

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, September 19, 2011
7:00PM

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

Also, in attendance representing the Planning Board was Planning Board Engineer Joseph Berger, Planner Ashley Ley & Attorney George Rodenhausen

For the Applicants: Jim Sullivan of Zarecki & Associates & Jim Rogers For Crystal House Expansion, John Kalin of DC Engineering for 22 West Properties, Daniel Katz and Attorney Jim Sweeney for Dover Plains Plaza Fresh Town Site Plan Amendment, Attorney Michael Mackey & Jorge Merchan Jr. for South East Auto Site Review, Fire Chief Brian Kelly 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 at 7: 08 pm by Chair Wylock and began with the Pledge of Allegiance

Public Hearing:

CRYSTAL HOUSE EXPANSION 7063-12-771567- 0.97 acres & 7063-00-717621-20.1acres

Applicant James Rogers for Crystal House
Plans Prepared by James Sullivan of Zarecki & Associates
Property located at: 97 Mill Street, Dover

Applicant seeks *Site Plan & Special permit* to add a rear second story addition to provide an additional 2.5 bathrooms with 9 additional resident rooms on a .97 acre parcel in the HR district
Subdivision application has been submitted in order for the applicant to gain acreage to accommodate his SDS

The Public Hearing notice was read

Jim Sullivan of Zarecki & Associates with Property owner Jim Rogers

Mr. Sullivan: This is a 2 part application

- 1- lot line change
- 2- site plan and special use permit

The use is a special care facility which is not allowed in the HR district under current zoning code; however existing uses are allowed to expand up to 50% at the discretion of the planning Board.

They are requesting an approximate 45% increase. The current square footage is 5,800 square feet and wishes to add 2,850 square feet for a total of 8,650 square feet. The addition to the building will go on the second story of the existing building. There are currently 39 residents served by 6 employees. Crystal House is looking to add 9 new bedrooms 2 1/2 new bathrooms allow for an increase of 18 residents and 12 employees. The total will then be 57 residents and 18 employees.

For the Lot line change, they are looking to purchase the parcel to the north, owned by Mr. & Mrs. Hearn lot 717621, 20.1 acres. There are a number of overlay districts involved. The Flood Plain overlay, aquifer overlay, due to the proximity of the Ten Mile River. There is a portion of the property that is suitable for the needed increase in the septic system. The property is under an acre, so the applicant seeks the additional acreage for the septic.

Additional site improvements include additional parking, storm water management improvements, bioretention to treat the increase of impermeable surface areas. Construction will be in compliance with the Town regulations.

Co Chair Wylock read the following comment letter submitted by NYS DEC:

Response on Intent to be Lead Agency Project:

Crystal House Expansion DEC Tracking # 3-1326-00121100001

Town of Dover, Dutchess County

We have reviewed the Notice of Intent to be Lead Agency pursuant to the State Environmental Quality Review (SEQR) of the above referenced project which our office received on August 9, 2011.

Department Jurisdiction Based upon our review of the circulated documents, it appears that the project may require the Department permits pursuant to the Environmental Conservation Law, as indicated below:

- Article 17, Titles 7, 8, State Pollutant Discharge Elimination System (SPDES) -Sanitary: The applicant currently has coverage under the SPDES General Permit for Sanitary Discharge of 1,000 -10,000 gallons per day to Groundwater (GP-0-05-001) for the discharge of 2,925 gallons per day. Modification of coverage for the additional 1350 gallons per day will be required.
- Article 17, Titles 7, 8, State Pollutant Discharge Elimination System (SPDES) - Stormwater: If this proposal includes greater than 1 acre of disturbance, it will require coverage under the SPDES General Permit for Construction Activity (GP-0-10-001). Submission and approval of a Stormwater Pollution Prevention Plan (SWPPP) will be a requirement of any other DEC permits.

- Threatened & Endangered Species:** According to Department records, the following state listed threatened or endangered species has(have) been recorded within or near the project site:

Species: bog turtle *Glyptemys muhlenbergii* NYS Status: Endangered

To avoid potential impacts to this state and federally protected species, the applicant should incorporate conservation recommendations described in the US Fish & Wildlife Service Bog Turtle Recovery Plan. A determination from DEC regarding the potential taking of this species will be a requirement of all other DEC permits. For further guidance on this matter, please contact the undersigned analyst. By copy of this letter, we are advising project representatives of the potential need for these permits.

Additional Comments

In addition to the permit requirements noted above, the resources that are indicated below by a checked box should be evaluated during the review of this project under the State Environmental Quality Review (SEQR):

- Cultural Resources:** This site is less than 0.5 mile from a site listed on the National Registry of Historic Places -Tabor-Wing House, NY 22 and Cemetery Road (Registry ID 90NR00294). A cultural resources assessment and review by the New York State Office of Parks, Recreation and Historic Preservation are required, in particular for visual impacts associated with the increased building height.

In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to your board/agency assuming lead agency status for this project. Questions pertaining to the Department's jurisdiction or related matters should be directed to the undersigned analyst assigned to the project. Please refer to the DEC project number identified above in all correspondence to the Department. Thank you.

