

### 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, March 5, 2012  
7:00PM

- Co-Chair David Wylock
- Co- Chair Valerie LaRobardier
- Member Peter Muroski
- Member Michael Villano
- Member Tom Holmes

Also, in attendance representing the Planning Board was Planner Susan Jainchill, Attorney Victoria Polidoro & Engineer Berger

For the Applicants: Lewis Fitzgerald & Debra Drake for NYSEG Substation, Joel Chase, Bill Dachille & Mark DelBalzo for Dachille Subdivision, Jack DiPietro, Giocondo DiPietro, Michael Circosta for Four Seasons Plaza, 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: 07 pm by Chair Wylock and began with the Pledge of Allegiance

#### Public Hearings:

- I. NYSEG -DOVER PLAINS SUB STATION 7163-13-059456  
 APPLICANT Lewis Fitzgerald for PROPERTY OWNER NYSEG  
 PROPERTY LOCATED at 5 McCarthy Road, Dover  
 APPLICATION FOR Site Plan Special Permit- to construct a new - pre fabricated 12 X 18 control building to house new power equipment on an existing 1 acre parcel in the RUY district

Lewis Fitzgerald- Since the last visit revisions to the plans were made to show all existing trees on the property are protected, as well as a new survey Updated landscaping plan done as well.

There were no comments from the Public

#### **Motion made by Peter Muroski to open the NYSEG Special Permit Public Hearing 2nd by Valerie LaRobardier**

VOTE: CO-CHAIR WYLOCK – AYE	CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER PETER MUROSKI – AYE	MEMBER MICHAEL VILLANO – AYE
MEMBER TOM HOLMES- AYE	

*Motion approved*

There were no comments from the Public

**Motion made by Valerie LaRobardier to close the NYSEG Public Hearing 2nd by Tom Holmes**

VOTE: CO-CHAIR WYLOCK – AYE  
MEMBER PETER MUROSKI – AYE  
MEMBER TOM HOLMES- AYE

CO-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER MICHAEL VILLANO - AYE

*Motion approved*

**RESOLUTION GRANTING SITE PLAN AMENDMENT AND SPECIAL USE PERMIT  
APPROVAL**

**DOVER PLAINS SUBSTATION**

**March 5, 2012**

**Tax Map No. 7163-13-059456**

WHEREAS, the applicant, NYSEG, has submitted an application for site plan and special use permit amendment approval to construct a 12' x 18' prefabricated control building to house new power equipment located at an existing substation located off McCarthy Road in the RU District (the "site"); and

WHEREAS, a site plan entitled "Dover Plains Substation Control House", prepared by URS Energy and Construction, Inc., dated July 22, 2011, last revised 01/25/12, (including a survey of the property dated February 21, 2012 last revised February 28, 2012) and building elevations entitled, "Small Control House, Typical Elevations", prepared by Iberdrola USA, have been submitted for the Board's review; and

WHEREAS, the applicant has submitted an updated survey of the property dated February 21, 2012; and

WHEREAS, public utility facilities are permitted in the RU District subject to special use permit approval; and

WHEREAS, on December 19, 2011, Planning Board classified the action as a Type II action under SEQRA; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the application was referred to the Dutchess County Department of Planning and Development, which responded by letter dated December 22, 2011, that it was a matter of local concern; and

WHEREAS, on February 6, 2012, the Town of Dover Architectural Review Board has approved the application; and

WHEREAS, a duly noticed public hearing was held on the application on March 5<sup>th</sup>, 2012, during which all those who wished to speak were heard.

