

### 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, December 5, 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 Susan Jainchill and Attorney Victoria Polidoro

For the Applicants: Doug Ramey for Chestnut Ridge Rod & Gun Club Cooperstown Timber Harvest, Paul Walter for Westchester Modular Homes Multi Family 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: 04 pm by Chair Wylock and began with the Pledge of Allegiance

#### PUBLIC SCOPING SESSION:

- I. 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

Co Chair Wylock read the following letter of request:

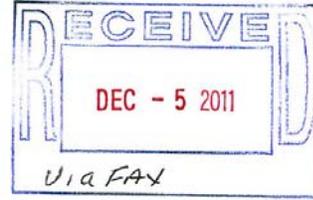
12/05/2011 15:05 FAX 8458553772

ZARECKI & ASSOCIATES

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**ZARECKI**  
&  
**ASSOCIATES, L.L.C.**

December 5, 2011



Engineers • Architects  
Surveyors

Mr. David Wylock & Ms. Valerie LaRobardier, Co-Chairs &  
Members of the Planning Board  
Town of Dover Planning Board  
126 East Duncan Hill Road  
Dover Plains, New York 12522

Joseph Zarecki, PE  
Jeffrey Hecker, LS  
Curt Johnson, RA

Re: Crystal House Expansion  
Draft Scope – Draft Environmental Impact Statement (DEIS)  
97 Mill Street  
Dover Plains, Dutchess County, New York  
Tax Map I.D. 132600-7063-12-771567  
Tax Map I.D. 132600-7063-00-717621

11 West Main Street  
Pawling, NY 12564  
(845) 855-3771  
(845) 855-3772 Fax  
Website: zarecki.com  
email: zarecklassoc@earthlink.net

Dear Co-Chairs Wylock, LaRobardier & Members of the Planning Board:

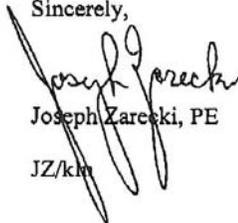
Ridgefield, CT  
(203) 438-7094  
(203) 438-7157 Fax

We hereby request that the Public Scoping Session for the above captioned project be removed from the December 5, 2011 Planning Board agenda and postponed until your next regularly scheduled meeting in January 2012.

The Applicant is in the process of re-assessing his proposal.

Should you require anything further, please do not hesitate to call or write.

Sincerely,

  
Joseph Zarecki, PE  
JZ/km

cc: Donald Cappillino, Attorney  
Client

91038



Due to the holidays on the first and third Mondays in January we won't meet again until the beginning of February

- II. CHESTNUT RIDGE ROD & GUN CLUB (CRRGC) COOPERSTOWN RD TIMBER HARVEST - 6961-00-436016  
APPLICANT Doug Ramey For PROPERTY OWNER CRRGC  
PROPERTY LOCATED at 355 Cooperstown Road, Dover  
APPLICATION FOR Site Plan, Timber Harvest, Erosion Control Permit for Commercial Timber harvest and thinning on approximately 100 acres of a 1,375.84 acre parcel in the RC district as part of a 480-a - Forest Management Program

Attorney Polidoro- At the last discussion -we had asked for information on the Timber Rattle snake- We did receive a response that harvest time would be limited- that information was incorporated into the resolution

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

**CHESTNUT RIDGE ROD & GUN CLUB TIMBER HARVEST**

December 05, 2011

Tax Parcel No. 6961-00-436016

WHEREAS, the applicant, Chestnut Ridge Rod & Gun Club, has submitted an application for approval of a site plan and erosion and sediment control permit for a Timber Harvest on property located at 355 Cooperstown Road in the Town of Dover, NY Tax Grid No. 6961-00-436016 (the "site"); and

WHEREAS, the site is located in the RC Zoning District; and

WHEREAS, the proposed harvest is part of a long-term timber management program on the property, which plan has been approved by the NYS Department of Environmental Conservation ("DEC"); and

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

WHEREAS, in accordance with recommendations from the Planning Board Engineer, the applicant will only harvest timber between October 30<sup>th</sup>, 2011 and April 30<sup>th</sup>, 2012 to limit potential impacts on this species; and

WHEREAS, on November 21, 2011, the Planning Board classified the project as an unlisted action under the New York State Environmental Quality Review Act ("SEQRA") and waived the requirement for a public hearing; and

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

WHEREAS, the matter was referred to the Dutchess County Department of Planning and Development, which responded by letter dated December 1, 2011, that it was a matter of local concern; and

WHEREAS, the Planning Board engineer has recommended waivers from the following sections: 65-9A 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 and 145-65B2, 5 & 6 and accepting the maps as submitted and waiving the requirement that all maps be 1" = 100 ft; and

WHEREAS, the Planning Board engineer recommends a performance guaranty in the amount of \$3,000.

