

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, March 04, 2013
7:00PM

- Co-Chair David Wylock
- Member Valerie LaRobardier
- Member Peter Muroski
- Member Michael Villano
- 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: Anthony Pisarri, Michael Morgante, Gerald Hatcher & Attorney Bumgarner for Westchester Modular Homes Multi Family Dwellings, David & Loralie O'Neill for O'Neill Subdivision as well as other interested members of the Public.

Meeting Called to Order

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

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, Erosion Control & Subdivision to construct 4 multi family dwellings -
1 acre lot per unit

Chair Wylock- We have plans submitted for erosion control but will not be getting into them tonight, they were submitted late for the deadline of this meeting and they are incomplete. The plans are not acceptable, so I suggest you come to the podium, grab a pen and take notes.

Michael Morgante- handled the stormwater/ drainage & sediment control permit and application.

Chair- We reviewed the documents submitted, first I will say they were submitted not to us but to an office at the factory, so it took a few days to get to us. That is the reason we will not

be discussing it tonight, but right now the project is in limbo, until this gets done properly. I will let our Consultants address the concerns.

Planner Ley:

Each phase needs to stand alone, this will assist the Building inspector when doing an on site inspection

There also need to be an interim planting and grading plan submitted.

There should not be any stockpiling of soil for any lengths of time on this site. We would need to see how that will be handled.

Mr. Morgante- There was a note place on the plan which said when work was done in a particular place, the work would remained on the area outlined on that phase, including stockpiling, grading.
If you look at the plan, the lots stand alone.

Engineer Berger- It's understood and the plans as a whole if it were 1 phase would be fine. The problem occurs when going for the C/O.
If it were 2 phases, then both building would have to be built for you to get a C/O. The Building inspector needs to have this clear, the notes do not give complete direction on what is being done. The drawing should be clear and concise.
The removal of the existing buildings, the grading during phase one the utilities, driveway plantings, etc.
We are not telling you how to phase it, you need to present how you plan to build it broken down.

Attorney Polidoro- We understood you would be installing and doing the infrastructure on all four lots at once and then building them out later. If you're going to do that on all four lots at one time, that's part of phase one. Then we will need to see what will happen to the vacant lot in the mean time.

Mr. Morgante- I understand, I thought the plan was clear- for phase one the water main extension can end at the border line of lot 1.

Engineer Berger- That needs to be shown, with out that the building inspector will say you need to build all of it.

Mr. Morgante- but there is a line which distinguishes phase one from phase two.

Engineer Berger- I understand, but you're asking the building inspector to go out there and make an interpretation based on a note and a line. We want it to be clear to him for each phase, as a visual check list.

Mr. Morgante- Ok an over all plan and then a separate sheet breaking down each phase, showing what will be built

Planner Ley- Think of it as individual site plans for each phase

Engineer Berger- Keep in mind the phasing you choose dictates how you plan to get your C/O's.

The clearer the plan the less the Building Inspector has to call in consultants to clarify the plan.

Mr. Morgante- What are the options of site plan approval for extensions verses the renewal of building permits?

Attorney Polidoro- under Chapter 65 it can be extended each year, and renew the ESC permit- Site plan can be extended for a total of 3 years - original approval with 2 extensions.

Mr. Morgante- I ask because this is subdivision and site plan.

Attorney Polidoro- Once the conditions are met, you file the subdivision plat and that's done. The ability to build on them may require you to return for renewal.

Mr. Morgante- I ask because NYS now allows unlimited extensions of-

Attorney Polidoro- That's on conditional final plat approval, not site plan. That's NYS law, Dover has tightened it up a little, and in Dover it is not unlimited. It's not necessarily the Conditions of Subdivision you would have a problem with; it would be more for your site plans.

This is why we had discussed, not phasing, but doing separate site plans.

Chair Wylock- When Mr. Hatcher spoke to me, he said he would be comfortable with 18 months phase 1 lots 3 & 4 and an additional 18 months for lots 2 & 1, that's up to him.

As far as the foundations- do you know if they are going to be stucco as shown on the drawings, or just bare poured foundations? In Woodwinds and Country Mills, the foundations are poured and the forms look awful and not very attractive. I went through the expense of having mine stucco.

