

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 October 04, 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: - for Ames / Byrds Hill Lot Line Adjustment, John Kalin & Shawn Goff for Goff Lot Line(22 West) Jim Muncey for Muncey / Chippawalla lot line adjustment as well as other interested members of the Public.

Meeting Called to Order

The regular monthly meeting of the Town of Dover Planning Board was called to order by Chair Wylock at 7:06 PM and began with the Pledge of Allegiance

Public Hearings:

I. 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

EAF Reviewed 9/20

Applicant requested to be continued to November 15 meeting

Co-Chair Wylock - There has been communication from DEC and we have requested they do a habitat study before we move forward

Continued Public Hearing-

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 – AYE

MEMBER JAMES JOHNSON - Absent

MEMBER PETER MUROSKI - AYE

MEMBER MICHAEL VILLANO– AYE

Motion approved

There were no comments from the Public
There were no comments from the Board

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– AYE

Motion approved

- II. 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:

7.05 acre parcel reduced to 5 acres
Merging 2.05 acres with existing 95 acre parcel
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.

Motion made by John Fila to open the Public Hearing 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– AYE

Motion approved

There were no comments from the Public

Engineer Berger- there was one revision to the map which was to label the septic SDS and that has been done.

There were no comments from the Board

Motion made by Valerie LaRobardier to close 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– AYE

Motion approved

This Area intentionally left blank

RESOLUTION SETTING AMOUNT OF ESCROW DEPOSIT

Project Name: Ames Byrds Hill Lot Line
GRID # 7159-00-769193 &7159-00-655060

WHEREAS, pursuant to the Code of the Town of Dover, the Planning Board may require an applicant for a Subdivision to deposit an initial sum of money and additional sums as needed into an escrow account for the purpose of covering the reasonable and necessary costs of reviewing the application in advance of the review of the application; and

WHEREAS, *Brian McGrath* has filed an application for a Subdivision

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Dover hereby determines that in connection with the aforesaid Subdivision Application, the applicant shall deposit \$ 500.00 into an escrow account in advance of the review of the application.

Dated: October 4, 2010

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

Resolution Approved/Disapproved:

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>AYE</u>

Motion approved

Italic font shows information added to the resolution during the meeting

**RESOLUTION GRANTING SUBDIVISION PLAT APPROVAL
AMES LOT LINE ALTERATION**

October 4, 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. 7159-00-769193, 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, on September 20, 2010, the Planning Board classified the action as an unlisted action and determined that the proposed action would not result in any potentially significant environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, on October 4, 2010, the Planning Board held a duly noticed public hearing on the application, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants preliminary layout and final subdivision approval to the subdivision plat entitled “Lot Line Change Prepared For Ames LLC”, prepared by Bly and Houston LLP, dated July 27, 2010, subject to the following conditions:

- 1. Payment of all fees and escrow.**
- 2. Revision of the plat to show the location of the existing SDS.**
- 3. Department of Health permission to file.**

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>AYE</u>

Planning Board Co-Chair David Wylock

Discussions:

- III. **22 West Properties lot line adjustment 7059-04-739389**
Applicant John Kalin PE for Shawn Goff property owner
Property located at Rock Hill & Route 22 Wingdale, NY
Application for a Lot line adjustment due to neighbor building a portion of his home on Mr. Goff’s property

Mr. Goff requested this item be move to the end of the agenda, until his engineer arrives.

Request granted

- IV. **Rusciano Erosion Control Permit - 7060-00-850712 &7060-00-891744**
Applicant and Project Prepared by Richard Pearson PE of John Meyer Consulting
Property located at 236 & 246 Cricket Hill Road on 12.95 acres in the RU district
Applicant requested extension of esc permit approval

Attorney Polidoro- We will need to find out the form in which the performance guarantee was submitted- if it was a check; there is renewal process if it were in another form renewal my be in order to assure the bond does not lapse.

