

### 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, August 6, 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: Don Walsh, Tim Curtiss & Theresa Ryan for Putnam Steel, Anthony Pisarri & Charles Hatcher for Westchester Modular Homes Multi Family Dwellings, John Kalin, Ali Abou-Eid, Mike Quadar, Michael Pelletier for Pelletier Brothers Special Permit, Kirk Horton & Paul Quartararo for Quartararo Subdivision, Brian Houston, Jim Madden & Jim Caione for Madden Caione Subdivision, Supervisor Courtien 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: 03 pm by Chair Wylock and began with the Pledge of Allegiance

#### Entertain request for release of Bond

**CAMP RAMAH - 7161-00-610450**

APPLICANT Jewish Theological Seminary

PROPERTY LOCATED at 91 Ramah Road Wingdale, NY 12522

PROJECT: Gymnasium

Request for release of Bond - site work completed, PB Engineer did final inspection

Letter from Camp:



Rabbi Paul Resnick, Director  
Rabbi Ari Pertern, Assistant Director  
Amy Perle Rosuck, Business Manager  
Rabbi Jerome Abrams, Director Emeritus

Rob Hirsch, President

Ms. Betty-Ann Sherer  
Secretary to the Planning, Zoning & Architectural Review Boards  
Town of Dover  
126 East Duncan Hill Road  
Dover, NY 12522

Dear Betty-Ann,

I would like to confirm that Camp Ramah in the Berkshires has completed work related to the building of the project referred to as the Gymnasium in our ongoing business.

We respectfully request the release of the current \$24,000 Bond being held by the Town.

Please do not hesitate to contact me to review any questions or concerns. I can currently be reached at 845-832-6622 x101.

Regards,

Amy Rosuck

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Camp Ramah in the Berkshires, Inc. E-mail: [info@ramahberkshires.org](mailto:info@ramahberkshires.org) [www.ramahberkshires.org](http://www.ramahberkshires.org)

Winter Address: 25 Rockwood Place, Suite 345, Englewood, NJ 07631-4957 Tel: 201.871.RAMAH (7262) Fax: 201.871.7232

Summer Address: Box 515, Wingdale, NY 12594-0515 Tel: 845.832.6622

**RESOLUTION RECOMMENDING RELEASE OF PERFORMANCE GUARANTY**

**Camp Ramah Gymnasium**

WHEREAS, by Resolution dated August 1, 2011, the Town of Dover Planning Board granted Camp Ramah an erosion and sediment control permit for a new gymnasium at an existing 294 acre Camp Type 1 facility at property located at 91 Ramah Road, Wingdale, NY, Tax Grid no. 7161-00-610450 (the "site"); and

WHEREAS, approval was conditioned on submission of a performance guaranty of \$24,000.00; and

WHEREAS, the Planning Board Engineer has conducted an inspection of the property and by letter dated July 25, 2012 confirmed that all work contemplated under the permit work has been completed and all provisions of the permit have been met; and

WHEREAS, pursuant to Town Code Section 65-11(C), a "performance guaranty shall continue in full force and effect until a certificate of compliance shall have been issued by the authorized official after such consultation with any agencies or individuals as he deems necessary to ensure that all provisions of this chapter and of the permit have been met."

**NOW THEREFORE BE IT RESOLVED, pursuant to Town Code Section 65-11(C), the Town of Dover Planning Board recommends release of the performance guaranty.**

Date: August 6, 2012

Moved By: Tom Holmes Seconded By: Michael Villano

**Resolution Approved/Disapproved:**

David Wylock	<u>Aye</u>
Valerie LaRobardier	<u>absent</u>
Nicholas D'Agostino	<u>Aye</u>
Tom Holmes	<u>Aye</u>
Peter Muroski	<u>absent</u>
William Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>

Planning Board Co-Chair David Wylock

**Old Business:**

**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

The short form EAF was reviewed resulting in the following:  
With one correction- There was a coordinated review of this project.

