

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, June 04, 2012
7:00PM

- Co-Chair David Wylock
- Co- Chair Valerie LaRobardier
- Member Peter Muroski
- Member Michael Villano
- Member Tom Holmes
- Member Nicholas D'Agostino
- Member William Sedor

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

For the Applicants: Theresa Ryan & Don Walsh for Putnam Steel, John Kalin for Dover Mobil, & Mark DelBalzo & Laurie Bonavenia for Bonavenia Subdivision as well as other interested members of the Public.

Meeting Called to Order

The regular monthly meeting of the Town of Dover Planning Board was called to order at 7: 05 pm by Chair Wylock and began with the Pledge of Allegiance

Due to the holiday and vacation schedules we will be cancelling our July 2, 2012 meeting

Motion made by Valerie LaRobardier to cancel the July 2, 2012 meeting 2nd by Pete Muroski

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	AYE	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Discussions:

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

APPLICANT: Putnam Steel Inc

PLANS PREPARED BY: Insite Engineering

PROPERTY LOCATED at 486 Rt 55 Wingdale, NY 12522

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

Review of Site Walk 5/21/12

Theresa Ryan of Insite Engineering- The applicant will be amended if the Board sees this to be necessary, originally they applied for a Special Permit, and now they have one, if the application needs to be amended to just state Site Plan, this can be done.

Attorney Polidoro- If the Board agrees, there will be discussion tonight about the Special permit, but it would have to be amended, because it was fro a 'Timber Operation', this is now a 'Steel' operation. The existing special permit may need to be amended.

Most members of the Board were present at the site walk, would the Board be willing to begin SERQA and declare intent for Lead Agent, or do an un coordinated review

There were no questions or comments from the Board on the site walk

There is one clarification question- some parts of the application say 12, 370 square feet the letter of intent states 10,370 plus a 1,000 square foot mezzanine which does not add up

A: the plan is correct, they are going by the square footage on the survey which is the foot print and an estimate of the mezzanine, 11, 470 square feet, 1,800 square feet is in the mezzanine, under that on both ends there is about 30' - 50 square feet fro storage.

Engineer Berger- His past comments have been resolved, at the site walk the location of a drain was to be addressed.

A: yes that will be plugged, there is no purpose for it, it is not being used. The other concern was Health Department approval, which you now have, for both.

Planner- The parking spaces that go over the AT&T easement

A: they are willing to remove the gravel

Q: would you move them to the other side, or completely?

A: They can be shallower and be moved closer to the building. There is plenty of gravel.

Attorney- The only issue is the threshold, to whether or not this permit is valid, there had been some issues raised. There is substantial basis for this Board to find that it is, based on the Town's past actions of renewing the annual operating permit. She had gone through the file and found nothing indicating that Town has affirmatively stated the permit is not valid and generally, when an applicant comes before the Board with a permit we accept it, unless there's evidence contrary to its validity. However, because there have been issues raised, the Board could refer it back to the Zoning Administrator for a determination. If there are questions, if the Board chooses to accept it and there is no challenge of the approval within 30 days, it will stand.

Motion made by David Wylock to accept the Special Use permit as being valid 2nd by Tom Holmes

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	AYE	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Before they move forward with the resolution the Co Chair Wylock stated they are proceeding on a letter received by the Town Attorney Tom Jacobellis dated April 6, 2012

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 Michael T. Liguori*
~~Joseph C. Gade~~
 Julianne Culhane
 *Also Admitted in CT
 *Also Admitted in NJ

Of Counsel
 Charles J. Acker
 Thomas J. Jacobellis

April 6, 2012

Town of Dover Planning Board
 126 East Duncan Hill Road
 Dover Plains, New York 12522

Attention: David Wylock and Valerie LaRobardier, Co-Chairpersons

Dear Mr. Wylock and Ms. LaRobardier:

Kindly allow this letter to serve as our request that you consider the application of Putnam Steel in their pursuit of an amended site plan approval for the premises known as 486 Route 55.

Should you require anything further in support of this request, please do not hesitate to call me.

Very truly yours,


 THOMAS J. JACOBELLIS

TJJ/jsm
 cc: Timothy Curtiss, Esq.

