

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 September 16, 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

Meeting Called to Order

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

CONTINUED PUBLIC HEARINGS:

a) 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

Planning Board Chair and Engineer met with the Applicant's Engineer prior to this meeting, there is still a lot of work to be done with these plans - Applicant needs to decide how he plans to move forward as a realty or non 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 October 7, 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

b) O'Neill - Davis Road Subdivision- 7160-03-360320

APPLICANT: 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- subdivision plat which meets the zoning acreage requirements

Motion made by Michael Villano 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

Motion made by Valerie LaRobardier to close the O'Neill Subdivision Public Hearing second by William Sedor

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

Motion approved

No additional comments from the Board or Consultants

RESOLUTION GRANTING PRELIMINARY LAYOUT AND FINAL SUBDIVISION PLAT APPROVAL

O'NEILL

WHEREAS, Loralie and David O'Neill have applied to the Planning Board for approval of a subdivision and lot line alteration to create three new lots and to alter the size of two existing lots, as shown on the plat entitled, "Non-Realty Subdivision, prepared for Loralie and Davie O'Neill", prepared by Kenneth B. Salzmann, L.S. No. 49712, dated January 23, 2013, last revised August 19, 2013; and

WHEREAS, the parent lot is located on Parmalee Road in the RU Zoning District and is identified as tax map parcel no.7160-03-360320; and

WHEREAS, proposed Lot 1 contains a residential dwelling unit, proposed Lot 2 contains a residential dwelling unit, and proposed Lot 3 contains three mobile homes and no new development is proposed as part of this action; and

WHEREAS, the submittal was accompanied by a short Environmental Assessment Form ("EAF"), dated June 12, 2013; and

WHEREAS, on July 1, 2013 the Planning Board adopted a determination of non-significance, finding that the project as proposed would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, a duly noticed public hearing was held on August 5, 2013 and continued to September 16, 2013, during which all those who wished to speak were heard; and

WHEREAS, a proper case does not exist for requiring a park or parks suitably located on the lots for residential purposes as no new vacant building lots are being created.

NOW THEREFORE BE IT RESOLVED the Planning Board hereby grants preliminary layout and final subdivision approval to the plat entitled, "Plat of Non-Realty Subdivision prepared for Loralie and David O'Neill" prepared by Kenneth B. Salzmann, Land Surveyor, dated January 23, 2013, last revised on August 19, 2013, and authorizes the Chair to sign the plat after compliance with the following conditions:

1. Payment of all fees and all escrow.
2. Department of Health permission to file.
3. Approval by Planning Board Attorney of a common driveway and maintenance agreement between Tompkins and Stinner.
4. Revision of the plat to contain the following note: A chapter 65 permit shall be obtained before installation of any new driveways from Davis Road due to the potential for severe erosion.
5. Approval by the Planning Board Attorney of a revised private road easement and maintenance agreement to provide access to and from Parmalee Road for Lot 2, Stinner, Tompkins and Lot 3.
6. Approval by the Planning Board Attorney of a deed from O'Neill to Tompkins and a merger deed from Tompkins to Tompkins.
7. Approval by the Planning Board Attorney of a deed from O'Neill to Booth and a merger deed from Booth to Booth.

NOW THEREFORE BE IT FURTHER RESOLVED, that before a building permit may be issued for any new improvements on any of three new lots or altered lots, the following shall be provided to the Land Use Coordinator:

1. Proof of recording of the shared driveway easement and maintenance agreement, private road easement and maintenance agreement, and the required merger deeds.

Date: September 16, 2013

Moved By: Valerie LaRobardier Seconded By: Michael Villano

Resolution Approved/Disapproved:

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

I. Old Business:

No Old Business at this time aside from Public Hearings and extensions

II. New Business:

a) REAGANS MILL WATER COMPANY – LOT LINE CHANGE 7160-00-190630 & 7160-01-235625

APPLICANT Anthony Pisarri for Reagans Mill Water Company & Westchester Modular Homes

PREPARED BY: ANTHONY PISARRI PROPERTY LOCATED at: 24 & 30 Reagan's Mill Road, Wingdale in the CO district.

APPLICATION FOR SUBDIVISION: An exchange of land between the Water Company parcel and the Modular homes Factory in order to abandon existing wells and activate of another set of wells and include them on the Water Company parcel

Anthony Pisarri - The original plan years ago was to expand the factory south and west, this would have encroached on wells 1 & 2. An application was submitted to the DEC for the drilling of 2 new wells, noted as wells 3 & 4 on the plan. Wells 1 & 2 currently serve Woodwinds & County Mills and the Factory. Wells 3 & 4 were drilled, tested and approved by DEC September 28, 2005. They were never put into service because, the factory was not expanded. At this time the application is for a lot line change in order to put wells 3 & 4 into service and take wells 1 & 2 out of service.