**Motion made by Bill Sedor to accept the EAF findings 2nd by Tom Holmes**

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

*Motion approved*

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

**PUTNAM STEEL**

**August 6, 2012**

**Property Address: 6584 Route 55**

WHEREAS, the applicant, Putnam Steel, Inc., has submitted an application for site plan amendment approval and special use permit amendment approval to conduct a home occupation, fabrication and design of metal products, in an existing 11,879 sq. ft. structure (10,370 sq.ft. footprint) 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 existing residence would be occupied by a corporate officer of Putnam Steel; and

WHEREAS, no new exterior improvements are proposed as part of this application; and

WHEREAS, the hours of operation at the site would be limited to 7:00 A.M. to 5:00 P.M., Monday thru Friday; and

WHEREAS, no signage is proposed to be placed on the property; 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 Zoning Law was amended to reduce the amount of space that can be occupied by a home occupation, but the building and existing special use permit precede this change; and

WHEREAS, the existing site plan, which was signed August 5, 1999, requires the applicant to return to the Planning Board for site plan approval for any change in use; and

WHEREAS, pursuant to Section 145-64 of the Zoning Law, the terms and conditions of an existing special permit may be amended in the same manner as required for issuance of the permit; and

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

WHEREAS, on June 4, 2012, the Planning Board classified the project as an unlisted action and declared its intent to serve as lead agency in a coordinated review of the project, to which no other agency has objected; and

WHEREAS, pursuant to 239-m of the General Municipal Law, the application was referred to the Dutchess County Department of Planning and Development, which responded on June 11, 2012 that it was a matter of local concern; and

WHEREAS, a duly noticed public hearing was held on July 16, 2012, during which all those who wished to speak were heard; and

WHEREAS, the Planning Board has reviewed the EAF and application materials provided by the applicant, information provided by its consultants, and information obtained through site walks and has sufficient information on which to base a determination of significance; and

WHEREAS, the Planning Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern.

**NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby adopts a SEQRA determination of non-significance, finding that the proposed project will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared.**

**BE IT FURTHER RESOLVED, that the Planning Board hereby finds that the proposed use complies with the standards in Section 145-63B and amends the existing special use permit for a home occupation to permit the fabrication and design of metal products in the same footprint at as the prior firewood operation, subject to the following conditions:**

1. Payment of all fees and escrow.
2. Pursuant to Section 145-41B (2) (b), Putnam Steel must obtain an annual operating permit from the Code Enforcement Officer.

**BE IT FURTHER RESOLVED, that the Planning Board hereby grants amended site plan approval to the plan entitled, "Putnam Steel Inc", prepared by Insite Engineering, dated December 8, 2010, last revised June 6, 2012, subject to the following conditions:**

1. Payment of all fees and escrow.
2. Revision of Note 7 to state that "Any change in the proposed use of the commercial building requires site plan review and approval by the Town of Dover Planning Board and may require amended special use permit approval".

**Moved by:** Michael Villano **Seconded by:** Nick D'Agostino

David Wylock	<u>Aye</u>
Valerie LaRobardier	<u>absent</u>
Nick D'Agostino	<u>Aye</u>
Tom Holmes	<u>Aye</u>
Peter Muroski	<u>absent</u>
Bill Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>

Planning Board Co-Chair David Wylock

**WESTCHESTER MODULAR HOMES - 7160-00-227678, 167667& 196673**

APPLICANT: Paul Walter for PROPERTY OWNER Charles Hatcher

PLANS PREPARED BY: ANTHONY PISARRI

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

Anthony Pisarri- Presentation was revised he briefly discussed- showing the existing conditions, the proposed 4 lot subdivision, they meet the zoning requirements, the partial site plan with new house locations, revision of drainage plan did away with direct connection to the existing drainage. The new plan shows no new underground structure, no direct piped connection to the property on WMH. Normally the water drains towards that lot; it was always calculated that way.

There is now a series of rain gardens as well as small sub catchment area, no cultex or oversize pipe and it meets all requirements of the SWPPP. Which Engineer Berger has reviewed.

Engineer Berger - the SWPPP and Design was reviewed, and all stormwater and parking lot was moved out of the flood Plain as we requested. They will be more bioretention instead of rain gardens, which are bigger rain gardens are smaller. Drainage and sanitary sewer requirements have been addressed.

Planner- We still need to see the addition of the walkway, connecting the other buildings

Engineer Pisarri- Yes that was done, there is a connection from the back of lot 1 all the way across and down, these plans we distributed last week dated 7/24/12

The easement just didn't make it on to the map

Q: Joe, are there any problems with the lot closest to the river?

A: not at this time, it has been raised to be out of the flood plain, and stormwater has been provided in the front and back to detain and treat, they are not encroaching in the flood plain, they are compensating for it.

Q; Will they have to fill back there?

A: yes, the parking lot is being raised to 510, it's existing at 504, and so they are filling 6'. We want it that way, so when the cars are parked there they will not be in the floodplain, they will be at least 3' above.

Member - When you say multi family- how many does that mean?

A: each building will have 4 units, 2- 3 bedrooms.

The building closest to the factory which is lot 4 the 2 end units are townhouses with 3 bedrooms. Building # 1 will be 2 bedroom as well as all others. The 3 bedroom units are for the people who live in the existing houses since they have 3 bedrooms now.