Resolution Classifying the action as unlisted under SEQRA

RESOLUTION CLASSIFYING THE ACTION, DECLARING INTENT TO SERVE AS LEAD AGENCY IN A COORDINATED REVIEW AND REFERRING THE APPLICATION TO THE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

PUTNAM STEEL

June 4, 2012

Property Address: 6584 Route 55

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

WHEREAS, the site is also improved with a 2,000 sq. ft. single-family residence, which is not being amended as part of this application; and

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

WHEREAS, a special use permit to conduct a Home Occupation on the site was granted on September 25, 1997 for a firewood operation during daytime hours; and

WHEREAS, the applicant asserts that the current special use permit is still valid, and there is no documentation from the Town contradicting this assertion; and

WHEREAS, the application was accompanied by a short Environmental Assessment Form (“EAF”) dated December 8, 2010; and

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

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

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

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

Moved by: Peter Muroski

Seconded by: Michael Villano

David Wylock AYE

Valerie LaRobardier AYE

Nicholas D’Agostino AYE

Tom Holmes AYE

Peter Muroski AYE

William Sedor AYE

Michael Villano AYE

Planning Board Co-Chair David Wylock

Interested and Involved Agencies

Town of Dover Architectural Review Board, NYS Department of Transportation, Dutchess County Department of Health, J.H. Ketcham Hose Company

Motion made by Valerie LaRobardier to set a Public Hearing for Putnam Steel Monday July 16, 2012 @ 7:00 pm 2nd by Tom Holmes

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	AYE	MEMBER NICHOLAS D’AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

II. DOVER MOBIL SITE PLAN - 7160-00-061080

Applicant: Quality Petroleum, Inc **Plans Prepared by** John Kalin of DC Engineering PC
Property located at NYS RT 22, RT 55 & County Rt 21, Wingdale, NY
Application for Site Plan to create a gas station and convenience store with a drive through window a 3,250 sf retail convenience store on 3.370 acres of a land in the HM district

John Kalin of Design Concepts-

There has been a revision of the design from comments made by the Board and consultants:

- the pumps and island have been reconfigured
- reduced the width of the section of canopy
- lowered canopy
- increased travel lanes
- created emergency breakaway lane along the drive through
- The building is now 5' wider
- Traffic entrance has changed- Traffic impact statement has changed a bit, trying to satisfy the turning radius' of the trucks
- The site seems to flow a bit better

Co Chair Wylock- before the Board and consultants comment, in his opinion this site plan is un acceptable, there is too much activity confined to a small space, there is no emergency back door or exit out of the building, the parking in front of the building, most gas stations with convenience stores, will eliminate a few parking spaces for the pedestrians go move in and out. There is no provision like this on the plan. The dumpster and diesel tanks are too close together. Is the LP tank for the building or for retail refilling?

A: the building

Co Chair- Could not understand why the activity could not expand further south on the parcel to allow it to open up

A: it is certainly possible, they try to respect the wet land buffer as it exists on the plan as well as using the existing entrance, although it is increasing in width. That make as the guide as to how far south they wanted to go. There are also issues in the middle of the site, which they did not want to open up. As far as a pedestrian entrance in the middle, that can be accommodated by moving the handicap spot to the south and creating a 8-9 line down the center.

Co-Chair- There needs to be a provision for the delivery trucks.

A: there is space on the site for that activity near the LP tank; deliveries are usually on the off hours

Co-Chair- There is no emergency exit

A: this is not finished yet

Engineer Berger- As the plans develop further- storm water, green technology bioretention, although you may want to keep with this layout and under 1 acre, this could still be considered a hot spot SWPPP a treatment for the gasoline. We are not an MS4, but chapter 65 can take that into consideration, such as a gas spill i.e., oil water separator etc. Have deeps and perks been done for the septic yet?