**NOW THEREFORE BE IT RESOLVED that the Planning Board finds that the applicant's proposed use of the property satisfies the criteria set forth in Section 145-63A of the Code, and hereby grants the applicant a special use permit for a public utility, subject to the following conditions:**

- 1. Payment of all fees and escrow.**

**BE IT FURTHER RESOLVED, that the Planning Board hereby approves the site plan entitled "Dover Plains Substation Control House", prepared by URS Energy and Construction, Inc., dated July 22, 2011, last revised January 25, 2012, and building elevations entitled, "Small Control House, Typical**

**Elevations”, prepared by Iberdrola USA, received December 19, 2011, subject to the following conditions:**

- 1. Payment of all fees and escrow.**
- 2. ~~Revision of the survey, which is to be appended to the site plan, to show the location of the existing large evergreen trees near McCarthy Road.~~**
- 3. ~~Revision of the site plan to contain the following note: no construction vehicles will be driven or parked within the root zone of existing trees. During construction the tree root zone will be marked with snow fencing at least 10 from edge of the canopy.~~**

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

Discussion- Looking at the plans received today, conditions 2 & 3 were addressed, and if there can be an addition to the resolved clause to say ”and landscape plans last revised 3/5/12”

David Wylock                      AYE  
 Valerie LaRobardier            AYE  
 Tom Holmes                      AYE  
 Peter Muroski                    AYE  
 Michael Villano                 AYE

Planning Board Co-Chair David Wylock

**II. DACHILLE SUBDIVISION 6959-00-383093**

**APPLICANT- William Dachille PLANS PREPARED BY Zarecki & Associates**  
**PROPERTY LOCATED at 51 Dugway Drive, Wingdale**

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

**William Dachille, Mark DeBalzo & Joel Chase**

**Motion made by Valerie LaRobardier to open the Dachille Public Hearing 2nd by Michael Villano**

VOTE: CO-CHAIR WYLOCK – AYE	CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER PETER MUROSKI – AYE	MEMBER MICHAEL VILLANO - AYE
MEMBER TOM HOLMES- AYE	

*Motion approved*

There were no comments from the Public

Planner Jainchill- Mitigation plan, it is her understanding that DEC will not look at the drawings, for permitting purposes until we have completed SEQRA. At last review, there was a clear statement as to what is needed, and we have not received them.

Attorney Polidoro- the Board did complete SEQRA with the understanding that what was provided was adequate but the Board did want to see more.

Planner- It’s unlikely that DEC will grant the permit without mitigation.

Attorney- To Engineer Berger- do you need SEQRA or Preliminary to go to DEC?

A: Both, it was once just SERQA, now it’s both. The Board will have additional review before we get to final. After it comes back from DEC, the mitigation could be modified and incorporated into the DEC plan. There is also the Health Department that needs to go in as well.



WHEREAS, the Aspen Report further indicated that the stream which traverses the site is of average quality and that the wetlands found at the rear of the site are one of the most commonly found wetland communities in the state and that the proposed stream crossing would not constitute an adverse impact to these water resources; and

WHEREAS, by letter dated November 17, 2011, the DEC advised the applicant and the Board that technical staff has reviewed the submitted information and found it to be acceptable to the DEC standards; and

WHEREAS, by e-mail dated December 8, 2011, the US Army Corps of Engineers advised the applicant and the Board that the applicant may proceed with the project as proposed; and

WHEREAS, on February 6, 2012, the Planning Board adopted a determination of non-significance under the State Environmental Quality Review Act, finding that the project as proposed would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

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

WHEREAS, a duly noticed public hearing on the application was held on March 5, 2012, during which all those who wished to be heard were heard.