Sincerely,

Rebecca Crist Environmental Analyst Division
of Environmental Permits
(845) 256-3014

Cc: James Rogers, Crystal Manor Adult Home Dutchess County Dept of Health

Ecc: Vijay Gandhi, DEC Division of Water Lisa Masi, EC Bureau of Wildlife

Co Chair Wylock So you understand the applicant will need to perform a study on this site?

A: Yes, the DEC Spdes permit for the septic will have an additional discharge of 1350 gallons per day. So when that application is made to the DEC they will expect to receive the information on the bog Turtle.

Co Chair Wylock- there is also a paragraph on cultural resources, (he read it) , will also need to be addressed.

Q: What was the base line size of the facility in 1999 when the zoning law was amended?

A: It was 5,800 - the current square footage.

Q: The number of beds was the same?

A: Yes, 39

We have a document from the Building Department dated April 9, 2009, the applicant wanted something in writing stating the maximum capacity is 39 people, the Building Inspector said "no" under the BOH and spdes permit the maximum would be 26 beds including residents and staff.

There are 39 beds there now with 6 employees, and proposing to increase by 18 more beds and 12 employees, this now goes from 1 employee for every 6 residents to 1 employee every 3 residents. What is the reason for the increase in staff?

Mr. Rogers- the object, because of financial restraints, with the increase revenue to increase staff and provide more care for the men. There is under the law a requirement of X amount of staff per day; I will now exceed that to accommodate the employees and residents.

Q: What is the formula now?

A: right now if over 40 there has to be 4 employees on during the day, plus 2 per night. The day shift will be increased dramatically because that is when most activity takes place.

Q: Are there RN's on duty?

A: No, it's not required. It's not skilled nursing.

Q: The application says VA certified, what is that?

A: Certified by the Department of Veterans Administration, They come in and inspect the building, make sure he's complaint with their standards, with staffing and safety.

Q: Do they inspect?

A: Yes they do once a year, they come in 1 day a week.

Q: What about Department of Health?

A: yes, they have a 3 day inspection once a year. They come in 4-5 other times just to make sure everything is ok.

Q: What about the Department of Mental Hygiene?

A: No.

Q: Are there logs of when the inspections are made?

A: yes for the annual inspection, they are very thorough; some times they get us on environmental. Things like cracks in the floors, he gets sited on things like serving orange juice 5 days in a row, minor charges. He has never been charged with extreme danger. More like book keeping is what they get him on.

Q: You want to merge the existing lot with the adjacent 20 acre lot, what are the plans for the use of the additional 20 acres?

A: the septic system, there are no other plans than for the septic system. Because of the overlaying districts, there is not much else that can be done with that property.

Q: Will there be security in place with the large parcel behind you? Will there be fencing?

A: It is too large to fence, there isn't really any road access other than what's next door, and no one really uses the property. It would just be for the septic and to create walking paths, as it was requested at the last meeting.

Q: Are there logs kept for calls to emergency services, fire or ambulance?

A: there are no logs that he keeps, he does write when someone goes to the hospital, it's written in their chart. Each person has a chart, and any time there is a change in status, he has to track it. When and why someone went to the hospital, but no log is kept. There are incident reports kept, DOH requires them and they have to be faxed to them. These reports are generated by incidents in the home, falls, and injuries uncommon things. If someone goes to the hospital, it wouldn't be an incident because people who live in these types of facilities go to

the hospital on an irregular basis

Q; How often does Law enforcement come to the site, responding to calls?

A: 1-2 times per month, sometimes it seems like it will happen a lot in 1 month and not in the next month.

Chair- we researched the records of the State Police in Dover Plains and from January 1- December 21, 2010, they responded to 210 incidents there.

A: He was very surprised at this number. That would be at least once a day or 4 times a week.

Motion made by Valerie LaRobardier to Open the Crystal House Expansion Public Hearing 2nd by Peter Muroski

VOTE: CO-CHAIR WYLOCK – AYE
MEMBER JAMES JOHNSON - ABSENT
MEMBER MICHAEL VILLANO - ABSENT
MEMBER TOM HOLMES– ABSENT

CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER PETER MUROSKI – AYE
MEMBER SHARON IPAVICH– AYE

Motion approved

Brenda Irish- Mill Street Her Mother also lives there. She tried to find out what kind of facility this is. At one time this was an old Soldiers home, for Veterans. Over the years it has been more for the mentally disturbed. She went on line and it said an Adult home, then hospice the last thing she found was a 24 hour dual diagnosis drug rehab program, she is not really sure what this is.

When she is in her back yard she can see gentlemen go in the flood area, she smells “pot”. She has heard noises at night and there is a man by her back door. She has called Crystal House, and been told they can not tell them to keep out the police needs to be called.

Her mother has had someone come in the front door and exit through the back door. Their cars have been broken into, money has been stolen. She doesn't want to assume but there are a lot of younger guys there now. Cars stop in front of her mother's house, she has watched them, and it seems like a drug transaction is taking place. Some on in the front seat is handing something to the resident and they are giving them something back,. When she comes out they pull away, it happens all the time. There have been men exposing themselves in the back yard, not as much lately, but they have been out there publicly urinating and throwing things and she has had to tell grown men to pull up their pants.

She is unsure who is taking care of this. She would like to know if this is a dual diagnose treatment center is it accredited, what is going on with staff training? Is there actually any training; is there a social worker there?

