

January 21, 2013

Randallo, Inc.
7733 Bergamo Avenue
Sarasota, Fl 34238

VIA HAND DELIVERY

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

Att: Dover Plains Planning Board

Re: Application for Re-Approval, Randallo, Inc.
Grid No. 04-7063-00- 442492,
Property Address: New York State Route 22, Dover Plains, New York

Dear Chairman and Members of the Planning Board:

Enclosed please find an application for re-approval of the Special Use Permit & Site Plan and Erosion and Sediment Control Permit previously granted in connection with the above referenced property. A copy of the Resolution of the prior approval is attached as an exhibit. The applicant makes this application without prejudice to its position that it previously satisfied all conditions of site plan approval, and therefore, pursuant to Section 145-68(E)(1), the appropriate approvals remain in place. Section 145-68(E)(1) of the Town Code provides that 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 eighteen (18) months of its issuance" Based upon a review of the conditions attached to the previous approval, the applicant believes it has satisfied all conditions. Also attached to this letter is confirmation of the formation of the Stony Brook Sewage Works, Inc. from the New York State Department of State. Notwithstanding our good faith belief that we satisfied all of the conditions, so as to remove any doubt, we hereby submit this application and enclose the application fee of \$975.00, which includes \$200 for the Site Plan application, \$200 for the Special Permit application, \$75 for the Erosion Control Application and \$500 for Initial Escrow.

The property owner has worked closely with the Town of Dover ("Town") and with the Dutchess Land Conservancy so as to achieve the protection of scenic views and open space. The applicant has conveyed approximately 62.9 acres of the site to the Town via the Dutchess Land Conservancy. A letter dated February, 2009 from the Dutchess Land Conservancy confirming Randallo's gift of the conservation easement is attached as an exhibit.

As part of this application we have submitted the EAF short form. We have attached within the exhibits the state Environmental Quality Review (SEQR) Resolution authorizing filing of the negative declaration which was approved December 4, 2007. We have also attached 12 sets of site plan drawings on 11" x 17" paper. Full size sets of the plan have been previously submitted and are on file with the town

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Oser", written over a horizontal line.

Randall Oser
President, Randallo, Inc.

Town of Dover Planning Board

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



((845) 832-6111 Ext 100

LAND USE APPLICATION

Type of Application: Check all that apply

Site Plan Special Permit/Site Plan Erosion and Sediment Control Permit

Grid Number(s):

7063-00-442492

Zoning District(s): RU___, RC , HM___, HR___, SR___, HC___, CO___, M___

Name of Project: Stony Brook Estates
Property Address:

Rte 22
Dover Plains, NY

Overlay District(s) (if any): Floodplain___, Stream Corridor___, Aquifer___, Mixed-Use Institutional___, Soil Mining___

Current Use(s): VACANT
Proposed Use(s): Condominium Development

Parcel Size: 38.1 Acres

Primary Contact Person:

RANDY OSER

Type of Activity: New structure , Alteration of existing structure___, Expansion of use or structure___

Address: 7733 Bergamo Ave.
SARASOTA, FL 34238

Change of use in existing structure___

Telephone Number: 917-572-5136
Email: RandallOSER@GMAIL.COM

Total Square Footage of Structures:

Current - Proposed 3200 x 7 = 22,400 sf

Name of Property Owner:

RANDALLO, INC.

Address: 7733 Bergamo Ave.
SARASOTA, FL 34238

Footprint of Structures:

Current - Proposed 3200 sf = 1 Bldg

Telephone Number:

917-572-5136

Name of Applicant (if different):

Address: _____

Date of discussion meeting: _____

Date stamp of submission

(To be filled in by Planning Board Secretary)

Telephone Number: _____

Email: _____

Relationship of Applicant to Owner (e.g. contract vendee, option holder, lessee): _____

Plans Prepared By:

Name: Michael Budzinski, PE

Address: 59 McManus Rd. S.
Patterson, NY 12563

Telephone Number: 845-878-2026

E-mail: MJBPE@COMCAST.NET

Town of Dover Planning Board

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



(845) 832-6111 Ext 100

The undersigned hereby makes application in accordance with all applicable laws and other requirements of the Town of Dover, Dutchess County, New York. All owners of record must sign.