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

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

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

1. **Payment of all fees and escrow.**
2. **Revision of the plans to include a note prohibiting harvest between May 1<sup>st</sup> and October 29<sup>th</sup>.**

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

1. **Submission of a performance guaranty in the amount of \$3,000, in form, substance, and matter of execution satisfactory to the Town Attorney, which shall remain in effect until a Certificate of Compliance is issued by the designated Town official.**
2. **The applicant shall place \$500.00 into escrow to cover the cost of inspections by the Planning Board Engineer.**
3. **There shall be no harvesting between May 1<sup>st</sup> and October 29<sup>th</sup>.**
4. **This permit shall expire one year after the date of adoption.**

**BE IT FURTHER RESOLVED, that before the authorized official may issue a Certificate of Compliance, the Planning Board Engineer shall provide the authorized official with a written statement indicating that all work authorized under the permit has been completed in accordance with the approved permit.**

Moved by: Michael Villano

Seconded by: Valerie LaRobardier

David Wylock	<u>AYE</u>
Valerie LaRobardier	<u>AYE</u>
Tom Holmes	<u>Abstained</u>

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

Planning Board Co-Chair David Wylock

Member Holmes abstained from this vote due his membership in the gun club

**III. WESTCHESTER MODULAR HOMES - 7160-00-167667& 196673**

**Applicant Paul Walter for Property Owner Charles Hatcher**

**Tax Grid: 7160-00-167667 1.23 acres & 196673 1.81 acres**

**Property located at: 30 Reagan's Mill Road, Wingdale combined 3.03 acres in the CO district. The applicant seeks to construct 4 multi family dwellings - The applicant seeks to appeal Section 145-11of the Town of Dover Zoning Law the requirement of 1 acre per lot in the CO district applicant seeks 4 lots each proposed to be between .65 and .90 acres**

Applicant has also submitted to the ZBA for their 12/14/11 meeting agenda

Paul Walter- Architect- They are trying to accomplish housing for their employees, who may not have a lot of money to afford a nice place to live or a long commute makes it difficult for them get to work. We want to subdivide the three lots currently and create 4 smaller 4 family houses for the employees. They want to keep the buildings smaller in order to keep the look of the neighborhood rather than 3 larger buildings, the lots when subdivide will be smaller than what the zoning requires.

Q: you mentioned 3 lots- are we working with 2?

A: correct 2 lots- 4 homes subdividing into 4 lots with a total of 3+ acres although the requirement is 4 acres for the zone.

Engineer Berger:

*I have received and reviewed the following information for the above application:*

- *Letter from Anthony S. Pisarri Engineer dated 10.25.11*
- *Building Inspector Denial Form dated 10/27/11*
- *Land Use permit application site plan, special use permit and chapter 65 checked*
- *Land Use Permit Evaluation*
- *Subdivision Sketch Plan Application*
- *Sketch Plan Submission check list*
- *Applicants letter of Intent no date*
- *Disclosure of Interest form dated 10/26/11*
- *Agricultural data statement dated 10/26/11*
- *Letter of Agent dated 10/26/11*
- *Short Form EAF dated 10/26/11*
- *Special permit Checklist*
- *Waiver request form with no waivers listed*

- *Reduced copies of existing site conditions, proposed subdivision proposed factory housing prepared by Anthony S Pisarri P.E., P.C.*
- *Tax bills of parcels*

*Comments:*

1. *The plans submitted are in sketch plan form and need to be completed in accordance with section 125-16 for subdivision and 145- 61 and 145-65 for special use and site plan.  
Not provided per checklist*
  - *Deed for property*
  - *A sketch plan on a topographic map showing the propose layout of streets and other features. The map provided shows no existing conditions or any topography. Topography shown is not in the area of proposed development.*
2. *It appears several variances for area as well as frontage may be required in order to proceed with the subdivision.*
3. *As the plans proceed provisions for sewer, water and stormwater treatment should be required as well as area of disturbance. The area being proposed to be disturbed appears to be greater then 1 acre of multi family housing thus a full SWPPP will be required.*
4. *The subdivision and site plan should include a separate map of the property boundary and topography survey signed and sealed by a licensed land surveyor. A bench mark and vertical datum is also required.*
5. *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.*

Q: As you had mentioned you might need to go to the Zoning Board

A: Yes, they are on the agenda for next week

This brings up a catch 22- a situation when both boards are involved- this board generally does coordinated reviews. This means that the environment review gets done once and it applies to both Boards' decisions. If the Planning Board were to do the environmental review, they are going to need all of the additional information such as the topography, and all engineering work in order to make a SEQRA determination. If you went to the zoning Board and they did it on their own, you wouldn't have to provide all of that to this board. It is up to the Planning Board if they wish to coordinate and do review for both Boards and each board on their own, if this is an unlisted action.

Q: is there a chance the zoning board would shoot this down, the applicant may not want to spend the money if they have a chance of not getting a variance?

A: There is always that chance- it is not as of right

Chair: There is a 1 acre parcel owned by the applicant just west of the existing lots; if that were merged with the existing parcels that would provide them with enough acreage.

