

Town of Dover Planning Board

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



(845) 832-6111 ext 100

Planning Board Meeting Agenda
Monday August 5, 2013
7:00 PM

- Co-Chair David Wylock
- Member Valerie LaRobardier
- Member Peter Muroski
- Member Michael Villano
- Member William Sedor

Also, in attendance representing the Planning Board was Planner Ashley Ley, Attorney Victoria Polidoro & Engineer Berger

For the Applicants: David 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 by Chair Wylock at 7:04 and began with the Pledge of Allegiance

CONTINUED PUBLIC HEARING:

- I. **O'MARA 2 LOT SUBDIVISION 7059-00-917529**
 APPLICANT O'Mara Realty Corp. PLANS PREPARED BY Harry Nichols, P.E.
 PROPERTY LOCATED on Coleman Lane and Johnson Road, Wingdale
 APPLICATION FOR Preliminary plat subdivision to create 1 new lot on 2.93 acre parcel in the SR district

No one was present this item was moved to later on the agenda

PUBLIC HEARING:

- 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 APPLICATION FOR Subdivision - to create 2 new lots- Applicant has withdrawn their application for a variance and revised their subdivision plat which now meets the zoning acreage requirements

Motion made by Valerie LaRobardier to open the O’Neill Subdivision Public Hearing second by Peter Muroski

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

There was no Public Comment

Mr. O’Neill- There has been a change in the plan. He was approached by Mr. Tompkins who would like to acquire more land on Davis Road in order to put in a new driveway, so the line has been moved. The line for lot 3 has also been revised and this will still allow Lot 3 to have 6 acres as required by Town Code

There is a 50’ access along Davis road which will remain in place in order to allow a Mobile home to move in and out of the existing park

Engineer Berger-Can the driveway fit in the new area shown for Tompkins between the pole and the property line?

A: He will have to do so work with a retaining wall to keep the soil in place due to the steepness of the slope

Attorney Polidoro- Comments- concern about driveway proposal, she was unaware of it and just thought this application was for the lot lines.

There is concern if the Board approves the lot line changes and then he come in for a driveway or erosion control permit and then discover the lot lines just created do not work out well.

That may be something that can only be determined with the design of the driveway.

Q: Is there an existing driveway agreement on file for that

A: there is a driveway easement between Stinner & Tompkins, there is no road agreement.

The Board would like a copy of the easement between the two parties which may be amended

Mr. O’Neill - the buildings were never set where they were originally proposed and the driveways and wells were put in different places

Attorney Polidoro- Stinner & Tompkins right now use O’Neill’s property for access, once this application is complete, they will both use Tompkins property for access, but Tompkins wants to put in his own driveway as well and all of them need an easement because they access from Davis road.

A: there is an amendment of the current road agreement in the works for Tompkins

Attorney Polidoro - The Road agreement will also be for Stinner, Lot 3, lot 2 & Tompkins- because lot 2 will be a separate lot and at any time you may sell that parcel.

The driveway plan is a concern, if you don’t have it, since it is part of the overall plan and should be worked out before hand.

The area and bulk table still needs information for the Booth and Tompkins parcels, which are being modified.

The wrinkle is when the Tompkins parcel was created it was designed to have frontage on RT 55 & Parmalee and if you go there, it’s rock face and you can’t access it from Rt 55 & Parmalee.

At this time in the zoning, it doesn't have enough frontage to meet the zoning, and now it will have frontage on Davis, which still isn't enough. So it's a pre existing non conforming lot, adding this frontage on Davis road- does it decrease or increase the non conformity.

Ashley Ley looked at this and said in her opinion it decreases it, so it would be allowed. The new driveway for Tompkins may trigger a chapter 65, and he is aware of it.

The Board agreed they would like to see the proposed driveway

Motion made by Peter Muroski to continue the O'Neill Subdivision Public Hearing to September 16, 2013 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		

Motion approved

III. O'MARA 2 LOT SUBDIVISION 7059-00-917529

APPLICANT O'Mara Realty Corp. PLANS PREPARED BY Harry Nichols, P.E.

PROPERTY LOCATED on Coleman Lane and Johnson Road, Wingdale

APPLICATION FOR Preliminary plat subdivision to create 1 new lot on 2.93 acre parcel in the SR district

It was discussed to have a meeting with the Applicant and his Engineer to further discuss how he would like to move forward, since there seems to be confusion on whether this will continue as a non realty or realty subdivision

No comments from the Public
No Comments from Board members

Motion made by Peter Muroski to continue the O'Mara Public Hearing to September 16, 2013 second by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

ENTERTAIN REQUEST FOR EXTENSION:

I. 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

No comments from the Consultants
No Comments from Board members

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

August 5, 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, on March 4, 2013, the Planning Board granted the applicant an additional extension of time to complete the conditions of final plat approval to and including October 28, 2013, constituting the six and seventh 90-day extensions or the third and a half 180-day extension; and

WHEREAS, by letter dated July 15, 2013, the applicant has requested an additional 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.

NOW THEREFORE BE IT RESOLVED, that the Planning Board grants the applicant a sixth extension of time to complete the conditions of final plat approval to and including April 28, 2014. This extension constitutes the eighth and ninth 90-day extensions, or the fourth and a half 180-day extension under the revised Code.

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

David Wylock	<u>Aye</u>	Valerie LaRobardier	<u>Aye</u>
Peter Muroski	<u>Aye</u>	William Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>		

Planning Board Chair David Wylock

It is the responsibility of the applicant to track the time frame within which this extension of approval will expire. There will be no written or verbal notification to the applicant from the Planning Board office prior to the expiration of this extension of the approval.

MINUTES:

IV. Minutes of July 1, 2013

Motion made by Bill Sedor to approve the minutes of July 1, 2013 second by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Chair Wylock took a moment to thank Victoria Polidoro, Ashley Ley, Joseph Berger & the Planning Board Secretary for the work done for the recent training session (July 15, 2013) _ Site Plan, SERQA & Erosion Control. All Planning Board members as well as Zoning Board of Appeals Member Henry Williams attended the training. This was a great training session; it provided all who attended 2 hours of training credit. Again thanks to all who participated

Motion made by Peter Muroski to adjourn at 7:32 by Valerie LaRobardier

VOTE: CO-CHAIR WYLOCK	AYE	MEMBER VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
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