Signature of Record Owner

Date:

1/15/2013

Signature of Record Owner

Date: _____

Signature of Applicant (if different)

Date: _____

Does the project parcel cover applicant's entire holding?

yes no

Deed Reference: Liber _____

Page _____

Date _____

Filed Map Reference: Lot # _____ Map # 12219

Does the property contain a farm operation located within an agricultural district or is the property boundary within 500 feet of a farm operation located in an agricultural district:

yes no

If yes, submit an Agricultural Use Statement, available from the Planning Office.

Will the development be phased? Yes _____ No

Is there an existing Special Permit and/or Site Plan approval for the property? Yes No _____

TOWN OF DOVER

<u>SPECIAL PERMIT/SITE PLAN DISCUSSION SUBMISSION CHECKLIST</u>			
Applicant/Site Plan Name <u>Stony Brook Estates</u>			
	Yes	Inc.*	NA/W**
HAVE YOU SUBMITTED:			
A Land Use Application form? (Grid Numbers MUST be included)	X		
The application fees?	X		
The Letter of Intent?	X		
The Letter of Agent, if needed?	X		
A short narrative of the project?	X		
An Ag Data Statement?	X		
The Disclosure Statement?	X		
A Long form EAF?			SHORT
A copy of this checklist?	X		
A written request for waivers to submission requirement, if needed?			
Does your site plan contain:			
The words, "Town of Dover, Dutchess County, New York"?	X		
The date of the site plan being submitted?	X		
The name and address of the record owner?	X		
The parcel grid number?	X		
The name of the project?	X		
The name, address, signature, and seal of the licensed engineer or architect?	X		
A vicinity map (1" = 2,000"), showing all properties and easements within 500' of the property?	X		
Approximate true North point?	X		
A graphic scale?	X		
The location, bearings and distances of the tract boundary?	X		
The names and addresses of all adjoining property owners?	X		
The Zoning District?	X		

*Incomplete information ** - Not Applicable, W - Waiver Requested in Writing

TOWN OF DOVER

<u>SPECIAL PERMIT/SITE PLAN DISCUSSION SUBMISSION CHECKLIST</u>			
Applicant/Site Plan Name <u>Stony Brook Estates</u>			
	Yes	Inc.*	NA/W**
A Bulk Regulations table (see §145-11), showing the required and proposed dimensions for:			
Lot size?	X		
Road frontage?	X		
Front yard setback?	X		
Side yard setback?	X		
Rear yard setback?	X		
Impermeable surface coverage?	X		
Maximum height?	X		
Maximum footprint?	X		
An existing conditions map, showing existing roads, buildings, utilities and other man-made features, as well as topography and all existing natural land features (rock outcrops, single trees 8" or more in diameter, forest cover, soils, ponds, wetlands, lakes, watercourses, aquifers, floodplains and drainage retention areas)? Note: Site datum source	X		
The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations?	X		
The land use district boundaries within 200' of the site's perimeter, as well as any overlay districts?	X		
Does the site plan include a table containing the following:			
Estimated area of structure intended to be used for particular uses such as retail, office, storage, etc...?			
Estimated maximum number of employees?			X
Maximum seating capacity, where applicable?			X
Number of parking spaces existing and required for the intended use?	X		
Plans for the disposal of construction and demolition waste, either on site or at an approved disposal facility?	X		

*Incomplete information ** - Not Applicable, W - Waiver Requested in Writing

Town of Dover Planning Board

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



(845) 832-6111 Ext 100

APPLICANT'S LETTER OF INTENT

TO: TOWN OF DOVER PLANNING BOARD

APPLICANT: RANDALLO, INC.

DATE: 1/15/13 GRID NUMBER: 7063-00-442492

INTENT: Provide a brief narrative of your plans for the site. Please include the existing conditions of the site (examples include possible wetlands, steep slopes and environmental constraints. Include known past uses of the site such as a mining operation, junkyard, dump site, etc...).

