

Town of Dover Planning Board

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



(845) 832-6111 ext 100

Planning Board
Monday January 3, 2011
7:00PM

- Co-CHAIR David Wylock
- Co- Chair Valerie LaRobardier
- Member James Johnson
- Member Peter Muroski
- Member Michael Villano
- Member Sharon Ipavich

Also, in attendance representing the Planning Board were Planning Board Attorney Victoria Polidoro & Engineer Joseph Berger

For the Applicants: - Scott Meyer & James Sullivan of Zarecki & Associates for SRM, Theresa Ryan, Rob Nelson for Putnam Steel, Amy Rosuck & Curt Johnson of Zarecki & Associates for Camp Ramah, Steven Vincent for Oak Hill Subdivision, Rich Rennia for Dover Plaza Drive Thru, Rick O'Rourke, Esq. of Keane & Beane for Zingaro & Stony Brook Estates, Past Planning Board member John Fila 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 and began with the Pledge of Allegiance

Co-Chair Wylock - Change in agenda order

Extension Requests:

- I. STONY BROOK ESTATES- GRID# 7063-00-390362 & 7063-00-442492
Applicant Randy Oser Represented by Richard O'Rourke, Esq. of Keane & Beane
Property located NYS Rt 22 Dover Plains, NY
Applicant requesting a 90 day extension of Final Plat - to May 02.2011

Attorney O'Rourke: Representing both Route 55 Zingaro and Stony Brook Estates. We went through an entire review process for both projects and approvals were granted. Unfortunately the approvals came at a time when the economy tanked. After a considerable amount of money and time, the approvals are there, as well permit from other outside agencies are in place and the purpose of our appearance before the Planning Board is solely for preserving those approvals in hopes of the economy turning around. With respect to both of these applications there are considerable

environmental constraints with respect to the Randallo there was a very significant contribution of land in connection with the Stone Church property. We respectfully requests extensions in hope the economy turn around.

**RESOLUTION RENEWING SPECIAL PERMIT AND EXTENDING EROSION AND
SEDIMENT CONTROL PERMIT APPROVAL**

January 3, 2011

Property Address: NYS Route 22, Dover Plains, NY

WHEREAS, on February 1, 2010, the Planning Board granted the applicant, Randallo, Inc., site plan, special permit and erosion and sediment control permit approval to construct a 28 dwelling unit condominium development on a 100.9 acre site located on Route 22, Dover Plains, in the RC District, Tax Grid Nos. 7063-00-442492 & -390362 (the "site"), known as "Stony Brook Estates"; and

WHEREAS, on December 4, 2007, the Planning Board approved a subdivision plat in connection with the application, which has been duly filed in the County Clerk's Office as filed map number 12219; and

WHEREAS, pursuant to Section 145-63 of the Code, a special permit shall expire if the applicant fails to obtain the necessary building permits or comply with the conditions of the special use permit within 12 months of its issuance; and

WHEREAS, pursuant to Section 65-8H of the Code, an erosion and sediment control permit shall not exceed one year's duration; and

WHEREAS, by letter dated December 9, 2010, the applicant's attorney requested a one year extension of special permit and erosion and sediment control permit approval; 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, 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 grants the applicant a one year extension of the erosion and sediment control permit for disturbance as shown on the map set entitled "Stony Brook Estates," prepared by Michael J. Budzinski, P.E., last revised November 5, 2009, to expire on February 1, 2012, subject to the conditions set forth in the resolution granting approval dated February 1, 2010; and

BE IT FURTHER RESOLVED, that before the authorized official may issue a Certificate of Compliance for work completed in accordance with the erosion and sediment control permit, the Planning Board Engineer shall provide the authorized official with a written statement indicating that all work authorized under the permit has been completed and is satisfactory; and

BE IT FURTHER RESOLVED, that the Planning Board hereby renews the special permit for the multi-family 28-unit condominium development known as “Stony Brook Estates”, as depicted on the map set entitled “Stony Brook Estates,” prepared by Michael J. Budzinski, P.E., last revised November 5, 2009, subject to the conditions set forth in the resolution granting approval dated February 1, 2010; and

BE IT FURTHER RESOLVED, that the following conditions shall be met prior to the issuance of any Certificates of Occupancy for the residential units:

- 1. All disturbed areas shall be graded, seeded and/or stabilized and mulched to the satisfaction of the Planning Board Engineer and in accordance with the erosion and sediment control permit.**
- 2. Proof of approval or no-action letter from the Attorney General’s office of the Declaration of Condominium, By-laws, and Rules and Regulations.**

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Moved by: Valerie LaRobardier **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>
Sharon Ipavich	<u>AYE</u>

Planning Board Co-Chair David Wylock

Co-Chair Wylock - notes he was reminded by Attorney O’Rourke that the State Legislature due to the economy and the developers being caught in this recession , have amended the law to allow extensions on these projects after the people have invested a considerable amount of money and find that they are running out of time.

ZINGARO PROPERTY Grid # 7259-00-088958
 Applicant John Zingaro Plans Represented by Richard O’Rourke, Esq. of Keane & Beane
 Property located on Route 55 in the RC district
 Applicant requesting a 90 day extension of Final Plat - to May 02.2011

**RESOLUTION GRANTING 90 DAY EXTENSION OF TIME IN WHICH TO SATISFY THE
CONDITIONS OF FINAL SUBDIVISION PLAT APPROVAL**

ZINGARO (ROUTE 55 CORP.)