There is fighting, she never sees staff interacting with these people. There was 1 time this summer when a bunch of young girls playing games with the guys, it was the first time ever she saw staff interacting with them.

After midnight she has gone over because the music was too loud and there were 2 guys watching TV and a resident answered the door. She has been told the staff can't do anything and she would have to call the police. She does not see these people being cared for properly.

They walk up the street in the winter, without the proper clothing, slippers, shuffling up the street. One guy is always holding up his pants, because he doesn't have a belt. It is sad, anyone who lives in Dover know it, they see it, and these guys are not being cared for. Are there sex offenders there? She has walked out because she has seen a guy talking to little girls by the bridge. When she approached him and asked if she could help him, He said he was just talking to the girls, he was not trying to have sex with them. There is something wrong with this place and no one is saying it. She is fully against this and she fears for her mother. She would like her questions answered. This is just not right.

Mr. Von Richtofen – Mill Street- He agreed with Mrs. Irish, it's all true.

How can they acquire the 20 acres behind them if a few months ago they were in foreclosure? It was in the Poughkeepsie Journal, who bailed them out?

How can they justify adding the 20 acres that they can not build on? 90% of that land is flood prone; a septic can not be put there.

If they are permitted they should add more staff.

The State Police were there just yesterday with the ambulance. It's worse in the afternoon and evening, not the morning. Today there were 6 cars there.

Is the staff being paid under the table or above the table, they look suspicious to him.

Are there back ground checks done before they are hired are they trained?

One lady yells at the men and is on her phone all day.

There's one man who lived there, he would shuffle to Fresh town, and was freezing cold, Mr. Von Richtofen would give him a ride home, he felt the staff didn't care because no one would come and pick the man up

The people of Whatley Lane should be banned from riding their 4 wheelers on the property , it creates a lot of dust. The filed should be mowed as well because of the deer ticks

Donald & Lisa Conner- Mill Street-

Not surprised hearing the numbers for the police response.

The place seems to run 24/7, it was mentioned more staff during the day, the place never shuts day, 12:00 in the morning people are being asked to quiet down. The supervision, he wasn't sure if there really was any. The residents walk the streets day and night.

They work at Taconic DDSO, he works with dual diagnosis and sexual offenders, there is an Elementary school close by, and the men walk as far as fresh town. They are not isolated to that spot. Unfortunately, the staff does a wonderful job, within the confines. They had even said they can't limit where the residents go. Beyond a certain border, they are on their own.

With the new group of residents, there is the smell of marijuana. They do believe this has become more of a drug and alcohol rehab.

They are familiar with the resident types and there should be a limit as to what kind of resident can reside there. There is a great concern with the drug usage and possible sex offenders, with proximity to the elementary school.

Fire Chief Brian Kelly- J.H.Ketcham Hose Company

June 2011 there was a request of information with respect to call volume

If there were 39 residents there

2009 – 18 EMS calls, 2010 49 EMS calls. When this response was originally submitted – June 6, there were 28 EMS calls, as of today there have been a total of 52 so far this year.

For every call at Crystal House, since they are on "house watch", the Police are dispatched every time the ambulance is.

If they expand to 57 residents- there is the potential of reaching 100 EMS calls per year just for Crystal House. This is a huge impact for the EMS service.

During the recent Hurricane Irene, he received a phone call from a Crystal House employee. They asked where they would be able to evacuate to, it was explained to them that the American Red Cross was setting up a shelter location at the Taconic DDSO. This incorporated the Towns of Amenia and Dover. The problem was, they didn't feel they should mix these people with the resident of the Town, in case of evacuation.

Crystal House should come up with a plan on how and where they will evacuate their resident. The Statics speak for themselves, and this will be a huge impact to the EMS Staff with over 100 calls per year. Paid staff during the day, night time all volunteer, with 3 people on the ambulance.

Brenda Irish

As the others had said, this is not directed at the staff. She believes they are really under staffed, and they do the best they can with the knowledge they have. This is not a slam against the staff, it's just an unhealthy situation, this not good for the residents there and it's not good for the people of Dover.

Co Chair LaRobardier- There are a lot of unanswered questions, with the increase in staff, will there be a plan to resolve these problems,

Member Ipavich- Is the existing staff certified?

A: (Mr. Rogers) There are no certified Nurses assistants. There is extensive training which is well documented.

There are no sex offenders, he will not allow them. He does not allow violent people at all. This is a resident care facility, they are not locked in, and they are allowed to walk as they please. He does not lock them up, this is free America, and he lets them run free. He does believe are true. When he took Crystal House over, the management and the previous owner did not care what happened, or what was going on.

He has tried over the past few years to stop it; he got rid of the people who were causing problems.

Recently there was an issue with someone smoking marijuana that was an issue, they are gone. He does try to address the problems that are brought to his attention.

One neighbor asked for a new fence, and he put one up. He does try to address issues as they come along. He tries to create a safe environment.

Activities- these guys don't want to participate; there are a lot established. There is an issue with them walking into Town, he tries to drive them in at least 3 times per day. There are still a few who refuse and want to walk. He tries to make them look and act appropriate. If this is improved, he is going to increase the staff dramatically.

This is not a Hospice or a Drug and Alcohol rehab, this is an adult care facility, and people just throw it in as something like that.