**NOW, THEREFORE BE IT RESOLVED, that the Dover Planning Board hereby finds that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town and that a suitable park or parks of adequate size to meet the requirement cannot be properly located on the proposed plat and in lieu thereof requires that payment to the Town of Dover Recreation Trust Fund be made for one new lot prior to the signing of the Final Plat by the Planning Board Chair.**

**BE IT FURTHER RESOLVED, that the Planning Board hereby grants preliminary layout (plat) approval to the subdivision plat entitled, "Preliminary Subdivision Plat, Prepared For Dachtile Subdivision", prepared by Zarecki & Associates, L.L.C, dated 7-17-09, last revised 8-30-11, subject to satisfaction of the following conditions:**

- 1. Payment of all fees and escrow.**
- 2. Department of Health Approval for methods of water supply and sewage disposal.**
- 3. Submission of a compensatory mitigation plan for the wetland areas. *Native species to be used at the stream crossing***
- 4. Revision of the plat to incorporate rain gardens and other green stormwater practices.**
- 5. *Native upland plantings 2-3' along driveway***

Moved by:     Peter Muroski          Seconded by:     Michael Villano    

David Wylock	<u>    AYE    </u>	Valerie LaRobardier	<u>    AYE    </u>
Tom Holmes	<u>    AYE    </u>	Peter Muroski	<u>    AYE    </u>
Michael Villano	<u>    AYE    </u>		

Planning Board Co-Chair David Wylock

**Presentation:**

**III. MADAVA MAPLE FARM- 6962-00-333200 & 6961-00-370940**

Applicant Wayne Neckles for Robb Turner Plans prepared by Hudson Land Design  
Property located at 47 McCourt Road, Dover, NY

Application for Erosion Control Plan to clear approximately 4.7 acres on the western portion of the site along McCourt Road in order to plant rows of fruit trees to create an orchard. Parcels are a combined 512 acres in the RC and Stream Corridor Overlay district

Wayne Neckles, Michael Bodendorf

Wayne Neckles- General Manager of Crown Maple- Seeking to incorporate an orchard along McCourt road. They plan to remove existing trees; there is no plan to change the existing grading and plant fruit an possibly nut trees.

Scott Boggs- There is the possibility of apples peaches, pears, nectarines and plums. Apple about 1,000 trees, possibly a "tall spindle" planting in cooperation with Cornell, this variety can be planted close together, and use only 1 acre.

The rest are about 400-500 fruit trees.

Q: Are these standard size trees?

A: No, Dwarf

Q: why dwarf?

A: Tall Spindle works well with that process, you would want them to be strained and stressed so that they grow straight up. They also produce fruit earlier the harvest is the 2<sup>nd</sup> year instead of the 5<sup>th</sup>.

The rest of the fruit trees would be semi-dwarf. 12' tall spaces 15 in a row

Engineer Berger- The plans were reviewed, all adequate erosion control practices are in place as though applying for a Chapter 65.

Q: Are they required to apply for a Chapter 65?

A: No, because this has an agricultural exemption.

Attorney Polidoro- There is an exemption in our code for agricultural tillage practices, such as this, so there will be no chapter 65 needed for this. The Applicant has come in voluntarily to advise the Board of their plans, so the Town does have an accurate set of plans on file of what is going on, on their property. At our request they put a note on their map that states these plans are informational only and no permit is being sought or granted.

Co-Chair LaRobardier- what do the tall spindles look like?

A: the tall spindles are just the apple trees, and instead of branching out they are tall like columns, and they are close together so they look like a hedge.

The others are semi dwarf and 12' tall.

Q: Is this for resale or personal use?

A: They will be for resale as part of the larger agricultural operation.

**ENTERTAIN REQUEST FOR EXTENSION**

- IV. DOVER ESTATES 6 LOT SUBDIVISION- 7060-00-788552 & 7060-16-779491  
 Applicant Peter Rusciano      Plans prepared by Richard Pearson of Meyer Consulting  
 Property located at Rt22 and Rural Avenue, Dover, NY RU district  
 Applicant seeks to subdivide 16.64 acres to create 6 new lots

Letter received from the Applicant requesting this extension

**RESOLUTION GRANTING 90-DAY EXTENSION OF CONDITIONAL FINAL SUBDIVISION APPROVAL**

**DOVER ESTATES SUBDIVISION**

March 5, 2012

Tax Parcel Nos. 7060-00-788552 & 7060-16-779491

WHEREAS, on August 1, 2011, the Planning Board granted conditional final approval to the subdivision plat entitled "Dover Estates, Town of Dover", Sheets 1-14, dated 10/21/04, last revised 6/11, prepared by Northern Westchester Civil Engineering, PC and granted an erosion and sediment control permit for disturbance shown thereon; and

