

Town of Dover Planning Board

Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522



(845) 832-6111 ext 100

Planning Board Special Meeting
Monday , February 04, 2013
7:00PM

- Co-Chair David Wylock
- Member 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: Karen Arent Landscape Architect, Anthony Pisarri, Michael Morgante & Attorney Bumgarner for Westchester Modular Homes Multi Family Dwellings, Rich Renna for Double JK Ranch ESC, James Scaglione & Jack DiPietro for Stony Brook Estates 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: 09 pm by Chair Wylock and began with the Pledge of Allegiance

Old Business:

I. 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

Chair Wylock- Before the applicant speaks I would like to respond to some of the Public comment from since the close of the Public Hearing

WMH RESPONSE TO WRITTEN COMMENTS 2/04/13

IN RESPONSE TO SOME OF THE COMMENTS MADE TO THE BOARD SINCE THE PUBLIC HEARING CLOSED IN DECEMBER 2012, I WOULD LIKE TO RESPOND AND GO OVER SOME OF THESE COMMENTS.

ORIGINAL APPLICATION- THE ORIGINAL APPLICATION FOR THIS PROJECT FILED SEVERAL MONTHS AGO WAS FOR FOUR MULTI FAMILY UNITS ON REGANS MILL ROAD. THE TWO END UNITS, LOTS 1 & 4 WERE PROPOSED AS 4-2 AND 3 BEDROOM TOWN HOUSES AND LOTS 2&3 WERE PROPOSED AS 4 1 BEDROOM UNITS, DESCRIBED AS FLATS. AT NO TIME WERE SROS,OR SINGLE ROOM OCCUPANCY UNITS EVER PROPOSED, THEY WOULD NEVER HAVE BEEN CONSIDERED BY THIS BOARD.

AT THE URGING OF THE PLANNING BOARD THE APPLICANT CHANGED THE DESIGN OF THE HOUSES ON LOTS 2&3 TO 2,3 BEDROOM TOWN HOUSES SIMILAR TO THOSE ON LOTS 1&4. THE BOARD ALSO EXPRESSED CONCERNS ABOUT THE LOCATION OF THE PROPOSED HOUSE ON LOT 1 DUE TO IT BEING WITHIN THE FLOOD PLAIN. IN RESPONSE TO THIS CONCERN THE APPLICANT HAS MOVED THIS PROPOSED BUILDING SEVERAL FEET EAST TO GET IT OUT OF THE FLOOD PLAIN, WHILE STILL ALLOWING THE PROPER SIDE YARD SETBACK WITH LOT #2.

THE PUBLIC SHOULD BE AWARE OF THE FACT THAT THE APPLICANT HAS SEVERAL OPTIONS OPEN TO HIM FOR THIS PROPERTY. 1- A COMMERCIAL DOG KENNEL, 2- COMMERCIAL LOGGING OPERATION, 3-CELL TOWER WITH A TOWN PERMIT AND 4 EXPANDING THE FACTORY OPERATION CLOSER TO REGANS MILL ROAD.

SEQRA PROCESS- THE BOARD HAS COME UNDER CRITICISM ABOUT THE MANNER IN WHICH IT DEALT WITH SEQRA. TO STATE THAT WE DID NOT FOLLOW PROPER PROTOCOLS IS TOTALLY INCORRECT. THIS PROPOSED PROJECT UNDER THE SEQRA LAW DOES NOT MEET THE THRESHOLD FOR A POSITIVE DECLARATION. FURTHER, OUR PLANNER FROM AKRF DID INDEED PREPARE THIS DOCUMENT FOR THE BOARD AS THIS IS PART OF HER DUTIES AS A CONSULTANT TO THE BOARD.

AS FOR ANYONE NOT REALIZING THE SITE IN QUESTION WAS ZONED DIFFERENT FROM COUNTRY MILLS DEVELOPMENT, ALL OF US HAVE A RESPONSIBILITY WHEN PURCHASING REAL ESTATE TO INVESTIGATE THE NEIGHBORING PROPERTIES BEFORE BUYING A HOME. I REALIZE THAT FIRST TIME HOME BUYERS MAY NOT BE FAMILIAR WITH THESE THINGS, BUT THEIR REALTOR CERTAINLY HAS A DUTY AND OBLIGATION TO KEEP THE PROSPECTIVE BUYER PROPERLY INFORMED.

FLOOD PLAIN- AS THE MOST RECENT DRAWINGS INDICATE THE PROPOSED HOUSE ON LOT #1 IS NOT WITHIN THE FLOOD PLAIN AND THEREFORE THERE WILL BE NO FILL REQUIRED WITHIN THE FLOOD PLAIN. THIS WAS A LEGITIMATE CONCERN TO BOTH THE PUBLIC AND THE BOARD AND IT IS NOW A MUTE POINT.

IMPACT ON THE TEN MILE RIVER- WITH NO DISTURBANCE TO THE FLOOD PLAIN, THERE WILL BE NO NEGATIVE IMPACT ON THE RIVER. THE BOARD'S ENGINEER, WHO IS WELL VERSED IN THESE MATTERS ALONG WITH THE BUILDING INSPECTOR WILL BE MONITORING ANY WORK BEING DONE IN THIS AREA.

TRAFFIC- ADDED RUSH HOUR TRAFFIC WILL HAVE A MINIMAL IMPACT AND OUR PLANNERS CONCLUSIONS, WHILE APPARENTLY MISUNDERSTOOD ORIGINALLY HAVE BEEN SUPPORTED BY TRAFFIC ENGINEERS WHO HAVE VISITED THE SITE.