He is not approved for that, if he can get approved, he won't, if that is an issue.

Q: How often are you on site?

A: 2-3 days per week.

Q: Do you own any other facilities?

A: No, he's a registered nurse and a retired Firefighter,, and this is what he's doing during his retirement.

Q: What is the youngest guy in the facility?

A: There were a few young guys who are no longer there; the youngest guy now is 45-47

Q: What is the average age?

A: 54

Q: What is the procedure on how people find you and you find them?

A: There is no advertisement, primarily word of mouth. There's a lot of referral through the VA and St. Francis Hospital. Most people come from hospitals; almost every facility in NY have no beds,.

This is not a nursing home; this is why he does not need skilled nurses. This is more medicate, feed make sure they're clothed and clean. If there is a need for a skilled nurse, if there are wounds, then

they would have to go to a nursing home. This is more intermediate care level, where they have no place to live or they can't take care of themselves but not eligible to go to a nursing home.

Q: So some of these people you could say are homeless?

A: Yes homeless or living with their parents and the parents have died. In some cases as the parents get older they can't care for them.

Q: What kind of back ground checks are done on these people before they come to you?

A: Where ever they come from, like St. Francis, they have a chart; I can read their back ground.

Q: You have a whole life history of these people?

A: We have a pretty good history of what's going on with them,

Q: What would you say is pretty good?

A: ten years

Q: Do you do a criminal history?

A: no

Q: Don't you think you should?

A: He never came to that conclusion; he tries not to take anyone in that respect.

Q: The reason this is being asked, residents have made comment about problems, urinating in their yard etc. They are breaking the law.

A: if that is the case he welcomes someone to complain, so he can address it. There were issues, with the previous owner, neighbors would come in and be ignored. He looked in the Building department folder and saw only 1 complaint. Recently there haven't been many complaints. If there is an issue with one person, he would address it. If there were a problem criminally, he wouldn't take them.

Q: From a liability standpoint, don't you think it would be in your best interest to do a criminal history check on prospective men coming in?

A: I guess it would be.

Q: You say they are not sex offenders, how do you know?

A: Through their diagnosis, most are mental diagnoses 30% of the population having a mental diagnosis, bipolar etc. IF they are a sex offender, I have to be told. That carries with them, he asks immediately.

Q: What kind of background checks are done with the Staff?

A: he hires like anyone else, referrals and references. He is not required to do a back ground check

Q: Wouldn't it be to you advantage if you did?

A: Yes, it would but usually after 3 referrals, he has no problems.

Q: The cost is minimal, to get a current criminal history check.

A: he was not aware he could don one, unless there was approval/.
Their application can have a place for them to sign a waiver.

Q: With the recent rain, were there problems with flooding?

A: there is some water in the basement, he has sump pumps. There was once an issue with pumping on someone else's lawn and he redirected it. He had some water 5 years ago, but recently there was a little, not enough to disturb anything.

Q: If you increase the residents, do you plan a more structured daily activities and a curfew?

A: he just received a manual for structured activities, but trying to keep them in – this is not a locked facility, he tries to get them in at night, he's not allowed to hold them or lock them in

Q: Do you do head counts every night?

A: yes they do go around and make sure the guys are there, if someone is missing more than 24 hours, that's an incident report. He then calls the department of health. Maybe 1 year ago, there was someone who left for 24 hours; normally the guys there now are pretty good.

It would be to your advantage to keep a daily log, who ever is supervisor on staff, most any home like this does it. The documentation would be for his protection as well.

Will local people be hired for these extra positions?

A: That would be his preference to have local people on staff. Right now there is only 1 who does not live in Dover plains.

Q: What qualifies a person to become a patient or resident in this home?

A: If someone is looking for a place, for 3 meals a day, to be fed clothed and kept warm. There are generally referrals from St. Francis. , if he feels the patient is violent, needs skilled nursing or has open wounds, he can't take them.

Q: Who pays for this?

A: either the VA or Social Security.

So they have criteria for whether they need your help?

A: If someone ends up in St Francis, a Social Worker would determine that.

Q: What do they determine that someone can not mentally care for themselves?

A: not necessarily mentally, but physically, if they are home and not taking their medication on a daily basis, and they end up in the hospital, because they are not taking their meds, they would be referred.

Q: what percentage of them requires medication for mental or emotional problems?

A: 90%

Q: What percentage are veterans?

: 40-45%

Q: How long is a typical stay if they don't get thrown out?

A: there are some who are there from the previous owner, like 1990.

Q: Is it possible for you to produce the standards you have to comply with?

A: the regulations, yes

Q: whether it's Social Security or the Veterans –

A: Social Security is social services, DOH provides the regulations

Q: Please provide the rules to be followed and the list of violations in the past. How long have you owned this?

A: He has been certified since 2005, owned since 2005, since the foreclosure

Q: IS there now a foreclosure?

No and no foreclosure pending.

Q: so you were surprised with the number of calls?

A: recently there were a few, the residents seem to call. One of the residents seems to call because he is a "drug seeker". He knows if he goes to the ER, he can get drugs. He can't walk out of the building so he has no other way to get drugs, so he calls. Right now they are trying to have him not return to the home.

Q: is the drug problem a problem you see wide spread and you are trying to reduce it?