**RESOLUTION GRANTING EXTENSION OF EROSION AND SEDIMENT CONTROL PERMIT
RUSCIANO EROSION AND SEDIMENT CONTROL PERMIT**

October 4, 2010

Property Address: 236 & 246 Cricket Hill Road

WHEREAS, on February 1, 2010, the Planning Board granted the applicant, Peter Rusciano, an erosion and sediment control permit for disturbance as shown on the plan entitled “Proposed Fill Plan, Rusciano Property”, prepared by John Meyer Consulting, P.C., dated 07/07/2009, last revised 01/06/2010, to expire on February 2, 2011, subject to several conditions including submission of a performance guaranty in the amount of \$3,000.000; and

WHEREAS, the permit is set to expire on February 2, 2011, and by letter dated October 4, 2010, the applicant has requested additional time to complete the work; and

WHEREAS, pursuant to Section 65-8K of the Code, the Planning Board may grant an extension of time to complete the work contemplated under an erosion and sediment control permit if, in its discretion, the Planning Board finds that such extension was warranted; and

WHEREAS, permit renewals are Type II actions under SEQRA; 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 to August 2, 2011, to complete the work contemplated under the erosion and sediment control permit, as shown on the approved plan entitled “Proposed Fill Plan, Rusciano Property”, prepared by John Meyer Consulting, P.C., dated 07/07/2009, as last revised.

**** Subject to applicant providing updated information on performance bond.**

Moved by: **Valerie LaRobardier**

Seconded by: **Peter Muroski**

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

Planning Board Co-Chair David Wylock

Italic font shows information added to the resolution during the meeting

V. 22 West Properties lot line adjustment 7059-04-739389

Applicant John Kalin PE for Shawn Goff property owner

Property located at Rock Hill & Route 22 Wingdale, NY

Application for a Lot line adjustment due to neighbor building a portion of his home on Mr.

Goff's property

John Kalin & Shawn Goff

John Kalin- In moving the project forward there have been some discrepancies discovered. Some information was previously filed with County but not presented to the Town.

It is his understanding that the Board was considering sending the applicant to the ZBA for an interpretation, he is unsure as to why.

Co-Chair Wylock - What apparently happened here is the house that is on the Hamilton property, 20' of that house has encroached on the Applicant's property. The Building inspector has indicated that this goes back to the early 1980's.

Mr.Kalin- That's the information he has - there have been some aerial photos from the 70's and 80's and after some research it was found that the house was over. Mr.Hearn states in his letter that everything was in compliance at the time. Mr.Kalin was confused about the timeline and how it was ok.

Mr. Goff- Was not certain when the house crossed the property line- it was possibly before he purchased the property.

Mr.Kalin- The house was issues a C/O in 1984 by Michael Rabideau, the zoning administrator. The permit was issued in 1980. Mr. Goff purchased the property in 1998. He is not sure how a C/O was issued when the house was grossly over the property line. When Mr. Goff bought the property and realized there was an error, he tried to correct it. He offered Mr. Hamilton some property; they went through all of the motions and made it to being filed with the County Clerks office. As far as they knew it was completed, now they find out it was not complete.

Co-Chair Wylock-Did you know the house was over the property line when you bought the property,

A: No

Q: Were there surveys done at that time?

A: he had an old survey from the original subdivision from Mr. Devine. Mr. Goff knew the septic was on his property, but did not know the house was. Mr. Goff has since moved his septic and put it on Mr. Hamilton's property, at no cost to Mr. Hamilton.

Co-Chair Wylock- it is surprising this was not discovered by the Title Company. Mr. Kalin showed the Board a map of 1986 for a lot line adjustment. It showed where the house was with respect to property lines and it accompanied the documents filed with the County

Co-Chair Wylock- That shows the house facing east west. We were told by Tom Hearn that there was a gas explosion in that house and it blew the house off the foundation, and when it was rebuilt, it now faces north South.