INTEREST OF APPLICANT- I CAN ASSURE EVERYONE THAT NO MEMBER OF THIS BOARD HAS ANY INTEREST IN MONETARY BENEFIT'S THAT THE APPLICANT MAY OR MAY NOT RECEIVE FROM CONSTRUCTION OF THIS PROJECT.

NEIGHBORING REAL ESTATE VALUES- ONCE AGAIN FOR THE RECORD, THE PLANNING BOARD CANNOT CONSIDER REAL ESTATE VALUES OF NEIGHBORING PROPERTIES WHEN ACTING ON AN APPLICATION BEFORE IT. IT IS ILLEGAL AND THERE IS CASE LAW SUPPORTING THIS. OUR ATTORNEY CAN COMMENT ON THIS WHEN I FINISH MY REMARKS.

SCREENING- THE BOARD HAS REQUESTED AND THE APPLICANT IS COMPLYING WITH OUR COMMENTS CONCERNING SCREENING IN THE EAST SIDE OF THE PROPERTY FROM REGANS MILL ROAD TO THE SOUTH END OF THE PROPERTY. THERE WILL BE A ROW OF EVERGREEN TREES IN THIS AREA SCREENING IN THE REAR YARDS OF THE PROPOSED HOMES FROM SYCAMORE BLVD.

OCCUPANCY. AT THIS BOARD'S REQUEST SOME OF THE NEW UNITS WILL BE MADE AVAILABLE TO POLICE OFFICERS, FIRE FIGHTERS, EMERGENCY SERVICE PERSONNEL.

EMPLOYEE HOUSING- THIS IS NOT NECESSARILY A BAD THING. IT CAN BE BENEFICIAL FOR BOTH THE LANDLORD AND THE EMPLOYEE. FOR SEVERAL YEARS PRIOR TO RETIRING, I WORKED FOR A CORPORATION THAT OWNED VAST PROPERTIES IN SEVERAL DIFFERENT STATES. EMPLOYEE HOUSING WAS PROVIDED AT EACH OF THESE SITES TO PEOPLE THAT WERE CRITICAL TO OPERATING AND MAINTAINING THE PROPERTIES.

SOME OF THESE WORKER EX; MECHANICAL MAINTENENCE PERSONNEL WERE LIVING ON SITE TO BE AVAILABLE FOR EMERGENCY SITUATIONS THAT MAY OCCUR DURING OFF HOURS. OTHERS WERE AVAILABLE FOR THE OPERATIONS OF THE PARTICULAR PROPERTY. ALL OF THEM RECEIVED SOME SORT OF RENT SUBSIDIES, ALL HAD ONE YEAR LEASES WITH 30 DAY CANCELLATION CLAUSES. IN MY 19 YEARS WORKING THERE WE ONLY HAD ONE INCIDENT WHERE A TERMINATED EMPLOYEE HAD TO BE FORMALLY EVICTED. IN OTHER TERMINATION CASES, THE INDIVIDALS WERE GIVEN 60-90 DAYS TO VACATE.

WORK FORCE - I TAKE PERSONAL EXCEPTION TO ANY INFERENCE THAT FACTORY OR IMMIGRANT WORKERS ARE NECESSARILY BAD FOR THE CHARACTER OF THE COMMUNITY. THIS COUNTRY WAS BUILT AND IS STILL BEING BUILT ON THE BACKS OF IMMIGRANT WORKERS. WHO ARE ANY OF US TO THINK THAT WE CAN DETERMINE WHO IS GOING TO LIVE NEAR US, SO LONG AS WHAT THEY ARE DOING IS WITHIN THE LAW. MY GRANDPARENTS DID NOT COME OVER ON THE MAYFLOWER. THEY ARRIVED IN STEERAGE FROM EUROPE AND WENT THRU ELLIS ISLAND. THEY ALL BECAME PROUD AND PRODUCTIVE CITIZENS AND RAISED THEIR CHILDREN PROPERLY. THEY SAW TO IT THAT WE WERE TAUGHT RIGHT FROM WRONG AND OBTAINED GOOD EDUCATIONS. I SHUDDER THINK THAT SOME DAY PEOPLE MIGHT HAVE TO PASS A HERITAGE TEST TO LIVE IN A PARTICULAR AREA.

MASTER PLAN- THE MASTER PLAN IS JUST THAT. IT DOES NOT SUPERCEDE THE TOWN ZONING LAW

OPEN SPACE- THIS BOARD IS NOT IN BUSINESS OF TAKING AN APPLICANTS PROPERTY AWAY FOR ANY REASON. IF MR HATCHER WISHES TO DONATE LOT #1 TO THE TOWN THAT IS HIS BUSINESS. IF THE TOWN BOARD WISHES TO, THEY CAN INITIATE CONDEMNATION PROCEEDINGS TO TAKE OVER THIS LAND. HOWEVER, BEFORE DOING THIS, EVERYONE SHOULD TAKE THE TIME ON ANY SUNDAY FROM SPRING TO FALL AND VISIT BULLS BRIDGE AREA IN KENT. THE CT. STATE POLICE AND NATIONAL PARK SERVICE HAVE PERSONNEL THERE TO KEEP AND MAINTAIN ORDER. ON MONDAYS THERE ARE MASSIVE PILES OF GARBAGE LEFT BEHIND FROM THE PREVIOUS DAY. I SHOULD POINT OUT THAT AT FULL BUILD OUT, MR. HATCHER WILL HAVE PAID \$48,000 TO THE TOWN RECREATION FUND.

HOA- TO REQUIRE AN HOA FOR THIS PROJECT IS NOT PRACTICAL. THERE WOULD ONLY BE ONE MEMBER, MR HATCHER.