**Motion made by Tom Holmes to set a Public Hearing for Westchester Modular Homes for September 19, 2012 2nd by Bill Sedor**

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

*Motion approved*

**DOVER MOBIL SITE PLAN - 7160-00-061080**

APPLICANT: Quality Petroleum, Inc for PROPERTY OWNER Saber Ali Abou-Eid

PLANS PREPARED BY: JOHN KALIN OF DC ENGINEERING PC

PROPERTY LOCATED at: NYS RT 22, RT 55 & County Rt 21, Wingdale

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 - in response to the memos the Dot approval, is being worked on, the drainage and grading has been a priority for submittal of a complete application to DOT and DPW. The Health Department will be the next plan to complete.

With respect to the Planner- The canopy plan was submitted, for review.

Natural Heritage has responded - there is a red maple in the area, there are none on site. They also speak of a sensitive wetland, but we are no where near it, there a buffer in place.

Lamp posts on the east side of Pleasant Ridge Road, the foot-candles have been reworked, it's a fairly narrow intersection, at the intersection it's near ½ foot-candle, due to the narrowness, he was unsure if that could be changed.

Q: could it be slid south to make it further from Pleasant Ridge, along the edge of the parking area

A: that will be looked into; property line spillage will be kept to a minimum if at all. As far as architectural details- the canopy was submitted.

Q: why is there only 1 pump per station , could you double up to make it shorter, do you need the four isles?

A: it's a linear site; the length works best for the site to keep it from the septic and storm water area.

Q: will you come back in 5 years to add more pumps?

A: no

Q: so it will not be plumbed for it, correct?

A: correct

There will be a static sign Rt 55 Pleasant Ridge Road, with landscaping. The diesel island will look like the other islands 2 pumps, 3 pumping positions.

The sign will be digital

Q: have you read the sign ordinance?

A: yes, we will talk to the ARB and possibly the ZBA about it.

Q: is there a visibility issue?

A: it is quite far off the road about 70' the ROW is big.

Q: do you want to try to get a DOT permit for the sign?

A: right now no

Engineer Berger-

**Comments:**

1. *Conceptual approval of entrance way from the NYSDOT should be provided*  
**I understand that this is forth coming and that the NYSDOT and DCDPW have visited the site and have verbally consented to their use.**
2. *DCHD approval will be needed for the well and SDS.*  
**I understand the application is currently being reviewed by the DCHD and the proposal found to be acceptable.**
3. *A review of the SWPPP dated July 2012 is acceptable for treatment of stormwater on this site.*
4. *Grading plans submitted are found to be acceptable*
5. *Landscaping and traffic are being reviewed by the Town Planner.*
6. *The wetland onsite is located on the southwesterly portion of the site and is being avoided by the proposed project.*

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.

Chair Wylock- At the Last Planning Board meeting, I had expressed my dis-satisfaction with the site

A: Yes and revisions were made

Chair- Well my opinion has not changed, I think you are packing too much activity into a small space, it's too congested. There are issues with the access on rt 55 going into the drive up is that a curb?

A: yes landscaped curbs.

Q: so how will someone make that turn?

A: The first time they will make the turn and make a wide arc turn, the second time, they will come in another way. There are three points of egress into the site; it's hard to make every point perfect.

Q: Where will gas deliveries come from?

A: Most likely from rt 22 .

Chair- I'm not happy with the parking across the building, everything is just too tight. I went to New Milford and took photos of a site there. There was a delivery truck there was no parking in front and everything went around the site, there was no congestion around the building. Here you have shown us parking in front of the building, if someone came in for milk, and a delivery came they would be locked in.

A: not necessarily that station has a lot more depth than we have; they are not the same type of site other than being a gas station with a convenience store.

We can look at the Sunoco station in Kent, they have parking in front with loading and unloading areas as well we have done essentially done the same thing. We can't really move this building around too much the well is one concern the septic area another. We need to stay away from the south and the site narrows quite a bit. The majority of the width is in the north end. It makes no sense or benefit to move the diesel island south. The wetlands are also a consideration as well as grade and ability to store water.

Chair- Well if you want my support on the site plan, I'm not going to vote in favor of this. I don't like it, but I'm only one person.

A: looking at the size of the building, and the basic traffic flow, we would rather have the pedestrians close to the building for safety.

Q: Have you talked to the Fire Department about this layout yet?

A: No, not yet, but for fire there is access all around the building. The drive through emergency lane is double width.

Q: Is it required that you have people coming in off that rt 55 access, what if it's an exit only.