A: No, Mr. Rogers is an ER nurse. A lot of people abuse prescription drugs, it just so happens that he is one of the persons who abuse them. This is something not allowed. The resident felt if he went to the ER, he could possibly get them. This is someone who needs skilled care.

Q: the drugs you dispense are they mostly sedatives?

A: Some are psychotropic some are heart bloods meds

Q: for the SPEDS permit, DEC requires you look at Bog Turtles; those are issue that should be addressed by the SEQRA process, since this is a coordinated review, should be presented to this Board as well.

A: yes

Q: The storm water and drainage will be looked at with the chapter 65 and DEC.

Q: The prescription drugs administered on the facility, are they secured?

A: yes very secure, that is something big with the Department of health.

Q: Are drug tests performed on the residents to make sure they are not on heroine or something like that?

A: they are tested when leaving the hospital, if there is an issue, they are sent out for a test. If there is an issue, someone smoking marijuana, they were send for a test and had to move out.

Q: Random drug tests are not performed?

A: He would like to say yes, but it would not be reimbursable by Medicaid. If there is an issue or history of drug abuse- he can tell if someone is on drugs or not. If there is a problem, he can call the Dr. If the Dr. says test them and it's positive, he can be thrown out of the house.

There were no further comments from the Public

There were no further comments from the Board

Motion made by Peter Muroski to continue the Crystal House Expansion Public Hearing to October 3, 2011 2nd by Sharon Ipavich

VOTE: CO-CHAIR WYLOCK – AYE

MEMBER JAMES JOHNSON - ABSENT

MEMBER MICHAEL VILLANO - ABSENT

MEMBER TOM HOLMES – ABSENT

CO-CHAIR VALERIE LAROBARDIER- AYE

MEMBER PETER MUROSKI – AYE

MEMBER SHARON IPAVICH – AYE

Motion approved

Attorney Rodenhausen- is there a list of information we would like to request from the Applicant?

A: We can compile a list and sent it to them

Discussions:

22 WEST PROPERTIES-7059-04-716410

Applicant John Kalin of DC Engineering PC

Property located @ Rt 22 and Rock Hill Road, Wingdale

Application for site plan SUP & Erosion Control to construct 2 commercial buildings on
3.785 acres of vacant land in the HC District

A copy of a map submitted to DOT was distributed to the Board

The parcel is a mix of meadow and woods, steep slope sin the back and a DEC wetlands. The applicant would like 2- 5,000 square foot ware houses in a 90° angle. Since last here, busy working with some agencies of interest, like DOT and DOH.

What was submitted is a copy of the proposed DOT entrance plan submitted to Chuck Walters of DOT last month. This plan has some additional detail. There is a bottle neck with some storm water ant the entrance. Mr. Walters thought this was a prime opportunity to improve the intersection and Aleve some drainage issues on Rt 22. They now wait for the response from DOT. The full set of details will be submitted to Engineer Berger.

Plans were submitted to DOH last month, and we are waiting for responses on the separate sewer and water supply. Once there are comments, the plans will be completed and submitted. The last part we will need to complete will be stormwater.

The plan is for infiltration, rain gardens and to treat stormwater on site.

Engineer Berger Comments:

**Re: 22 WEST PROPERTIES LLC SITE PLAN
TAX PARCEL 132600 7059 04 716410 AND 739389**

The applicant is seeking to construct 2- 50' X 100' retail buildings with associated parking area, subsurface sewage disposals, water supply and Stormwater treatment systems.

Previous plans showed an additional 50'x 100' future bldg.

Received and reviewed the following information for the above application:

- *Letter from DC Engineering on the proposed project dated 08/19/08*
- *Land Use permit application dated 06/10/08*
- *Chapter 65 check list*
- *Special Permit check list*
- *Waiver request form*
- *Short Form EAF dated 08/18/08*
- *Disclosure of Interest form dated 06/10/08*
- *Letter of intent dated 06/10/08*
- *Agricultural data statement dated 06/10/08*
- *Letter of Agent dated 08/18/08*
- *Sketch Plan from DC Engineering dated 05/01/08 (1 sheet)*
- *Reduced copies of sire plan from DC Engineering PC dated received 08/17/11 sheets EX 100, C-110 and D 210*

Comments:

- 1. The plans submitted are in sketch plan form and need to be completed in accordance with section 145- 61 and 145-65 A and B.*
- 2. The site plan should include a separate map of the property boundary and topography survey signed and sealed by a licensed land surveyor or have the land surveyor sign and seal the site plan with all required notes and standards. A bench mark and vertical datum is also required.*
- 3. Proposed layout would be improved if a loop road or drive around the proposed building was provided*
- 4. When the plan is developed further the use of rain gardens and best management practices that treat and control storm water runoff at the source is recommended.*
- 5. Sight distance at the entrance should be provided.*
- 6. A profile of the entrance drive to the site should be provided as the plans are developed further.*
- 7. For a project of this size a long form EAF is recommended.*

Engineer Kalin- About the loop- the site plan has elevation cut already they will be dropping 8-10 ' already, with a 6-8' boas between the 2 buildings, to create the loop there would have to be a 10- 15' cut which may be excessive .

Engineer Berger- on the lower there's a loop, on the upper a dead end with a retaining wall between the 2 buildings. With a fire access where the well would be would be good if do able

Planner Ley- Have you contacted NY Heritage?