The wells 1 & 2 would be abandoned as per DEC regulations. The lot lines presented meets the DEC setback requirements.

Q: Will wells 3 & 4 produce as much water as wells 1 & 2 have in the past?

A: The wells were tests and the yield of wells 3 & 4 were better than wells 1&2. There is more than enough for the need. We just need to make sure they are on their own parcel.

Engineer Berger- A question on sequence of events- wells 1 & 2 will still be in service once the lot line is changed, how will this work with the health department?

A: they have not made any comment yet.

Production wells need health department in conjunction with DEC. We will need the sequence of operation in order to layout when wells will be in and out of service.

At some point it may just be well #2 active while the pipes and preparation of wells 3 & 4 is done, so in the end it may just be a 'flip of the switch'.

Q: how many gallons per minute?

A: 138gpm is what we were approved for 1 & 2

Planner Ley - Lot & bulk tables will be needed to show the lots comply with the zoning Existing and proposed conditions, so if there are any pre existing non conforming set backs or frontages.

A: there are no existing structures proposed or new and what is left over from the original lot will be merged into the factory property

There is no frontage on the original or proposed well lots, there are no buildings

Attorney- There is still access needed, and I am not sure you can create a lot with no frontage

Planner- There looks like an existing 20' wide easement, is that for the water line?

A: yes it is for the water line, that com out of the wells and go to the pump house on Sycamore.

Q: what is the easement from RMWC to WMH Inc- is it proposed or existing

A: it is was a proposed access easement, to get materials around the factory, originally when the factory expansion was proposed, it's not there and I'm not sure if we really need that.
Attorney- It looks like a line to no where

A: exactly, in the box that shows where wells 1 & 2 are, in the end - that box will be gone
And that easement was for access around the building

Engineer Berger- As we had discussed on the phone- any submissions moving forward should be presented by a surveyor, an engineer seal will only need to be on the plan if you are proposing something like improvements. In the future it should all be on the surveyor.

A: yes

Chair Wylock- What can be done with access to that lot, what can be done with that property, who owns it?

A: we have a 20' wide easement that is where the piping will go to the new wells, it may serve as an access easement to the property, if the Board approves. it can be renamed utility and access easement

Attorney- The town is an open development area under 280A, so it may get you around the frontage requirement, but I still think you need something greater than 20' for access, maybe you can redraw this to show a dog leg or something, even if it's not the primary access

Engineer Pisarri- What width would that need to be, and can it be an easement or actually part of the parcel

Attorney- In the CO district on a private road minimum road frontage is 100' or 200' on a Town road, it can be less is this is a flexible subdivision 145-19 C, minimum average road frontage shall be 70' or 50' except for rear lots which comply with 145-22 (which is the flag lot section) which is 25' on an improved road and it can be an easement, it says an access strip or a deeded ROW over other land.

Q: how many acres is that lot?

A: approximately 5.72, this is 1 acre zoning, so it will meet the flag lot acreage requirement.

This would be shown in the bulk table

You should look at 145-22 and make sure you meet those requirements

Motion made by David Wylock to set escrow on the Reagans Mill Water Company Lot line Change for \$2,500.00 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		

Motion approved

III. Entertain Request for Extension:

a) WESTCHESTER MODULAR HOMES - 7160-00-227678, 167667 & 196673

APPLICANT: Charles Hatcher PLANS PREPARED BY: ANTHONY PISARRI

PROPERTY LOCATED at: 30 Reagan's Mill Road, Wingdale combined 4.042 acres in the CO district.

REQUEST EXTENSION OF: Site plan Special Permit, Subdivision & Erosion Control Permit to construct 4 multi family dwellings

Attorney Polidoro- At this time we have prepared a resolution to extend only the Subdivision approval- Site plan Special Permit & Esc do not expire until 2014

Engineer Pisarri- The plans have been going back and forth to DEC & the Health Department, and we have just not received the approval from them yet, we made all of the requested changes from this board, it is basically the utility information pending. In the middle of this approval the Health Department has moved, and that seems to have delayed reviews.