A: yes it's done, just wait for Health Department. Since the last meeting, there has been a new location worked out with the Health department on the location of the well this will give the best separation distance. There is an existing septic field out there, the fields are in excellent condition, the use there were originally designed for is a lot less, the health department has allowed them to re use them in their entirety and the front end of the treatment will be changed, the original septic was chromo glass which was pretty advanced for that time, but now it has served it's life. That will all be removed and replaced with an advanced treatment system and the tanks will be located off the back by the drive through. The Health department was fine and we are waiting for them to sign off. The flow is under 1,000. There will be a fail safe, with an alarm and a simple maintenance plan will also be filed with the Health Department

Planner Ley:

The following memorandum is an update to AKRF's March 30, 2012 memorandum. Where comments from that memorandum have not been addressed, they have been recited herein.

GENERAL COMMENTS

1. The site is located in close proximity to NYCDEP Wetlands DP-22 (the Great Swamp) and DP-30. Per the letter from James Bates referenced above, NYSDEC has inspected the site and found that the on-site wetland is not regulated by NYSDEC. The letter references an e-mail from Heather Gierloff, NYSDEC, which should be provided to the Town.
2. The project site is identified by the NYSDEC Environmental Resource Mapper as having the potential to support threatened or endangered species. A letter from the New York Natural Heritage Program should be obtained, and the site should be evaluated for its potential to support any threatened or endangered species that may be found within the Town of Dover.
3. A lighting and landscaping plan should be provided.
4. Architectural details of the proposed canopy should be provided.
5. An expanded EAF should be provided.

TRAFFIC AND CIRCULATION COMMENTS

AKRF has reviewed the revised TIS and accompanying memorandums. Generally the responses were acceptable:

- As requested an escape lane was added at the drive thru.
- The circulation aisles were increased from 18 to 22 and 24 feet.
- The number of pumps was reduced.
- Traffic control signs and pavement markings were added.
- Mountable curbs would be installed where needed to provide for safe truck circulation.

However, the applicant should confirm that the WB-50 is the largest truck that would delivery to the site. The applicant should also indicate the where trucks would park during deliveries, as well as the timing of deliveries to ensure that there are no conflicts between delivery trucks and drive-thru traffic. In addition, snow storage should be located on the site plan.

A: The Email from Heather Gerloff was forwarded to the Board last month, The Heritage program we are still waiting for a response, Lighting and landscaping is still in design, if the site lay out is set, then it will move forward as well as the utility and grading plan. Canopy details from Corporate will come in soon as well, expanded Long EAF is complete.

Q: Is there going to be a satellite dish?

A: Yes, it will be part of the canopy, and will make it on to a plan.

Attorney Polidoro- Until we have this information, the Board will have to hold off on circulation.

Engineer Berger- Looking at the as built, is the location of the system, the over lay goes right into the drive line.

A: the laterals are 100' long they will revise the maps will be revised; he went to the Health Department and got a copy of the actual 'as built'
We will need this for circulation

Members- Concern if not having a secondary exit, canopy details, how the canopy will appear with the building, once the lay out is set, the Board would like to have a site walk with flags on site, this will be done after the next submission.

Q: It's been said the diner is coming down soon is this true?

A: No, not until approval is granted.

There will not be electric charge stations

SINCE THE JULY 2 MEETING HAS BEEN CANCELLED THE DEADLINE HAS BEEN EXTENDED TO JUNE 20 FOR ALL APPLICANTS WHO WISH TO SUBMIT

III. BONAVENTIA LOT LINE CHANGE-7058-00-546892 & 545992

Applicant: Gennaro & Laurie Bonavenia Plans Prepared by Mark DelBalzo of Zarecki & Associates

Property located at 20 Old Pawling Road, Pawling NY 12564

Application for Subdivision - lot line realignment between 2 common owned adjacent properties 5.35 acres will be added to 546892 currently 4.16 acres and taken from 545992 currently 69.41 acres- no new lots will be created in the RU zone

Mark DelBalzo- This is a simple lot line change, the amendment is to increase the back yard space of the home owner, no proposed disturbance or work is proposed. One point was an issue on the existing Cedar Knolls Subdivision plat, we are requesting that the note of additional studies if a lot line adjustment or subdivision was proposed, since there is no disturbance, but a simple lot line change, we ask those provisions be waived at this time.