A: Just Jim --- the Biologist from DEC who did the flagging; he walked the property and was asked about the sensitive habitats. He said the only reason this would be considered a wetland is because it is contiguous with DP 22 on the other side of the tracks but really fragmented from it. As far as habitat, he didn't feel there was anything special. Natural Heritage was not contacted about the habitat directly.

Planner- You should get that letter and because of the proximity of DP 22, its likely Bog Turtle will come up, we need something explaining why you would not have an impact on Bog turtle.

Attorney Rodenhausen- Rock Hill road is listed on Parcel Access as a private road, owned by SRM - you will need to show some agreement with the owner for your commercial access from the owner.

A: Yes- some work was done with their engineer from Zarecki's office, on the plan that was submitted to DOT for the entrance, we can get something in writing.

Attorney- Some form of a driveway maintenance agreement or deed for road access.

We will also need a long form EAF, once that is received, this should be re-circulated, not for lead agent, but to interested agencies.

Motion made by Peter Muroski to re- circulate this application to all interested parties since it has been 3 years since the last circulation 2nd by Valerie LaRobardier

VOTE: CO-CHAIR WYLOCK – AYE
MEMBER JAMES JOHNSON - ABSENT
MEMBER MICHAEL VILLANO - ABSENT
MEMBER TOM HOLMES– ABSENT
CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER PETER MUROSKI – AYE
MEMBER SHARON IPAVICH– AYE

Motion approved

Mr.Kalin- as soon as we get a response from DOT we can circulate

SOUTH EAST AUTO- 7059-04-776436, 762419, 780410

APPLICANT Jorge Merchan
PROPERTY LOCATED AT RT 22, Wingdale

APPLICATION FOR site review as per a referral from the Town Board for recommendations the Town Board will be the licensing agency if and when they issue a license. They have asked us to do a site plan review which will consist of a site walk and recommendations to the town Board.

Attorney Mackey- Site plan before the Town Board for about 31/2 years. A referral to this Board and ARB was made for recommendations on site plan. A back ground document was submitted, there has been a junk yard for many years, licensed by the Town in the past. His client purchased the property in 2001 at the time of purchase, all NYS licenses were in place, the Town annual license had lapsed, last renewed in 98 or 99. Because of the lapse the Town Board asked they go through the review process primarily concerning appearance issues, they are here now for that review. He was unsure if there is any additional information required by the Planning Board

Co-Chair Wylock - A copy of the submission has been reviewed, the first step for the Planning Board is to set escrow for Consultant review- it was clarified this amount is in addition to the original \$500.00 initial escrow payment required by all applicants. A site walk will also be set. This amount does not include the ARB

Motion made by Valerie LaRobardier to set escrow on South East Auto for \$1,500.00 2nd by Sharon Ipavich

VOTE: CO-CHAIR WYLOCK – AYE
MEMBER JAMES JOHNSON - ABSENT
MEMBER MICHAEL VILLANO - ABSENT
CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER PETER MUROSKI – AYE
MEMBER SHARON IPAVICH– AYE

MEMBER TOM HOLMES- ABSENT

Motion approved

SITE WALK SET FOR TUESDAY SEPTEMBER 27, 2011 @ 5:30

EL UNIVERSAL AMENDMENT- 7059-04-756319

Applicant Daniel Quezada Plans
Prepared by Renna Engineering Design PLLC
Property located at 1456 Route 22, Wingdale
Application for Applicant amending site plan to show location of propane exchange
Parcel in the SR district with in the AQ overlay district on .872 acres of land

Although this is a minor amendment to the site plan- this should be referred back to County Planning as per 239M- Public Hearing can be waived
There are no concerns with location of the propane exchange, it seems to be in a safe location with a cement barrier in front.

Motion made by Peter Muroski to refer this minor site plan amendment to Dutchess County Department of Planning 2nd by Valerie LaRobardier

VOTE: CO-CHAIR WYLOCK - AYE
MEMBER JAMES JOHNSON - ABSENT
MEMBER MICHAEL VILLANO - ABSENT
MEMBER TOM HOLMES- ABSENT
CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER PETER MUROSKI - AYE
MEMBER SHARON IPAVICH- AYE

Motion approved

DOVER VILLAGE PLAZA EXPANSION - 7063-00-562258

APPLICANT Cedar Dover Plains LLC
PLANS PREPARED by Renna Engineering Design PLLC
PROPERTY LOCATED at 3042 Rt 22, Dover Plains, NY
APPLICATION FOR Site Plan / Special Permit / Subdivision to subdivide a 5 acre lot and install a 36,000 sf retail grocery store on 5 acres of a 11.9 acre lot in the HC /AQ districts

There is nothing new on this project- our only action is to accept Lead Agency Status Motion made by Valerie LaRobardier to accept Lead Agency for the Dover Village Market 2nd by Peter Muroski

VOTE: CO-CHAIR WYLOCK - AYE
MEMBER JAMES JOHNSON - ABSENT
MEMBER MICHAEL VILLANO - ABSENT
MEMBER TOM HOLMES- ABSENT
CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER PETER MUROSKI - AYE
MEMBER SHARON IPAVICH- AYE

Motion approved

Planner- The letter from DEC also brought up the concern of species a bit more than Crystal House, they will require a more in depth look at the cultural resources
DEC Letter:

RE: Response on Intent to be Lead Agency
Project: Dover Village Expansion
DEC Tracking # 3-1326-00239/00002 Town of Dover, Dutchess County

We have reviewed the Notice of Intent to be Lead Agency pursuant to the State Environmental Quality Review (SEQR) of the above referenced project which our office received on August 18, 2011.