January 3, 2011

Tax Parcel No. 7259-00-088958

WHEREAS, on August 2, 2010, the Planning Board granted an erosion and sediment control permit and conditional final approval to an eight lot flexible subdivision plat entitled “Final Subdivision Plat known as Route 55 Corp.”, for property located on New York State Route 55, Tax Parcel No. 7259-00-088958 (the “site”); and

WHEREAS, pursuant to Section 276(7)(c) of the NYS Town Law, conditional approval of a final plat shall expire within 180 days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed; and

WHEREAS, pursuant to Section 276(7)(c) of the NYS Town Law, a planning board may extend for periods of 90 days the time in which a conditionally approved plat must be submitted for signature if, in the planning board’s opinion, such extension is warranted; and

WHEREAS, by letter dated December 14, 2010, the applicant’s attorney has requested a 90 day extension of the time in which to meet the conditions of final plat approval; 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 90 day extension of time in which to satisfy the conditions of final plat approval to and including April 29, 2011.

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

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

Planning Board Co-Chair David Wylock

Co-Chair Wylock - before we go on with the agenda- we have a certificate here for a Planning Board member who had resigned in November this year after serving for several years. A certificate of appreciation is awarded to John Fila for recognition and valuable contribution of years of service this is signed by the Co-Chairs Valerie LaRobardier and myself dated today January 3, 2011. On behalf of the Board we wish you the best in the future and thank you for your years of service we appreciate it.

I'd like to read into the record my resignation; I read it in a Town Board meeting but don't think it got forwarded here.

He read:

Sadly the town of Dover has taken a giant step backward with the approval of virtually every substantive wish of the Dover Knolls site developer. Right from the beginning, after only two weeks in office, claiming they did a careful examination, despite having no meetings, the new board members enacted Local Law 1, effectively removing any control or authority from the Planning Board for the site plan approval process. This power shift has more recently been repeated for both subdivision approval and erosion and sediment control.

Despite proclamations and public assertions that the town board seeks input from- and pays attention to-the Planning Board that is simply not true. Virtually every meaningful comment, suggestion, or official response from the Planning Board has been ignored by the town board. This despite even more public and private assertions by town board members that they did not have the expertise for much of the work they would be doing in their new role as planners and needed to rely on Planning Board input. Nonetheless, essentially every response from the Planning Board was rejected by the town board.

During all this time it is important to note and the public should be aware that the town of Dover Planning Board has never, not once, been able to meet with representatives of Dover Knolls.

For all of these reasons, with many, many more examples, and because far too many town residents make the incorrect but understandable assumption that our Planning Board plays some role in the Dover Knolls approval process; I no longer feel comfortable in being associated with that connection.

Accordingly, effective immediately, I am resigning my position on the Planning Board. I enjoyed my time on the board and was pleased to be able to serve my community.

Should conditions change in the future and the town board feels the need for and actually pays attention to the Planning Board, I will be among the first to submit my application to once again serve my town.

*Thank you,
John Fila*

II. Appointment of Consultants and Clerk for 2011

RESOLUTION APPOINTING CLERK TO THE PLANNING BOARD

WHEREAS, pursuant to Section 271(2) of the Town Law, the Planning Board shall / is authorized to employ experts, clerks and a secretary, and to provide for such other expenses as may be necessary and proper.

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Dover does hereby appoint Betty-Ann Sherer as Clerk to the Planning Board for the year 2011.

Dated: January 3, 2011

Moved By: Peter Muroski Seconded By: Michael Villano

Resolution Approved/Disapproved:

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>
Sharon Ipavich	<u>AYE</u>

Planning Board Co-Chair David Wylock

RESOLUTION APPOINTING ATTORNEYS TO THE PLANNING BOARD

WHEREAS, pursuant to Section 271(2) of the Town Law, the Planning Board is authorized to employ experts, clerks and a secretary, and to provide for such other expenses as may be necessary and proper.

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Dover does hereby appoint Rapport Meyers LLP (Victoria Polidoro, Esq.), as Attorneys to the Planning Board for the year 2011, and authorizes the Chair to execute the retainer agreement on file with the Planning Board Clerk.

Dated: January 3, 2011

Moved By: Valerie LaRobardier Seconded By: Peter Muroski

Resolution Approved/Disapproved:

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>
Sharon Ipavich	<u>AYE</u>

Planning Board Co-Chair David Wylock

RESOLUTION APPOINTING ENGINEER TO THE PLANNING BOARD

WHEREAS, pursuant to Section 271(2) of the Town Law, the Planning Board is authorized to employ experts, clerks and a secretary, and to provide for such other expenses as may be necessary and proper.

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Dover does hereby appoint Berger Engineering and Surveying (Joseph Berger, L.S., P.E.), as Engineers to the Planning Board for the year 2011, and authorizes the Chair to execute the retainer agreement on file with the Planning Board Clerk.

Dated: January 3, 2011

Moved By: Michael Villano Seconded By: Valerie LaRobardier

Resolution Approved/Disapproved:

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

Planning Board Co-Chair David Wylock

RESOLUTION APPOINTING A PLANNING CONSULTANT TO THE PLANNING BOARD

WHEREAS, pursuant to Section 271(2) of the Town Law, the Planning Board is authorized to employ experts, clerks and a secretary, and to provide for such other expenses as may be necessary and proper.

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Dover does hereby appoint AKRF, Inc., as Planners to the Planning Board for the year 2011, subject to the terms and conditions of AKRF’s contract with the Town of Dover.

