

### 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 September 20, 2010  
7:00PM

- Co-CHAIR David Wylock
- Co- Chair Valerie LaRobardier
- Member John Fila
- 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 & Engineer Joseph Berger

For the Applicants: - Jack Nelson for Rasco Brian Houston & Janet Pickering for Gardner Hill Subdivision Doug Ramey for Preston Mountain Timber Harvest Brian McGrath for Ames Byrds Hill Lot Line Adjustment, Curt Johnson of Zarecki & Associates for Weinstein Special Permit 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 7:05 PM and began with the Pledge of Allegiance

Co-Chair Wylock read the following from Brian Kelly:

*Dear Chairman Wylock,*

*With this letter I wish to inform you that I will be resigning from my position as a member of the Town of Dover Planning Board effective September 10, 2010.*

*I have found it difficult to balance my time between my appointed position as a member of the Planning Board and my elected position as Deputy Chief of the J. H. Ketcham Hose Company due to the Planning Board meetings and fire service work details both being held on Monday nights.*

*It has been a pleasure working with you and the members of the Planning Board and I wish you all the best.*

*If I can be of any assistance in the future, please let me know.*

*Sincerely,*

*Brian D. Kelly*

He also read the following letter of response:

*Dear Brian;*

*I am in receipt of your letter of resignation from the Planning Board dated August 27, 2010. Your knowledge of the town and its history will be sorely missed on our board. However, having been a member of a volunteer fire department for over 50 years I can appreciate the demands on the time for line officers, particularly when serving as Chief or Deputy Chief.*

*I know that I speak for all the board members in wishing you well in whatever endeavors may be.*

*With warm personal regards and thanks for your support, I remain*

*Yours truly,*

*Dave Wylock, Co-Chair Planning Board*

**Public Hearings:**

**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 of a 177 acre parcel *In the M and Aquifer overlay districts*

Continued Public Hearing- applicant appeared before the ZBA 8/4/10 & 09/01/10

**Motion made by Valerie LaRobardier to open the Public Hearing 2nd by Peter Muroski**

VOTE: Co-CHAIR DAVID WYLOCK – AYE

Co-CHAIR VALERIE LAROBARDIER- AYE

MEMBER JOHN FILA – AYE

MEMBER JAMES JOHNSON - Absent

MEMBER PETER MUROSKI - AYE

MEMBER MICHAEL VILLANO– Absent

*Motion approved*

There were no comments from the Public

There were no comments from the Board

The ZBA did not take any action; this will appear before them at their next meeting on October 6, 2010

Mr. Nelson asked if there would be a second meeting in the month of October.

He was informed that since the 18<sup>th</sup> of October will need to be cancelled due to Court, and November 1 will be cancelled due to the set up for Election Day- November 15 will be the next Planning meeting

**Motion made by John Fila to continue the Public Hearing to November 15, 2010 2nd by Peter Muroski**

VOTE: Co-CHAIR DAVID WYLOCK – AYE

Co-CHAIR VALERIE LAROBARDIER- AYE

MEMBER JOHN FILA – AYE

MEMBER JAMES JOHNSON - Absent

MEMBER PETER MUROSKI - AYE

MEMBER MICHAEL VILLANO– Absent

*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

Circulation mailed 8/17/10

**Motion made by Valerie LaRobardier to open the Public Hearing 2nd by John Fila**

VOTE: CO-CHAIR DAVID WYLOCK – AYE

CO-CHAIR VALERIE LAROBARDIER- AYE

MEMBER JOHN FILA – AYE

MEMBER JAMES JOHNSON - Absent

MEMBER PETER MUROSKI - AYE

MEMBER MICHAEL VILLANO– Absent

*Motion approved*

Brian Houston- Property for Janet Pickering is on Old Forge Road, approximately 101 acres of land- proposing to subdivide into 3 lots. Lot 1 would be 11 acres which is currently vacant, Lot 2 would be 75 acres, currently vacant lot 3 existing house and barn where Mrs. Pickering lives. They have demonstrated the proposed lots are buildable. Soil testing has shown it is adequate to support SDS.

There were no comments from the Public

Engineer Berger- the applicant is applying for a non realty subdivision; they are not showing any improvements, just showing lot lines. We did ask them to demonstrate the lots are sustainable if they chose to go and get septic approval for the lots in the future. The only clarification we need is on the map it is shown a proposed common drive entrance, in non realty subdivision the only thing approved is the lot line. A question for discussion is should that be removed and later on when a building permit is file it be done then or if here is enough disturbance at that time a Chapter 65 might be needed. The purpose for not doing it now is that the lots are so big the house locations may not be where the potential buyers would want them to be so the plans would have to be modified.