DEGRADING THE WATERSHED- THERE IS NO EVIDENCE THAT THIS PROJECT WOULD DEGRADE THE WATERSHED.

FLOOD PLAIN-ONCE AGAIN NO DISTURBANCE .

ELEVATIONS- I WILL DEFER TO OUR ENGINEER JOE BERGER WHEN I FINISH MY REMARKS, TO ADDRESS THIS IT APPEARS THAT THE PUBLIC COMMENTS ON THIS ARE INCORRECT

LANDSCAPING-ASSERTIONS THAT THE LANDSCAPING PLAN CONSISTS OF ONLY FOUNDATION PLANTINGS ARE INCORRECT, HAD THE PUBLIC NOT FLED THE MEETING ROOM AT THE CLOSE OF THE PUBLIC HEARING LIKE IT WAS A FIRE DRILL,THEY WOULD HAVE SEEN HOW EXTENSIVE THE LANDSCAPING PLAN IS. WE DISCUSSED IT ONCE AGAIN AT OUR JANUARY MEETING AND IT WILL BE DISCUSSED AGAIN THIS EVENING. I SHOULD POINT OUT THAT THE LARGE CEDAR TREES ON LOT#1 WILL REMAIN UNDISTURBED..

HARD LOOK- COMMENTS MADE ABOUT THE BOARD NOT TAKING A HARD LOOK ARE WITHOUT MERIT. WE HAVE BEEN DEALING WITH THIS APPLICATION FOR ALMOST ONE YEAR AND WE HAVE GONE THE EXTRA MILE TO SEE TO IT THAT EVERYTHING IS BEING DONE PROPERLY. I HAVE STATED TO OUR CONSULTANTS MORE THAN ONCE THAT WE MUST BE CERTAIN THAT EVERY I IS DOTTED AND EVERY T IS CROSSED PRIOR TO OUR MAKING ANY DECISIONS,. THE COURT CASES REFERRED TO THE BOARD ARE NOT RELEVANT TO THIS PROJECT. ONE INVOLVED REZONING ANOTHER INVOLVED A ROOMING HOUSE, NIETHER OF WHICH IS OCCURING HERE.

CONDITIONS- IF THE BOARD APPROVES THIS APPLICATION THERE WILL BE SEVERAL CONDITIONS IMPOSED ON THE FINAL MAPS. THESE CONDITIONS WILL GO WITH THE PROPERTY IF IT IS EVER SOLD. SOME OF THE CONDITIONS ARE. 1- NO PARKING OF MOTOR VEHICLE ON ANY LAWNS OR GRASS AREAS. 2- NO OUTSIDE CLOTHESLINES VISIBLE FROM PUBLIC ROADS 3- NO OUTSIDE BURNING GARBAGE OR REFUSE ON THE PROPERTY 4- NO ATHLETIC EQUIPMENT TO BE ERECTED ON THE FRONT LAWN AREAS, EX: SOCCER NETS, BASKETBALL BACKBOARDS, ETC. 5- NO OVERNIGHT PARKING OF COMMERCIAL VEHICLES ON THE PROPERTY. 6- ALL FOUNDATION PLANTINGS SHALL BE HEALTHY AND VIGOROUS AND INSPECTED AT THE START AND END OF THE FIRST GROWING SEASON. THOSE THAT ARE NOT HEATHY WILL BE REPLACED FOR THE SECOND SEASON. 7- ALL BUILDINGS WILL BE EQUIPPED WITH AUTOMATIC FIRE SPRINKLER SYSTEMS. 8- TWO NEW FIRE HYDRANTS WILL BE INSTALLED ON REGANS MILL ROAD IN FRONT OF THE PROPERTY. 9- ALL GARBAGE AND RECYLING BARRELS WILL STORED AT THE REAR OF THE BUILDINGS OR IN THE GARAGES. 10- PRIOR TO ANY CERTIFICATES OF OCCUPANCY BEING ISSUED ,THE LOCAL FIRE COMPANY OFFICERS WILL HAVE AN OPPORTUNITY TO WALK THRU THE BUILDINGS WITH THE TOWN BUILDING

INSPECTOR.

IN CLOSING- YES I HAVE STATED PUBLICLY IN THE PAST THAT THE BOARD MUST GET AN APPLICATION RIGHT, AS THERE ARE NO SECOND CHANCES. THIS WILL APPLY TO THIS PROJECT AS WELL. HOWEVER, THE BOTTOM LINE IS THAT WHAT IS PROPOSED HERE MEETS ALL ZONING REQUIREMENTS.

VICTORIA- REAL ESTATE VALUES

JOE- FLOOD ISSUES, COMPENSATORY VOLUMES, ELEVATIONS.

Attorney Polidoro- We have said it before and it was correctly stated again tonight. The Planning Board can not consider appreciation or depreciation of real estate values in its decision making. The Board is bound by the considerations of the Zoning law and SEQRA and neither allow for economic considerations. Another point is the Master plan, in reviewing the Master Plan, this project and our zoning is not inconsistent with it. There is a section on page 108 which talks about potential of a new neighborhood commercial district, it says " there's one available near the modular home plant and new housing development on Reagans Mill Road, and will provide for smaller scale retail opportunities for local use without pulling local business away from the main hamlet center' So the Master plan does envision a mixed commercial residential area along that roadway, I don't think this project is inconsistent with that.