See Attached Sheet

STONY BROOK ESTATES PROJECT DESCRIPTION

The proposed project consists of 28 condominium units, which is being submitted to the Planning Board for review as a special permit project under Section 5.1-2 of Article V of the Town Zoning Ordinance. A total of 29 units are permissible under the net acreage method calculation in Section 5.2-1 of the Zoning Ordinance, although 28 units are proposed.

The total project acreage is 38.01 acres. The total project acreage was originally 100.9-acres. In 2009 the applicant donated 62.92 acres to the Town of Dover through the Dutchess county Land Conservancy. The site is situated in a stream corridor overlay district as a result of Stone Church Brook traversing the property. The site is currently vacant and was formerly used as a soil mining operation. The proposed project has been designed to comply with all zoning ordinances and all other local laws and regulations.

The project will provide for a private access road onto NYS Route 22 to serve the condominium development. The site plan has been prepared to offer and allow all of the units to take advantage of the wooded hills to the rear of the property. The development area will be landscaped and graded so that it blends-in and won't contrast with the existing adjacent neighborhood. The existing frontage road, NYS Route 22, has sufficient capacity to handle the additional vehicular traffic. The proposed project will implement a soil erosion and sediment control program to reduce or eliminate erosion and sediment loadings to water bodies during construction. A Storm water Pollution Prevention Plan (SPPP) has been developed to control the impact of storm water runoff on the water quality of receiving waters and to control the increase volume and peak rate of runoff during and after construction. The project will connect to the Dover Plains Water Company water system as the source of potable water. The existing water system has sufficient excess capacity to serve the project. The proposed development will utilize a central subsurface sewage treatment system, which will include a Bioclere treatment system to further reduce nitrates, BOD and suspended solids prior to discharge to the absorption trenches.

The proposed condominium project will offer potential homebuyers a mix of two and three bedroom units. The project will add residential units to the real estate market for those who do not want the maintenance responsibilities associated with a single family dwelling. The proposed condominium project will be governed by the rules and regulations of the Homeowner's Association, which will be created.

The proposed 28-unit condominium project will have a less impact than a conventional 29-lot subdivision designed under the current zoning regulations. The project will disturb approximately twenty (20) percent of the site and greater than fifty (50) percent of the original total project acreage will be open space and protected from development by a conservation easement.

disclosure

Town of Dover Planning Board

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



(845) 832-6111 ext 100

DISCLOSURE OF INTEREST FORM

Section 809 of the General Municipal Law provides as follows:

1. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of a municipality shall state the name, address, and the nature and extent of the interest of any state officer and any officer or employee of such municipality or of a municipality of which such municipality is a part, in the the person, partnership, or association making such application, petition, or request (hereinafter called the applicant) to the extent known to such applicant.
2. For the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them.
 - (a) Is the applicant, or
 - (b) Is an officer, director, partner, or employee of the applicant, or
 - (c) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - (d) Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition, or request.
3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

In connection with said application, petition or request, the undersigned hereby states, pursuant to the provision of Section 809 of the General Municipal Law, the name, residence, and the nature and extent of the interest of any state officer or employee of the Town of Dover and/or the County of Dutchess, in the person, partnership, or association making the application, petition, or request (hereinafter called the "applicant"). If none, insert the word "none" NONE.

Signature of Applicant

1/10/13

Date

Town of Dover Planning Board

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



(845) 832-6111 Ext 100

LETTER OF AGENT

I, Randall Oser, President of Randall O, Inc. am the owner of the property

located at Rte 22, Dover, New York,

identified as Grid Number 7063-00-442492.

I hereby authorize Rick O'Rourke, Keane & Beane to act as my

agent in an application to the Town of Dover Planning Board.

For Stony Brook Estates
(Name of Project)

Print name Randall Oser

Signature [Handwritten Signature]

Date 1/15/13

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <i>Randall O, Inc.</i>	2. PROJECT NAME <i>Stony Brook Estates</i>
3. PROJECT LOCATION: Municipality <i>Town of Dover</i> County <i>Dutchess Co.</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>NY Rte. 22</i>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>⇒ Renewal of Permit ⇒ 28 condo subdivision 38.01 acre site... was 100.9 acres, but 62.9 have been donated to the town.</i>	
7. AMOUNT OF LAND AFFECTED: Initially <u>7</u> acres Ultimately <u>7</u> acres <i>of 38.01 total acres of project</i>	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <i>- all permits currently approved.</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <i>Town - special permit</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <i>County - water supply & - App. NYSDOT - approved 3/10/08 sewage disposal 10/24/08 / NYS NYSDEC - App 9/25/08 Dept. of State - Sewage works - App. 8/28/08</i>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u><i>Randall Oser</i></u> Date: <u><i>1/15/13</i></u> Signature: <u><i>[Signature]</i></u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