A: with trucks you need a straighter route.

Member- This reminds me of a Dunkin Mobil in Beekman, it's very similar, and you may want to look at that. The general layout is very close, that should be a comparison, and it seems successful

A: Off of Beekman road in and out flow is restricted

Member- Making RT 55 exit only may be the best to avoid congestion between drive through patron off of Rt 22 and people coming in on 55

A: We need to look at the traffic study again, if that were the main entrance then the site would be different. If it turns out to be a problem, then the owner would re consider that.

Chair - it should be addressed now.

Planner- Could you shift the building more parallel to Pleasant ridge?

A: The concern is the well and septic fields

Engineer Berger- You should look at the parking in the front and possible use the spaces at the pump as part of your space count for the parking, and reduce what's in front of the building.

A parking space was provided on the plan for deliveries and the practicality of that space being actually used for deliveries was discussed. The Planning Board discussed, noting delivery times to be restricted and indicated on the site plan.

The site traffic flow was again discussed and it was noted that the rt 22 access was already hindered by a north in north out direction and limiting rt 55 would further restrict access.

No further comments from the Board

Mike Quadar- Business owner- My primary focus is the safety of the customer and to put parking away form the building puts them in the traffic of the pump.

Planner- Quite a few legitimate concerns have been raised, so maybe you should come in with a few sketch redesigns for the Board to review, looking at the concerns of making a u turn to get into the drive through, conflicts between delivery trucks and pedestrian access to the store, cars being blocked by the delivery trucks, potential conflicts, as well as concern on the tightness of the actual site.

Suggestion - for Rt 55 possible to consider making it a truck access only, signage would certain help in the appropriate direction of access.

Engineer Kalin- The parking will be revised, the canopy will be shifted south the travel lane could be increased.

Q: is the issue that you don't want to go over 1 acre of disturbance?

A: No, The site is getting tighter as we head south, there are wetlands and the radius is a concern with truck traffic, the tractor trailers need to go west east not north south. The wetlands buffer is as tight as is could be. They tried to use the existing entrance as much as possible.

Members- Some agreed that keeping pedestrians as close to the building and out of traffic was good, but would like to see other options.

Revisions will be circulated to the Board

**Motion made by Michael Villano to extend the deadline from August 8 to August 29, 2012 for this application 2nd by Tom Holmes**

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

*Motion approved*

**New Business:**

**PELLETIER BROTHERS - 7160-00-899617**

APPLICANT: Michael Pelletier PROPERTY OWNER Jeffery Pelletier

PLANS PREPARED BY: ZARECKI & ASSOCIATES

PROPERTY LOCATED at: 29 Fifth Lane, Wingdale

APPLICATION FOR Special Permit for A pre existing home Occupation on 1.7 acres in the RU district

Michael Pelletier- Currently the business is run by his two brothers and the 3 sons. The property is owned by his brother.

Chair- Who owns the access road?

A: No one, it's not on the County maps, it's not owned by any one. Some one already did the research; there is no ownership to that property.

Q: Do you have the research?

A: No, George Wittman does, it's just an easement, and it's been used for over 20 years.

Attorney- We will need some documentation for proof of access. When you bought your property, what did they say?

A: it's a ROW

Q: Did you get Title insurance?

A: no, it's in the deed

If you hired a title examiner, they could run the deeds back through the County

The site is not scene from the road

**Re: Pelletier Brothers Plumbing & Heating**

**Comments:**

1. **Will any vehicles or materials for the business be stored outside, if so what are the plans for "screening"**
2. *The existing SDS should be shown on the map*
3. *The deed for the access easement should be provided for review by the attorney.*
4. *The following waivers from section 145-65-B are recommended:*
  - B1 Vicinity map
  - B2 Existing conditions map with topography
  - B5,6,7,8,10,11,12,13,14,15,16,17,18,19 and 20
5. *The following provisions of section 145-65-B should be provided unless the planning board decides to waive the requirement:*
  - B4 Name and address of owner
  - B9 Location of existing SDS

Planner:

The applicant requested a waiver of the bulk regulations table, at a minimum we need to know the total floor area of the primary dwelling to calculate the 40% of the floor space.

Is the whole garage used for the business?

A: No 12X12 area as well as some storage, but there is also 4 wheelers and regular home equipment.

When this was constructed, it was inspected with full knowledge of what the use would be. There was a building permit giver for what was going on here.

Attorney Polidoro: Who's shed is over the property line?

