

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 November 15, 2010
7:00PM

- Co-CHAIR David Wylock
- Co- Chair Valerie LaRobardier
- 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, John Kalin & Shawn Goff for Goff Subdivision, Jim Muncey for Chippawalla/ Gun Club Subdivision, Joel Chase & Bill Dachille for Dachille Subdivision 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

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 11/3/10
The ZBA Closed the Public Hearing and granted the Public 10 days for additional written comment; this will appear before them at their next meeting on December 1, 2010

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 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 Valerie LaRobardier to continue the Public Hearing to December 6, 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

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 completed habitat assessment

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

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

Motion approved

Brian Houston- Since the last meeting additions to the plat:
At the request of the Engineer there were bearings and distances added between the common boundary lines which lie between the center line of the stream.

The common drive- a note was added to the plan specifying that lot 1 will gain access over the common easement over lot 2

Under no circumstance will the Iroquois easement entrance be used, in fact there is a locked gate.

After the first phase of Public Hearing a letter from DEC was received re: potential Bog turtle habitat, since then a phase 1 habitat assessment has been submitted.

There is 1 small are approximately 200 square feet that potentially could be habitat but due to size, the biologist Mike Nowicki ruled it out as not being sustainable for bog turtle.

During the study he did locate another area on the northerly side of the area, actually on the neighbor’s property. In that area it is approximately ¾ of an acre. It could be potentially habitat. We took the steps of following DEC, if there is Bog Turtle habitat, put a 300’ buffer on the area, and we did a Conservation zone for no activity to take place.

Engineer Berger- everything we requested has been addressed.

Planner Ley- Our natural resources staff reviewed the habitat assessment and we feel a 300’ buffer should also be placed around the smaller area even though it is less likely to contain turtle, there is potential that there is connection between the off site wetland and the on site wetland. In the interest of precaution, it would be best to put a 300’ buffer around the smaller area as well. There is also a suggestion of wording for the resolution:

Should further detailed study of these potential habitat areas that is reviewed and approved by the NYSDEC, and provided to the Town of Dover Planning Board for review, reveal that these locations do not support the endangered bog turtle, then this condition may be waived.

Attorney Polidoro- We have incorporated Ashley's comments and conditions into the resolution

There were no comments from the Public

There were no comments from the Board

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

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

Motion approved

RESOLUTION GRANTING PRELIMINARY LAYOUT AND FINAL SUBDIVISION APPROVAL

GARDNER HILL CONVENTIONAL SUBDIVISION

November 15, 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-reealty subdivision, eliminating the need for an erosion and sediment control permit at this time; and

WHEREAS, should development of either Lot 1 or Lot 2 result in ½ 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, on September 20, 2010, the Board adopted a determination of non-significance, determining that the proposed action would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, the applicant has submitted a Phase I Bog Turtle Habitat Suitability Assessment, dated October 25, 2010, prepared by Michael Nowicki, which found one suitable wetland habitat onsite ("Area 1") but concluded that due to its limited size (200 square feet) it was unlikely to support single bog turtles or a breeding habitat, but that there may be suitable habitat located beyond the northern property boundary ("Area 2"); and

WHEREAS, in accordance with the US Fish and Wildlife's Bog Turtle Recovery Plan, the applicant shall be required to revise the plat to provide a 300 ft. buffer around the Area 1, on-site potential bog-turtle habitat; and

WHEREAS, in accordance with the US Fish and Wildlife's Bog Turtle Recovery Plan, the applicant has revised the plat to provide a 300 ft. buffer around the Area 2 potential bog-turtle habitat located beyond the northern property boundary; and

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

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

WHEREAS, a duly noticed public hearing was held on September 20, 2010 and continued to October 4th and November 15th, during which all those who wished to speak were heard.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board finds that a proper case exists for requiring parks and playgrounds to be suitably located and that a park of adequate size cannot be located on the site and the applicant shall be required to pay a fee for two new residential lots; and

BE IT FURTHER RESOLVED, that the Planning Board grants preliminary layout approval to the Gardner Hill Conventional Subdivision.