WHEREAS, pursuant to 6 NYCRR § 617.5(26), renewals of approvals are Type II actions where there will be no material change in permit conditions of the scope of permitted activities; and

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

WHEREAS, pursuant to Section 276(7)(c) of the Town Law, the Planning Board may extend for periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances; 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, on December 19, 2011, the Planning Board granted the applicant a 90 day extension of time to complete the conditions of final plat approval to April 30, 2012; and

WHEREAS, on December 19, 2011, the Planning Board granted the applicant a 6-month extension of time to February 1, 2013 to complete the work contemplated under the erosion and sediment control permit granted on August 1, 2011; and

WHEREAS, by letter dated February 14, 2012, the applicant has requested another extension of time to complete the conditions of preliminary subdivision 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 grants the applicant a second 90-day extension of time, to July 30, 2012, to complete the conditions of final plat approval as set forth in the resolution adopted by the Board on August 1, 2011.**

**Moved by: Peter Muroski Seconded by: Tom Holmes**

David Wylock            Aye  
Valerie LaRobardier   Aye  
Tom Holmes             Aye  
Peter Muroski          Aye  
Michael Villano        Aye

Planning Board Co-Chair David Wylock

**Discussions:**

**V. 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

Mark DelBalzo- He would like the Board to Declare Lead Agency and set Public Hearing.

Engineer Berger- *The applicant is requesting site plan approval and special use permit for construction of a 2500 sf maintenance garage with office space..*

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

- *Land Use Application and map, dated 12/08/10 from Zarecki & Associates.*
- *Applicants letter of intent dated 12/01/10*
- *Letter of Agent dated 12/01/10*
- *Special permit/site plan discussion submission checklist*
- *Short environmental assessment form dated 12/01/10*
- *Disclosure of interest form dated 12/01/10*
- *Letter and prints from Zarecki & Associates dated 2/8/12*

***New Comments:***

1. *Storm water calculations should be included in the SWPPP showing predeveloped versus post developed stormwater runoff peaks. The SWPPP and plan should consider some form of green practice near the proposed building to assist in some reduction in runoff from the site.*
2. *The Proposed SDS and well will need DCHD approval*
3. *Screening of Rock Hill Road near the proposed new building should be provided or if screening is being provided by existing trees, these trees should be shown on the plan.*

Bioretention should be done in keeping with chapter 65 although this is under the SWPPP threshold; it is over the ½ acre of chapter 65

Planner Jainchill:

The applicant is proposing to construct a 2,500 square foot light industry/contractors yard, wholesale business, and office building with associated parking, and outside storage. The 3.02 acre project site is located on the southwest corner of NYS Route 22 and Rock Hill Drive and in the Highway Commercial (HC) zoning district. Project site access is proposed from Rock Hill Drive which is a private road on the west side of NYS Route 22. The applicant has provided documentation to shown that they own the private driveway. The proposed uses are special permit uses in the HC district. Therefore, the application is before the Planning Board for a special permit and site plan approval.

#### COMPLETENESS OF INFORMATION PRESENTED

The "Wetland and Bog Turtle Assessment Report" prepared by Evans Associates indicates that no potential bog turtle habitat was found on the subject property and there are no DEC or ACOE wetlands on the subject property.

An existing conditions map should be provided as per 145-65 of the town of Dover Zoning Code, "...showing existing buildings, roads, utilities, and other man-made features, as well as topography and all existing natural land features that may influence the design of the proposed use, such as rock outcrops, single trees eight or more inches in diameter located within any area where clearing will occur, forest cover, soils (including prime and statewide important agricultural soils), and ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas."