Laurie Bonavenia- We would like to know if Dover would be the lead agency. There is an easement on the existing driveway which is in place on the 4.16 acres, that driveway is half in Pawling and half in Dover, this is how the 4.16 acres is accessed. The 11 acre parcel in question is totally separate, board of health approved parcel in Pawling, it was an automatic subdivision, by Township, we are not creating any new lots, just extending our backyard with property we already on , it just happens to be on a different parcel.

Mark DelBalzo- We are here to begin the SEQRA process and would like Dover to BE Lead Agency and if possible set Public Hearing.

Chair-First we need to set escrow

Attorney Polidoro- There are a few things that need to be discussed first, it's not just a simple lot line change. There are a few things going on here which need to be discussed.

Motion made by Valerie LaRobardier to set a the escrow at \$2,500.00 for Bonavenia Project 2nd by Bill Sedor

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	AYE	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Engineer Berger- The easement that goes to Old Pawling Road, that's existing?

A: It has been established on an existing driveway, it has not been filed at this time.

Mrs. Bonavenia- After speaking to her Attorney, Kevin Denton, he was asked about filing it, and he said at this point there is no sense since it is filed from Bonavenia to Bonavenia. He said upon selling the home, at that time it would be filed. It has been engineered and set.

A: Also the Town of Pawling Planning Board was petitioned and (inaudible) ... the application as well.

Q: How wide is the driveway?

A: 12-14' wide

Planner Ley- Is there any interest in having the driveway meet Old Pawling Road through the Dover Parcel? You still want it running through Pawling

A: Mrs. Bonavenia- The way it is, it has to. You should re submit a new letter to the Natural Heritage program, it would probably come up with the same species, but it should be done.

Attorney Polidoro- She had provided the board with comments, but the way she is reading this, is there is a subdivision proposal to *create* anew lot, I the Town of Dover, plus add on to the back portion from an existing lot. There is no such thing as an automatic subdivision of a Town Line. There is not an existing 4 acre lot and an existing 11 acre lot; it is an existing 15 acre lot which she believes they want to subdivide. If this is the case a Subdivision Plat would need to be submitted, showing the Subdivision.

Mark DelBalzo- He's not an attorney, but his understanding, in this type of application, when a Town Line separates a parcel there are two independent lots, tax parcels made-

Attorney Polidoro-There are definitely two tax parcels, for taxing purposes.

Mark DelBalzo - When they proceeded earlier, based on that premise to the Town of Pawling earlier, to the Building department, they asked what was required. It was presented to the Health Department, a stand alone Board of Health approved septic design fro the front Pawling piece, which actually has a separate entrance proposed as well so that is why this entrance for this easement is for this lot only.

A: Yes that's fine that you got the Department of Health to approve it with out a subdivision plat, but this Board can't, it's not legal. If you look at your filed map, it shows clearly that it is one big lot.

Mark DelBalzo- the metes and bounds describe both parcel together.

A; Right, it is one big lot that has not been subdivided; this Board would need to approve a subdivision, if that is your intention. If so, she assumes the Board would want to see some kind of road frontage, like a flag lot or a pole to the road, to insure they are not creating a land locked parcel. The second part of this, your giant back lot which is lot#13, that was subdivided some time ago to create all of the little side lots, and at this point, there is a question as to whether this was to remain an open space lot for those subdivided lots, we would need to go through the resolution to see that. There is also a restriction on the big lot which states no further subdivision with out a wetlands & Habitat study, which is what you are asking this Board to waive.

Laurie Bonavenia- As far as creating another lot, we are not, extending my lot .No further subdivision and as far as open space goes, we did that subdivision and currently own the 69 acres- lots 1-12 have nothing to do with this, that was done in 2001.

A: So the question was is the larger lot intended to remain an open space parcel

Laurie Bonavenia-That is a Board of Health Approved buildable lot as well, that permit is renewed every three years, to be built on at any time.

A: That would have to be confirmed, but as far as the interpretation of the small lot, she did agree, it is not a self standing lot.