Dated: January 3, 2011

Moved By: Peter Muroski Seconded By: Valerie LaRobardier

Resolution Approved/Disapproved:

- David Wylock AYE

Valerie LaRobardier AYE
 James Johnson absent
 Peter Muroski AYE
 Michael Villano AYE
 Sharon Ipavich AYE

Planning Board Co-Chair David Wylock

Discussions:

SRM ENTERPRISES 7059-04-709371

**Applicant SRM Enterprises Plans Prepared by James Sullivan of Zarecki & Associates
Property located at 1465 NYS Rt 22, Wingdale, NY**

**Application for Site Plan Special Permit to construct a 2,500 sf maintenance garage
with parking, sub surface SDS private well and material storage on a 3.02 acre parcel
in the HC district**

Jim Sullivan- & Scott Maher:

The applicant is requesting to construct a 2500 sf office/ maintenance garage on a 3.0 acres parcel it its within the HC Zoning district The way it is currently laid out, it meets all zoning requirements, front, side, rear and yard setbacks. The use is a special use a combination of the garage and storage of materials, which he would like to sell - items such as mulch and stone. The garage will primarily be used by Mr. Maher for his own machinery. There will not be a heavy business use. The disturbance is less than 1 acre. The entrance will come off of Rock Hill Road, a private road, which enters onto rt 22, we are aware we will need to discuss the layout with NYS DOT. The use will be minor. There are parking spaces laid out to comply with the zoning. Along with the Site Plan and Special Permit from this Board we will also be seeking Health Department approval from Dutchess County for the Septic and well. We have received the comment letters from the Town consultants we can go over the items with the Board and hopefully you will act upon your resolutions

Co-Chair Wylock - IS the a landscaping business

A: (Mr. Maher) It is an excavating business SRM Excavating

Q: What type of equipment?

A: Back hoes, bull dozers, excavators, trucks.

Q: IS this your first site?

A: I had a site in Mahopac, with a few partners. They bought me out.

Engineer Berger: Recommendation that a preliminary SWPPP should be done before SEQRA, noyt a full one, but show the drainage areas, show whatever wetlands may be on the site. Rock Hill Show who owns it and what kind of maintenance agreement you may have, since it is a private drive and you need access. So show who will maintain it, are there any improvements and who owns it. Will you make improvements along the DOT ROW on rt 22, if so show them. As you proceed with design we will need the check list with details. Other than that for a sketch plan, the map is very thorough and provides a lot of information, so I'd like to compliment you on it.

Co-Chair Wylock - Who owns Rock Hill Road?

A: (Mr. Maher) - I do

Q: From RT 22 in?

A: Yes

Engineer Berger- A deed will be needed, are you providing or are there any maintenance agreements with the houses on that road?

A: I just recently purchased the property, so I'm still finding out that information

Attorney Polidoro- Will you be storing your vehicles there or will this be just a place to work on them

A: There will be some vehicles parked over night, dump truck, trailers etc.

Q: Indoors or out doors?

A: Ideally indoors, but at times there might be out side parking also.

Attorney: We're just trying to get a feel for what the use is going to be. Maintenance garage is vague, so it's just for your business; you're not going to fix other peoples equipment.

A: No I'm not out for hire, just for my own equipment.

Engineer Berger- This would be more of a Contractors yard, because you also mentioned the storage of supplies

Q: Attorney Polidoro- Would that be for retail sale to the Public or for your sale to take off site?

A: A little of both, primarily for himself, but if a local landscaper wanted to buy material, he would like to do that.

Co-Chair Wylock- In the memo prepared by our Planner:

"...

The Project Site is separated from the Great Swamp by the Metro-North Railroad tracks. The NYSDEC Wetlands Mapper identifies the project site as a "wetland check zone." Therefore the applicant should indicate whether or not the property was inspected for potential wetlands.

Given the close proximity to the Great Swamp, the site also falls within an area that the NYSDEC has identified as having the potential to support threatened or endangered species. As such, the applicant should contact the New York State Natural Heritage program to determine whether any threatened or endangered species are known to be located in the vicinity of the project site. Once a response is received, it should be forwarded to the Planning Board. It is also recommended that a limited habitat survey be conducted prior to the issuance of a SEQR determination...."

Engineer Sullivan- With the last sentence - would the Board be satisfied with a letter from NYS Natural Heritage program, indicating that there are no endangered species as opposed to having the applicant conduct a possible habitat survey? The tracks clearly divide the property from the Swamp, I realize the environmental impacts, being so close to the great Swamp, but believe maybe a habitat study would not be needed.

Attorney Polidoro- Do you have a response from Natural Heritage?

A: (Engineer Sullivan) No, normally we solicit that response when we complete the full EAF. Since we did the short form we did not, but it wouldn't be a problem. I'm hypothesizing that it comes back negative, would the Board be willing to accept that in lieu of a habitat study; given the facts of the location of the property as it relates to the tracks.

Q: Have you done any wetlands mapping to see if there are any habitats on this site

A: No

Q: If you could do a limited habitat survey, if you, your firm or a consultant could go and document it. The Board does need to make sure this will not have a significant environmental impacts, unfortunately the letter is helpful, but not always enough to rely on. It would be my preference and we're almost at spring, so it would be a good time to do it.

Engineer Berger- You don't have your seeps and perks done so you won't have health department until spring anyway.

Co-Chair Wylock - What would the hours of operation be for running the machines?

A (Mr. Maher) The truck driver usually starts at 7:00am and he will usually be the first one in and no later than 4:30, no paving will be done

Member Muroski- Where is SRM located now?

A: Mahopac, right now I'm renting a space. The business is as an excavation contractor doing drainage and septics, etc.

Co-Chair LaRobardier- Will the woods remain on the north and south?