Attorney Polidoro- The existing driveway on lot 1 - there is a common drive proposed to be shared by lots 1 & 2, what is the reason for abandoning the exiting driveway on lot 1?

A: that is an old farm lane used by Iroquois, they have an easement to get to the back field, if they ever need to get back and service the gas line.

Q: That is the proposed common drive, correct?

A: No that is existing farming lane, the site distance is terrible. When he met with the Highway Superintendant, the proposed access the site distance is better.

Q: Would the Planning Board require the drive way be roughed in to a certain point for access?

Engineer Berger- If it is roughed in it could be under the threshold of disturbance to not have a chapter 65.

A: He is not sure, under non realty it is generally not done, the applicant had no intent to do any work at this time

Attorney Polidoro- If one lot gets built before the other then there aren't the permissions to build the drive.

A: That's why there's the easement proposed to be filed and in the record that there is an easement for lots 1 & 2.

Attorney Polidoro- Ok, what I would like to see is a notation for the existing driveway of lot 1 to make it clear that it is not a driveway for lot one but a shared access. Is the entrance going to remain for Iroquois?

A: At this time yes, they almost never use it, they have reviewed the plans and had no comment about the driveway.

Attorney Polidoro- It should be clear which driveway lot 1 should be using

Engineer Berger- The language of the note on the map could be revised from "common driveway easement area" to "ingress and egress for lot 1 & 2 "

Attorney Polidoro- the existing curb cut is for Iroquois

Planner Ley- Would it be abandoned if the other driveway is put in?

A: That would be something for the parties to work out.

Attorney Polidoro- Just wanted to bring it up for the Board that there is an existing driveway and a proposed common driveway.

Co-Chair Wylock - Is there any way to avoid the common driveway, historically they could become problems?

A: No, if you look at he map its 150 'of common are, its not 1/2 a mile long. And due to the site distance, there is room for only 1 that is safe.

Co-Chair Wylock- What would the length of the driveway be for lot 1?

A: Road to House roughly 400-500'

Engineer Berger- We have been following the Fire company recommended widths and pull off recommendation both Planning and Highway, so when a driveway permit is filed, it would be taken into account. The easement can be shown on the map as part of the no realty subdivision.

Planner Ley- Concerns the driveway would be crossing the other lot, maybe to get in touch with Iroquois now to get that squared away and part of the common drive, or a note to say existing drive to be abandoned.

Engineer Berger- the final map needs to show metes and bounds along the stream in case the stream moves, to show a meander line, so the lot acreage does not change.

**Motion made by John Fila to continue the Public Hearing to October 4, 2010 2nd by Peter Muroski**

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

*Motion approved*

The Short Form EAF was reviewed, resulting in the following:

**RESOLUTION DETERMINING SIGNIFICANCE  
Negative Declaration**

**GARDNER HILL CONVENTIONAL SUBDIVISION**

September 20, 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 a federal wetland; and

WHEREAS, the applicant has subsequently revised the plat and submitted it as a non-realty subdivision, eliminating the need for an erosion and sediment control permit at this time; and

WHEREAS, should development of Lot 1 or Lot 2 result in 1/2 acre or more of disturbance or require any of the activities enumerated in Section 65-7 of the Town Code, the owners of the respective lot must obtain an erosion and sediment control permit from the Planning Board authorizing such disturbance; and

WHEREAS, the Planning Board has reviewed the EAF and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gathered by the Board through its consultants and the public, and considered the criteria contained in 6 NYCRR 617.7.

**NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby determines that the proposed action will not result in any potentially significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared, and directs the Secretary to the Planning Board to send notice of this determination to all involved and interested agencies.**

Moved by: **Valerie LaRobardier**

Seconded by: **Peter Muroski**

David Wylock	<u>AYE</u>
Valerie LaRobardier	<u>AYE</u>
John Fila	<u>AYE</u>
James Johnson	<u>absent</u>
Peter Muroski	<u>AYE</u>
Michael Villano	<u>absent</u>

Planning Board Co-Chair David Wylock

**Involved & Interested Agencies:  
Department of Environmental Conservation  
Dutchess County Department of Health  
Iroquois Gas Transmission System, L.P.**

Mr. Houston- Will the Board require a maintenance agreement?

Attorney Polidoro- It depends on how you go with the driveway- at this point yes, because it is a shared driveway. Do you have one already?

A: No, but we will get it ready

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 for Preston Mountain Club

Co-Chair Wylock - Have you indicated the time frames for operation?

