

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 18, 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: Jack DiPietro & Attorney Jennifer Gray for Stony Brook Estates, Kirk Horton for Quartararo 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: 16 pm by Chair Wylock and began with the Pledge of Allegiance

Public Hearing:

- I. **STONY BROOK ESTATES SITE PLAN/ ESC & SPECIAL PERMIT - 7063-00- 442492**
 APPLICANT Randallo 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

Attorney Gray- We are here for the renewal of the Special Permit Site plan And Erosion Control permit for Stony Brook Estates. The approvals were originally issued in 2007. Due to market conditions, the applicants have been unable to obtain financing despite great efforts. Since the approval there have only been 3 building permits issued in the vicinity of the project. This speaks to the market conditions. Since the approval in 2007 as you know the Board has granted a series of extensions of approval the property was subdivided from it's original size which was 100 acres, now 2 parcels 62.9 were dedicated to the Town for conservation purposes, the remaining 38.1 acres is the proposed project. The applicant has also conveyed a conservation easement to the Dutchess County Land trust of approximately 50 acres, and a trail easement to the town for better access to the Dover Stone Church.

This 38 acre project is a 28 condominium units with a mix of bedroom numbers and layouts. This complies with the zoning in the RC district and stream corridor overlay district with access off of NYS rt 22. All ancillary approvals that were issued remain valid, NYS DOT, DC DOH, the SWPPP, StonyBrook Sewer works Inc., A SPDES permit by DEC.

Motion made by Michael Villano to open the Public Hearing second by Bill Sedor

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

Motion approved

There were no comments from the Public

Engineer Berger- There was a site walk with some of the Planning Board members. This included Peter Muroski, there was a recommendation of additional seeding to be added to the plan. The language suggested:

Amend Site Plan by the addition of a 9th planting note on sheet C-150 to read as follows:

“Overseed open space/lawn areas in front of buildings with native grass seed mix”

Attorney Gray- We have no objection to that

There were no further comments from the Consultants

There were no further comments from the Board

**RESOLUTION REISSUING SPECIAL PERMIT, SITE PLAN AND EROSION AND SEDIMENT CONTROL PERMIT APPROVAL
STONYBROOK ESTATES**

March 18, 2013

Property Address: NYS Route 22, Dover Plains, NY

WHEREAS, the applicant, Randallo, Inc., has applied for reapproval of a site plan, special permit and erosion and sediment control permit to construct a 28 dwelling unit condominium development on a 100.9 project acre site (now 38.01 acres) located on Route 22, Dover Plains, in the RC District, Tax Grid Nos. 7063-00-442492 & -390362 (the “site”), known as “Stony Brook Estates” (the “project”); and

WHEREAS, the project was previously approved by the Planning Board on December 4, 2007, and again on February 1, 2010, but has expired or is about to expire pursuant to Section 145-68E(1) of the Town Code, which requires an applicant to obtain a building permit for construction within 18 months of site plan approval, Section 145-62H of the Town Code, which states that a special permit shall expire if the applicant fails to obtain the necessary building permits within 12 months of its issuance, and Section 65-8H of the Town Code, which states that an erosion and sediment control permit shall expire after a year or such shorter term prescribed by the Planning Board; 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, the Planning Board sent a courtesy notice to all involved and interested agencies by letter dated February 5, 2013, notifying them that the applicant has submitted an application for reapproval of the project; and

WHEREAS, the applicant has provided the Board with a letter dated February 26, 2013, which states that only three building permits have been issued for new single-family homes in the vicinity of the project site since 2008 and that the Environmental Impact Statements for Dover Knolls project considered potential traffic generated by the Stony Brook Estates project; and

WHEREAS, by letter dated February 21, 2013, the NYS Department of Environmental Conservation, Natural Heritage Program, advised the applicant that the Timber Rattlesnake and Hanging Long Beak Moss have been documented in the project site; and

WHEREAS, the applicant has previously conducted a Phase 1 Timber Rattlesnake Assessment, which concluded that the nearest timber rattlesnake testing area was 4,000 feet away, and agreed to limit the amount of land disturbance during the summer months to protect foraging timber rattlesnakes; and

WHEREAS, the Hanging Long Beak Moss is located in the Dover Stone Church, was has been permanently preserved as part of this project, and which will not be impacted by project development; and

WHEREAS, the applicant has submitted a Stormwater Pollution Prevention Plan to minimize erosion and sedimentation and to prevent stormwater pollution which has been approved by the Planning Board Engineer; and

