitted,

Betty-Ann Sherer  
PlanningARB@TownofDoverNY.US

This meeting may be viewed in full on the Town of Dover web site by going to [www.townofdoverny.us](http://www.townofdoverny.us)

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