Engineer Berger- As a last comment- there is temporary grading there should be no stockpiling in the temporary area, any disturbance should be stabilized, because it could be a few years between the phases, whatever is in place should be and the temporary landscaping should be on the plan.

AKRF, Inc. has reviewed the following documents and plans for the above referenced project:

- Site Plan set (11 sheets), prepared by Anthony Pisarri, PE, last revised 2/8/13.

COMMENTS

As requested, the Applicant has added a phasing plan. However, the phasing plan does not sufficiently address the concerns of the Planning Board and its consultants. The applicant has stated in the past that each phase would be built as demand arises. Therefore, it is possible that future phases may never be built. As such, it is important in the interim that each phase can stand on its own, and does not detract from neighborhood character (e.g. stockpiles of soil beyond normal construction periods). The phasing plan should be revised to include the following:

- a. Notes detailing the aspects of each phase;
- b. Plans for interim grading and landscaping; and
- c. Clear delineation of the start and end of each phase (separate plans for each phase would assist in this).

Member Sedor- The plans still show the walkway in the back, I thought we planned to remove it, and keep it down the side of the tree line.

Chair- The foot path was discussed going north south on lot 4

Mr. Morgante- So follow the landscape plans?

Chair - Correct

Attorney- The landscape plans never took the walkway out, they show them as connected.

Mr. Morgante- so the path is to be on the east of the evergreens or the west?

A: east

Mr. Morgante- we have 3 different consultants working on this, we'll make sure it's right

Chair- I have an issue with where the soil will be stockpiled, there's an empty field in the back, that location would be better than on the site of the houses

Member Muroski- Just one question for Joe- the houses that are there, when those are taken down will there be measures in place to assure there is protection to the river, that soil and debris would be contained.

Engineer Berger- Yes that's why we want to see all of the ESC measures on the plans

Member Sedor- Would the demolition of the existing house be part of phase 2, since they will need to at lease have the first house built and ready to move those residents in?

Engineer Berger- That is something they need to figure out, although it makes sense, that's up to them on how they need to phase this out and get their C/O's. There can be a phase 2 of just a demo permit.

Attorney Polidoro-Our 62 day extension runs to April, so the Board may want to ask for another extension?

Chair -to Attorney Baumgartner- Will you take care of that?

A: Absolutely

Chair Wylock- Ok, get the paperwork in by 4:00 March 13 to get on the April 1, agenda.

NEW BUSINESS:

II. O'NEILL - DAVIS ROAD SUBDIVISION- 7160-03-360320

APPLICANT & PROPERTY OWNER: David O'Neill

PLANS PREPARED BY: KEN SALZMANN, LS

PROPERTY LOCATED at: 4 Davis Road Wingdale, NY a total of 27.66 acres addition of acreage to existing lots and the creation of 2 new lots RU district.

APPLICATION FOR Subdivision - Sketch for non realty subdivision submitted

PLANNER LEY:

AKRF, Inc. has reviewed the following documents and plans:

1. Sketch Plan Application and supporting documents, dated 1/30/13
2. Plat, prepared by Kenneth Salzman, dated 1/23/13

The applicant is proposing to subdivide an existing 27.6 acre lot into three lots, as well as a lot line adjustment with two adjacent lots. The property has frontage on NYS 55, Parmalee Road, and Davis Road in the RU District of the Town of Dover. The proposed project does not involve any new construction, and would make two pre-existing non-conforming lots more conforming.

COMMENTS

1. **The applicant should consider increasing the size of Lot 3 to 6 acres.** Lot 3 currently contains 3 mobile homes. Section 145-12.D of the Code states that, "A lot may contain more than one principal residential structure and accessory apartment, provided that the lot has sufficient acreage to comply with applicable density requirements. Such a lot may not be later subdivided unless the subdivided lots conform to the dimensional regulations in effect when the subdivision is proposed." The minimum lot size in the RU District for a conventional subdivision is 2 acres. The minimum "density" for a flexible subdivision is 1 acre per unit. Since the applicant is proposing a conventional subdivision, and a separate density requirement for conventional lots is not provided in the Code, it seems that 2 acres per unit would apply.

Lot and bulk tables for the existing and proposed conditions of each affected lot should be provided.

Mr. O'Neill- I was trying to keep the lines straight. If I didn't want to move the line and wanted to keep it the way it's proposed what would I have to do?