Department Jurisdiction Based upon our review of the circulated documents, it appears that the project may require the Department permits pursuant the Environmental Conservation Law, as indicated below:

- Article 17, Titles 7, 8, State Pollutant Discharge Elimination System (SPDES) -Sanitary: The applicant currently has a pending application for a SPDES to treat 21,000 gallons per day of treated waste from the existing Dover Village and from the adjacent Country Squires Apartments (SPDES ID # NYO 142549). This application has been suspended pending formation of and transfer of the application to a sewage works corporation. This application or permit will have to be modified to include the proposed 2000 gallons per day of waste from the new retail facility.
- Article 27, Title 7, Solid Waste Management: This proposal includes disturbance to the area of a former landfill, DEC Site # 314032. This site was used for the disposal of primarily residential waste with no record of hazardous materials. The SEQR Environmental Assessment Form (EAF) indicates that no material will be removed from the site. Pursuant to 6 NYCRR Part 360-1.7(b)(9) excavation within a nonhazardous inactive landfill for construction does not require a permit provided the material is not removed from the original footprint of the landfill. However, review and written approval of all plans by the Department is required to insure compliance with the regulations. Informal guidance on landfill disturbance is being provided by email to Richard Renna, parcel owner and engineer.
- Article 17, Titles 7, 8, State Pollutant Discharge Elimination System (SPDES) -Stormwater: This proposal includes greater than I acre of disturbance and will require a SPDES permit for the discharge of stormwater from construction activities. As subsurface and infiltration stormwater measures are proposed, the depth to waste material from the former landfill must be determined. Any infiltration into waste material would not be considered infiltration to natural soil and would not be permitted.
- Threatened & Endangered Species: According to Department records, the following state listed threatened or endangered species has(have) been recorded within or near the project site:

Species: bog turtle *Glyptemys muhlenbergii* NYS Status: Endangered

Species: timber rattlesnake, *Crotalus horridus* NYS status: Threatened

Please note that although the new sewage treatment plant was recently reviewed for impacts to these species, this proposal involves new, additional disturbances and a separate review is required. For further guidance on this matter, please contact the undersigned analyst.

By copy of this letter; we are advising project representatives of the potential need for these permits.

Additional Comments In addition to the permit requirements noted above, the resources that are indicated below by a checked box should be evaluated during the review of this project under the State Environmental Quality Review (SEQR):

- Cultural Resources: This site is less than 0.5 mile from a site listed on the National Registry of Historic Places - Tabor-Wing House, NY 22 and Cemetery Road (Registry ID 90NR00294). In addition the site is within an area

identified by New York State as having archeological potential. A cultural resources assessment and review by the New York State Office of Parks, Recreation and Historic Preservation are required.

In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to your board/agency assuming lead agency status for this project. Questions pertaining to the Department's jurisdiction or related matters should be directed to the undersigned analyst assigned to the project. Please refer to the DEC project number identified above in all correspondence to the Department. Thank you.

Rebecca Crist, Environmental Analyst
Division of Environmental Permits
(845) 256-3014

Cc: John Joseph, Cedar Dover Plains, LLC
Dutchess County Dept of Health

Ecc: Richard Renna, Dover Village LLC Natalie Browne, DEC Division of Water Vijay Gandhi, DEC Division of Water Lisa Masi, DEC Bureau of Wildlife Steve Parisio, DEC Division of Materials Management

DOVER PLAINS PLAZA (FRESH TOWN AMENDMENT)-7063-00-509295

APPLICANT Richard Renna of Renna Engineering Design PLLC for Daniel Katz of Dover Acquisitions
PROPERTY LOCATED 3081 Route 22, Dover Plains, NY

APPLICATION FOR Site Plan Amendment to add a second sign to the site on 0.32 acres in the HC district and Aquifer overlay district

This is for the addition of a second sign on site, applicant went before the ARB and the design was approved

Although this is a minor amendment to the site plan- this should be referred back to County Planning as per 239M- Public Hearing can be waived

Motion made by Valerie LaRobardier to refer this minor site plan amendment to Dutchess County Department of Planning 2nd by Sharon Ipavich

VOTE: CO-CHAIR WYLOCK – AYE	CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER JAMES JOHNSON - ABSENT	MEMBER PETER MUROSKI – AYE
MEMBER MICHAEL VILLANO - ABSENT	MEMBER SHARON IPAVICH– AYE
MEMBER TOM HOLMES– ABSENT	

Motion approved

Letter to Town Board:

Planner Ley- one thing that has been occurring during this economic time is that applicant have been going through the approval process and spending a lot of money for the site plan approval process. Once they get an approval they don't have enough time to get all of their other outside agency approval or the financings they would need to build. We have had a few applications as well as this occurs in other Towns. Some Towns have been increasing the number of times the Planning Board can renew a site plan. This letter outlines that issue and there is also a draft local law. Any approvals would be a review of the Planning Board to insure the laws, zoning and other information have not changed surrounding a project.