Mr. Goff agreed to this story

Co-Chair Wylock - so when they rebuilt the house this is when the error might have occurred.

Mr.Kalin- Mr. Goff hired Mr. Devine to get all of this straightened out, but it never made it to the Planning Board.

Attorney Polidoro- At the time this was prepared the house is correct, but never filed properly.

Engineer Berger- This must have been filed a miscellaneous record because the Health department did not give permission to file, which was required in 1996. So this was not filed as a subdivision, just a miscellaneous record. There's a big difference.

Mr.Kalin- That drawing corresponds with the documents we are filing, and that had been filed. So it is there position to make this the formal line by the Town.

Letter from G.T. Hearn:

September 30, 2010

To: Members of the Planning Board

Re: Vernal Hamilton

Parcel # 04-7059-04-729389-00 & 22 West Properties, Inc. Parcel # 04-7059-04-716410-00

The Hamilton parcel was issued a certificate of occupancy for the house on March 19, 1984 by Michael Rabideau, Zoning Administrator. The permits for the construction had been issued in 1980. The property at that time was in a commercial zoning district. According to the zoning regulations in effect at the time the required sideline setback was 20 feet.

According to the survey map prepared by John H. Decker, LS for the proposed lot line adjustment between Hamilton and 22 West Properties, Inc., the improvements would be 21+ feet from the property line, as proposed. This would make the improvements in compliance with the zoning regulations at the time of construction. In addition, this appears to be the same parcel that was subject of a quitclaim deed dated 24 June 1998.

The proper filing of this map would eliminate a zoning question and bring the property into compliance as it appears this has been the subject of efforts on more than one occasion in the past.

George T. Hearn

Code Enforcement Officer

Planner Ley- it doesn't meet today's standards and when the house was built it was no 20' set back from the lot line as it existed that day. So it is a question as to whether or not there are vested rights using the 20' setback for that period of time. There was a C/O when the house was built, but it is unclear why it was issued since it was built over the line at that time.

Attorney Polidoro - if the structure was built on an existing lot at that time and the zoning changed the then the structure exists and the set backs exist and there's no need for a variance, but she does not understand how this could have met the existing setbacks, it was over the line at the time it was built.

It is the initial recommendation to send the Applicant to the ZBA for a variance, but if Tom Hearn has ruled that they don't need to go, if he is the official interpreter of the code it is then the decision of the board.

Mr.Kalin- We are just trying t clean this up and later join our two lots to give frontage to the other lot as well as access. We can merge our two lots until this lot line is completed. If we go to the ZBA with this line- right now that line is really in stone, what if the ZBA says no you need a bigger set back we can't provide it, this line is about all we can give. It's a simple thing that wasn't legally recognized.

Attorney Polidoro- That letter from Mr.Hearn is his interpretation; people have 60 days to challenge it if they don't agree.

Mr.Kalin- We are giving property, not taking it, as far as both parties were concerned this was a resolved matter.

Attorney Polidoro- There was a boundary line agreement where the 2 parties realized the house was built over the property boundary line, so they agreed. This map was prepared and filed along with the new agreement, but the never went through subdivision plat approval locally. So that was not filed as a subdivision map, just something like an attachment to their agreement. So it has no legal authority. The County did not recognize it. They went through the effort of preparing the map, but it needed to be approved as a subdivision. It is the recommendation to send them for a variance, but Tom Hearn's letter stands.

Member Villano agreed- the two property owners are in agreement and they are just trying to clean this up.

Mr. Goff- We have a good rapport- we are good neighbors, I moved his septic paid for everything, it hasn't cost him a dime.

Engineer Berger- Both owners will have to sign the map

Attorney Polidoro- another issue with this application is SEQRA- generally when you look at an application that will lead to a bigger application, in this case they will be merging this front parcel with the back parcel in order to develop the rear parcel- SEQRA segmentation is brought up. The SEQRA regulations do not like when a Board splits a project up into small pieces. It enables people to look at the impacts on a small scale alone rather than the total action. In this case if the Board wishes, SEQRA can be done separately for the 2 actions, through permissible segmentation as long as findings are made.