A: Yes it is restricted due to rattlesnake occurrence on the property and no harvesting can take place between April 25 and October 7. It is a DEC recommendation, the Town had adopted during the last approval.

Attorney Polidoro- this parcel was harvested in 2001 and the Planning Board approved it with certain conditions which are included in the resolution for tonight. - see condition 4

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

**PRESTON MOUNTAIN CLUB TIMBER HARVEST**

September 20, 2010

Bog Hollow Road, Dover, NY

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 proposed harvest is part of a long-term timber management program on the property, which plan has been submitted to the NYS Department of Environmental Conservation ("DEC") for its review and approval; and

WHEREAS, the New York Natural Heritage Program indicated the possible occurrence of Timber Rattlesnakes and Bog Turtles on and near the property; and

WHEREAS, in accordance with recommendations received from the DEC, the applicant will only harvest timber between October 8<sup>th</sup> and April 24<sup>th</sup> of each year until the harvest is complete to limit potential impacts on these species; and

WHEREAS, on July 19, 2010, the Planning Board classified the project as an unlisted action under the New York State Environmental Quality Review Act ("SEQRA") and waived the requirement for a public hearing; and

WHEREAS, the applicant has already submitted a performance guaranty in the amount of \$1500 in accordance with Chapter 65 of the Town Code, which the Planning Board Engineer has determined is sufficient to cover the estimated cost of remediation of the project; and

WHEREAS, the Planning Board has reviewed the EAF and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gathered by the Board through its consultants and the public, and considered the criteria contained in 6 NYCRR 617.7; and

WHEREAS, the applicant has requested waivers from the specific requirements of Chapter 65 and Chapter 145 of the Town Code.

**NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants the applicant the requested waivers from Chapters 65 and 145 of the Town Code; and**

**BE IT FURTHER RESOLVED, that the Planning Board hereby determines that the proposed action will not result in any potentially significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared; and**

**BE IT FURTHER RESOLVED, that the Planning Board grants the applicant site plan approval for a selective timber harvest, as shown on the application on file with the Planning Board, subject to the following conditions:**

- 1. Payment of all fees and escrow.**
- 2. Revision of the plans to include a note prohibiting harvesting between April 25<sup>th</sup> and October 7<sup>th</sup>.**

**BE IT FURTHER RESOLVED, that the Planning Board grants the applicant an erosion and sediment control permit for disturbance in connection with the selective timber harvest, as shown on the application on file with the Planning Board, subject to the following conditions:**

- 1. The performance guaranty filed with the Town 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.**
- 2. The applicant shall place \$1,000.00 into escrow to cover the cost of inspections by the Planning Board Engineer.**
- 3. There shall be no harvesting between April 25<sup>th</sup> and October 7<sup>th</sup>.**
- 4. There shall be no tree removal or equipment transport within 100 feet of wetland habitats and no staging area within 300 feet of wetland habitats.**
- 5. This permit shall expire one year after the date of adoption, unless extended by the Planning Board.**

Moved by: Valerie LaRobardier

Seconded by: Peter Muroski

David Wylock	<u>AYE</u>
Valerie LaRobardier	<u>AYE</u>
John Fila	<u>AYE</u>
James Johnson	<u>absent</u>
Peter Muroski	<u>AYE</u>
Michael Villano	<u>absent</u>

Planning Board Co-Chair David Wylock

**AMES/ BYRD'S HILL RD 7159-00-769193 95.64 ACRES & 7159-00-655060 7.05 ACRES**

**Applicant Brian McGrath Plans prepared by Brian Houston**

**Property located on Byrd's Hill Road, Dover, NY**

**Application for a Lot Line Adjustment- Applicant proposes a lot line change of 2.05 acres from 655060 to merge with 769193 - 655060 will then become a 5 acre parcel**

**In the RC district in the Upland Aquifer Zone**

**Brian McGrath- Minor lot line - They are selling a house on Byrds Hill Road 7.05 acres, the applicant owns a 95 acre parcel to the rear, he is taking 2.05 acres off the 7 acres and add them to the 95 acre**

piece. This will leave the parcel with 5 acres and meet the RC zoning; the septic is here in this area and does not affect the setbacks at all.

Engineer Berger- One comment show on the plans that the concrete cover is the septic area.

Planner Ley- this will now make the rear property lines of all the lots in that area no longer even, although it is rear yard, just a point.

**Motion made by Peter Muroski to set the Public Hearing for October 4, 2nd by John Fila**

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

*Motion approved*

Since this is within 500’ of the Town of Pawling- they will need to be noticed.