Per 145-65 of the Town of Dover Zoning Code, "Elevations at a scale of 1/4 inch equals one foot for all exterior facades of the proposed structure(s) and/or alterations to or expansions of existing facades, showing design features and indicating the type and color of materials to be used."

#### SITE PLAN CONSIDERATIONS

A graphic scale should be provided on each plan.

The Site Plan should show the edge of the existing woodlands on site.

Existing trees over 8" in caliper which are to be removed or to be protected during construction should be indicated on the Site Plan.

The evergreen trees shown will not provide adequate screening of the proposed project due to the approximately 25 feet on-center spacing shown. It is recommended that a variety of native plant species be specified in order to provide the desired screening, rather than one species. If Green Giant Arborvitae is to be used as indicated on the Site Plan the spacing should be a maximum 10 to 15 feet on center. In addition, naturalistic placement (i.e. groupings of evergreen trees and shrubs) could provide an informal screen which would be more suitable for the woodland conditions.

The Site Plan should indicate treatment (i.e. planting) in all areas of the site to be regraded for construction of the proposed project.

The Building Specifications packet indicates a 44' x 60' x 16' all steel building with one service door. The Schedule of Bulk Requirements on the Site Plan should indicate the propose height of the structure. It is unclear if there will be a separate entrance for non-service use (i.e. office workers) and where the handicapped curb ramp will be located.

The location of the proposed sign should be indicated on the site plan.

All proposed exterior lighting should be indicated.

**SITE WALK SET for Wednesday March 14, 2012 @ 4:45**  
**Building to be staked, along with edge of gravel area and flag edge of property**

**VI. FOUR SEASONS PLAZA 7059-00-757268**

APPLICANT Giocondo DiPietro PLANS PREPARED by Michael Circosta  
PROPERTY LOCATED at 12 Furlong Drive Wingdale  
APPLICATION FOR Site Plan Amendment- applicant wishes to expand the use from  
the previously approved 4 retail businesses to 6, no change in foot print on an  
1.95 acre parcel in the SR district

All previous comments had been addressed, except for 1 notation on the map, which is noted  
in the resolution

Q: Have all violations with the signs been corrected?

A: Yes, changes have been made and ARB granted approval

**RESOLUTION GRANTING SITE PLAN APPROVAL**

**FOUR SEASONS PLAZA**

**March 5, 2012**

**Property Address: 1465 Route 22, Wingdale**

WHEREAS, the applicant, Giocondo DiPietro, has submitted an application for approval of a site plan amendment to alter the layout of the existing retail and service space and to make other associated site improvements to an existing building located at 12 Furlong Road and Route 22, Dover NY in the SR District (the "site"); and

WHEREAS, the applicant has submitted a site plan entitled "Proposed Alterations to 3 Stores for Four Seasons Plaza", prepared by Michael Circosta, P.E., dated October 21, 2011, last revised February 12, 2012; and

WHEREAS, the existing building was approved in 1996 for retail business or service not otherwise specifically mentioned in the Code; and

WHEREAS, the applicant has provided the Planning Board with confirmation of the adequacy of the existing sewage disposal system; and

WHEREAS, on November 21, 2011, the Planning Board of the Town of Dover classified the project as a Type II Action pursuant to 6 NYCRR 617.7; and

WHEREAS, the project was referred to the Dutchess County Department of Planning and Development, which responded on February 15, 2012, that it was a matter of local concern; and

WHEREAS, pursuant to Section 143-68E of the Town Code, if the Planning Board finds that a proposed site plan amendment does not represent a substantial change from the approved site plan, it shall grant the amendment without a hearing; and

WHEREAS, on February 6, 2012, the Planning Board determined that the proposed site plan amendment is not a substantial change from the existing approved site plan and waived the requirement for a public hearing; and