Engineer Sullivan- the disturbance will be limited to the center of the site so the perimeter will be a buffer.

Engineer Berger- there is a 100' setback from the area of disturbance, so there would be 100' of woods.

Co-Chair Wylock - we just approved a construction site across on 22, just north of the motel on the east side, he put up a fence, trees, shrubs etc. It was recommended the applicant meet with member Muroski to discuss landscaping and screening details from the houses and roads.

A: Sure, and we can put screening in the front along the access

Attorney Polidoro- the Board may request you to show the limits of disturbance there would be a no disturbance zone and indicate on the map by the house, and then if there aren't enough trees they can be requested.

Member Muroski- If there is a buffer of trees there now, then it would be my recommendation to not disturb that and keep as much vegetation along the property lines and work out from there

A: Agreed, it would not seem productive to add shrubs and trees if they are already there
Ok, so show the limits of disturbance.

Attorney Polidoro- Will there be lighting?

A: Probably just a light over the garage door, no site lighting, we don't plan on operating at night.

Q: Signs? A: I would like to have a sign out front for advertising.

Q: We need to see the location and be sure it does not interfere with sight distance

RESOLUTION SETTING AMOUNT OF ESCROW DEPOSIT

GRID # 7059-04-709371 Project Name: **SRM ENTERPRISES**

WHEREAS, pursuant to the Code of the Town of Dover, the Planning Board may require an applicant for a Site Plan Special Permit 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, **SRM Enterprises** has filed an application for a Site Plan Special Permit

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Dover hereby determines that in connection with the aforesaid Site Plan Special Permit Application, the applicant shall deposit \$ 1,500.00 into an escrow account in advance of the review of the application.

Dated: January 3, 2011

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
 Sharon Ipavich AYE

Planning Board Co-Chair David Wylock

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

SRM ENTERPRISES

January 3, 2011

Property Address: 1465 NYS Route 22

WHEREAS, the applicant, SRM Enterprises, Inc., has submitted an application for special permit, site plan and erosion and sediment control permit approval to construct a 2500 sq. ft. maintenance garage and associated site improvements on a 3.02 acre parcel located at 1465 Route 22, Wingdale, in the HC District (the "site"); and

WHEREAS, service and retail businesses are permitted uses in the HC District, subject to site plan and special permit approval; and

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

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

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

BE IT FURTHER RESOLVED, that the Planning Board hereby declares its intent to serve as lead agency in a coordinated review of the project and directs the Secretary to the Planning Board to send notice of its intent to all interested and involved agencies; and

BE IT FURTHER RESOLVED, that the Planning Board hereby directs the Secretary to the Planning Board to refer the application to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.

Dated: January 3, 2011

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
 Sharon Ipavich AYE

Planning Board Co-Chair David Wylock

Interested and Involved Agencies

Town of Dover Architectural Review Board
NYS Department of Environmental Conservation
J.H. Ketcham Hose Company

NYS Department of Transportation
Dutchess County Department of Health

486 RT 55- PUTNAM STEEL- 7160-00-451311

Applicant Putnam Steel Inc **Plans Prepared by** Insite Engineering

Property located at 486 Rt 55 Wingdale, NY 12522

Application for a Site Plan / Special Permit change of use from processing firewood to the design and manufacturing of ornamental steel on 15.1 acres of land in the RU district

Theresa Ryan & Rob Nelson, President of Putnam Steel

- o This site had received site plan approval in 1999 for Home Occupation by "Northwest Firewood Distributors". They received logs and processed firewood from 1999 to 2007.
- o They also received a DOT highway work permit for the entrance which was closed out in 2006.
- o They received a C/O for the commercial building 11,000 sf which includes a mezzanine the foot print is closer to 10,000 sf.
- o There was fire damage to the commercial building they received a second C/O after the repairs were done in 2007.
- o The logging business also had a mill operating permit which expired in 2007.
- o The residence was never finished, the new owners 486 Rt 55 LLC, received a building permit to complete the 2 bedroom 1 story residence, they just recently received the C/O for it. It was also after a certificate of compliance was received from the Health Department.
- o There is an individual septic for the commercial building and for the residence.
- o Both Health Department approved.

Mr. Nelson would like to occupy the residence and move his operations from Brewster to the existing building. He will be manufacturing steel products, mostly ornamental, along with residential/ structural fabrication on site. All processing will be inside, less noise than the previous use, since that occurred outside. There would be fewer truck trips, than previously. Rob (Nelson) would be occupying the residence.

The original approval had some hand written conditions on the plan, specifically:

- o No signage,
- o hours of operation were to be Monday through Saturday 8am- 6pm,
- o the operation was to be confined to inside
- o storage only behind the building- We considered the east side where all the overhead doors are the front of the building and show all of our storage on what we consider the rear.
- o Another condition was that the road way is to circle the building- it does.
- o Oils to be picked up from the property- there is a container that the firewood business used- it was a condition that they had to be picked up.

Mr. Nelson- The tank is 5,000 gallon diesel fuel tank, which was possibly used to fuel the trucks, if it is approved and available, he would like it to remain.

- o Any change of use - has to come back for site plan approval.

The only change Mr. Nelson would like to make of those conditions is the hours of operation- they usually operate now from 7am to 5pm.

We would like to discuss the review memos received tonight, and answer any questions

Attorney Polidoro- I have not had the opportunity to review the condition you just read, can you send me a copy?

A: Yes

Co-Chair Wylock - Site walk was 2-3 years ago, the building is huge, Joe may have questions on the driveway.