Engineer Berger- In reviewing the project from the beginning, we have always recommended moving the house off the flood plain, on compensatory volumes it is a very good idea if allowed by law. The Town of Dover Flood Plain ordinance does not provide for that. It says the town may use the DEC Model law which states filling within the flood plain is permitted as long as it meets the standards. These are constructability standards, which are how the flood plain is filled and how the construction is built, not negating the need to be able to do it. Only the If in the Flood way can you not fill in Dover, this project is not in the floodway. Since reviewing the project the datum the original surveyor used is different from the NAVD88 that FEMA uses. In comparing the two, the applicant went back out and had their surveyor check it. In doing so it became clear that the flood plain shown on the original map was actually in error in elevation by several feet. When it was corrected to the current maps, the house and construction on that lot are further out of the flood plain and only a few feet of relocation to remove it from the flood plain. The current proposal is substantially out of the flood plain line except for one corner is touching the line and we recommend another tweaking of the design to completely remove it from being at the flood plain.

Additional Engineering Comments:

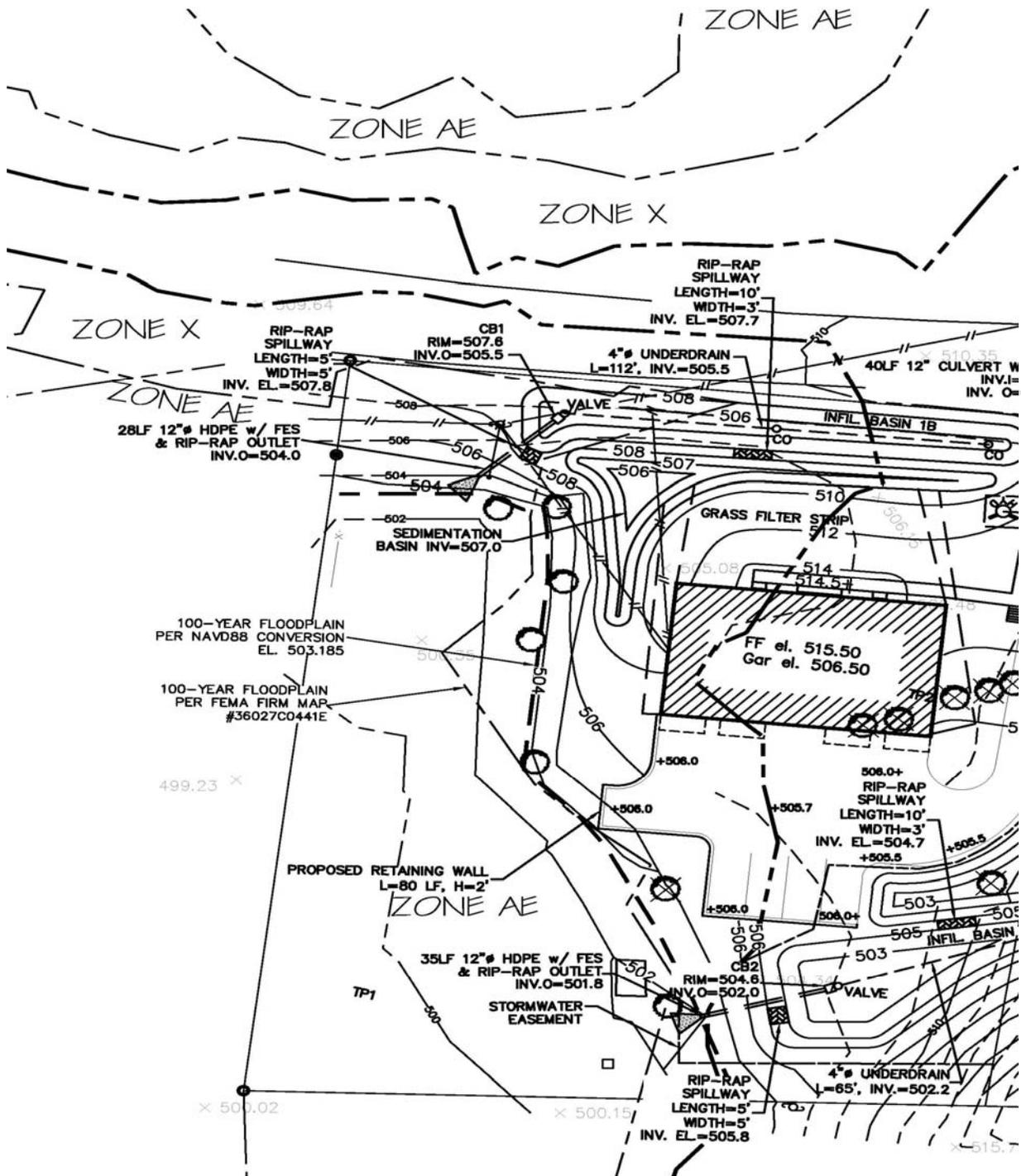
1. *The proposed sanitary sewer and water services will need approval from Dutchess County Health Department.*
2. *The SWPPP prepared for this site provides for green practices that will reduce the peak discharge from the developed site to below predeveloped levels. The proposal raised the parking lot and homes above and out of the 100 year flood plain and provides for onsite detention and treatment of stormwater runoff.*
3. *It is recommended for final approval that the slope along the west side and south side of lot 1 be adjusted to reduce the amount of fill within the flood plain.*
 - o *Slope on west side and south side have been adjusted reducing fill within flood plain.*