BE IT FURTHER RESOLVED, that the Dover Planning Board grants subdivision approval to the 3-lot subdivision plat entitled "Final Plan of Gardner Hill Subdivision", prepared by Bly and Houston LLP, dated 03/22/10, last revised November 4, 2010, and authorizes the Chair to affix his or her signature to the plat after compliance with the following conditions:

1. Payment of all fees and escrow, including the recreation fee of \$4,000.00.
2. Department of Health Permission to File.
3. Approval by the Planning Board Attorney of a common driveway and maintenance agreement for Lots 1 and 2.
4. Revision of the plat to depict Area 1, as shown in the Bog Turtle Habitat Suitability Assessment, with its associated 300 ft. buffer. The limits of Area 1 and its associated buffer, and the 300 ft buffer for Area 2, shall be survey located.
5. Revision of Note A as follows:

A Phase I Bog Turtle Habitat Suitability Assessment was performed by Michael Nowicki from Ecological Solutions LLC dated October 25, 2010. Two potential bog turtle habitats were identified, Area 1 on-site as indicated on the plat, and Area 2 off-site on the adjoining property to the north. There shall be no development

within the identified 300 foot buffers, including roads, sewer lines, utility lines, stormwater or sediment basins, residences, driveways, parking lots and other structures, wetland draining, ditching, tiling, filling, excavating, stream diversion and construction of impoundments, heavy grazing, herbicide, pesticide or fertilizer application, cutting of vegetation, or mining, unless future detailed study, reviewed and approved by the NYSDEC, and submitted to the Planning Board, reveals that Bog Turtles are not present in these areas. These areas shall be identified on all future proposed development plans, including plans filed for a Town of Dover Chapter 65 Erosion and Sediment Control Permit, and any future building permits.

BE IT FURTHER RESOLVED, that before issuance of a building permit for any structures on Lots 1 and 2, proof of filing the common driveway easement and maintenance agreement with the County Clerk must be submitted to the Planning Board.

BE IT FURTHER RESOLVED, that the Planning Board directs the Secretary to send a copy of the Bog Turtle Habitat Suitability Assessment to the Department of Environmental Conservation for their records.

Moved by: Valerie LaRobardier Seconded by: Peter Muroski

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

Planning Board Co-Chair David Wylock
Motion approved

GOFF SUBDIVISION / 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 proposes a lot line change of 0.085 acres from Goff to merge with Hamilton located in the HC district

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 JAMES JOHNSON - Absent	MEMBER PETER MUROSKI – AYE
MEMBER MICHAEL VILLANO– AYE	

Motion approved

There were no comments from the Public

John Kalin:

Comments made at the last meeting were taken into account.
Note added to plat stating the smaller parcel is for access only
Although we will be asking for a merger of lots, this is temporary and noted as needed
The Hamilton septic is located and noted on the map as well.

Attorney Polidoro- These are new plans?

A: yes, just completed and submitted.

Motion made by Valerie LaRobardier to close the Public Hearing; 2nd by Peter Muroski

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

Motion approved

There were no comments from the Board

Engineer Berger- All comments have been addressed.

Attorney Polidoro- The draft resolution required a note to be made fro the access use of the smaller lot and location of the septic -since these changes have been made, conditions 3 & 4 can be deleted from the resolution.

RESOLUTION GRANTING PRELIMINARY LAYOUT AND FINAL SUBDIVISION PLAT APPROVAL

GOFF LOT LINE ADJUSTMENT

November 15, 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 0.085 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 structure straddles the existing boundary line and will be located on a single lot 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 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, on October 4, 2010, the Planning Board reviewed the EAF and thoroughly analyzed the information concerning relevant areas of environmental concern, and determined that the subdivision application would be treated as an independent, unrelated activity from the proposed commercial development and adopted a determination of non-significance for the action in an uncoordinated segmented review; and

WHEREAS, a public hearing was held on November 15, 2010, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants preliminary layout approval to the Goff Lot Line Adjustment application.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants final subdivision approval to the subdivision plat entitled “Lot Line Adjustment, Lands of Hamilton & 22 West Properties, Inc.”, prepared by Decker Surveying, dated September 17, 2010, last revised November 12, 2010, and authorizes the Chair to affix his or her signature to the plat after compliance with the following conditions:

- 1. Payment of all fees and escrow.**
- 2. Department of Health permission to file.**

Moved by: **Peter Muroski** Seconded by: **Valerie LaRobardier**

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

Planning Board Co-Chair David Wylock
Motion approved

MUNCEY CHIPPAWALLA SUBDIVISION LOT LINE ADJUSTMENT 6960-00-857860 & 6961-00-858287
Applicant Jim Muncey
Property Located at Chippawalla Road Rear
Application for a Lot Line Adjustment- Applicant proposes a lot line change of 560.84 acres from Chippawalla Properties 858287 & 857860 to merge with Chestnut Ridge Gun Club 436016 In the RU & RC districts

Motion made by Peter Muroski to open the Public Hearing; 2nd by Michael Villano

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

Motion approved

There were no comments from the Public

Since no one is here at this time for this application it will be continued to later in the meeting

Motion made by Valerie LaRobardier to adjourn the Public Hearing to the end of the meeting; 2nd by Michael Villano

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

Motion approved

Mr. Muncey arrived

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

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

Motion approved

There were no comments from the Public

Mr. Muncey- The changes requested were made.