 Name of Lead Agency

 Date

 Print or Type Name of Responsible Officer in Lead Agency

 Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency

 Signature of Preparer (If different from responsible officer)

Town of Dover Planning Board

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



(845) 832-6111 ext 100

LAND USE APPLICATION

Type of Application: Check all that apply

Erosion Control

Erosion Control with Site Plan

Grid Number(s): 7063-00-442492

Zoning District(s): RU __, RC HM __, HR __, SR __, HC __,
CO __, M __

Name of Project: Stony Brook Estates

Overlay District(s) (if any): Floodplain __, Stream Corridor __,
Aquifer __, Mixed-Use Institutional __, Soil Mining __

Property Address: Rte 22
DOVER PLAINS, NY

Current Use(s): VACANT

Primary Contact Person: Randy Oser

Proposed Use(s): Condominium Development

Address: 7733 Bergamo Ave
SARASOTA, FL 34238

Parcel Size: 38.1 Acres

Telephone Number: 917-572-5136

Type of Activity: New structure , Alteration of existing
structure __, Expansion of use or structure __,

Email: RandallOSER@GMAIL.COM

Change of use in existing structure __

Name of Property Owner: Randall O, Inc.

Total Square Footage of Structures:

Address: 7733 Bergamo Ave.
SARASOTA, FL 34238

Current -

Proposed 3200 x 7 = 22,400 SF

Telephone Number: 917-572-5136

Footprint of Structures:

Name of Applicant (if different):

Current -

Proposed 3200 SF = 1 bldg.

Address:

Does the property contain a farm operation located within an
agricultural district or is the property boundary within 500
feet of a farm operation located in an agricultural district:

yes no

Telephone Number:

If yes, submit an Agricultural Data Statement, available from the
Planning Office.

Email:

Will the development be phased? Yes __ No

Relationship of Applicant to Owner (e.g. contract
vendee, option holder, lessee):

Is there an existing Special Permit and/or Site Plan approval
for the property? Yes No __

Plans Prepared By:

Name: Michael Budzinski, PE
Address: 59 McManus Rd. S.
Patterson, NY 12563

Telephone Number: 845-878-2026

E-mail: MJBPE@COMCAST.NET

Town of Dover Planning Board

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



(845) 832-6111 ext 100

The undersigned hereby makes application in accordance with all applicable laws and other requirements of the Town of Dover, Dutchess County, New York. All owners of record must sign.



Signature of Record Owner

Signature of Record Owner

Date: 1/15/13

Date: _____

Signature of Applicant (if different)

Date: _____

Does the project parcel cover applicant's entire holding?
 yes no

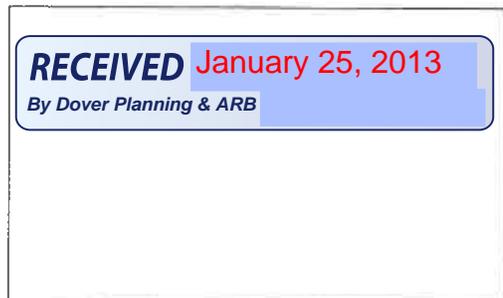
Deed Reference: Liber _____
Page _____

Date _____

Filed Map Reference: Lot # _____ Map # 122-19

Date of discussion meeting: February 4, 2013
(To be filled in by Planning Board Secretary)