They would have to have a Public Hearing on this and they would have to come back to the Planning Board for a report back

September 19, 2011

Hon. Ryan Courtien, Supervisor
Town of Dover
126 East Duncan Hill Road
Dover, NY 12522

Re: **Site Plan Extensions**

Dear Mr. Courtien:

Currently under the Town of Dover Code, a site plan approval is valid for 18-months, and can only be granted one 6-month extension. While historically this was a sufficient amount of time for an applicant to obtain financing, buildings permits, and begin construction, due to the current economic climate and regulatory changes it is taking applicants a substantially longer amount of time to break ground on their projects.

The Planning Board is aware of several projects that have expired, despite the applicant's desire to develop because they were not yet in a position to break ground. To continue these projects, the Planning Board must re-approve the site plan rather than grant an extension. Re-approvals are more burdensome on an applicant than a renewal because they require the re-submission of site plan drawing sets, a more detailed review by the Planning Board and its consultants, as well as a public hearing. Whereas, a site plan renewal typically requires a letter from the applicant requesting the renewal and one meeting where the Planning Board can vote on the request.

Therefore, the Planning Board recommends that the Town Board consider increasing the number of times a site plan approval can be renewed from one 6-month period, to up to two 1-year periods prior to expiration. If this recommendation is implemented, a site plan could potentially be valid for 3.5-years instead of the current 2-years. Prior to granting any renewals, the Planning Board and its consultants would evaluate whether any changes to the Town's Comprehensive Plan or Zoning Code affecting the site plan occurred since the issuance of the original approval. Should the Planning Board determine that the site plan is substantially non-compliant with the Comprehensive Plan or Zoning Code, the Planning Board could deny the site plan renewal, and the applicant could file an amended site plan application. The Planning Board also recommends that the Town Board establish an annual site plan renewal fee. A draft local law is enclosed for your consideration.

The Planning Board appreciates your consideration in these matters.

Sincerely,
David Wylock, Co-Chair and Valerie LaRobardier, Co-Chair
Town of Dover Planning Board

CC: Town Board, Town Clerk, Town Attorney

Town of Dover, Dutchess County, NY
Local Law No. ___ of 2011

A LOCAL LAW entitled: “A Local Law to Amend Chapter 145 of the Town Code, ‘Zoning’.”
Be it enacted by the Town Board of the Town of Dover, Dutchess County, New York, as follows:

SECTION 1: LEGISLATIVE INTENT

The Town Board of the Town of Dover, upon recommendation by the Planning Board, proposes to amend the number of times a site plan approval can be renewed by the Planning Board at its discretion. The Town Board recognizes that significant time and expense is incurred by a property owner seeking site plan approval, and that during times with difficult economic conditions it is risky for property owners to implement their site plan approvals within the time allowed by the existing Town of Dover Code. Therefore, the Town Board proposes to increase the number of times a site plan approval can be renewed by the Planning Board prior to expiration.

SECTION 2: AMENDMENTS TO ARTICLE IX, “SITE PLAN REVIEW AND APPROVAL”

Section 145-68, “Implementation, revision and enforcement of approved site plans” is hereby amended as follows:

E.(1) A site plan approval shall expire if the applicant fails to obtain the necessary building permits or fails to comply with the conditions of the site plan approval within 18 months of its issuance or if the special permit with which it is associated expires. The Planning Board may grant a one-time six-month extension up to two one-year extensions at its discretion. In considering a site plan renewal, the Planning Board shall evaluate whether any significant changes to the Town’s Comprehensive Plan or Zoning Code have occurred since the issuance of the original approval. Should the Planning Board determine that the site plan is substantially non-compliant with the Comprehensive Plan or Zoning Code, the Planning Board may deny the site plan renewal, and the applicant may file an amended site plan application. Site plans that have expired shall not be eligible for renewal. The Town Board may establish an annual site plan renewal fee.

SECTION 3: VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part, provision of this Local Law shall not affect the validity of any other part of this Local Law that shall be given effect without such invalid part or parts.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State

APPROVAL OF MINUTES AUGUST 1 & 15, 2011

**Motion made by Peter Muroski to approve the Planning Board minutes of August 1 & 18
2011 2nd by Valerie LaRobardier**

VOTE: CO-CHAIR WYLOCK – AYE
MEMBER JAMES JOHNSON - ABSENT
MEMBER MICHAEL VILLANO - ABSENT
MEMBER TOM HOLMES– ABSENT

CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER PETER MUROSKI – AYE
MEMBER SHARON IPAVICH– AYE

Motion approved

Motion made by Peter Muroski to adjourn 8:28 2nd by Sharon Ipavich

VOTE: CO-CHAIR WYLOCK – AYE
MEMBER JAMES JOHNSON - ABSENT
MEMBER MICHAEL VILLANO - ABSENT
MEMBER TOM HOLMES– ABSENT
CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER PETER MUROSKI – AYE
MEMBER SHARON IPAVICH– AYE

Motion approved

Respectfully submitted,

Betty-Ann Sherer

Betty-Ann Sherer

PlanningARB@TownofDoverNY.US

This meeting may be viewed in full on the Town of Dover web site by going to
www.townofdovery.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