WHEREAS, on February 6, 2012, the Architectural Review Board approved the façade and sign changes.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby approves the site plan entitled, "Proposed Alterations to 3 Stores for Four Seasons Plaza", prepared by Michael Circosta, P.E., dated October 21, 2011, last revised February 12, 2012, subject to satisfaction of the following conditions:**

1. **Payment of all fees and escrow**
2. **Revision of the site plan to include the following note: The site was approved in 1996 for retail business or service not otherwise specifically mentioned in the Code.**

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

David Wylock	<u>Aye</u>
Valerie LaRobardier	<u>Aye</u>
Tom Holmes	<u>Aye</u>
Peter Muroski	<u>Aye</u>
Michael Villano	<u>Aye</u>

Planning Board Co-Chair David Wylock

- VII. **WESTCHESTER MODULAR HOMES - 7160-00-227678, 167667& 196673**  
**Applicant Paul Walter for Property Owner Charles Hatcher**  
**Property located at: 30 Reagan's Mill Road, Wingdale combined 4.042 acres in the CO district.**  
**Application For site plan special Permit & Subdivision to construct 4 multi family dwellings - 1 acre lot per unit**

Paul Walter - How do we proceed, and move to a Public Hearing?

Chair- It may be a while before Public Hearing. In the letter submitted, it states the lots larger than existing lots in Woodwinds subdivision, some lots in Woodwinds are larger than 1 acre.

Attorney Polidoro- The real question is 'Does the board want you to proceed with the additional lot?'

A: We would prefer to go with this plan and not have to apply for a variance.

Chair - Noted the improvement of the access on to Reagans Mill Road.

Engineer Berger

*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*
  - o *Deed for property*
  - o *Existing Conditions maps needs to be prepared by a Licensed land Surveyor and shall have a seal and signature along with the standards notes stating the work was done based on an actual field survey*
2. *The area being proposed to be disturbed appears to be greater than 1 acre of multi family housing thus a full SWPPP will be required.*
3. *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.*
4. *The proposed sanitary sewer and water services will need approval from Dutchess County Health Department.*
5. *As plans are developed further additional information on landscaping and details for sewer, water, pavement and storm water practices will be needed.*

**COMPLETENESS OF INFORMATION PRESENTED**

- *Issues Addressed in Previous Comments*
- The plans now show the curb line for the adjacent right-of-way including the intersection of Riverdale Drive and Reagans Mill Road as recommended in AKRF's 12/6/11 memo.
- Additional information about the proposed structures has been provided as recommended in AKRF's 12/6/11 memo.
- The plans indicate the large trees to remain and to be removed as recommended in AKRF's 12/6/11 memo.
- *New Comments*
- The 100 year flood line is not clearly shown on the drawings
- A Landscape Plan should be submitted as part of the site plan application
- 

**SITE PLAN CONSIDERATIONS**

- *Issues Addressed in Previous Comments*
- The applicant has reduced the number of parking spaces to two spaces per residential unit. This is an appropriate for this type of use.
- The applicant has provided elevations showing the façades of the proposed structures. It is the opinion of AKRF, Inc. that the scale of the proposed building is appropriate and suitably designed to fit with the character of nearby residential neighborhoods.
- The applicant has shown pedestrian walkway access from the Factory Employee housing to the existing factory should be shown on the site plan as recommended in AKRF's 12/6/11 memo.

- *While working with the landscaping integrate it with the Storm water plan, the two should work together.*

In December, the Board declared Lead Agency and agreed to circulate, then this changed considerably, these new plans will need to be circulated and begin SEQRA.

This application is somewhat unique in that it is in the CO district, generally we don't see a lot in that district. The residential is to support industrial uses, this is a good example of that. There is the requirement that it not exceed 20% of the total floor area, we need that calculation on the plans.