Date stamp of submission



Exhibits

1. SEQR Negative Declaration issued by Town of Dover Planning Board on Dec. 4, 2007
2. Resolution Granting Special Use Permit, Site Plan and Erosion and Sediment Control Permit approved by Town of Dover Planning Board on Dec. 4, 2007
3. Resolution Granting Preliminary and Final Subdivision Plat Approval
4. Resolution Finding Open Space donated by Randallo, Inc. has conservation value under the Town's flexible subdivision Regulations
5. Resolution Re-issuing Special Permit dated Feb. 6, 2012
6. Letter from Dutchess Land Conservancy thanking Randallo, Inc. for the donation of the conservation easement dated February 4, 2009
7. NSYDEC SPDES permit with expires 5/10/2015
8. Certificate of Incorporation for Stony Brook Sewage Works. Inc.
9. Dutchess Co. Health Department approval letter for water and sewer facilities
10. Letter from Dover Plains Water Co. agreeing to be supplier – having updated ✓
11. NYSDOT highway work permit – having updated
12. Erosion Control LOI from SUMA – bank sending directly to Town

617.12(b)
State Environmental Quality Review (SEQR)
Resolution Authorizing Filing of Negative Declaration

Name of Action: "Stony Brook Estates 2 Lot Flexible Subdivision".

Whereas, the Town of Dover Planning Board is the SEQR Lead Agency for the above action, located in the Town of Dover, Dutchess County, New York, and

Whereas, the applicant has prepared an Environmental Assessment Form (EAF) for the action dated November 29, 2007, has reviewed the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

Now Therefore Be It Resolved, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Planning Board Chair to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

Be It Further Resolved, that the Planning Board authorizes the Planning Board to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

On a motion by John Fila, seconded by David Wylock, and a vote of 5 for, and 0 against, and 0 absent, this resolution was adopted on December 04, 2007

APPROVED

DEC 7 2007

Atty Gen. K. R. ...

final

rattlesnakes may occasionally enter the development site during the summer months. Impact on all rare and threatened species, including the timber rattlesnake, are minimized by the amount of land that will be placed under a conservation easement and protected from future development in perpetuity. Additionally, a condition will be placed on approval limiting the amount of land disturbance during the summer months to protect the foraging timber rattlesnake.

2. Aesthetic Impacts

The development site is located adjacent to the historic Dover Stone Church property. The development project will assist in preserving the view shed from the Dover Stone Church property and the view from Route 22 by limiting the developable acreage to 38 acres, and by the placement of a conservation easement over the majority of the property. Additionally, a trail easement will be executed in favor of the Town to allow easier access to the Dover Stone Church property over the development site. This will increase public access to this historic site.

The condominium units will not be visible from Route 22 because of landscaping and vegetation proposed by the applicant. The condominium units consist of 7 separate buildings, rather than being joined in one or two long rows. This will decrease the aesthetic impact by allowing open space between the buildings.

3. Impact on Groundwater & Drainage

The applicant has agreed to install a central subsurface sewage system with a Bioclere treatment system to treat all wastewater. An improperly designed and installed sewage disposal system may fail and impact surface and groundwater quality by discharging inadequately treated effluent. The potential for impacts to soil, ground, and surface water is avoided and minimized to the greatest extent possible by designing the sewage disposal system in accordance with County Department of Health requirements. Bioclere is a modified trickling filter that is designed to treat wastewater with varying organic and nutrient concentrations. Bioclere reduces biochemical oxygen demand and total suspended solids concentrations to levels that meet or exceed National Sanitation Foundation and Environmental Protection Agency standards. Bioclere's treatment capabilities also include the conversion and reduction of nitrogen making it ideal for nutrient sensitive sites.

In addition, the proposed subsurface sewage treatment system disposal field is located over 2200 feet from the Dover public supply water wells. The minimum separation requirement is 200 feet. The applicant will have a separation distance which is greater than 10 times the minimum separation distance.

This project will also require a SPDES permit for storm water discharges. A Storm Water Pollution Prevention Plan (SWPPP) has been submitted by the applicant which includes an erosion and sediment control plan and a water volume control plan. The SWPPP provides for the placement of additional fill on the development

final

site, which will lessen any potential impact on the water table in connection with the construction and maintenance of the condominium units. It also provides for placing a clay layer on the bottom of the proposed bioretention pond to prevent seepage of contaminated water.

4. Impact on Community Character

The development site is currently an unreclaimed mine. The development project will greatly improve the aesthetics at the site. The project is not an intense use as only 28 condominium units will be built on 100.9 acres of land. The reduction of units from 36 to 28 units will not create a significant demand on community resources such as fire, police and schools.