Mr. Pelletier: Mine, it can be moved over the line if need be

Engineer Berger- It can just be marked as encroaching

**Motion made by Bill Sedor to set the escrow Pelletier Brother at \$1,000.00 2nd by Tom Holmes**

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

*Motion approved*

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

### Pelletier Brothers Plumbing and Heating

WHEREAS, Michael Pelletier, the applicant, has applied to the Planning Board for special permit and site plan approval for a home occupation to permit the use a portion of the existing garage for the Pelletier Brothers Plumbing and Heating business at property located at 29 Fifth Lane, Wingdale, NY, in the RU Zoning District, Grid Number 132600-7160-00-899617; and

WHEREAS, the applicant will not conduct retail sales from this location or bring clients to this location;  
and

WHEREAS, the applicant is not proposing a sign or any exterior alterations as part of this application;  
and

WHEREAS, pursuant to Section 145-41B(2)(1), a special permit may be issued to permit a home occupation which employs more than two nonresident employees, provided that it meets all the criteria for a home occupation and further provided that the area occupied by the home occupation does not exceed the lesser of 40% of the floor space of the primary dwelling unit or 2,000 square feet; and

WHEREAS, the applicant has submitted a short environmental assessment form dated July 1, 2012;  
and

WHEREAS, the Planning Board of the Town of Dover has performed a preliminary review of the EAF and other application materials; 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 action as an unlisted action under SEQRA for which an uncoordinated review will be conducted.

BE IT FURTHER RESOLVED, that the secretary to the Planning Board is hereby authorized and directed to refer the application to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law for comment and review.

Date: August 6, 2012

Moved By: Michael Villano      Seconded By: Tom Holmes

Resolution Approved/Disapproved:

David Wylock	<u>Aye</u>
Valerie LaRobardier	<u>Absent</u>
Nicholas D'Agostino	<u>Aye</u>
Tom Holmes	<u>Aye</u>
Peter Muroski	<u>Absent</u>
William Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>

Planning Board Co-Chair David Wylock

**Motion made by Michael Villano to set the Public Hearing for August 20, 2012 2nd by Nick D'Agostino**

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

*Motion approved*

**QUARTARARO SUBDIVISION - 6962-00-310797**

APPLICANT: Paul Quartararo for PROPERTY OWNER Lisbeth Quartararo

PLANS PREPARED BY: KIRK HORTON

PROPERTY LOCATED at: 600 Chestnut Ridge Road, Millbrook

APPLICATION FOR Subdivision to create 2 new lots on 106 acres in the RC district

Kirk Horton- This is the Lisbeth Quartararo's property, there are 106 acres there is a conservation easement on 90 acres of it. This leaves an area of the ROW and the 15 acres. The easement limits subdivision to 2 lots to be created forms the 90 acres. There is the lot with the existing house.

Chair- There's a common driveway noted on the map

A: yes there is an existing ROW to the back piece which is John Quartararo. We are just going to branch off of it for lot 3 and lot 2.

Chair- This Board has had a position of not approving shared driveways; they always lead to problems down the road.

Who owns the strip where the driveway is now?

A: Lisbeth Quartararo

Engineer Berger- the Old Chestnut ridge road once curved went straight, now curves to the left, was that abandoned

A: that was the old road bed and it once curved up across the back of the other lot. There will also be a lot line change of about 1/4 acre from Lisbeth Quartararo to Paul Quartararo.

Q: How did that get abandoned and how did ownership go to Quartararo?

A: They were user roads, so the Public would only have a ROW. The fee title was always with the adjoining land owners. This was taken 1935-36 and then abandoned, there's no real paperwork on it.

Attorney- Actually- Your clients do not own that 0.233 acre strip

A: They own the Fee title

No, they do not, He provided us with something from North River Abstract. It says the fee title is in the Town of Dover, it's not a user road. So it does have to be abandoned and it is not properly classified as a lot line change because, you are not conveying from one to another. It will be a lot line change, but not from Quartararo to Quartararo it will be from Town of Dover to Quartararo.

A: That's not right, Dover does not have a fee title to the abandoned section, they do to the new section, which was re aligned, and it was taken by the Town of Dover.

Attorney- He has not done a search yet on Chestnut Ridge road, but as part of this application, he will have to do that.

A: The Public ROW would theoretically be held by the Town.

Attorney- I don't think it was a user road, because the Town actually had title to the fee. This needs to be cleared up and you have to show that there is a title search on Old Chestnut ridge road and have it abandoned properly. Have you had a chance to look at the County maps?

***NORTH RIVER ABSTRACT CORP.***

*agent for*

*First American Title Insurance Company of New York*

9 Cannon Street Poughkeepsie, NY 12601

Phone No. (845) 485-5188

Fax No. (845) 485-3206

July 31, 2012

Quartararo & Lois, PLLC  
1399 Route 52  
Fishkill, NY 12524  
Attn: Paul Quartararo, Esq.