There were no comments from the Consultants

There were no comments from the Board

Motion made by Valerie LaRobardier to close the Public Hearing; 2nd by Michael Villano

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

Motion approved

RESOLUTION GRANTING PRELIMINARY LAYOUT AND FINAL SUBDIVISION PLAT APPROVAL

CHIPPAWALLA PROPERTIES LOT LINE ADJUSTMENT

November 15, 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 a portion of another lot owned by Chippawalla Properties, Inc., identified as tax parcel no. 6960-00-857860, to create Lot F; 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 the remainder of Lot C to create Lot F; and

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

WHEREAS, on October 4, 2010, the Planning Board adopted a determination of non-significance, determining that the proposed action would not result in any potentially significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, a duly noticed public hearing was held on November 15, 2010, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants preliminary layout approval to the Chippawalla Properties Lot Line Adjustment application.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants final subdivision approval to the subdivision plat entitled, "Boundary Line Adjustment Prepared for Chippawalla Properties, Inc.", prepared by Brian W. Franks, Land Surveyor, P.C., dated July 15, 2010, last revised October 10, 2010, and authorizes the Chair to affix his or her signature to the plat after compliance with the following conditions:

- 3. Payment of all fees and escrow.**
- 4. Department of Health permission to file.**
- 5. Revision of the plat to correct the tax id number for lot 6960-00-857860 by adding the final "0" in the table.**

Moved by: Peter Muroski Seconded by: Michael Villano

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

Planning Board Co-Chair David Wylock
Motion approved

Discussions:

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

Circulation for Lead submitted 9/29/10 due 10/29/10

No consultants were in attendance for this application

Engineer Berger - Spoke to Engineer Curt Johnson who made the following comments

Jim Pinhiero from the NYSDEC was out at the site and re-flagged the wetlands. The wetland boundary is generally in the same location as when the subdivision was completed. The surveyor has located the flags and the DEC has endorsed the updated survey with the updated wetlands locations.

Jim Napoli of the DC Health Department will accept the continued use of the existing septic system. He is requiring a design plan for a repair system to handle the main house and the accessory apartment. This will not be required to be installed but will be a record if one or both of the existing systems fail and a repair is necessary. We are working with the DEC now to secure approval to do deep and perc tests, as well as the placement of a repair system within the 100' wetland buffer area.

There were no comments from the Consultants
There were no comments from the Board

Motion made by Valerie LaRobardier to declare the Planning Board Lead Agent for this application, circulation is complete; 2nd by Michael Villano

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

Motion approved

DACHILLE SUBDIVISION 6959-00-383093

Applicant William Dachille Plans Prepared by Joel Chase of Zarecki & Associates

Property located 51 Dugway Drive, Wingdale

Application to subdivide a 5.98 acre parcel with existing residence, detached garage and pool
Into 2 lots, Parcel is located in the RC and the SR districts

Property located on 5.98 acres in the RC & SR districts

Variance granted by ZBA 7/7/10

Joel Chase- Since the last meeting they were before the Zoning Board of Appeals and received and area variance and are now proceeding with a conventional subdivision.

Engineer Berger- There are still concerns and it is recommended the 2 driveways be joined at the entrance into 1, since they access from the same spot on the road.
It is understood they are going through DEC for re flagging.

Engineer Chase - Yes the DEC representative has been out to the site, now it is a matter of sending out the survey with a validation block.

Engineer Berger- Also the stream may be in the Stream Corridor Overlay, so it is recommended the appropriate notes be made on the map. The driveways should also follow the Fire Company recommendations.

It is not a specific note on this project; back in March 2008 the Fire Department as a request from the Planning board out together a list of general standards on driveways, which we try to follow In this case a pull off may be necessary as well as the width of the drive, they do recommend no less than 12'. So it is the recommendation this be referred to the Fire Department.

Planner Ley- The applicant should contact the NY Natural Heritage program to determine that there are no endangered species on the site. It is also recommended that a limited habitat survey be conducted due to the amount of wet land and the buffer area on site. There should also be a pre application meeting with DEC to determine the potential of them granted a wetland permit. If you can't get a permit from DEC there would be no way to access the site. You could potentially end up with a lot that is unbuildable. I don't think the Planning Board wants to grant approval for an unbuildable lot.