The Woodwinds planned unit residential, this lot 227678, the records seem to point that this was be set aside as a Day Care use. Moving forward if the Board finds that this is a better layout, it should be explicit that the Day Care will no longer be required for that PUD. This was originally approved in 1993, almost 20 years ago. As a Multi family units, each unit will be subject to recreation fees unless there are recreational amenities on the site.

A: Each unit will have a gazebo and BBQ area in the back.

It was unsure if that would be enough, there really isn't enough space to provide adequate recreation area.

Was any thought given to green practices besides stormwater, like low impact building, low flush toilets?

A: This is an energy efficient company, we already use low flush, and they are just about LEED certified.

If that information can be provided to the Board, it can be considered in the SEQRA review.

What is the capacity of the sewer treatment plant?

A: Not known at this moment, it's not even 50% at the moment. Mr. Hatcher wanted it noted that there are going to be automatic transfer switches put in before summer, so the pumps will work incase of power outage.

Member- This has been called both "multi family "and "work force" housing is it one or the other?

A: It is multi family because there is more than one family living in it.

Q: But exclusively for workers?

A: Not exclusively, the majority of it will be, but if there are others in the area who would like to rent housing, then it will be open to them. It is not totally exclusive.

Looking at the floor plans they are mostly 2 bedrooms so that is really a couple and a child, it that the target?

A: Yes, not large families.

As it is phased, will it begin closer to the model and move towards the river?

A: Yes, as it fills up then next one will begin working towards the river. The people who currently live in those houses will be moves into the units and those house will be removed. There is the possibility of making the 3<sup>rd</sup> floor into another bedroom on the town house units for a total of 3 bedrooms

With the landscaping, native species should be used. That area falling within the Harlem Valley Limestone vein, you may want to test the soils for PH, before you plant azalea and rhododendron.

Circulation- to Fire, State Police, Sheriff, School, Dutchess County DEC, DOH

**SITE WALK SET for Wednesday March 14, 2012 @ 6:00**  
**Houses to be flagged and flag edge of properties**

**VIII. NEW- O'MARA 2 LOT SUBDIVISION 7059-00-917529**

APPLICANT O'Mara Realty Corp. PLANS PREPARED BY Harry Nichols, P.E.

PROPERTY LOCATED on Coleman Lane and Johnson Road, Wingdale

APPLICATION FOR Preliminary plat subdivision to create 1 new lot on 2.93 acre parcel in the SR district

Patrick O'Mara & Jeff Moore-

2 lot subdivision at Coleman lane and Johnson Road, almost 2.73 acres, there is a stream along the rear of the parcel which will limit the developed area of the lots. The house are proposed about 60-70' from Coleman lane.

Perks and deep tests have been done they got down 7' with the deep testing and the perks were down to the 11-15 range, they have already been in touch with the DOH. As per the Engineer letter, grading will be provided to the Board. They are here for the initial review

Engineer Berger:

*Comments:*

- 1. The subdivision plat needs to be prepared by a licensed land surveyor.*
- 2. Proposed grades for driveway and house and well as area of disturbance needs to be provided.*
- 3. Are proposed SDS in ground systems or do they need fill? If fill is required the proposed grading should be shown on the plan.*
- 4. If more than 0.5 acres of area is being disturbed a chapter 65 erosion control permit is required and storm water calculations as well as proposed treatment of stormwater provided.*

A: Larry Lin did the survey

The seal needs to be on this map, with the metes and bounds and submitted as part of the package.

Q: Has a preliminary calculation been done to determine if you are under the 1 acre?

A: they will be less than 1 acre but not sure if under the ½ acre.

½ acre would be hard, chapter 65 will be required. Incorporation of green practices are always recommended. Means and methods of green practice for stormwater are recommended, we are not MS4.

Attorney Polidoro- to Engineer Berger- Generally when we see subdivisions of less than 5 lots we look at non realty, which means no DOH approval, since they are show the septic, we have to have them , correct?

A: unless they are coming to us just to prove they can be done then ultimately they can be approves as non realty. That is another way to go; the final map will not have any of that detail on it. It can't be sold as a BOH approved lot.