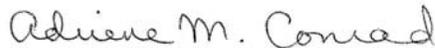
Re: Town/Dover Abandoned Roadway

Paul:

A search was conducted in the Dutchess County Clerk's Office for the chain of title of the prior owners for the Abandoned Roadway shown on a Survey made by Kirk K. Horton, NYS LLS. In 1935, this Abandoned Road was a part of Camby Road (County Road 90). The owners to the north of the Road were the Swifts and the owners to the south of this road were the Bakers at Liber 907, cp 549. There are two deeds from Baker to Town of Dover at Liber 551, cp 256 and Liber 551, cp 267. There is a deed from the Bakers to County of Dutchess at Liber 554, cp 324. There are two deeds from the Swift's to County of Dutchess at Liber 557, cp 152 and Liber 557, cp 155. In 1937, this portion of the County Roadway was abandoned when a new road was constructed known as Chesnut Ridge Road. The abandoned roadway would automatically revert to the Town of Dover. Therefore, the title to this Abandoned Roadway is held in the Town of Dover.

Should you have any questions, please do not hesitate to contact my office.

Very truly yours,  
NORTH RIVER ABSTRACT CORPORATION



Adriene M. Conrad  
President

This raises a few issues first the old road was not abandoned properly; second, did Paul forward the email:

- 1) According to the county tax map (attached), a portion of the lot is located on the west side of Chestnut Ridge Road, partially in the Town of Dover, and partially in the Town of Union Vale (there are separate tax numbers for each town). The tax maps are not always accurate. If the existing lot does extend to the west side of the road, it needs to be shown on the subdivision plat. If you want to subdivide it into a separate lot at this time, you may include this as part of your proposal. (The Unionvale Planning Board may also need to

approve the lot). If you believe that the tax map is in error, please provide us with an explanation and/or recorded deeds showing that the lot was separately conveyed before June 18, 1962, the date that the subdivision law was adopted.

- 2) According to the county tax map, there are only 78.75 acres in the Dover side of the lot, and 6.5 acres on the Union Vale side of the lot (85 total). This is different from your map, which shows 106.328 acres on the east side of Chestnut Ridge Road. Again, the county is not always accurate, but we need an explanation of the discrepancy.
- 3) According to the county tax map, there is an abandoned roadway running north/south through your lot on the eastern side of Chestnut Ridge Road. Your deed refers to this as "Old Chestnut Ridge Road". We will need to see the appropriate road abandonment and conveyance documents.
- 4) The submitted subdivision map purports to transfer a .233 acre parcel with the .960 acre parcel. The .233 parcel is referred to in your deed as "Old Camby Road". It does not appear that you currently have title to Old Camby Road. We will need to see the appropriate road abandonment and conveyance documents.

A written response to these concerns is expected from the applicant, prior to the Board moving forward with the application

Planner Ley:

The Applicant proposes to subdivide an existing 106 acre parcel into 3 building lots. The property is located on Chestnut Ridge Road, in the RC Zoning District. Lots 1 and 3 would be conventional building lots, and Lot 2 would be a rear flag lot. The project appears to meet zoning as proposed.

The Applicant should contact the New York State Natural Heritage program to determine whether any threatened or endangered species are known to be located in the vicinity of the project site. A habitat survey may be required prior to the issuance of a SEQR determination.

**Motion made by Michael Villano to set escrow at \$3,000.00 2nd by Bill Sedor**

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

*Motion approved*

Site walk set for Monday August 20, 2012 @ 5:00 meet wt the intersection of Camby and Chestnut Ridge Road

**Motion made by Michael Villano to extend the deadline from August 8 to August 29, 2012 for this application 2nd by Tom Holmes**

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

*Motion approved*

**MADDEN - CAIONE 7160-00-551689 6.60 ACRES & 7160-02-505655 3.63 ACRES**

APPLICANT: Brian Houston for PROPERTY OWNERS James Madden &amp; James Caione

PLANS PREPARED BY: BRIAN HOUSTON

PROPERTY LOCATED at: 878 Berkshire Road &amp; 71 Foxwell Terrace, Wingdale

APPLICATION FOR Subdivision to convey 0.50 acres from Caione to Madden

Brian Houston- Mr. Madden has 6.6 acres on Berkshire Road; there is a house barn and a few sheds. There is an adjoining property owned by Mr. Caione, who has 3.6 acres. The Maddens would like to purchase ½ acre of land from Caione in the north east corner of land to provide a buffer.