Engineer Berger - One concern at that time was the grade of the driveway, it seems steep. None of the maps to date have the grade on it

A: It is steep, Rob (Nelson) thought he could still get this trucks up there, there is not a lot they can do because the grade on rt 55 and where the building is already exists, there aren't a lot of changes that can be made to the access to flatten it. We can provide topo or grades

Q: What type of trucks would you be bringing up there?

A: it depends on how busy 3-4 trucks going in and out. Raw material is received and fabricated in the shop, loaded on to their trucks to deliver to the site, tractor trailers and flat beds.

Q: Would you consider high friction asphalt mix to pave that portion, in inclement weather you could get better traction on it

A: Yes we could look at that. We are excited about the property and would take extra efforts to make it work.

Q: Do you plan to do retail business?

A: Mostly contractors, there is a wide variety of metal products that are fabricated; house beams gates railings, small office building fabrication and installation, etc. Operating in Brewster- owned the company for 13 years worked there for 27.

Q: How do you get your customers?

A: We have a web site; most work is by referral, and contract bidding.

Q: So there wouldn't be weekenders there for shopping.

A: On occasion someone is looking for something like angle iron, but we don't specifically sell retail, it's primarily contractors. Our intent is to move the entire operation to this site So contractors would be there ordering or picking up steel. We also sell to many townships, steel for plows etc.

Q: Is there a show room A: No

Q: All work done indoors? A: Yes and our current facility is about the same size as this location.

Q: Is it strictly steel or aluminum too? A: If it is requested we'll do it, but generally not aluminum fabrication. We can order it, but not fabricate

Q: IS fabrication noisy? A: yes, the building should contain most of it, but would imagine the firewood company was noisy as well.

Q: Are there houses on either side?

A: yes, they were pointed out on the map.

Q: You realize that by code you need a special permit because the home occupation is limited to 2(two) non resident employees? A: yes, we have 11 (eleven) currently

Because of the size you would have to be referred to the Zoning Board for a variance

Attorney Polidoro - 145-41 provides standards for home occupation, I'm not sure if a variance had already been received for this building?

A: the permit was issued august 5 1999 site plan approval, and there are no records of a variance
Attorney Polidoro- Currently the code limits home occupation to no more than 40% of the floor space of the primary dwelling unit; it would be 40% of 1,200 or 2000 square feet. So the 10,000 square foot building exceeds this, and you will need an area variance allowing 10,000 square feet.

Engineer Ryan- I thought is was also mentioned in Planner Ley's letter - the idea of craft workshop.

Attorney Polidoro- You applied for a Home occupation, so we have to go by the application. If that is something you would like to do, you would have to complete a new application and then make case to the Building Inspector that this meets the criteria or would fit into the "craft workshop" The Board discussed sending you to the ZBA now, to see if you would get the variance, before you got to far here and then possible not gotten the variance

Member Muroski- is the commercial building empty right now? A: yes
Co-Chair Wylock - have you purchased the property? A: No

Engineer Berger- just 2 things to point out- for possible direction- the waiver of request for all existing survey information- whether the Board would like to act on that, it is my recommendation for at least limited survey information for areas like the entrance and any changes that are being done should be shown as well as wetlands or lack there of, as the Board moves forward. Secondly- the location of the proposed storage, based on the definition of where the building is, if we're doing site plan, if the storage can be placed on the existing gravel, then there will be no addition to impervious to the site. The it is also in an area facing away from the existing house.

Engineer Ryan- Ok, that's where we needed some direction from the Board, as to where the front or rear of the building was, because that was a condition of the site plan.

Engineer Berger- That condition can be modified with this approval

Attorney Polidoro- Under "Home Occupation" - you can not have outdoor storage of materials or equipment unless it is screened from the state highway.

Mr. Nelson- The front of the building is where all of the garage doors are and we plan to leave that area open for trucks, maybe there can be an area there

Attorney Polidoro- is there screening? A: There are some trees, we can add more.

Site walk set for January 15, 2011 @ 10:00 The ZBA will be invited as well, since the application is being referred.

RESOLUTION SETTING AMOUNT OF ESCROW DEPOSIT

GRID# 7160-00-451311 Project Name: 486-Putnam Steel

WHEREAS, pursuant to the Code of the Town of Dover, the Planning Board may require an applicant for a Site Plan Special Permit 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, Putnam Steel has filed an application for a Site Plan Special Permit

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Dover hereby determines that in connection with the aforesaid Site Plan Special Permit Application, the applicant shall deposit \$ 1,500.00 into an escrow account in advance of the review of the application.

Moved By: Peter Muroski Seconded By: Michael Villano

Resolution Approved/Disapproved:

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>
Sharon Ipavich	<u>AYE</u>

Planning Board Co-Chair David Wylock

RESOLUTION REFERRING THE APPLICANT TO THE ZONING BOARD OF APPEALS

486 Route 55 Corp/Putnam Steel

January 3, 2011

Property Address: 6584 NYS Route 55

WHEREAS, the applicant, Putnam Steel, Inc., has submitted an application for special permit and site plan approval to conduct a home occupation, fabrication and design of metal products, in a 10,370 sq. ft. structure, and make other associated site improvements, on a 15.13 acre parcel located at 6584 Route 55 in the RU District (the "site"); and

WHEREAS, the site is currently improved with a 2,000 sq. ft. single-family residence; and

WHEREAS, the applicant has indicated that 14 persons would be employed at the site and that the residence would be occupied by a corporate officer of Putnam Steel; and

WHEREAS, pursuant to Section 145-41(B)(2) of the Town Code, a home occupation which occupies more than 1,000 sq. ft. or has more than 2 non-resident employees is permitted by special permit; and

WHEREAS, Section 145-41(B)(2)(a) of the Town Code limits the area occupied by a home occupation allowed by special permit to 40% of the floor space of the primary dwelling unit or 2,000 sq. ft;

WHEREAS, pursuant to Section 274-b of the NYS Town Law, where a proposed special use permit contains one or more features which do not comply with the zoning law, application may be made to the zoning board of appeals for an area variance without the necessity of a decision or determination of the administrative official charged with the enforcement of the zoning law.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby refers the application to the Zoning Board of Appeals for consideration of an area variance from Section 145-41(B)(2)(a) of the Town Code to increase the area occupied by the proposed occupation from 2,000 sq. ft. to 10,370 sq. ft.