WHEREAS, by letter dated January 31, 2013, the NYS Department of Transportation indicated that the highway work permit had been extended to February 5, 2014; and

WHEREAS, by letter dated October 24, 2008, the Dutchess County Department of Health indicated that the sewer collection and treatment system and watermain extension from Dover Plains Water Company had been approved by the Department; and

WHEREAS, the Dover Plains Water Company has agreed to provide water to the project, as indicated in an undated letter to Mr. Budzinski from Charlie Carollo; and

WHEREAS, the Certificate of Incorporation for Stony Brook Sewage Works, Inc., the corporation formed to operate the sewage system, was filed with the Department of State on August 28, 2008; and

WHEREAS, the DEC granted Stony Brook Sewage Works, Inc., a SPDES permit for the discharge of 7,480 gallons of wastewater per day on October 1, 2008, and said permit is valid until May 10, 2015; and

WHEREAS, the application was referred to the Architectural Review Board which reaffirmed its prior approval; and

WHEREAS, the application was referred to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law, which responded on March 5, 2013 that it was a matter of local concern; and

WHEREAS, a duly noticed public hearing on the reissuance of the special use permit, site plan and special use permit was held on March 18, 2013, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby reaffirms its prior determination of non-significance for the project, issued on December 4, 2007 and reaffirmed on December 7, 2009; and

BE IT FURTHER RESOLVED, that the Planning Board hereby regrants special permit and site plan approval to the multi-family 28-unit condominium development known as “Stony Brook Estates”, as depicted on the map set entitled “Stony Brook Estates,” prepared by Michael J. Budzinski, P.E., last revised November 5, 2009, and authorizes the Chair to sign the site plan after compliance with the following conditions:

- 1. Payment of all fees and escrow.**
- 2. Amend Site Plan by the addition of a ninth planting note on sheet C-150 to read as follows:
“Overseed open space/lawn areas in front of buildings with native grass seed mix”**

BE IT FURTHER RESOLVED, that the Planning Board regrants the applicant an erosion and sediment control permit for disturbance as shown on the map set entitled “Stony Brook Estates,” prepared by Michael J. Budzinski, P.E., last revised November 5, 2009, to expire on March 18, 2014, subject to the following conditions:

- 1. Submission of \$1,000.00 to be placed into escrow to cover the cost of site inspections by the Town Engineer.**
- 2. Submission of a performance guaranty in the amount of \$32,250.00 in form, substance, and matter of execution satisfactory to the Town Attorney.**
- 3. Site disturbance of timber rattlesnake habitat areas shall be limited to October through June.**

BE IT FURTHER RESOLVED, that before the authorized official may issue a Certificate of Compliance for work completed in accordance with the erosion and sediment control permit, the Planning Board Engineer shall provide the authorized official with a written statement indicating that all work authorized under the permit has been completed and is satisfactory; and

BE IT FURTHER RESOLVED, that it is the applicant’s responsibility to ensure that all agency permits and approvals, including but not limited to conceptual DOT approval, DOH approval, and SWPPP approval remain valid and in effect, and no building permit shall be issued for any improvements on site until the applicant has provided the Building Inspector with valid copies of all required approvals and permits; and

BE IT FURTHER RESOLVED, that the following conditions shall be met prior to the issuance of any Certificates of Occupancy for the residential units:

- 1. All disturbed areas shall be graded, seeded and/or stabilized and mulched to the satisfaction of the Planning Board Engineer and in accordance with the erosion and sediment control permit.**
- 2. Proof of approval or no-action letter from the Attorney General’s office of the Declaration of Condominium, By-laws, and Rules and Regulations.**

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>	Nick D’Agostino	<u>absent</u>
Valerie LaRobardier	<u>Aye</u>	Peter Muroski	<u>absent</u>
William Sedor	<u>Aye</u>	Michael Villano	<u>Aye</u>

Planning Board Chair David Wylock

Attorney Polidoro- Some of these conditions has already been satisfied, but are restated as a matter of tracking

OLD BUSINESS:

II. QUARTARARO SUBDIVISION - 6962-00-161869

APPLICANT: Paul Quartararo for

PLANS PREPARED BY: KIRK HORTON

PROPERTY LOCATED at: 632 Chestnut Ridge Road, Millbrook

Discuss addition of Abandoned Camby Road 0.233 acres to Primary parcel in the RC district

Kirk Horton- the Town Board has issued a quit claim deed for the 'abandoned Camby Road' to Paul & Theresa Quartararo we are here to combine that to their existing parcel. The Quit claim was to comply with a condition of the ZBA variance

Chair Wylock- Do you have a copy of the deed?