5. Impact on Traffic

The Department of Transportation has reviewed the plans and has stated that the project will not have a significant impact on traffic. The relatively small number of units proposed and the location on a state highway were both considered in determining that the impact on traffic would be small.

6. Noise and Odor Impacts

The proposed project will produce noise levels exceeding the local ambient noise levels for noise outside of structures. Construction on site will require heavy equipment and truck deliveries of materials. Project construction will not last more than 24 months. Any noise impact will be temporary in nature and will be mitigated by conditions placed on the hours of construction.

Final

TOWN OF DOVER
Planning Board
 126 East Duncan Hill Road
 Dover Plains, New York 12522
 (845) 832-3206

**RESOLUTION GRANTING SPECIAL USE PERMIT, SITE PLAN AND EROSION AND
 SEDIMENT CONTROL PERMIT APPROVAL**

Grid # 04-7063-00-390362 & 442492 Property Address: NYS Route 22, Dover Plains, NY

WHEREAS, Randallo Inc, the owner of property at Route 22, Dover Plains, New York, tax parcel numbers 04-7063-00-390362 & 443492 ("the site") has applied to the Planning Board for preliminary approval to subdivide 100.9 acres into 2 lots located in the Resource Conservation District and Stream Corridor Overlay District, known as Stony Brook Estates Subdivision; and

WHEREAS, one lot will comprise approximately 38.1 acres and be developed as twenty-eight clustered residential condominium units and the second lot will comprise approximately 62.9 acres of undeveloped land; and

WHEREAS, the site contains significant environmental features, such as the Stone Church Brook which is a tributary of the Ten Mile River and habitat for foraging timber rattlesnakes and is adjacent to the historic Dover Stone Church Property; and

WHEREAS, the applicant intends to enter into an agreement with the Dutchess Land Conservancy to place a conservation easement over 50.53 acres of the site to preserve its character and to protect it from development in perpetuity and; and

WHEREAS, the applicant intends to convey approximately 62.9 acres of the site to the Town of Dover just south of the Dover Stone Church property to be used as public park; and

WHEREAS, the applicant intends to enter into an agreement with the Town of Dover to grant a Trail Easement to the Town over an existing right of way to provide the residents of Dover and the general public with local hiking and recreational opportunities and access to the historic Dover Stone Church property; and

WHEREAS, the applicant has proposed a central subsurface sewage treatment system which will include a Bioclere system to maintain the integrity of the underlying aquifer and to protect against any potential illicit discharges; and

WHEREAS, the applicant has submitted a preliminary Storm Water Pollution Prevention Plan ("SWPPP") which the Planning Board engineer has reviewed; and

APPROVED

Final

NOW THEREFORE BE IT FURTHER RESOLVED, that the Planning Board of the Town of Dover hereby grants Special Use Permit and Site Plan Approval of the subdivision as represented on the map set entitled "Stony Brook Estates," prepared by Michael Budzinski, P.E., last revised December 4, 2007 and authorizes the Chairman of the Board to affix his signature to the final site plan, provided that the following conditions shall be met prior to the signature of the final site plan by the chair:

- ✓ 1. Approval of Town of Dover Architectural Review Board of elevations of the proposed buildings and materials.
- ✓ 2. Submission of final SWPPP to satisfaction of the Planning Board Engineer as per letter dated December 1, 2007.
- ✓ 3. Proof of payment of all fees, including without limitation the recreation fee, escrows for engineering, planning and legal review, and fees necessary for proper legal recording of all documents in Dutchess County Clerk's Office.
- ✓ 4. Satisfaction of all conditions of final plat approval as contained in a resolution entitled "resolution granting preliminary and final plat approval" dated December 4th, 2007.
- ✓ 5. Evidence of conceptual DOT approval for entrance on RT 22
- ✓ 6. Evidence of approval by Dutchess County Department of Health for water and waste water systems.
- ✓ 7. Applicant will submit evidence of formation of sewer works corporation to own and operate the waste water system
- ✓ 8. Applicant will apply to Dutchess County Water & Waste Water Authority to assume ownership and operation of the wastewater system and provide, to the Planning Board Dutchess County Water & Waste Water Authority's response

