DoverPlanningZoningARB

From: Craig Tamboia [ctamboia@gmail.com]

Sent: Thursday, October 25, 2012 11:29 AM

To: PlanningARB@TownofDoverNY.us

Subject: WESTCHESTER MODULAR HOMES SUBDIVISION 03/31/2011

October 22, 2012

Mr. David Wylock, Chairman

Town of Dover Planning Board

136 Duncan Hill Road

Dover Plains, New York 12522

RE: Westchester Modular Homes request for Special Permit

Dear Chairman Wylock and members of the Planning Board;

I am writing this letter to express my opposition to the proposed Westchester Modular Subdivision. I feel that above all, any development in or near the Flood Plain should be carefully studied to insure that there is no catastrophic impact to the community. After reviewing the available material on the Town of Dover website regarding this project, I have questions that I'd like to be addressed:

1. The Proposed development, specifically Lot 1, is to be built in the existing Flood Plain. Or as defined under FEMA, Special Hazard Flood Zone. According to The FEMA FIRM, this is Zone is designated as an AE. Under **44CFR 60.3 (c)(2)**, it is required that all new construction and substantial improvements of residential structures within a Zone AE have the lowest floor (including basement) elevated to or above the base flood level.

   To note, the level of the existing house (shown on proposal) is EL 506. The proposed elevation for the building on Lot 1 is shown to be EL 518. This is a difference of 12 feet. I would like clarity on the BFE for the new structure in the Flood Plain as well as seeing actual renderings of what this building will actually look like.

2. Under the Revised Application, on the Short Environmental Assessment Form, under part 5, it reads that the proposed action is a "modification/alteration." In a

letter to the Planning Board dated February 7, 2012 it reads in part, *"to allow us to build four, four family residences."* The Short Environmental Assessment Form is incorrect. The proposal is to build four new structures- they are not renovating existing buildings. Is the Planning Board aware that this is the case and if so, how could such a gross error be allowed? There is a substantial difference between the two, as far as modifying an existing structure, or building a new structure. The Existing properties are single family-the proposed are multi-family. By having incorrect information and the Planning Board being misinformed-will there be any significant environmental issues that will impact surrounding properties? Should this not require a re-submission of this form?

3. My understanding is that introduction of fill into the Flood Plain is allowed. However, it is recommended as a safety concern under **44CFR 60.3 (c)(2)** that fill should extend 10-15 feet beyond the building walls before it drops to below the BFE. In some cases this distance may be more. Based on the need for an extension and the amount of fill that may be introduced (which is uncertain at this time), it is quite possible that fill might encroach into the Flood Way. If this is the case then restrictions would apply under the same section. I ask that Westchester Modular Homes produce a current detailed drawing showing the exact amount/location of the fill to be used and specify whether any fill will encroach into the flood way.

4. In 2008, The US Army Corp of Engineers did a Reconnaissance Study of the Ten Mile River. It was recommended at that time, due to a federal concern as a result of this study, that it proceed into the next level; Feasibility Phase. Some public concerns stated on page 6 of this study were erosion, bank and property loss, sedimentation, flooding and ecosystem degradation. I feel that it would be in the best interest of our community to make sure that this Feasibility Study is conducted before any approval for a Special Permit is issued. Although my request may not be normal protocol, it would insure that possible issues involving flooding and shore erosion can be evaluated and deem whether this proposal would aggravate an already serious condition. I raise this concern due to the close proximity of LOT 1 of the proposal and the impact that it can have on the Ten Mile River.

5. The granting of a Special Permit for this project is in direct contradiction to the Master Plan. In the Master Plan under the heading of 100 Year Flood Plain on Page 111, it reads, *"uses of the flood plain district should be limited to agriculture, forestry, recreation and other uses that would minimally be impacted by high water."* It further states, "*Structures, especially those that would house either humans or livestock should be restricted."* Based upon this statement, how can the Planning Board still, under any circumstance, permit the building of a structure that will be used for housing in the Flood Plain?

There are still many questions that need to be answered and as well as pertinent information that still must be reviewed prior to making a decision on granting the Special Permit. Some of these answers can only be obtained by outside agency studies. By doing it's due diligence the Planning Board can ensure, to the best of its ability, that if granted, this project will be safe for our community and will have no major impact on the immediate surrounding properties. Again, I request that the Feasibility Study be conducted, as has been advised by the Army Corp of Engineers, before any judgment is made by the Planning Board.

As we have all noticed over the last few years the amount of rainfall in our area has increased. We have seen the waters of The Ten Mile River at levels much higher than in past. Our community has also seen an increase in residential population, especially close to our precious water shed areas. This has presented our community with both challenges and compromises in that we balance the demand of this increasing population with the preservation of the beauty and vitality of our natural resources.

To meet these demands our Town Board approved a Master Plan. In essence The Master Plan was created as a safeguard to protect and preserve the natural beauty of our town while at the same time promoting responsible growth in designated areas. I do not believe the construction of apartment buildings in residential neighborhoods is within the framework of the Master Plan, I believe that it is in direct contradiction. Open spaces, as is mentioned in The Master Plan, are a valuable and scarce commodity which should be cherished and utilized for the greater good of the entire community.

Respectfully,

Craig M. Tamboia

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Wingdale, New York 12594