A: yes I do, not with me, but I can send it in.

Planner Ley- the last map submitted showed the previously proposed subdivision and a merger

Mr. Horton- It is still a merger- there was a quit claim deed previously, from Paul to his parents who have the parcel south that has been quit claimed back to Paul, so there is still a lot line change.

Planner- Is the Dutchess County protected area already filed with the County?

A: it's already recorded

Attorney - How did you file a deed without a subdivision?

A: You don't need a subdivision for a deed

Attorney- The old maps show the parents parcel along with changes to the parcel below, are you still pursuing all of them?

A: what happened in the past is Paul conveyed to his parents the larger parcel to the South, he Quit claimed any interest he had to Camby road to his parents. In the course of this they have since conveyed it back, December

Attorney - If you are still pursuing the bottom portion of the map, there were a few issues we had raised last time you were in. Old Chestnut Ridge Road is still owned by the Town of Dover, you don't own that and the lot actually extends across Chestnut Ridge Road and that too needs to be shown on the map. There were a number of comments, which weren't addressed because the applicant went away to address this old Camby road piece.

A: I guess the Town didn't convey a quit claim for the old Chestnut Ridge piece. These are user roads which were abandoned. The easement is extinguished by the abandonment of the road, but you want a clear title

Attorney- Camby road wasn't a user road

A: Yeah it was

Attorney- We have a title search which says title was in the Town of Dover. So for Old Chestnut I don't know the status, I thought that part was being withdrawn

A: that has nothing to do with Paul's part, his main concern is that he has a variance to build a garage and he wants to build it and that old road is where it's going to go.

Chair- If he wants to get a building permit to build that garage he'll need to have clear title.

A: the Town has quit claimed Camby road to him.

Planner- We were under the understanding that the rest of the project was not being pursued.

A: they were going to subdivide the lower portion, but that's out

Planner - So we just need to see a clean subdivision map which only shows the property to be combined with old Camby road

The maps we have are from September when there were other things proposed as well

A: so I'll just submit a map that shows the 0.233 acres being combined with the .98 acres

Attorney- The Board may want a merger deed, once we get the deed we can see how it's written. Did the Town Board do SEQRA when they quit claimed the road

A: I don't know

Secretary- We will also need a revised application which clearly states the merger of Abandoned Camby Road with Mr.Quartararo's parcel

The Deadline for April 15 was March 13- so if you submit by April we can see you in May

Mr. Horton- Is it possible to set the Public Hearing for that date?

Attorney- We do not have a correct map or application to act on. The Board can waive the submission requirements since you know the proposed action, this would allow them to be on the April agenda and possible May Public Hearing

Secretary- You can extend the deadline, if you can get everything in by the 22nd- we can distribute in time

Motion made by Valerie LaRobardier to extend the deadline for Quartararo Subdivision to March 22 second by Bill Sedor

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

Motion approved

Secretary- I will ask that you submit directly to the Consultants to save processing time

UPDATES:

1. **DOUBLE JK RANCH- LETTER FROM DEC**
The Engineer for this project will be requested to appear on the April 1, 2013 agenda to discuss site remediation
2. **O'NEILL- SITE WALK 3/16**
Site walk held, applicant has decided to apply to the Zoning Board of Appeals for a variance to keep the trainers on 5 acres as opposed to increasing the acreage to 6 acres, a recommendation (to increase the acreage) made by the Planner & Town Engineer
3. **KUNZELMAN- LETTER FROM ATTORNEY**
The Applicant's Attorney requested the Planning Board consider an extension of Conditional Final Plat, although approval expired November 2012. A letter was sent to the Applicant's Attorney denying his request
4. **DRAFT LETTER TO TOWN BOARD:**
Planning Board Chair drafted a letter to be sent to The Town Board in support of drafting an ordinance, in an interest of Public Safety, requiring Fire Sprinklers in all new Multi

Family & Commercial buildings. Some site features which could require sprinklers, such as outlying are where response by Fire Company could be delayed, along with long driveways over 500 feet, and conditions in which the BI would refer to the Planning Board. Attorney Polidoro will fine tune this draft and bring it back to the Board for review and consideration.

MINUTES:

III. MINUTES OF MARCH 4, 2013

Motion made by David Wylock to approve the minutes of March 4, 2013 second by Valerie LaRobardier

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

Motion approved

Motion made by David Wylock to adjourn at 7: 48 by Michael Villano

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

Motion approved

Respectfully submitted,

Betty-Ann Sherer

Betty-Ann Sherer

LandUse@TownofDoverNY.US

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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