4. *The proposed project proposed to fill a portion of the flood plain. The flood plain maps for the Ten Mile River have recently been adopted by the Town of Dover. These maps provide both a base elevation (BFE) and also identify both the flood plain and flood way.*
5. *The vertical difference between the assumed site datum and NAVD88 has been provided as -164.185 feet. The 100-year flood elevation on the site datum has been provided as 503.185. These are per letter prepared by Michael A. Morgante, P.E. of Arden Consulting Engineers, PLLC.*
6. *The elevations of the first floor and garage of buildings on lots 1 and 2 have been lowered. Lot 1 garage elevation is now proposed as 506.50 which is more than 3 feet above the 100-year flood elevation.*
7. *Minor fill may occur within the flood plain at the west corner of the lot 1 parking lot. This should be clarified on final drawings and reduced if possible.*
8. *The outlet from the northern infiltration basin (1B) on lot 1 discharges at the 100-yr flood limit with an invert (504.0) above the 100-year elevation.*
9. *The outlet from the southern infiltration basin (1D) on lot 1 discharges at the 100-yr flood limit with an invert (501.8) below the 100-year elevation.*
10. *The 100-year model for the southern basin (1D) did not include the 100-yr flood tail water condition.*
11. *The bottom elevation (503) of the basin (1D) is at the 100-yr flood elevation.*
12. *The freeboard in basin (1D) during the 100-yr storm is 0.8 ft.*
13. *No details of stormwater facilities were included with latest plans.*
14. *Silt fence on west side of lot 1 should be installed along or outside of limit of 100-year flood plain. These need to be submitted for approval.*
15. *Subdivision Plat, to be filed, should be sealed by NYS Licensed Land Surveyor.*
16. *The plan needs to comply with chapter 65 including providing erosion control details, sequence of operations and an erosion control bond estimate.*

Chair Wylock- Each one of the 4 houses will be 31.5 in height which is within the allowable ordinance. Each one of these houses will also be smaller than the larger of the two model homes on site now.

Member LaRobardier- In an answer to a letter received from Ms. Gaglio, asking that I recuse myself from this project, with the reasoning that I spoke out at a Town Board meeting. I spoke about the budget decision about removing the line item of co chair, this has nothing to do with any one project, and it would not be proper to remove myself because of that. It was a budget decision and I took issue with the Town Board not informing me ahead of time, and having an inaccurate document available on view.

Engineer Morgante- Project Engineer-Worked on the drainage for this site. Agrees with Engineer Berger and would like to add they will be able to save the large evergreen trees on the west side of lot one by moving the dwelling to the east and revising the grading. There will be no fill in the 100 year flood plain and can modify the small turn around area so there will be no encroachment in the flood plain. Also while looking at the different datum and better topography, they are now able to better illustrate the true 100 year flood plain.



Attorney Bumgarner - I would like to submit this letter to the Board, since we still need to appear before the ARB as well.

CRAIG T. BUMGARNER, P.C.
ATTORNEYS-AT-LAW

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Administrative Assistants
Margaret Steinmeyer
Joleen Lanzarotta

February 4, 2013

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

Re: Westchester Modular Homes

Dear Chairpersons Wylock and LaRobardier and Members of the Town of Dover Planning Board:

This office represents Westchester Modular Homes, Inc. in connection with its application for subdivision, site plan and special permit approvals (the "Approvals") from Your Board.

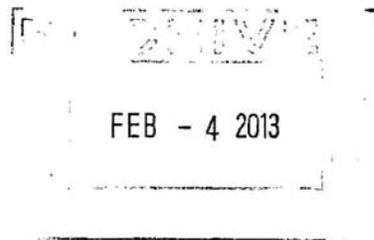
Public hearings were conducted on September 19, 2012, October 1, 2012 and December 17, 2012. The Planning Board closed the public hearing on December 17, 2012.

At this time, Westchester Modular Homes, Inc. has requested that I confirm that it consents that any and all time frames within which the Planning Board must render its decision pursuant to New York State Town Law or the Town of Dover Town Code be extended for an additional sixty two (62) days.

Thank you for your time and consideration in this matter.

Very truly yours,

Craig T. Bumgarner



Karen Arndt- Moving the house on lot 1 allows us to save a 36" maple and some cedar trees; it also gives screening from across the river. Shadblows were added to the drainage plan and along the property; shrubs were moved out of the infiltration basin.

Chair Wylock- along lot 1 one of the renderings shows a lot of foundation

A: the drawings show that there isn't the planting should hide the foundation, and shrubs are on all 4 sides of each house. Shadblows along lot 1 should be 18- 24 ', Then shrubs and then a larger tree.

Chair Wylock- A question came up the other day about mail boxes, after speaking to the Postal Authority, there are options. There is 1 a CBU which is a community box, but their recommendation is 4 mailboxes on 1 mount in front of each unit. These will not be on the applicant's property; they will be on Town property, so they do not have to be on the site plan. A drawing of what they will look like should be submitted.

When applying to the Highway Department for a driveway permit, they will need to be shown as well.

We have asked for a phasing plan and have not received it that will hold everything up

Anthony Pisarri- It's simple, the idea is Mr. Hatcher wants to build houses 3 & 4 when he does that all the infrastructure will be put into place for everything, as well as grading. Phase 2 is just houses 2 & 1 with driveways for 1 & 2. This can be covered on the site plan with a note or heavy line

A: we need a plan that shows everything, you you're going to do on both phases, including infrastructure on all 4 lots. You can do this in 2 ways, either separate them so there are 2 separate approvals, so when phase 1 is done you can get a CO and it's done and phase 2 could be extended. Or you can do 1 & 2 of 1 plan and extend your building permits, this is a business decision for you, but we need to see the plan.

Just so you know when you have to renew a building permit, the fee is 100% each time you renew.

Q: Do you know the timing of the phasing?