The Short form EAF was reviewed resulting in the following:

**RESOLUTION DETERMINING SIGNIFICANCE  
Negative Declaration**

**AMES LOT LINE ALTERATION**

September 20, 2010

32 Byrd’s Hill Road, Dover, NY

WHEREAS, the applicant, Ames LLC, has submitted an application for approval of a minor subdivision plat to alter a lot line to move 2.05 undeveloped acres from one parcel to another owned by the applicant; and

WHEREAS, the parcel which will be reduced in size is located at 32 Byrd’s Hill Road, identified as Tax Grid No. 7159-00-655060, and will consist of 5.00 acres after the lot line is changed, and the parcel that will be increased in size is identified as Tax Grid No. 7159-00-76919, and will consist of 97.69 acres after the lot line is changed; and

WHEREAS, no disturbance is proposed as part of this subdivision and the lot line change will not result in any new lots; and

WHEREAS, the applicant has submitted a short EAF with the application; and

WHEREAS, the Planning Board has reviewed the EAF and has thoroughly analyzed the information concerning relevant areas of environmental concern both submitted by the applicant and gathered by the Board through its consultants and the public, and considered the criteria contained in 6 NYCRR 617.7.

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

**BE IT FURTHER RESOLVED, that the Planning Board hereby determines that the proposed action will not result in any potentially significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared.**

Moved by: Peter Muroski

Seconded by: John Fila

David Wylock AYE  
Valerie LaRobardier AYE  
John Fila AYE  
James Johnson absent  
Peter Muroski AYE  
Michael Villano absent

Planning Board Co-Chair David Wylock

**WEINSTEIN ACCESSORY - 6959-00-770123**

**Applicant** Sam Weinstein Plans Prepared by Curt Johnson of Zarecki & Associates  
**Property located** at 690 West Dover Road

**Application** for an accessory Apartment 11/2009 Applicant was denied a building permit for the change of use from an agricultural building to a residential use and referred application to the Planning Board  
**Property located** on 6.9 acres in the RU district and Stream Corridor overlay district

Curt Johnson-This is lot 1 of Valley View subdivision. This lot contains the original agricultural buildings on the original parcel of land, 6.9 acres on West Dover road. The main house had gone through a site plan process in 2005. The ZBA acted as lead agent, there was DEC approval as well. What is now proposed is there is a bull barn on the property, converted to a 1 bedroom apartment, and we are trying to legalize that, it was done in the last 10 ½ years. We have to go to the Health department and the DEC, but needed to start here as first step. The building inspector has given a violation, until Mr. Weinstein gets this legalized.

Q: is anyone living in it?

A: No, it has been vacated.

Q; why do you have to go to DEC?

A: It is within the wetlands setback. If the Health department approves the existing septic

Q: In the EAF there are 2 new parking spaces mentioned-

A: They are not 2 new, but there already, on the north side of the large barn.

Q: They may have to go to DEC, if they weren't there before.

A: They are gravel, and pretty much the whole site is within the 100' setback.

Q: The EAF shows there will be 3 acres of disturbance, is that for the work that was already done?

A: Yes, no new work is being proposed. The work was done in 2005 and has been stabilized since then. That was the legal addition done in 2005.

Attorney Polidoro- the EAF needs to be revised and should be limited to what is being done now.

A: other than the parking spaces there is no disturbance, the drive way was there and spaces already exist, and the driveway is the parking for the barn. It was gravel before and being maintained.

Co-Chair Wylock - The septic system for the apartment was that put in when the apartment was built?

A: It was explained that there was a septic system from when it was a bull barn, a tank or something, it was repaired.

Q: Repaired or repaired and enhances?

A: possibly enhanced. A contractor did the work

Engineer Berger- they will need Health Department to sign off, but because it is within the buffer it may require DEC.

Attorney Polidoro- Under our code, Special Use Permit can not be granted until Department of Health signs off.

Engineer Berger- Current policy of DOH - they are no longer accepting existing systems repaired, they are making all go back and obtain an approval. Unwritten, but they are now coming forward and documenting them.

Q: How long ago was the wetland boundary flagged?

A: When the original subdivision was done, 15 years ago or more, it has to be reflagged.