Attorney Polidoro- Going back to the stream corridor issue, if it is a classified stream it puts you in the stream corridor overlay, you may need and Erosion Control Permit, the threshold is lower in that district.

Engineer Chase- I don't believe we're in the Stream Corridor in the Town of Dover-

Attorney Polidoro- It's a floating district that applies whenever there is a DEC classified stream, it just automatically applies.

Engineer Chase- We just need to verify that it is, it may just be a delineated wetland.

Mr. Dachille- It does dry up 6 weeks out of the year

Engineer Berger- It could still have the classification.

Attorney Polidoro- The zoning boundary is shown on the vicinity map, but needs to be shown on the larger part of the map, please show that on the next map.

Engineer Chase- It is essentially the stream line.

Attorney Polidoro- It is agreed that the Planning Board does not want to create a lot that does not have access. You are going to want to talk to DEC about whether or not they will grant this permit.

Engineer Berger- Based on conversations had with DEC today, their staff problems are worse as of today even more. They will not be entertaining projects with out a neg dec. They realize that it's a problem now and mentioned particular projects.

Attorney Polidoro- the Planning Board can look at impacts to the wetlands as far as erosion and sedimentation, but I don't think we can grant approval without an actual DEC permit in place.

Engineer Chase- I don't think we're asking for anything too unreasonable, just up gradient there is a neighboring crossing; we'll have to get a permit.

Mr. Dachille- There was a permit applied for and granted when the next door property was developed and when DEC originally came to flag it wasn't going to be an issue since it was already granted approval to the neighboring property to cross the stream 50' from where I'm going to cross it , I can't see them granting my neighbor permission and denying me. I know it has to be done, but the potential of being approved is there on a neighboring property.

Engineer Berger- With us having the habitat study and erosion control, is that enough to satisfy our due diligence for a neg dec?

Planner Ley-We would need to analysis that stormwater and if it would have a negative impact on the stream - that would include natural resources, habitat Erosion and sediment control all of of those issues would need to be addressed prior to the SEQRA determination.

Attorney Polidoro- The more complete your information is to us then the better the chances that DEC won't ask for more and the better your chances are, it all has to go to DEC anyway. If they don't find what you submit to us sufficient, they could then reject the neg dec.

Co-Chair Wylock - The driveway is 10' wide- keep in mind 14' if the fire apparatus is wide keep in mind trees and clearance, there should also be a pull off due to the length. I agree with Joe, I don't like shared driveways but in this case the two driveway entrances 10' apart , should be merged. There should be 1 access.

Mr. Dachille- The two driveways won't even be close to 10' , I would like to make the driveway as close to the property line as possible to keep it as far away from the existing driveway. The reason is there is a huge outcropping the closer I get to the property line the flatter it is. (There was a brief low discussion between the applicant and Engineer Berger.

Engineer Berger- the applicant would like to move the driveway to the north side of lot 2; he would need to revise his maps. The distance is approximately 40' separation. I have no problem with that.

Attorney Polidoro- we did not begin SEQRA, so at the next meeting we can begin circulation and then get comments from DEC

We will need a long form EAF

MOUNTAIN VIEW- ESC Site inspection done Recommendation of Bond release by Engineer Berger

RESOLUTION RECOMMENDING RELEASE OF PERFORMANCE BOND

Mountain View ESC Permit

Date: November 15, 2010

Project Address: 14 Mountain View Lane, Wingdale, New York

WHEREAS, by Resolution dated April 6, 2009, the Town of Dover Planning Board granted the Mountain View Corp. a Chapter 65 Erosion & Sediment Control Permit in connection with certain remedial work on its property; and

WHEREAS, Joseph Berger, Town Engineer for the Town of Dover conducted a final inspection, confirming that the remedial work has been completed and all provisions of the Permit have been met; and

WHEREAS, by letter dated October 28, 2010, the Planning Board Engineer notified the Board that he had conducted an inspection of the property and recommended release of the performance bond; 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"; and

NOW THEREFORE BE IT RESOLVED, pursuant to Town Code Section 65-11(C), the Town of Dover Planning Board has no objection to the release the \$ 9,150.00 performance bond.