The Caione's do not use that property at all.

Each parcel has its' own well and septic. The ½ acre will have a deed restriction that no development will take place on it, as part of the agreement on selling the property.

Q: What kind of development, any?

A: Correct. It will be left in its natural state

Q: How many acres does Mr. Madden have?

6.6

Q: and after this it will be over 7?

A: 7.1

Q: will that make him eligible for agricultural exemptions?

A: 7 acres I believe.

**Engineer Berger:****Re: Lot Line Change between Madden and Caione**

*The applicant is requesting preliminary sketch plan approval for the proposed lot line change between the lands of Madden and the lands of Caione. Making the latter 0.5 acres larger—at a total of 7.10 acres—and making the former 0.5 acres lesser—at a total of 3.12 acres.*

**Comments:**

1. *Per section 125-17 preliminary layout  
The following waivers are recommended:*
  - C. *Topography at no more than 5 feet, 10 feet is provided and is acceptable for this application.*
  - H. *A vicinity amp at 1" = 2000 ft, a map at 1" = 1000 feet is provided and is acceptable for this application.*
  - I. *A location map showing properties within 1000 feet, the map shows sufficient information needed for this application.*
2. *No new construction is being proposed in this application only a lot line change transferring 0.5 acre from lands of Caione to lands of Madden. The portion of land being transferred does not have any improvements on it nor does it affect the required acreage nor setbacks for either lot.*

Planner Ley- The existing and Bulk regulations have been shown for each of the lots. The only non conformity is that the Caione lot does not have sufficient frontage. That does not change with this application.

Attorney- On the map it say 3.63-.5 =3.12

Mr. Houston- It's just the way the rounding of numbers works out. It will be 3.12.

Attorney- I'm not sure what is happening on this property, but the Board is not looking at the site as part of this, they are only looking at the transfer of land. It is recommended that a note be placed on the map to state the Planning Board is not approving the use of the property. This way it will be clear the Board is not approving the use.

Member- Do we have to be concerned with the debt on the property?

A: If they default it's their problem. We could require that the merger deed is shown to us.

Chair- Victoria's comments about not looking at the site plan, she's correct, however you do realize this is the SR district, Single Residence only.

Mr. Houston- I'm not sure I'm following

Chair- The zoning law says its fro single residence only, not for what it's being used for right now. Obviously it's got building permits and C/O's to do what you did, so it's not for us to comment on that now.

Attorney- Correct, under the code- Boarding stable and riding academy is not permitted in that district. But as far as we know, there is no pending violation.

Michael Villano will be recusing himself from any votes on this due to proximity and his daughter takes lessons there.

## **RESOLUTION TYPING ACTION AND DETERMINING SIGNIFICANCE**

### **Madden & Caione Lot Line Alteration**

WHEREAS, James & Gina Madden and James & Carol Caione have applied to the Planning Board for subdivision approval for a lot line alteration, as shown on plans entitled, "Lot Line Change Between Madden and Caione," prepared by Brian M. Houston, Land Surveyor, dated June 16, 2012; and

WHEREAS, the parcels for this application are located on Berkshire Road and Foxwell Terrace in the SR Zoning District and are identified as tax map parcel nos. 7160-00-551689 (Berkshire Road - Madden) and 7160-02-505655(Foxwell Terrace-Caione); and

WHEREAS, James & Carol Caione are proposing to convey .50 acres to the adjoining property owned by James and Gina Madden, resulting in a decrease in Caione's property from 3.63 acres to 3.12 acres and an increase in the Madden's property from 6.60 acres to 7.10 acres after the lot line is changed; and

WHEREAS, the applicants have proposed to place a deed restriction on the .50 acre that will be conveyed to Madden to prohibit any future residential development; and

WHEREAS, the submittal was accompanied by an Environmental Assessment Form ("EAF") dated July 7, 2012; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board is required to determine whether the proposed action will have a significant impact on the environment; and

WHEREAS, the Planning Board is the only involved agency under SEQRA.

**NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Dover hereby determines that the Madden & Caione Lot Line Alteration is an unlisted action under SEQRA.**

**BE IT FURTHER RESOLVED** that the Planning Board has reviewed pertinent available information submitted by the applicant and gathered by the Board and has determined that there are no potential significant adverse impacts related to this action and that a Draft Environmental Impact Statement will not be prepared.