There were no further comments from the Board

**Motion made by Peter Muroski to set escrow for \$1,500.00 on the Weinstein Application, 2nd by John Fila**

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

*Motion approved*

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

**WEINSTEIN ACCESSORY APARTMENT**

*September 20, 1010*

~~April 5, 2010~~

Property Address: 690 West Dover Road, Dover, NY

WHEREAS, the applicants, Sam & Christine Weinstein, have submitted an application for special permit and site plan approval to legalize an existing apartment accessory to a single-family residence, located at 690 West Dover Road, Dover, in the RU and Stream Corridor Overlay District (the “site”); and

WHEREAS, an accessory apartment is a permitted use subject to special permit and site plan approval and the requirements in Section 145-12C of the Town Code; 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 application as an unlisted action under SEQRA and declares its intent to serve as lead agency in a coordinated review of the project; and**

**BE IT FURTHER RESOLVED, that the Secretary to the Planning Board is hereby directed to refer the application to the Dutchess County Department of Planning and Development for its review and recommendation thereon pursuant to Section 239-m of the General Municipal Law.**

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

Planning Board Co-Chair David Wylock

Department of Health, NYS DEC, & Dutchess County Planning

**Italic font shows information added to the resolution during the meeting**

**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**

**Entertain request for extension of preliminary plat**

Attorney Polidoro- If someone submits a timely request for extension before the Board has its meeting it may have expired; in this case, extension was applied for prior to expiration, this Board did not have a meeting in time

**RESOLUTION TO EXTEND TIME IN WHICH TO SUBMIT A FINAL PLAT**

**PRENDERGAST**

September 20, 2010

**Old Sprague Road**

WHEREAS, on March 1, 2010, the Planning Board granted preliminary plat 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; and

WHEREAS, approval was subject to six conditions, including Department of Health approval of methods of water supply and wastewater disposal and approval of a road easement and maintenance agreement; and

WHEREAS, pursuant to 125-8(A), a final plat must be submitted to the Planning Board within six months of preliminary plat approval; and

WHEREAS, by letter dated August 24, 2010, the applicant made a timely request for an extension of the time in which to submit a final plat; and

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

**NOW THEREFORE BE IT RESOLVED that the Planning Board hereby grants the applicant a six month extension of time in which to submit to a final plat for the Board’s consideration to March 1, 2011.**

**It is the responsibility of the applicant to track the time frame within which this extension approval will expire. There will be no written or verbal notification to the applicant from the Planning Board office prior to the expiration of this extension of the approval.**

Moved by: **Valerie LaRobardier**

Seconded by: **Peter Muroski**

David Wylock	<u>AYE</u>
Valerie LaRobardier	<u>AYE</u>
John Fila	<u>AYE</u>
James Johnson	<u>absent</u>
Peter Muroski	<u>AYE</u>
Michael Villano	<u>absent</u>

Planning Board Co-Chair David Wylock

South East Mountain Timber harvest-  
Engineer Berger did inspection and recommended release of \$3,500.00 bond

**RESOLUTION RECOMMENDING RELEASE OF PERFORMANCE BOND**  
South East Mountain Timber Harvest

Date: September 20, 2010

Tax Grid No: 7262-00-238136 & 7162- 00-751237

WHEREAS, on September 4, 2007, the Town of Dover Planning Board granted RJ Behan Forest Products, LLC a Chapter 65 Erosion & Sediment Control Permit in connection with site plan approval for commercial logging on property located at South East Mountain Road Rear in the Town of Dover; and

WHEREAS, as a condition of approval, the applicant was required to submit a performance guaranty in the amount of \$3,500.00; and

WHEREAS, the Planning Board Engineer has conducted a final inspection and confirmed that the remedial work has been completed and all provisions of the Permit have been met; and

WHEREAS, pursuant to Town Code Section 65-11(C), “such performance guaranty shall continue in full force and effect until a certificate of compliance shall have been issued by the authorized official after such consultation with any agencies or individuals as he deems necessary to ensure that all provisions of this chapter and of the permit have been met.”

**NOW THEREFORE BE IT RESOLVED, pursuant to Town Code Section 65-11(C), the Town of Dover Planning Board hereby recommends issuance of a certificate of completion and the subsequent release of the performance guaranty submitted to the Town by the applicant.**

**Resolution Approved**/Disapproved:

Moved by: **Valerie LaRobardier**

Seconded by: **John Fila**

David Wylock	<u>AYE</u>
Valerie LaRobardier	<u>AYE</u>
John Fila	<u>AYE</u>
James Johnson	<u>absent</u>
Peter Muroski	<u>AYE</u>
Michael Villano	<u>absent</u>

Planning Board Co-Chair David Wylock  
This will now be forwarded to the Town Board

Mountain View-  
Engineer Berger did not inspect this site for possible release of bond

**MINUTES 08/16/10**

**Motion made by Valerie LaRobardier to Table the minutes of August 16, 2010 - Member Fila has not had an opportunity to read them 2nd by Peter Muroski**

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

*Motion approved*

**Motion made by Peter Muroski to adjourn 8:00 2nd by Valerie LaRobardier**

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

*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.townofdoveryny.us](http://www.townofdoveryny.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