Mr. Walter: It is the applicant's impression that lot was to be set aside to create a future "Day Care Center" If they were released from that prescriptive measure then they would incorporate that lot. Mr. Hatcher is under the impression that he is not allowed to use that lot

Q: Is this by the Town or a private agreement

A: possibly from the original subdivision rules, that is why he left it out

Secretary- There was a proposed "Day Care Center" but that was over 6 years ago, no building permits were taken out for that location- is it possible that use has expired?

Attorney- It's possible unless as a condition of subdivision they made you set aside this parcel as a day care, it's unusual.

Attorney - We should look at the file and look at that- If the Applicant does not have to get a variance and can build something in compliance. He should have his files to look at- It might be a private covenant.

Chair- Had spoken to Mr. Hatcher in September and he mentioned that parcel, and it was his intent to build a day care center but he hasn't found the right people to run it. The way this plan is now, there are common driveways, which are something he has a problem with, and they don't work. There always seems to be neighbor problems. There could be 1 road with all of the parking in the rear.

Attorney- This might be okay with a multi family- since there is a single owner

Planner- Is there a reason why it wasn't spilt into 2 parcels instead of 4 parcels?

A: They could be very large buildings, and the intent is to keep the buildings smaller

Q: Is there a reason why there couldn't be 2 buildings on 1 site just like this?

A: We wouldn't have enough housing.

Q: the layout would be the same- this way there wouldn't be a need for a variance- 2 building each lot. I would think we just need to see if that was allowed

Also- We need to see where the existing roads are in relation to this, the existing vegetation, and more on the elevations of the buildings. There seems to be a lot of parking proposed 4 cars per unit-

A: there are 4 units with 2 cars per unit

It shows each building and states the garage show parking for 8 cars plus 8 more on the site, that's 16 where 6 would have been sufficient. So in one building there is 4 units with 8 garage spots and another 8 spots on the site, it's excessive. That needs to be looked at.

If this is housing for workers in the factory- there should be pedestrian access, there is no reason why people should have to drive around to the parking lot. Which direction is this facade- towards the street, or will the rear be facing.

**Motion made by Valerie LaRobardier to set the escrow for \$3,000.00 2nd by Tom Holmes**

VOTE: CO-CHAIR WYLOCK – AYE

MEMBER JAMES JOHNSON - ABSENT

MEMBER MICHAEL VILLANO - AYE

MEMBER TOM HOLMES- AYE

CO-CHAIR VALERIE LAROBARDIER- AYE

MEMBER PETER MUROSKI – ABSENT

MEMBER SHARON IPAVICH– AYE

*Motion approved*

Have you thought about providing a small recreation area since this is multifamily- a pocket park or something of that nature?

145-12 b- deals with multi family dwellings- it says

The maximum density for multifamily dwellings in the CO District shall be determined in each case by the Planning Board based upon all relevant special permit and site plan review criteria. New residential development shall not exceed 20% of the total floor space in any development project in the CO District.

Planner- We were looking at that earlier and thinking it could possibly be looked at as an entire development including the factory in a mixed use sense, in that case it would work

Attorney- We would really need to look at that- sub section D:  
**145-12-D-Multiple residences on a lot.** A lot may contain more than one principal residential structure and accessory apartment, provided that the lot has sufficient acreage to comply with applicable density requirements. Such a lot may not be later subdivided unless the subdivided lots conform to the dimensional regulations in effect when the subdivision is proposed.

We'll need to determine what the density requirement is first- and no further subdivision would be allowed.

The applicant is scheduled to appear before the Zoning Board on December 14<sup>th</sup>.

Attorney Polidoro- if we were to do a joint review with the Zoning Board- we would circulate to them, but at this point the Planning Board did not feel they had enough detailed information to begin that process.  
An issue was raised if these plans were complete enough to begin circulation for lead- Engineer Berger- we need more information first.

The Board can vote now for intent and direct the Secretary to circulate once revisions are received

**Motion made by Valerie LaRobardier to declare intent to serve as lead agency and directs the Secretary to circulate the plans to the involved agencies once new plans with topographical information are received 2nd by Michael Villano**

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

*Motion approved*

The sooner you get the plans in the sooner we can begin the circulation

**IV. APPROVAL OF MINUTES NOVEMBER 21, 2011**

**Motion made by Michael Villano to approve the minutes of November 21, 2011 ass submitted 2nd by Tom Holmes**

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

*Motion approved*

Four Seasons Plaza - The applicant asked to be taken of the agenda for tonight- they are not ready to go forward

This will be the next to last meeting for Member Sharon Ipavich, her term is up and will not be returning, we thank her for her time and service and we wish her the Best of luck.

Our next meeting is scheduled for December 19 - Since January 2, 2012 is a Holiday and January 16, 2012 is Martin Luther King Jr. day our next meeting will be February 6, 2012

**Motion made by Valerie LaRobardier to adjourn 7:36 2nd by Tom Holmes**

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

CO-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER PETER MUROSKI - ABSENT  
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.townofdoverny.us](http://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