There was a brief explanation of permissible segmentation and how this project met the criteria. These projects can be treated a separate, and are independent, one is not contingent upon the other. It is only a form of segmentation because they are related actions; they do plan to use this parcel in the future to access the rear parcel.

Engineer Berger- the septic is to be shown to assure that it has been moved to the Hamilton lot. Although the remaining lot will be less non conforming as long as it is merged in the future with the rear lot it would be permissible if added as a condition of approval.

Mr.Kalin- The remaining lot will never be a viable building lot and has always been intended to become part of the larger lot for access. Eventually these 2 lots would be combined.

Conditions 1-4 of the resolution support permissible segmentation

Co-Chair Wylock -Does adverse position come into play?

Attorney Polidoro- it could have except they now have a boundary line agreement, which shows the land has been occupied and has not been hostile for the last 10 years.

There could be a condition added to the negative declaration resolution that states not for residential development but for access only.

This Area intentionally left blank

RESOLUTION SETTING AMOUNT OF ESCROW DEPOSIT

Project Name: **GOFF LOT LINE** GRID # 7059-04-739389

WHEREAS, pursuant to the Code of the Town of Dover, the Planning Board may require an applicant for a Subdivision to deposit an initial sum of money and additional sums as needed into an escrow account for the purpose of covering the reasonable and necessary costs of reviewing the application in advance of the review of the application; and

WHEREAS, John Kalin has filed an application for a Subdivision

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Dover hereby determines that in connection with the aforesaid Subdivision Application, the applicant shall deposit \$ \$1,000.00 into an escrow account in advance of the review of the application.

Dated: October 4, 2010

Moved by Valerie LaRobardier Seconded by: Michael Villano

Resolution Approved/Disapproved:

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>Aye</u>

**RESOLUTION DETERMINING SIGNIFICANCE
GOFF LOT LINE ADJUSTMENT**

October 4, 2010

Rock Hill Drive and New York State Route 22, Wingdale, NY

WHEREAS, the applicant, 22 West Properties LLC, has submitted an application for approval of a minor subdivision plat to alter the lot lines for two existing lots in order to convey 0.082 acres to an adjacent lot owner, Vernon Hamilton; and

WHEREAS, the new boundary line was agreed to on June 16th, 1998, in a boundary line agreement on file with the Dutchess County Clerk’s Office, but at the time subdivision approval for the new lot line was not sought; and

WHEREAS, the proposal is depicted on a minor subdivision plat entitled “Lot Line Adjustment, Lands of Hamilton & 22 West Properties, Inc.”, prepared by Decker Surveying, dated September 17, 2010; and

WHEREAS, the parcel which will be reduced in size is located on Route 22, identified as Tax Grid No. 7059-04-739389, and will consist of .082 acres after the lot line is changed, and the parcel that will be increased in size is located at 8 Rock Hill Lane, Tax Grid No. 7059-04-729389, and will consist of .314 acres after the lot line is changed; and

WHEREAS, an existing residential structure straddles the existing boundary line and will be located on a single lot, Tax Grid No. 7059-04-729389, after the boundary line is altered; and

WHEREAS, the applicant currently has an application for special permit and site plan approval to develop an adjacent parcel of land with ~~three~~ two 5,000 square foot commercial warehouse buildings, with the proposed road access being provided by Tax Grid No. 7059-04-739389, the subject of this current 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.

WHEREAS, the .082 acre parcel will only be used for access and no other residential or commercial development is permitted on such lot, unless it is merged with another lot to make it conforming.