A: He was told when the first 2 buildings are done when they are full or 70% then the next 2 will be built. There are already 2 units people are waiting to move into.

Q: So the existing building on lot 1 will be taken down during phase 1?

A: yes, both of them.

Q: So how long does he plan to wait?

A: I don't know

To Attorney Polidoro- So how long are the approvals good for, how long do they have to complete it?

A: the site plan is 6 month with the ability to extend with 2- 1 year extensions, then re approval would be needed, there is another option of putting everything on 1 site plan and building permits would need to be renewed every year, either way it's a fight against the clock

Chair Wylock- Once buildings 3 & 4 are done they will need to be landscaped, so that will need to be on the phasing plan. We will also need to know about if and where the soil will be stock piled, etc. There will be no stock piling of soil on lot 1.

The existing fire hydrant is a 6" stub, this will be tapped and 2 more hydrants will be run down Reagans Mill Road. Flows and pressure tests will be provided, if they are not done recently they will be.

Chair Wylock had asked the Board to submit possible conditions to be considered for this project here is a draft of that list

Westchester Modular draft conditions of approval:

1. Payment of all fees, including the recreation fee for 13 (or 16?) units, and all escrow.
2. Approval by the Planning Board Attorney of an easement for the shared walkway.
3. Revision of sheet ____ of the site plan to contain the following notes:
 - a. There shall be no parking of motor vehicles on any grass or lawn areas.
 - b. There shall be no outdoor clothes lines visible from any public road.
 - c. Garbage and recycling containers shall be stored at rear of buildings or in garage areas.
 - d. Burning garbage or trash on the property is prohibited.
 - e. There shall be no athletic equipment, e.g., soccer nets, basketball backboards, etc., erected in front yards.
 - f. No commercial vehicles shall park in front of the building line.
4. Revision of sheet ____ of the site plan to contain the following note: All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility.
5. Automatic fire sprinkler systems to be installed in each of the four buildings. (This needs to be discussed - applicant has volunteered to do this, not a condition of approval).
6. Easement for sewer and water pipes?
7. Final SWPPP approval by PB Engineer?
8. Performance Guaranty for installation of water and sewer infrastructure?
9. DOH Approval for methods of water supply and sewerage disposal

ESC Permit Conditions

1. Payment of all fees and escrow
2. Submission of \$____.00 to be placed into escrow to cover the cost of site inspections by the Planning Board Engineer or Planner.
3. Submission of a performance guaranty in the amount of \$____.00 in form, substance, and matter of execution satisfactory to the Town Attorney.

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

II. DOUBLE JK RANCH - EROSION CONTROL PERMIT 7163-00-380110

APPLICANT & PROPERTY OWNER: Double JK Ranch LLC

PLANS PREPARED BY: RICH RENNIA OF RENNIA ENGINEERING DESIGN

PROPERTY LOCATED at: 39 NE Mountain Road, Dover, NY

APPLICATION FOR Erosion Control Permit for the creation of a 2.4 acre Agricultural pond -
application to remedy a violation on 241.23 acre parcel in the RU district

SITE WALK HELD- 01/26/13 10:30

PRESENT RICH RENNIA

Rich Rennia- The site is an existing farm parcel off of NE Mountain Road. The proposal is for an existing farm field to be excavated for a pond with a surface area of approximately 2.2 acres overall site disturbance of just over 5 acres, with not import of material, just relocation on site. This is to remedy a situation in which the work was started not realizing a Town ESC permit was needed although it is a farming operation.

Photos of the site were shown, down stream where the discharge is and the drainage course, and the two smaller ponds on site

Engineer Berger Comments:

1. *What is the status with NYSDEC review?*
 - a. *The Town including the Building Inspector and Engineer should be copied on submissions to the NYSDEC.*
 - b. *The Town including the Building Inspector and Engineer should be copied on any embankment construction specifications, materials analysis and testing results.*
2. *Erosion and Sediment Control Checklist not provided. A review of the requirements is listed below:*

65-9- A Existing features map(s), at a scale no smaller than one inch equals 100 feet, indicating:

 - (1) *The boundaries of all parcels on which site preparation activities are proposed to be undertaken and boundaries of all parcels adjacent to the subject site.*
 - (2) *All structures and roads within a distance of 500 feet of the parcel on which site preparation activities are proposed to be undertaken. The structures shall be identified by their uses, and the roads shall be identified by their surface material and width of surface.*
 - (3) *All watercourses within a distance of 500 feet of the parcels on which site preparation activities are proposed to be undertaken.*
 - (4) *Existing topography at contour intervals of two feet within a distance of 500 feet of the parcels on which site preparation activities are proposed to be undertaken.*
 - (5) *All sewer, water, gas and electric lines and all other utilities within the parcels on which site preparation activities are proposed to be undertaken.*
 - (6) *Major wooded areas and tree clusters within a distance of 500 feet of the parcels on which site preparation activities are proposed to be undertaken.*
 - (7) *All vegetation areas on the site proposed for site preparation activities, including areas of grass, areas of brush and wooded areas and tree clusters.*
 - (8) *The depth to bedrock on the site proposed for site preparation activities, if determined during site evaluation.*
 - (9) *The depth to permanent groundwater aquifers on the site proposed for site preparation activities, if such depth is determined during site evaluation.*
 - (10) *The boundary of the one-hundred-year floodplain, together with the designated wetland boundaries, where applicable.*
 - (11) *Drainage computations prior to site preparation and after site preparation may be required.*

65-9-C Operations map(s) at a scale no smaller than one inch equals 100 feet, which present a complete erosion and sediment control plan and which indicate:

- (1) All excavation, filling and grading proposed to be undertaken, identified as to the depth, volume and nature of the materials involved.
- (2) All stripping, identified as to the nature of vegetation affected.
- (3) All areas where topsoil is removed and stockpiled and where topsoil is ultimately placed, identified as to the depth of topsoil in each such area.
- (4) All temporary and permanent vegetation to be placed on the site, identified as to planting type, size and extent.
- (5) All temporary and permanent drainage, erosion and sediment control facilities, including such facilities as ponds and sediment basins, identified as to the type of facility, the materials from which it is constructed, its dimensions and its capacity in gallons.
- (6) The anticipated pattern of surface drainage during periods of peak runoff upon completion of site preparation and construction activities, identified as to rate and direction of flow at all major points within the drainage system.
- (7) The location of all roads, driveways, sidewalks, structures, utilities and other improvements.
- (8) The final contours of the site in intervals of no greater than two feet.

I recommend accepting the maps as submitted as the scale of the proposed work is shown on a scale of 1" = 30' and the entire site is shown within an insert at a scale of 1" = 800 feet.

This will require a waiver for chapter 65- 9 A and C.

The following should be provided in any future submission:

65-9-A10

The boundary of the one-hundred-year floodplain, together with the designated wetland boundaries, where applicable, or a note stating none exist in area of proposed work with method of determination

65-9-D

A time schedule which is keyed to the operation map(s), indicating:

- (1) When major phases of the proposed project are to be initiated and completed.
- (2) When major site preparation activities are to be initiated and completed.
- (3) When the installation of temporary and permanent vegetation and drainage, erosion and sediment control facilities is to be completed.
- (4) The anticipated duration, in days, of exposure of all major areas of site preparation before the installation of erosion and sediment control measures.

65-9-E

An estimate of the costs of providing temporary and permanent vegetation and drainage, erosion and sediment control facilities shall be prepared by applicant's engineer and confirmed by the Town Engineer.

3. SWPPP

- a. Analysis discharges and breach should evaluate the impact to downstream structures and restrictions in addition to stream channel capacity.
- b. The entire area draining to each structure, restriction and stream channel should be included in the evaluation.
- c. Confirm Pre and Post development cover and compare rates.

Double JK Ranch
Pond Under Construction 2012-2013



February 1, 2013



June 1, 2012

Double JK Ranch
Pond Under Construction 2012-2013



June 1, 2012



February 1, 2013

Double JK Ranch
Pond Under Construction 2012-2013



February 1, 2013



February 1, 2013

Chair Wylock- Are you in a position to certify the dam

A: no, not without testing, the application for a Dam permit has been submitted to DEC, a copy has also been submitted to this board. The level of testing will depend on the classification they give it, the hazard level. So the higher the hazard, the higher the testing.

Chair Wylock- So before we make any decisions on this we should wait for DEC.

Engineer Berger- This is possibly leading to a class A Dam. Yes we should wait for the DEC findings. Our town code, finds a dam as a structure, so the Building inspector has been involved in this as well, the permit from DEC would be consistent with the BI permit.

A: Our down stream analysis seems to support that as well. Anything the Dec comes back with shouldn't affect the over all of what is being proposed here. This is not Site plan this is ESC so I'm not sure if seeing this as a structure is part of the decision.

Chair- So we will wait to set Public Hearing.

Attorney Polidoro- So what he's saying is to go ahead with out DEC, What we had discussed was requiring borings to determine stability, we have a site right now that if it is not stable, then there could be a problem which causes more erosion.

We could wait for DEC to come in with what testing they would want and if we need to add to it we can.

Planner Ley- Is there any chance DEC would want portions of the dam taken down and reconstructed?

A: That would come from the findings of the borings.

The Public may not have comment on the soil testing, but they may have comments on the dam and the stability

A: When this first was started erosion control measure were put into place, the Building department, Joe & DEC got involved as well. Inspections were done to make sure there were no down stream impacts. We got involved the middle of the summer, but not sure when this began.

The Board would like a brief outline showing the history of events as well as the inspections and erosion measure were and are in place.

Chair- Lets table this to the March meeting, to allow DEC to respond and let them put together the time line

Attorney Polidoro: If we do not hear form DEC, does the Board want to require borings to be done to test the stability

Chair- What is the difference of testing doing the borings now while the ground is frozen than when the ground is soft?

A: The results may miss seepage that you would see in the spring, and seepage of the dam is key. However we do not have a very deep frost line right now, if there is seepage it would be seen more in the spring. If DEC required it now, it would have to be done now, but preferable spring.

Chair- But if we require it now, and then DEC came back and required more or different-

Engineer Rennia- Even if they did we would probably move to do them in the spring.

Engineer Berger- Agreed we should coordinate with them

Our next meeting is March 4.

Looking at the photo dated June 1, 2012- it seems as though this soil looks very clay- is that true?

A: Engineer Berger- Yes it does and feels like clay, a clay loam.

New Business:**III. STONY BROOK ESTATES SITE PLAN/ ESC & SPECIAL PERMIT - 7063-00- 442492**

APPLICANT Randall O Inc

PROPERTY LOCATED - NYS Rt 22, Dover Plains

APPLICATION TO RENEW SITE PLAN SPECIAL PERMIT & EROSION CONTROL PERMIT FOR 28 Condominium units
on 38.01 acres of land in the RC district

PRESENT JAMES SCAGLIONE & JACK DIPIETRO

James Scaglione- The process started about 12 years ago when the property was acquired we had asked for a SUP for the zoning, with the fact that we were donating land to improve the trails and access for the Dover Stone Church and Dutchess Land Conservancy which allowed us to do a flexible subdivision. We worked with County Planning, The Town and the Planning Board to get this plan right. A few years ago we received approval then the market fell out. We are now here for re approval for the same plan, with no changes. We are looking for the board to re circulate and set Public hearing in which time we can answer any questions the Public may have.