Laurie Bonavenia-Disagreed- there was property on the other side of the street, which was of Pawling Land Associates, the original owners and it was sold off, some in Pawling some in Dover and by the Town lines alone they were able to sell the Pawling parcel and the others were sold to Wind Rose and that's how it took place. When they purchased to lot the 11 and 4 acres, they were told, the Pawling Town line made it an automatic separate lot. There are separate taxes; there have been for 13 years

A; Right, a separate tax lot, because of separate taxing jurisdiction, each town assesses differently. Two separate tax lots, there is no question there. The existing filed map for the

Town of Dover shows it as 1 lot so if you need to amend that filed map in order to show the back piece as a separate lot, it needs subdivision approval by this Board.

Laurie Bonavenia-It is a separate lot already

A: would you like to look at the map
Laurie Bonavenia- I've seen the map, I know the map.

A: It shows this as 1 lot and 15 acres.

Marl DelBalzo- At this time, Laurie will consult with her Attorney and He will speak to the surveyor who prepared the map.

Attorney Polidoro- Was not saying this is an issue, but if you wanted to make this a separate lot, it needs to go through the approval process, and be shown as a separate lot.

Laurie Bonavenia- So all of these separate bills for taxes for all of these years are basically saying, no they are not 2 separate lots?

A: No, they are two separate tax lots, the Town of Dover can not tax land in the Town of Pawling and vice versa, each tax is the portion that is located in that town, they are two separate tax lots for taxing purposes. As far as Real Property is concerned it is one big real property lot, if you look at the map there's a hook, that shows lot 1 is 15.29 acres total. The Dover area is 4.16 acres in area and the Pawling area is 11.12 acres. It is a 15 acre lot with a piece in Pawling and a piece in Dover.

Mark DelBalzo- we understand, and will look further into it

Co Chair Wylock- We can recommend that Mrs.Bonavenia's attorney contact our Attorney

Attorney Polidoro- We can give them some guidance- if it is decided that this is one big lot that they want to subdivide, to create a back lot, would the board want to see some kind of flag pole for it to have its own driveway or are you ok with a landlocked parcel being created?
This way they can design it.

Mark DelBalzo- We would request it remain landlocked, because then the discussion is taken from the Town of Pawling, otherwise an application would have to go to them as well

Attorney Polidoro- Did not think a landlocked parcel could be created, under the code, there would have to be some kind of road frontage variance.

Co Chair Wylock- What would happen down the road in the future, with a landlocked parcel?

Mark DelBalzo- the easement would be filed for the driveway immediately.

Planner Ley- It would be pretty simple to put a 25' strip of land along the Dover side of the Dover Pawling line that runs out to Old Pawling Road, you wouldn't have to build anything on it now.

Mark DelBalzo - Yes the line would be simple, but the process would be more. We can explore that , the discussion right now should be with the Attorneys.

Attorney Polidoro- What is the Board's feeling on entertaining their request of a waiver of the map notes. The Board generally puts notes on a map , for something they want to have done in

the future, so this Board does it a lot. On one hand you wouldn't want to over look a map note, because the notes you put on could be over looked as well and it sets a dangerous president. On the other hand if they are really not developing anything, and it's just a matter of there is an existing house and they are moving the lot line out a bit, do you want to consider a waiver. It just can't be ignored, the Board has to address it, and explain why you would deviate from a map note.

Co Chair- Let's wait to see what their Attorney Says.

Planning Board deadline has been extended from June 13 to June 20th Due to the July 2, 2012 meeting being cancelled

IV. MINUTES MAY 7 & 21, 2012

Revision to page 3 on the Bottom- Valerie LaRobardier did not make the motion and second it as well Tom Holmes seconded the motion and on Page 11 the last paragraph was clarified to show there was information transferred from Mrs. Morsey to Mr. Walsh

Motion made by Valerie LaRobardier to accept the May 7, 2012 minutes as revised 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	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Motion made by Peter Muroski to accept the May 21, 2012 minutes as revised 2nd by Tom Holmes

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	AYE	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Reminder:

Public Comment Session – Monday June 18, 2012 @ 7:00 pm for Dover Village Market at Town Hall to take comments on SEQRA

MEETING JULY 2, 2012 WILL BE CANCELLED

Motion made by Peter Muroski to adjourn @ 8:03 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	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	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

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