Moved By: Valerie LaRobardier

Seconded By: Michael Villano

Resolution Approved/Disapproved:

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>
Sharon Ipavich	<u>AYE</u>

Planning Board Co-Chair David Wylock

III. CAMP RAMAH 7161-00-610450

Applicant Jewish Theological Seminary Plans Prepared by Curt Johnson of Zarecki & Assoc.
Property located at 91 Ramah Road Wingdale, NY 12522
Application for a Site Plan / Special Permit for their Master Plan

Curt Johnson & Amy Rosuck- the camp business manager

The purpose of the camp: Camp Ramah in the Berkshires is a non for profit Conservative Jewish summer camp that is run in co operation with the National Ramah Commission under the educational religion auspices of the Jewish Theological Seminary. The camp is organized and conducted solely for the purpose of providing a camp environment where religious practice, education and values are integrated into all aspects of daily life.

We were before the Board a few years ago for a gymnasium, since then there have been changes to the Zoning Code we are now providing this master development plan as part of the new zoning requirements.

The camp consists of about 214 acres of land, which is bounded on the north by Lake Ellis, the south by Lake Weil, Ramah road is the main access, it is a dirt road, and there is also Lake Ellis / Unity camp road which bisects part of the property. Part of the acreage 83 acres on the east is wooded and mostly undisturbed. There is additional land to the north. What the camp has done is looked between now and 5 years forward and noted the projects they would like to address.

The "A" side of the camp mostly bunk houses and accessory structures, then "B" side which is mostly the same with bunk houses and accessory structures.

Initially what the camp would like to do is an extension of a building for a new center, some small additions to the bunk houses decks, a small deck and kitchen extension to the camp director's house and then primarily the gym with the new zoning. The gym will be about 15,000 square foot structure.

The camp has taken a lot of the information from the Public Hearings for the gymnasium; there were some concerns from neighbors. There was a plan developed during a parent visit, busses were parked off site and the parents were bussed to the site, there wasn't as much traffic on the roads and disturbing the neighbors.

There were fields recently redone and they would like to now extend to a high ropes climbing course.

They now seek direction for the Board and then plan too submit site plans specific to the gym and other areas.

Co-Chair Wylock - Have you ever done a noise study?

A: No.

This was noted in a letter by our planner.

It was stated in your narrative that during the course of the season there are 500 campers, 300 staff, is 500 all at one time or over the course of the season?

A: It is the high point of that, no more than 800+, there a basically 2 sessions of camp.

Co-Chair Wylock- There is a requirement of an "Event Management Plan"

A: Yes we will be developing that as well

Member Muroski- IS the camp open in the winter?

A: no, Memorial day through labor day

Q: are the buildings winterized?

A: no, just the director's house, the camp is seasonal; the water is turned off right now.

Engineer Berger- As part of the master plan we will need a preliminary SWPPP, to see stormwater practices, grading for changes and areas of disturbance. Your sewer plant is big enough to handle this, so an update / verification of the status of the sewer and water plant. Will there be improvements

needed for the sprinklers. A: It will be an open structure. Engineer Berger- You'll need to check the new code, any improvement to your water system, provide that. The Planner would probably want to see studies on biodiversity, natural heritage, etc. A: The Timber Rattlesnake was limited for the gymnasium, but will be updated.

Attorney Polidoro- part of the purpose of doing a master plan is for the Board to look at the whole site and how it comes together, so when the smaller projects are presented, the Board understands how it all fits in . In order for the Board to do that you will need to submit an expanded EAF, wetlands study, biodiversity study, noise study traffic study, in order for the board to see all the features of the site. If you would like an example of an expanded EAF we can give you one.

Engineer Johnson- Right, we just wanted to come back to the Board and re introduce the camp and see if there were any red flags, we understand there is more work but wanted to make sure we were on the right track. We understand we may have to appear before the ZBA and ARB

Attorney Polidoro- Not the ZBA but yes for the ARB, there is some le-way in the zoning that allows the Planning Board to grant area extensions if it meets the criteria, in section 145- 51. As part of the master plan process the Board can look at dimensional waivers, but it should be done early in SEQRA.

Site walk- January 30, 2011 Sunday 10:00 at the gate house on Ramah Road

RESOLUTION SETTING AMOUNT OF ESCROW DEPOSIT

GRID# 7161-00-610450 Project Name: Camp Ramah- Master Plan

WHEREAS, pursuant to the Code of the Town of Dover, the Planning Board may require an applicant for a Site Plan Special Permit 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, Camp Ramah- Master Plan has filed an application for a Site Plan Special Permit

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Dover hereby determines that in connection with the aforesaid Site Plan Special Permit Application, the applicant shall deposit \$ 4,500.00 into an escrow account in advance of the review of the application.