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

BE IT FURTHER RESOLVED, that the Planning Board has considered the circumstances surrounding the two applications and has determined that the circumstances warrant a segmented review and that the applications will be treated as independent, unrelated activities needing individual determinations of significance, for the following reasons:

1. The two applications have independent utility. The lot line adjustment was agreed upon over ten years ago to correct the boundary to account for a residential structure which is located on both lots. The existing residential structure is not owned by the applicant, and has no relationship with applicant's warehouse proposal. The applicant is currently seeking approval for both applications at the same time because the failure of the parties to the agreement to seek subdivision approval at the time of the boundary line agreement was recently discovered.

2. The approval of the lot line alteration does not commit the Planning Board to approve the adjacent site plan for commercial development.

3. The impacts of the two projects are not related. The lot line alteration will accommodate an existing single-family residential structure by locating it on a single lot, it will not create any new lots, nor will it result in any additional development.

4. The adjacent commercial development could still move forward without the lot line alteration. However, the Planning Board recognizes that it is in the best interests of both landowners to resolve the boundary line dispute and place the existing structure on a single lot, so the combined review is not desirable.

5. The .082 acre parcel is to be used for commercial use and not residential

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: Michael Villano

Seconded by: Peter Muroski

David Wylock Aye
Valerie LaRobardier Aye
John Fila Aye

James Johnson absent
Peter Muroski Aye
Michael Villano Aye

Planning Board Co-Chair David Wylock

Italic font shows information added to the resolution during the meeting

Motion made by John Fila to set Public Hearing for Monday November 15 2010 2nd by Valerie LaRobardier

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

Motion approved

Engineer Berger- I notice you signed the map , we also need John Decker the surveyor to sign it. He was curious as to why Kalin signed it not the Surveyor. Mr. Decker also does not have the standard qualifications that Dutchess County requires. If you leave your P.E.seal state all survey work was done by John Decker.

- VI. Muncey Chippawalla lot line adjustment 6960-00-857860 & 6961-00-858287
Applicant Jim Muncey
Property Located at Chippawalla Road Rear
Application for Lot line adjustment between Chippawalla properties and Chestnut Ridge Rod & Gun Club Properties located in the RU/RC Districts-

Mr.Muncey- This is a trade of some parcels-approximately 400 acres on the south end of Dover Furnace property with approximately 600 acres on top of the Mountain. It took a while to survey over 700 acres, so here we are. Here is the summation:

Lot Line Adjustment between Chippawalla Properties, Inc. and Chestnut Ridge Rod & Gun Club

Existing

<u>Item</u>	<u>Description</u>	<u>Acres</u>	<u>Owner</u>	<u>Acres</u>	<u>Notes</u>
1	Grid # - 132600-6961-00-858287	702.97	Chippawalla Properties, Inc.		
2	Grid # - 132600-6960-00-857860	<u>82.04</u> 785.01	Chippawalla Properties, Inc.		
3	Grid # 132600-6961-00-436016	815	Chestnut Ridge Rod & Gun Club		

Proposed

1	Grid # - 132600-6961-00-858287	224.17	Chippawalla Properties, Inc.	560.84	Reduction of:
2	Grid # 132600-6961-00-436016	1375.84	Chestnut Ridge Rod & Gun Club	560.84	Increase of:

Attorney Polidoro- Could you clarify the portion merging with the adjacent lots-
There seems to be a land hook on the top is that merging with the adjacent parcel?

A: No this is a just another parcel.

Planner Ley- Is there anything happening with Lot a?

A: It's only noted because it's in the deed, there's A, B, C & D

At Meeting Applicant submitted an application for the Gun Club property, to show receiving land

Notes to applicant:

Clean up map - Remove topography and land hooks

Correct application - no to AG question- AG data statement shows otherwise

Show before and after

Correct acreage and grid numbers on map

Add note to letter of intent that A & B are shown for reference only and are not being merged

A zoning table should be provided for each lot

Verify there are no structures

(Existing table can be expanded)

Letter from the Gun Club is to be submitted (applicant submitted with gun club application at meeting)

Engineer Berger- Recommended waiving the topography requirement- it serves no purpose on this map