**Date: August 6, 2012**

**Moved By: Bill Sedor      Seconded By: Tom Holmes**

**Resolution Approved/Disapproved:**

**David Wylock                      Aye**  
**Valerie LaRobardier            absent**  
**Nicholas D'Agostino            Aye**  
**Tom Holmes                        Aye**  
**Peter Muroski                     absent**  
**William Sedor                    Aye**  
**Michael Villano Abstained**

**Planning Board Co-Chair David Wylock**

**Motion made by Bill Sedor to set escrow at \$1,500.00 2nd by Tom Holmes**

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

*Motion approved*

**Motion made by Tom Holmes to set Public Hearing on August 20, 2012 2nd by Nick D'Agostino**

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

*Motion approved*

**Non Application Specific Topics:**

Web Site posting Criteria & Planning Board web page suggestions

This was discussed at the last meeting

**CRITERIA FOR POSTING SIGNIFICANT LAND USE PROJECTS ON THE TOWN WEBSITE**

It is the policy of the Town of Dover Planning Board to post documents on the Town website pertaining to site plan, special permit, and subdivision applications that meet or exceed any of the following thresholds:

- 1) Subdivisions creating 10 or more lots.
- 2) Construction of five or more multi-family dwelling units.
- 3) Construction of 10 or more single-family dwellings.
- 4) A lodging facility with accommodations for 20 or more guests.

- 5) Construction of facilities or structures for a nonresidential use involving more than 20,000 square feet development area.
- 6) Applications for alterations of existing structures, including the expansion of such structures, by more than 10,000 square feet.
- 7) Conversion of existing nonresidential facilities or structures involving more than 20,000 square feet of development area to another use that would increase the consumption of water, production of wastewater, or the generation of traffic.
- 8) Projects that involve new disturbance, or a greater intensity of use, within a Critical Environmental Area.
- 9) Construction of a structure that exceeds the maximum height allowed in its zoning district by 10 or more feet at the average finished grade.
- 10) Any other application which the Planning Board, in its discretion, requires to be posted by reason of proximity to environmentally sensitive features, proximity to historic or archaeological resources, or a project's significant departure from existing community character

If a project which does not initially meet the criteria for a significant land use project is amended during the review process to meet or exceed any of the above criteria, it will be deemed a significant land use project and all application materials shall be posted on the Town website.

If a project which initially meets or exceeds the criteria for a significant land use project is amended during the review process so that it no longer meets the criteria for a significant land use project, all application materials shall continue to be posted on the Town website.

Application materials include the application form, maps, EAF, and any other information submitted by the applicant in furtherance of the application, agency response letters, and adopted resolutions.

Attorney Polidoro- The Town Board was going to discuss this at their meeting- does anyone know what happened?

Chair- No, but the Supervisor just walked in, lets ask him.

Supervisor Courtien- The Town Board has not discussed this as a group, but it has been discussed, with a Town Board member and others. The simplest thing would be, although it would be more effort on the Staff, but to post everything. With the number of applications submitted to discuss, post this and not that, doesn't make sense. After discussing it with the Staff, everything already gets digitized, it could get forwarded to IT in an email and get posted. This way as the Planning Board and consultants, you would not have to decipher if it meets a criteria, just post everything. If you pass the policy that you want everything posted, I could make sure staff is aware, the resources are there.

Attorney - We had discussed this and the possibility of just the first piece of information being posted. There is the concern that if subsequent information is not posted, then the Public will be commenting on outdated information. So you are suggesting everything get posted?

Supervisor- Yes I would suggest yes, post everything, it might actually save some time in the sense of calls, FOIL etc.

Q: How is that paid for, since there is a cost to the Town? Will the Town need to amend escrow law or fee schedule?

A: Currently its \$30.00 per gig, and it would go by how big the project is.

Q: Maybe the Town can state how long the project stays up once approved.

A: yes that would make sense; we can create a policy for this. Some Town Board projects are quite large. It has been discussed possibly 1 year after approved, not immediately right after approval. The Planning Board could make a recommendation.

Q: Well to provide uniformity with the Planning board, zoning Board and ARB, the Planning Board could make suggestions to the Town Board, and the Town Board could create the policy. The Board will need to just confirm what is and what is not posted, in the sense of personal applicant information. A call could be made to the Committee on Open Government, most information is subject to FOIL, but to post it on the internet seems to almost cross a line, so we will seek guidance from them.

Secretary- The applications could be revised to omit the request for personal information as well as have a statement saying this application will be posted on the web. I would prefer if someone is looking for the personal information, they can search for it themselves, I would rather we are not providing it. A disclaimer could be on the application

Q: How long should the information be posted

Members- Some felt 6 months, others 1 year.

Audio ended

**Motion made by Bill Sedor to adjourn 2nd by Michael Villano**

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