Attorney Polidoro- So the Board completed its SEQRA preview in 2007 and this has happened once before, where the project had not been built and needed to be re approved. So at that time the Board reviewed their SEQRA determination and re affirmed (2009). Although it may be likely that there have been no changes in the area since then it makes good sense for the Board to send notice to the involved and interested agencies, to let them know the project before you for renewal of approvals. This will allow them to respond if they feel there are changes that need to be addressed

To Engineer Berger- When the Board did its SEQRA review in 2007, there was great importance placed on the bio clear treatment system, since this is near the aquifer, is bio clear still the standard?

A: Actually it was state of the art then and still exceeds the requirements. The septic approved did not need bio clear at that time, and actually would not be required to day, it is above and beyond the requirements.

Q: Does the SWPPP need to be revised?

A: no as the SWPPP law reads , as long as the NOI was filed at the time, which it was, it follows the old, however at the time they had agreed under our Chapter 65 water treatment that was not required, so other than run off reduction, they certainly meet water treatment. The only thing they would need would have been to reduce run off volume, but on this site it was done any way.

Q: When the project was reviewed in 2007, the studies on community character we done on the existing conditions, could you provide us with documentation that states, today's conditions? This information can be reviewed through the building department showing the number of building permits issued since then, this will document whether or not there have been significant development in the area and the impact.

Planner Ley- Who did the original traffic study?

A: It may have been Michael Budzinski.

Dover Knolls has been approved since then; this project was considered in the Dover Knolls calculations.

We should have a narrative from the Applicants consultants showing Dover Knolls considered this project. The Dover Knolls EIS is on line, so an update of this project's information should be on file, as well as an updated letter from Natural Heritage.

RESOLUTION RECIRCULATING APPLICATION TO INVOLVED AND INTERESTED AGENCIES AND REFERRING THE APPLICATION TO THE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT AND THE ARCHITECTURAL REVIEW BOARD

STONYBROOK ESTATES

February 4, 2013

Property Address: NYS Route 22, Dover Plains, NY

WHEREAS, on February 1, 2010, the Planning Board granted the applicant, RandallO, Inc., site plan, special permit and erosion and sediment control permit approval to construct a 28-unit condominium development on a 100.9 acre site located on Route 22, Dover Plains, in the RC District, Tax Grid Nos. 7063-00-442492 & -390362 (the “site”), known as “Stony Brook Estates”; and

WHEREAS, on December 4, 2007, the Planning Board approved a subdivision plat in connection with the application, which has been duly filed in the County Clerk’s Office as Filed Map number 12219; and

WHEREAS, the applicant has conveyed an easement to the Dutchess Land Conservancy to preserve 50.53 acres of the site in perpetuity and has conveyed 62.9 acres of land to the Town of Dover for use as a public park, and the project will be constructed on the remaining 38.1 acres; and

WHEREAS, on December 4, 2007, the Planning Board determined that the proposed action would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared, which determination was reaffirmed by the Board on December 7, 2009, after reviewing the project and any and all changed circumstances surrounding the project site; and

WHEREAS, pursuant to Section 145-63 of the Code, a special permit shall expire if the applicant fails to obtain the necessary building permits or comply with the conditions of the special use permit within 12 months of its issuance; and

WHEREAS, on February 6, 2012, the Planning Board reissued the special permit required for the project; and

WHEREAS, pursuant to Section 145-68E(1) of the Code, site plan approval shall expire if the applicant fails to obtain the necessary building permits or fails to comply with the conditions of the site plan approval within 18 months of its issuance; and

WHEREAS, prior to January 6, 2012, Section 145-68E(1) of the Code further provided that the Planning Board may grant a one-time six-month extension of site plan approval; and

WHEREAS, on July 18, 2011, the Planning Board granted the applicant a one-time six month extension of approval pursuant to Section 145-68E(1); and

WHEREAS, the Town Board has amended Section 145-68E(1) to permit the Planning Board to grant up to two one-year extensions of approval; and

WHEREAS, pursuant to Section 65-8H of the Code, an erosion and sediment control permit shall not exceed one year’s duration; 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 January 16, 2012, the Planning Board granted the applicant a one-year extension of the erosion and sediment control permit to February 1, 2013, and a one-year extension of site plan approval to February 1, 2013; and

WHEREAS, on January 7, 2013, the Planning Board granted the applicant a six month extension of the site plan and erosion and sediment control permit approval; and

WHEREAS, by letter dated January 21, 2013, the applicant has requested that the Planning Board reissue special use permit, site plan and erosion and sediment control permit approval; and

WHEREAS, no changes to the project have been proposed.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby directs its Secretary to recirculate the attached notice to all involved and interested agencies; and

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

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

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

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

Planning Board Chair David Wylock

Motion made by Peter Muroski to set the Public Hearing for Stony Brook Estates 2nd by Michael Villano

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

Motion approved

Minutes

IV. MINUTES OF JANUARY 7, 2013

Date of meeting to be corrected on minutes as well as moving box over in attendance area to line up with others

Motion made by Bill Sedor to approve the minutes with corrections by Michael Villano

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

Motion approved

Motion made by Peter Muroski to adjourn at 8:22 by Bill Sedor

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

Motion approved

Respectfully submitted,

Betty-Ann Sherer

Betty-Ann Sherer

LandUse@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