So it is up to the applicant if they want to move forward with Board of Health approved lots or non realty lots.

With a modified SWPPP, there may be enough information here to prove the SEQRA part out, so we know there the site won't cause a problem with SWPPP. You would then have to go for 2

separate septic approvals through the health department and chapter 65's as well. That's all up to you. You will need to make it clear to the Board if you are going for realty or Non Realty subdivision lots.

Applicant: So if we went ahead with the map without the BOH approvals?

If you go with a non realty subdivision ultimately when you are done you will market a lot without BOH approval. You would have to get 2 separate BOH approvals before the health Department for a building permit for each house.

Applicant: Is the process longer, which is better?

We can't answer that- that would be a business decision, we can say if you are just dividing and plan to hold on to the lots for a while, eventually the DOH approvals expire (5Years) if you would like to sell them now it may be easier to sell fully approved lots.

Attorney Polidoro- If the applicants provide enough information to satisfy SEQRA, such as stormwater flow etc, it would be the suggestion to classify it as unlisted and consider SERQA at the next meeting and move forward.

The neighbors driveway crosses over the corner of lot 1, how is that going to be handled? We can either have an easement for the neighbor's property or adjust the lot line. That would then require both lots to be adjusted for road frontage. This too would be the applicant's decision. In the end we would need that information as well.

**Motion made by Peter Muroski to set escrow on the O'Mara Subdivision application for \$ 2,000.00 2nd by Valerie LaRobardier**

VOTE: CO-CHAIR WYLOCK - AYE  
MEMBER PETER MUROSKI - AYE  
MEMBER TOM HOLMES - AYE  
CO-CHAIR VALERIE LAROBARDIER - AYE  
MEMBER MICHAEL VILLANO - AYE

*Motion approved*

Site Walk set for Wednesday March 14, 2012 @ 5:20  
Flag the lot lines and driveways

**APPROVAL OF MINUTES FEBRUARY 6, 2012**

**Motion made by Valerie LaRobardier to approve the minutes of February 6, 2012 as submitted 2nd by Tom Holmes**

VOTE: CO-CHAIR WYLOCK - AYE  
MEMBER PETER MUROSKI - AYE  
MEMBER TOM HOLMES - AYE  
CO-CHAIR VALERIE LAROBARDIER - AYE  
MEMBER MICHAEL VILLANO - AYE

*Motion approved*

*As special thank you to Susan for filling in for Ashley, while she was out on maternity leave*

About 1 1/2 years ago the State law was amended right when the economy went down. A lot of the subdivisions needed help because they lost financing. The State went ahead and changed NYS Town law for an unlimited amount of 90 extensions of conditional approval. In doing so they forgot to change Village and City Law. So this was now fixed. Currently the State law provides for an unlimited amount of 90 day extensions as you know we currently follow State law, because pour law is silent on that issue. We need to look at the language of the law to comment to the

Town Board. We should look at how long the extension period is, it shouldn't be too long, to not lose track of a project.

On Subdivision revisions- we can discuss the Model the County created and at least tell the Town Board we think it needs to be looked at.

**Motion made by Peter Muroski to adjourn 8:34 2nd by Michael Villano**

VOTE: CO-CHAIR WYLOCK – AYE  
MEMBER PETER MUROSKI – AYE  
MEMBER TOM HOLMES- AYE  
CO-CHAIR VALERIE LAROBARDIER- AYE  
MEMBER MICHAEL VILLANO - AYE

*Motion approved*

Respectfully submitted,

*Betty-Ann Sherer*

Betty-Ann Sherer

PlanningARB@TownofDoverNY.US

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Full Audio may be requested for a fee by completing a FOIL request form from the Dover Town Clerk  
This meeting may now be viewed at Cablevision Channel 22 for residents who have that provider-  
Please check local listings for meeting re broadcast times

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