A: Go to the Zoning Board for a variance

Chair Wylock- If in the future you wanted to build a home there, there would have to be 2 acres each

Mr. O'Neill- There's no intent there, it's been that way since the 1960's, it's going to stay that way.

Planner Ley- A lot & Bulk table as well as existing and proposed.

Q: The driveway from Dais road- Do you own that?

A: yes

Attorney Polidoro- I was hoping you would explain your proposal, we don't have an existing conditions map and it looks like you might be creating a new lot?

Mr. O'Neill- The existing conditions are lot 1, 2 & 3 are 1 parcel, so there are 4 mobile homes and my house on 1 lot. So this would allow me to separate the registered park out on its own and my home on its own.

Q; the existing drive way to your home is really long, the fire department usually requests turn offs when there is an access this long-

A: there is actually a turn off, it's not on the map, it's where I usually turn around right on the corner on the map, and on the top side, it's a large open field.

Q: how long is that driveway?

A: long about ¼ mile

Q: how wide

A: the accrual dirt 10'-11' then the sides are about 4' on each side

Q: Have you considered getting access off of Davis road?

A: when they originally planned the house yes, but they chose not to.

Q: What is the other driveway which goes over lands of Kitowski?

A: that goes up to the log cabin up on the other side. The driveway is split it goes half and half on purpose, so if either of us sold, a driveway could be created on either side. It's access is off of rt 55 by the cemetery.

Q: has the fire department been up there with apparatus?

A: yes for a brush fire. There is a wide enough access and it can also be accessed by Davis Road.

Chair Wylock- So we should set a site walk

Mr. O'Neill- This is all existing, and was approved I have a c/o for the driveway and the house, why is this a question now?

Chair Wylock- I was curious, we usually have site walks on projects like this

Q: Does each of the mobile homes have access to rt 55?

There is 1 driveway out to 55, by the Dental Lab

Site walk set for Saturday March 16, 2013 @ 10:30 Meet at Parmalee Road and Davis Road

Motion made by David Wylock to set escrow on O'Neill Subdivision at \$3,000.00 second by Valerie LaRobardier

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

Motion approved

When you redo the map, we will need Mrs. Booth and Mr. Tompkins will need to sign off as applicants, anyone who is gaining land.

Since this is a Mobile Home Park and we had discussed the total of 6 acres, there should also be a note which says no new units and no further subdivision

ENTERTAIN EXTENSION REQUESTS:

III. DOVER ESTATES 6 LOT SUBDIVISION- 7060-00-788552 & 7060-16-779491

APPLICANT: PETER RUSCIANO

PLANS PREPARED BY: RICHARD PEARSON OF MEYER CONSULTING

PROPERTY LOCATED at: Rt22 and Rural Avenue, Dover, NY RU district

APPLICANT SEEKS TO subdivide 16.64 acres to create 6 new lots

**RESOLUTION GRANTING 180-DAY EXTENSION OF CONDITIONAL FINAL SUBDIVISION
APPROVAL
DOVER ESTATES SUBDIVISION**

March 4, 2013

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

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

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

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

WHEREAS, pursuant to Section 276(7)(c) of the NYS Town Law, a planning board may extend for periods of 90 days the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted; and

WHEREAS, on May 30, 2012, Local Law No. 3 was adopted which authorizes the Planning Board to grant eight extensions of up to 180 days each; and

WHEREAS, on December 19, 2011, the Planning Board granted the applicant a 90-day extension of time to complete the conditions of final plat approval to April 30, 2012; and

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

WHEREAS, on March 5, 2012, the Planning Board granted the applicant a second 90-day extension of time to complete the conditions of final plat approval to July 30, 2012; and

WHEREAS, on May 21, 2012, the Planning Board granted the applicant a third 90-day extension of time to complete the conditions of final plat approval to October 29, 2012; and

WHEREAS, on August 20, 2012, the Planning Board granted the applicant the fourth and fifth 90-day extensions of time to complete the conditions of final plat approval to April 29, 2013.

WHEREAS, by letter dated February 13, 2013, the applicant has requested a 180-day extension of time to complete the conditions of final subdivision approval; and

WHEREAS, the Planning Board has considered the particular circumstances of the applicant which warrant an extension thereof.