Moved By: Peter Muroski Seconded By: Valerie LaRobardier

Resolution Approved/Disapproved:

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

Planning Board Co-Chair David Wylock

In the Process of SEORA Circulation:**IV. OAK HILL SUBDIVISION- 7061-00-608644****Applicant Steven Vincent Plans Prepared by John Decker****Property located at 62 Dover Furnace Road on 333 acres in the RU district**

Circulation for lead mailed 12/09/10

Steven Vincent- The Planner had questions regarding the habitat study- we are in agreement that the environmental impact study from Domain Sand and Gravel is sufficient and we will mark the maps accordingly. The easement on lot 6(six), he is in contact with Con Edison- when they first went though in 1964, his grandfather had retained 4(four) easements 50' (fifty) in width, to be used at their (Vincent's) discretion. Taking with Candy Canizio from Con Ed, who said if the existing driveway is not on, she sees no reason why it wouldn't automatically be approved because it has been used as an existing driveway since before Con Edison went through. There is enough road frontage to retain another 50' (fifty) easement also. There could be 2 (two) - 50' (fifty) accesses to lot 6(six).

Attorney Polidoro- The concern with this lot is that after reading through the easement, this is a pretty big lot, 60+ acres- is it clear to Con Edison that this might be used for 60(sixty) lots?

A: In practicality, you're looking at 66 (sixty-six) acres and not the land constraints, there is no way to get 66(sixty-six) building lots in there. It would also then be up to the future planning Board to put a restriction on it if someone did come in with it. A 25' (twenty-five) easement off of RT 22, to us would be burdensome, we already have Con Ed lines going through, An Iroquois easement there which is 30' (thirty).

Attorney Polidoro- At this point the Board is not asking you to move your driveway, but can you provide a 25' (twenty-five) strip of land, that can be left undeveloped, so that down the road if someone does want to develop that lot, 30-40 years and Con Edison does put poles or something-

A: They can't, according to the easement; there is an open egress and ingress.

Q: OK, so if Con Edison doesn't want you to create a road to allow 60 (sixty) cars on it, at least there will be an option to develop that vacant part of the land. Again, we're not asking you to move your driveway at this point, we just think it's better planning to provide an actual fee title to a piece of land.

A: We have been using this since before Con Edison came through, there has never been a problem, and we use it commercially. We do have access for another 50' (fifty) easement on top of that. To put in another 25' (twenty-five) easement to make it a flag lot, for future use, it may be to you good planning, but to us it's tying up property that we already have access to, multiple accesses to.

Co-Chair Wylock - My concern is, as I tried to point out at the last meeting, I understand what your father is doing, he's doing the right thing, the smart thing, but everything within the family is smooth now. Who's to say that future generations from now if your family still owns these parcels, one of them is not satisfied with that entrance way. What if they want to come out onto Rt 22 and the owners of lot 5(five) say no. Things happen in families; wouldn't it be better to make lot 6(six) a flag lot? Lot 5(five) can still be owned by the same people, but split into 2(two) parcels and a driveway be made from a parcel on the southern end onto RT 22?

A: In a way, but can it be on top of the Iroquois easement?

Engineer Berger- Where is the Iroquois easement, is that on top of the Con Edison easement?

A: It is on the northerly side of Con Edison.

Engineer Berger- the Iroquois easement can be on top of land that you are granting in fee, yes. We just don't have the Iroquois easement shown on the map. If the Iroquois easement was on here and your fee ownership was across that was to lot 6(six) instead of lot 5 (five), it's then accomplishing what the Board wants done. Even though right now you use it, if even a single user wants to buy lot 6 (six)and years from now they require a high level survey, if it shows there is no access, the buyer may not understand easements or right of ways from Con Ed. Commercial funding requires ownership of

frontage on a town or state road in order for a mortgage to be processed. It sounds silly, but I do a lot of this on the other side of the County. Our clients can't get mortgages with out an ALTA survey, it doesn't provide frontage, it's an exemption to the clause and the contract dies. By adding access through a ROW, it doesn't meet that threshold; it has to be in fee. This is all for you.

A: we would like to keep it the 2- 50' (fifty) accesses, if the board requires us to do the 25' (twenty-five) or 30' (thirty) of the Iroquois pipeline, that's what we're going to have to do

Attorney Polidoro- Could you please show us where the Iroquois pipeline is on the map?

A: it's adjacent to the con Ed on the north side.

Q: So the Con Edison I owned by Con Ed and you just have an easement over it and what you're saying is that there's another easement that Iroquois has on your land.

A: Yes, and I didn't realize it wasn't on the map. I didn't want Con Edison, then Iroquois then another 25' (twenty-five) strip of land.

Engineer Berger- I don't see why the strip can not coincide with the Iroquois easement. Is there a term or restriction of building over the pipeline?

A: they would have to work that out with Iroquois as to structure, road base and stuff like that. It's still feasible. When they put in road accesses for us they just beefed up the material. It doesn't prevent the road from being built.

Engineer Berger- I feel it's wise to have even fee ownership over the Iroquois, it's a recommendation I would certainly make to a client of mine.

Attorney Polidoro- In most Towns it wouldn't be legal to create this lot without a strip of land, but in Dover it is allowed.

Engineer Berger- Because Dover allows it in the code; most commercial venders don't understand it, NYS law requires 15' (fifteen) minimum on a Town or State road.

A: If that's what the Board wants, I would go on the recommendation of the Board. We would prefer the 2- 50' (fifty) Row's but if the Board prefers it, we will do as requested.