Grid numbers have been corrected as well as acreage

No further comments from the Consultants or Board

Short from EAF received 10/04/10

RESOLUTION SETTING AMOUNT OF ESCROW DEPOSIT

Project Name: **CHIPPAWALLA / CR GUN CLUB**

GRID# 6961-00-858287, 6961-004436016 6960-00-857860 7061-00- 182280

WHEREAS, pursuant to the Code of the Town of Dover, the Planning Board may require an applicant for a Subdivision to deposit an initial sum of money and additional sums as needed into an escrow account for the purpose of covering the reasonable and necessary costs of reviewing the application in advance of the review of the application; and

WHEREAS, Jim Muncey has filed an application for a Subdivision

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Dover hereby determines that in connection with the aforesaid Subdivision Application, the applicant shall deposit \$ 500.00 into an escrow account in advance of the review of the application.

Dated: October 4, 2010

Moved by Valerie LaRobardier

Seconded by: John Fila

Resolution Approved/Disapproved:

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>Aye</u>

Planning Board Co-Chair

The Short Form EAF was reviewed and approved

Motion made by Valerie LaRobardier to approve the short form EAF 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– AYE

Motion approved

Resulting in the following:

RESOLUTION DETERMINING SIGNIFICANCE
Negative Declaration

CHIPPAWALLA PROPERTIES LOT LINE ADJUSTMENT

October 4, 2010

Cooperstown Road Rear & Ore Bed Road Rear, Dover, NY

WHEREAS, the applicant, Chippawalla Properties, Inc., has submitted an application for approval of a minor subdivision plat to alter the lot lines for two existing lots in order to convey 560.84 acres to the Chestnut Ridge Rod and Gun Club, to be merged with its existing 815 acre lot; and

WHEREAS, the applicant has submitted a minor subdivision plat entitled “Boundary Line Adjustment Prepared For Chippawalla Properties, Inc.”, prepared by Brian W. Franks, Land Surveyor, P.C., dated July 25, 2010; and

WHEREAS, the parcel identified as Lot C on the subdivision plat, tax parcel no. 6961-00-858287, consisting of approximately 702.97 acres, will be merged into two other lots, with 544.23 acres being merged with the Chestnut Ridge Rod and Gun Club parcel, identified as tax parcel no. 6961-00-436016, and the remaining 158.74 acres being merged with another lot owned by Chippawalla Properties, Inc., identified as tax parcel no. 7061-00-182280; and

WHEREAS, the parcel identified as Lot D on the subdivision plat, tax parcel no. 6960-00-857860, consisting of approximately 82.04 acres, will be merged with two other lots, with 16.61 acres being merged with the Chestnut Ridge Rod and Gun Club parcel, identified as tax parcel no. 6961-00-436016, and the remaining 65.43 acres being merged with another lot owned by Chippawalla Properties, Inc., identified as tax parcel no. 7061-00-182280; and

WHEREAS, no disturbance is proposed as part of this subdivision and the lot line adjustment will result in the elimination of two existing 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.

Dated: October 4, 2010

Moved by Valerie LaRobardier Seconded by: John Fila

Resolution Approved/Disapproved:

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>Aye</u>

Planning Board Co-Chair

Motion made by Valerie LaRobardier to set Public Hearing for November 15, 2010 2nd by Michael Villano

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– AYE

Motion approved

All documents are to be submitted by the October 13 deadline

MINUTES: 08/16/10 & 09/20/10

Motion made by Valerie LaRobardier to approve the minutes of August 16 & September 20 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– AYE

Motion approved

The October 18, 2010 meeting will be cancelled due to a conflict in scheduling with the Court
November 1, 2010 will be cancelled due to Election Day Set up

The next regularly scheduled meeting will be Monday November 15, 2010

Motion made by Peter Muroski to adjourn 8:26 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– AYE

Motion approved

Respectfully submitted,

Betty-Ann Sherer
PlanningARB@TownofDoverNY.US

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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