RESOLUTION TO EXTEND THE TIME TO MEET THE CONDITIONS OF FINAL SUBDIVISION PLAT APPROVAL WESTCHESTER MODULAR

September 16, 2013

Property Address: 30 Reagans Mill Road, Wingdale, NY

WHEREAS, on April 1, 2013, the Planning Board granted the applicant, Westchester Modular Homes, site plan, special use permit, erosion and sediment control permit and final plat approval to create four lots of 1.041, 1.003, 1.001 and 1.000 acres, respectively, for improvement with one multi-family dwelling per lot, located on Reagans Mill Road, Wingdale, Tax Grid Nos. 7160-00-227678, 7160-00-167667, 7160-00-196673 (the "site"); and

WHEREAS, final plat approval was subject to seven conditions; and

WHEREAS, pursuant to Section 125-8(D)(2) of the Subdivision Law, conditional approval of the final plat shall expire within 180 days after the resolution granting such approval, unless the Planning Board has, in its discretion, extended the time within which a conditionally approved plant must be submitted for signature; and

WHEREAS, site plan, special permit and erosion and sediment control permit approval will expire on March 31, 2014; and

WHEREAS, by letter dated August 7, 2013, the applicant requested an extension of the time to meet the conditions of final plat approval; and

WHEREAS, pursuant to 6 NYCRR § 617.5(c)(26), permit renewals are Type II actions under the State Environmental Quality Review Act where there will be no material change in permit conditions or the scope of permitted activities; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant a 180 day extension of time to March 31, 2014 to meet the conditions of Final Plat Approval.

- David Wylock AYE
- Valerie LaRobardier AYE- Motion
- Peter Muroski AYE- Second
- William Sedor AYE
- Michael Villano AYE

Planning Board Chair David Wylock

Returning to New Business:

b) **JOHN QUARTARARO SUBDIVISION- 6962-00-310797 & 6962-00-377644**

APPLICANT: John Quartararo PLANS PREPARED BY Rich RENNIA
PROPERTY LOCATED AT 560 Chestnut Ridge Road,

APPLICATION FOR SUBDIVISION Applicant seeks to create 2 new lots from 2 existing lots in the RC district

Rich RENNIA- There are 2 existing parcels and he would like to create 2 new lots to end with a total of 4 lots. One parcel is approximately 108 acres with the other at 88 acres, this is the RC district. Lot 1 would be proposed (out of the 108 acre slot) to be 92 acres this also has the existing family home. Lot 2 is the majority of the 88 acres lot and become 62 acres; the new smaller lots would be lot 3 at 16 acres and lot 4 at 12.4 acres. Lot 1 has frontage on Chestnut Ridge Road, Lot 3 would have Chestnut Ridge Road frontage, lot 4 would have Chestnut ridged road and lot 2 would continue to have its access on Ridge Road. It was discussed with Betty-Ann that there were concerns with Old Chestnut Ridge Road, which is the existing driveway for the house, and what just took place with Old Camby Road and how the Town deeded it over, we plan to do that as well.

The acreage on the west side of Chestnut Ridge road was not originally in the equation and that will now be added to lot 1, there is also acreage in the Town of Union Vale. There will also be a map correction in the area which shows Old Camby Road. There is a drafting error on the building envelope line outside the property line, which will be corrected; this sketch was started prior to the Camby Road correction. We did propose the restrictive building envelope lines, to show what the better location for buildings to protect areas from being developed.

Q: Is there a conservation easement on the property?

A: not that he is aware of Jim Sheridan is the Surveyor and he is working on that. There are DEC wetlands and there is a pond.

Engineer Berger As the map progresses, we would need the Surveyors title and certifications.

This is a non realty subdivision. Are you comfortable that these lots will all be able to sustain well and septic?

A: yes, the owner would like to do none realty but have me move forward with individual septic. One question is as far as access, for the existing lot there is already access, but for this other there is a gate in place, and that may be perfect , to use the existing. Did you want to see a driveway profile for the lot that has Ridge Road access?

A: you will need a chapter 65, and for SEQRA we may need to see it. Usually when we do a non realty, we ask that you prove out the lots for well and septic.

Q: are you confident you can get that other driveway off of Ridge Road?

A: I am roughly comfortable, we did think the house would be on the higher flatter spot, and looked at an average driveway of 8% and looking at this with 2400- 2500 length - linear feet of driveway. If the driveway had a few switch backs the length could work.

We would like an exhibit to be submitted to have for SEQRA and on file for Chapter 65.

You should also reach out to Natural Heritage for the potential of species on site and that may affect the building envelope lines. Last time they were before the Board, it was believed there was a hit; it may be Timber Rattlesnake & Indiana Bat.

Make sure when designing the driveway you consider pull offs for the Fire Company

The turn around time on submissions will depend on the Surveyor

Motion made by David Wylock to set escrow on the John Quartararo subdivision for \$2,500.00 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		

Motion approved

IV. Minutes:

a) Minutes of August 5, 2013

Motion made by Michael Villano to approve the minutes of August 5, 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

V. Adjournment

Motion made by Peter Muroski to adjourn at 7:57 by William Sedor

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

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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