Moved By: Valerie LaRobardier

Seconded By: Peter Muroski

Resolution Approved /Disapproved:

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

Planning Board Chair David Wylock

Motion approved

MEADOWBROOK ESTATES request for extension of preliminary plat

RESOLUTION TO EXTEND TIME IN WHICH TO SUBMIT A FINAL PLAT

Meadow Brook Estates Subdivision

November 15, 2010

WHEREAS, on November 8, 2007, the Planning Board granted preliminary plat approval to the subdivision entitled "Meadow Brook Properties, LLC" for property located on New York State Route 22, Tax Parcel No. 7063-00-511774 (the "site"); and

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

WHEREAS, the applicant was not able to submit a final plat for the Board's consideration before the expiration of approval and four 6-month extensions of time; and

WHEREAS, by letter dated October 5, 2010, the applicant timely requested an additional extension of time in which to submit a final plat from November 8, 2010 to May 8, 2011; and

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

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Town Law § 276(5)(h), the Planning Board hereby grants the applicant a 6-month extension of time to May 8, 2011, to submit a final plat for the Board's consideration.

It is the responsibility of the applicant to track the time frame within which this extension of 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: Michael Villano **Seconded by:** Peter Muroski

Resolution Approved/Disapproved:

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

Planning Board Chair David Wylock

Motion approved

Attorney Polidoro- This is the 5th extension of time for Meadowbrook and Kunzelman although we are granting them the extension, at some point it becomes old and SEQRA should be reopened. As you know, wetlands move slightly over time and adjacent development goes on. Although the extensions are granted, their projects may not go on as planned. Since they are both over 2 years old, SERQA should certainly be looked at again.

KUNZELMAN request for extension of preliminary plat

RESOLUTION TO EXTEND TIME IN WHICH TO SUBMIT A FINAL PLAT

Kunzelman Subdivision

November 15, 2010

Tax Parcel No. 7161-00-698116

WHEREAS, on June 3, 2008, the Planning Board granted preliminary plat approval to the subdivision entitled “Kunzelman Subdivision” for property located on Weil Road, Tax Parcel No. 7161-00-698116 (the “site”); and

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

WHEREAS, on December 2, 2008, the Board granted the applicant a 6-month extension of time within which to submit the final plat, to June 3, 2009; and

WHEREAS, on June 1, 2009, the Board granted the applicant a second 6-month extension to December 3, 2009; and

WHEREAS, on January 6, 2010, the Board granted the applicant a third 6-month extension of time to June 3, 2010; and

WHEREAS, on May 17, 2010, the Board granted the applicant a fourth 6-month extension of time to December 3, 2010; and

WHEREAS, the applicant has timely requested an additional extension of time in which to satisfy the conditions of preliminary plat approval and submit a final plat for the Board’s consideration; 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 6-month extension of time to submit a final plat to the Planning Board for the Board’s consideration to June 3, 2011.

It is the responsibility of the applicant to track the time frame within which this extension of 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:** Michael Villano

Resolution Approved/Disapproved:

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

Planning Board Chair David Wylock

Motion approved

DOMAIN ESC Site inspection done Recommendation of Bond release by Engineer Berger

RESOLUTION RECOMMENDING RELEASE OF PERFORMANCE BOND

Domain ESC

Date: November 15, 2010

Project Address: 2441 NYS Route 22, Dover Plains, New York

WHEREAS, by Resolution dated June 1, 2009, the Town of Dover Planning Board granted Nicholas F. Domain Sand & Gravel Company an Chapter 65 Erosion & Sediment Control Permit for Site disturbances in connection with its expansion of mining operations on its property; and

WHEREAS, by Resolution dated March 15 2010, the Town of Dover Planning Board granted a reduction in the original performance guaranty amount from \$ 35,025.00 to \$3,000.00; and

WHEREAS, Joseph Berger, Town Engineer for the Town of Dover conducted a final inspection, confirming that all work authorized under the permit has been completed and all provisions of the Permit have been met; and

WHEREAS, by letter dated October 28, 2010, the Planning Board Engineer notified the Board that he had conducted an inspection of the property and recommended release of the \$3,000.00 performance bond; 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”; and

NOW THEREFORE BE IT RESOLVED, pursuant to Town Code Section 65-11(C), the Town of Dover Planning Board recommends the release of the performance guaranty.

Moved By: Valerie LaRobardier

Seconded By: Peter Muroski

Resolution Approved/Disapproved:

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

Planning Board Chair David Wylock

Motion approved

MINUTES 10/04/10

Motion made by Michael Villano to accept the minutes of October 4, 2010 2nd by Peter Muroski

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

Motion approved

Motion made by Valerie LaRobardier to adjourn 7:55pm 2nd by Peter Muroski

VOTE: Co-CHAIR DAVID WYLOCK – AYE Co-CHAIR VALERIE LAROBARDIER- AYE
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
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