Attorney Polidoro- You won't have to move the driveway, since nothing is being proposed for construction or development; it's just revising your maps to show it.

A: it's having the surveyor come out and mark it and all that too.

Engineer Berger- He doesn't have to mark it in the field, there's no requirement to have it staked. The map needs to be amended to show the gas line any way, but there is no requirement for it to be stakes.

A: So it's 25' (twenty-five) - law says 15...17? I'm just kidding

Engineer Berger- 25' (twenty-five) is the recommendation. On another note, I did look at the soils map. I am very familiar with the Domain application. There is no concern for well or septic on these huge lots.

Our next meeting is February 7

V. DOVER PLAINS PLAZA-7063-00-509295

Applicant Richard Renna Jr. for Daniel Katz of Dover Acquisitions
Property located 3081 Route 22, Dover Plains, NY

Circulation for lead mailed 12/08/10, Site walk- 12/19

Rich Renna-

The site walk and the Circulation came back; Dutchess County came back with a matter of local concern. NYS DOT came back with a letter commenting on a highway work permit, which he believed would be incorrect for just the addition of a drive up window, which will be confirmed. No work is proposed in the ROW. At the site walk it was left that AKRF was going to produce their thought on

traffic circulation, which they did do. It was received on December 23. Today he had an opportunity to speak with Anthony Russo from AKRF, at first my biggest issue was the truck traffic. Currently it goes south end of the building around the back and exits the north end of the building, we looked at that at the site walk. They wanted to change that to going from north end to south. At the loading dock, the ramp at the north end does not allow it to be possible, there's not enough distance to turn around. Anthony understood that and was fine to keep the truck access as is. We spoke about the internal circulation. It appeared they were trying to make it one way, so if you pulling on the north a car would have to make a left turn and go through the whole center to loop through and then make a left turn into the drive through. He felt the internal traffic circulation should basically remain the same. Two way traffic in both lanes of the parking lot.

The crosswalk between the bank; they had recommended one between the bank and the grocery store then another between the back and a small island by the parking lot. Engineer Renna disagreed with that as well, he recommended a diagonal between the bank and the grocery store. The vestibule of the bank has 2 doors- it is his recommendation that the west side door there be a crosswalk that goes from the curb to the hatched area cross walk that already exists by the grocery store, and a east door a cross walk that is straight across to the parking area.

Co-Chair Wylock- can we do something other than traditional marking?

A: Yes, that was a conversation with Anthony Russo as well, he had made a comment about high visibility cross walk, possibly a different surface. There are 2 things you can do with surfaces, 1 would be take out black top and put in concrete, then there's the possibility of the material s moving differently from each other and cracking. Then we could take out pavement and put in new pavement that would be stamped, the owner is concerned with cost and long term wear and tear. The separate new pavement might react differently than the existing pavement. The applicant would like to do a painted crosswalk and restripe every year; it can be in the conditions of approval

Engineer Berger- Would you be willing to use thermoplastic paint? It's more of a plastic which is more durable and visible, DOT and the City of Poughkeepsie is using it, there are glass beads in it and at night they reflect the lights of the car. It has a 3-5 year life span, so it won't have to be redone every year, depending on the plowing. It's far more visible. Speed bumps or humps tend to become drainage problems ice valleys form along them and they redirect water.

Engineer Renna- That would probably be acceptable because it avoids cutting of the pavement, and it's a surface application.

Engineer Berger- Agreed with the new layout of the crosswalks- they make a more practical flow sense.

Co-Chair Wylock - Did you discuss fencing on the north end of the property?

A: Yes the timber guard rail- I had mentioned it and it would be acceptable, we just did not have time to get it on a map as well as landscaping. It would stop the cars and allow the wooded view to remain. He spoke to Member Muroski at the site walk about plantings and possibly keeping to the grey birch.

Member Muroski- Yes and it was mentioned about drainage and the possibility of a rain garden at the corner of the bank with salt tolerant species.

Engineer Renna- next is the ARB review, their last meeting was cancelled and the deadline of response will have passed before they meet again Can public hearing be set?

Co-Chair Wylock - Confirmation of drive thru hours of operation

Attorney Polidoro - is there anything else needed for the Board to make a SEQRA determination, traffic concerns have been addressed as well as storm water.

Engineer Rennia- I will be submitting landscaping plan, guard rail addition and details sheet.
There were 2 parking spaces removed originally 144 now 142 and employee parking is noted.

Motion made by Valerie LaRobardier to set Public Hearing for Dover Plaza on February 7, 2011 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 MEMBER SHARON IPAVICH-AYE

Motion approved

VI. MINUTES 12/6 & 12/15/10

Motion made by Valerie LaRobardier to approve the minutes of December 6 & 15 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 MEMBER SHARON IPAVICH-AYE

Motion approved

Co-Chair Wylock - Victoria had written as part of her thesis a guide for Planning Boards- it was written for clerks but is an excellent guide for everyone; it was published by Westchester County. It is very well done and is great for reference. We will forward a copy to the members

REMINDERS:

The January 17 meeting is cancelled due to Martin Luther King Jr. day, the next meeting is scheduled for February 7, 2011

Putnam Steel- Site walk scheduled for Saturday January 15, 2011 @ 10:00 am
Camp Ramah- Site walk scheduled for Sunday January 30 2011 @ 10:00 am

Motion made by Valerie LaRobardier to adjourn 9:03 pm 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 MEMBER SHARON IPAVICH-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

All reasonable accommodations will be made for persons with disabilities. In such a case, please notify Betty-Ann Sherer in advance by phone at 845-832-6111 ext 100 so that arrangements can be made

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