NOW THEREFORE BE IT FURTHER RESOLVED that the following conditions shall be met prior to the issuance of any Certificates of Occupancy :

1. All disturbed areas shall be final graded, seeded and/or stabilized and mulched to the satisfaction of the Town Zoning Administrator and the Town Engineer.
2. Proof of approval by Attorney General's office of Declaration of Condominium, Bylaws, 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:

Andy Brock *Scot St. Martin*
Frasier Cottrell

Final

Resolution Approved/Disapproved:

Donna Hearn:	<u>AYE</u>
John Fila:	<u>AYE</u>
Rosalind Cimino:	<u>AYE</u>
David Wylock:	<u>AYE</u>
Barbara Kendall:	<u>AYE</u>

The Resolution was thereupon adopted.

Donna Hearn
12/10/07

Exhibit #3

**TOWN OF DOVER
Planning Board
126 East Duncan Hill Road
Dover Plains, New York 12522
(845) 832-3206**

**RESOLUTION GRANTING PRELIMINARY AND FINAL SUBDIVISION PLAT
APPROVAL**

Grid # 04-7063-00-390362 & 442492 Property Address: NYS Route 22, Dover Plains, NY

WHEREAS, Randallo Inc, the owner of property at Route 22, Dover Plains, New York, tax parcel numbers 04-7063-00-390362 & 443492 ("the site") has applied to the Planning Board for preliminary approval to subdivide 100.9 acres into 2 lots located in the Resource Conservation District and Stream Corridor Overlay District, known as Stony Brook Estates Subdivision; and

WHEREAS, one lot will comprise approximately 38.1 acres and be developed as twenty-eight clustered residential condominium units and the second lot will comprise approximately 62.9 acres of undeveloped land; and

WHEREAS, the site contains significant environmental features, such as the Stone Church Brook which is a tributary of the Ten Mile River and habitat for foraging timber rattlesnakes and is located adjacent to the historic Dover Stone Church Property; and

WHEREAS, the applicant intends to enter into an agreement with the Dutchess Land Conservancy to place a conservation easement over 50.53 acres of the site to preserve its character and to protect it from development in perpetuity and; and

WHEREAS, the applicant intends to convey approximately 62.9 acres of the site to the Town of Dover just south of the Dover Stone Church property to be used as public park; and

WHEREAS, the applicant intends to enter entered into an agreement with the Town of Dover to grant a Trail Easement to the Town over an existing right of way to provide the residents of Dover and the general public with local hiking and recreational opportunities and access to the historic Dover Stone Church property; and

WHEREAS, the applicant has proposed a central subsurface sewage system which will include a Bioclere system to maintain the integrity of the underlying aquifer and to protect against any potential illicit discharges; and

WHEREAS, the Planning Board has reviewed the EAF submitted with the application and issued a negative declaration on December 4, 2007; and

APPROVED

WHEREAS, the applicant has submitted a preliminary Stormwater Pollution Prevention Plan ("SWPPP") which the Planning Board engineer has reviewed; and

WHEREAS, a duly notice public hearing on said application was opened on May 1, 2007 and closed on December 4, 2007 all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said application for preliminary subdivision, or any part thereof; and

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Dover hereby waives the requirements of Sections 125-17(C), (E), (I), (J), (K), 125-18(B),(D),(E), (F),(G) and (H) and of the Dover Code as they are not required due to the nature and scope of the project.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Board of the Town of Dover hereby grants Preliminary and Conditional Final Subdivision Approval of the subdivision as represented on the map set entitled "Stony Brook Estates," prepared by Michael Budzinski, P.E., last revised December 4, 2007, and authorizes the Chairman of the Board to affix his signature to the final plat, provided that the following conditions shall be met prior to the signature of the final plat by the chair:

- ✓ 1. Dutchess County Health Department Approval of the SDS and water distribution system. The project shall include a Bioclere Wastewater Treatment System to pretreat before discharging to the SDS.
- ✓ 2. NYSDOT approval of the site entrance on Route 22.
- ✓ 3. Commitment from Dover Plains Water Company to supply water to this site.
4. Execution of Trail Easement with the Town of Dover in form, manner and substance satisfactory to Town Attorney.
5. Execution of Conservation Easement in form, matter and substance satisfactory to Town Attorney.
- ✓ 6. Submission and of final SWPPP to satisfaction of the Planning Board Engineer.
- ✓ 7. Amendment of plat and existing conditions map to include name, address, seal and signature of the Land Surveyor along with certification of boundary.
- ✓ 8. Amendment of Subdivision Plat to include names of all adjoining owners of record and the name of the creek flowing through the site in accordance with Sections 125-17(D)&(G) of the Dover Code.
- ✓ 9. Proof of payment of all fees, including without limitation the recreation fee, escrows for engineering, planning and legal review, and fees necessary for proper legal recording of all documents in Dutchess County Clerk's Office.

- ✓ 10. Posting of escrow to cover inspection fees for private road and drainage improvements during construction as determined by the Town Engineer.
- 11. Receipt by the Chairperson of written memoranda from the Planning Board's Consulting Engineer and the Planning Board's Attorney that the conditions of final approval have been completed.

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

Resolution Approved/Disapproved:

Donna Hearn:	<u>AYE</u>
John Fila:	<u>AYE</u>
Rosalind Cimino:	<u>AYE</u>
David Wylock:	<u>AYE</u>
Barbara Kendall:	<u>AYE</u>

Donna Hearn
12/04/07

The Resolution was thereupon adopted.

Exhibit #4

Betty-Ann Sherer

845-832-6130

P. 2

Final

Town of Dover
Planning Board
126 East Duncan Hill Road
Dover Plains, New York 12522
(845) 832-3206

RESOLUTION FINDING THE OPEN SPACE PROPOSED TO BE PROTECTED THROUGH THE STONY BROOK ESTATES FLEXIBLE SUBDIVISION HAS CONSERVATION VALUE UNDER THE TOWN'S FLEXIBLE SUBDIVISION REGULATIONS

Grid # 04-7063-00-390362 & 442492 Property Address: NYS Route 22, Dover Plains, NY

WHEREAS, an application for the approval of a preliminary layout of a flexible subdivision plat entitled "Stony Brook Estates" located on New York State Route 22 was submitted to the Planning Board on August 7, 2007; and

WHEREAS, the subject property currently consists of approximately 100.9 acres of land in the Resource Conservation District and Stream Corridor Overlay District ("Property"); and

WHEREAS, the Property is adjacent to the historic Dover Stone Church property and is burdened by an access easement to the Dover Stone Church property; and

WHEREAS, the Property overlies the Dover Plains Water Company water supply, which provides water to the residents of Dover Plains; and

WHEREAS, the Property is in the view shed from Route 22 and also contains the Stone Church Brook and stream corridor which requires protection from development; and

WHEREAS, the Property contains potential habitat for timber rattlesnakes, which are a threatened species in New York; and

WHEREAS, the applicant's flexible subdivision proposal is designed to help conserve over 50% of the Property, including the stream corridor and view shed from Route 22; and

WHEREAS, the applicant will convey approximately 63 acres to the Town of Dover to be used as open space; and

WHEREAS, the applicant proposed to subdivide property into a 2-lot subdivision in accordance with the flexible subdivision regulations (Sections 145-18 through 145-20) of the Town of Dover Zoning Law; and

WHEREAS, before an applicant can proceed toward preliminary approval of a flexible subdivision, the Planning Board must first make a finding that the open space proposed to be protected by the applicant has conservation value; and

APPROVED

Final

WHEREAS, the Planning Board has reviewed the proposed preliminary plat at the Town Hall in Dover, New York; and

WHEREAS, the Planning Board has visited the property on numerous occasions to consider whether the land to be preserved as open space has conservation value, studied the proposed preliminary plat application and considered changes proposed to be made to the plat, and reviewed the placement of the conservation area, the proposed condominium units and wastewater treatment system, the topography, the stream, and the effect on the adjacent Dover Stone Church property, and finds that it has enough information to make the necessary finding.

NOW THEREFORE BE IT RESOLVED, that the open space proposed to be protected by the application of said flexible subdivision plat prepared by Michael J. Budzinski, P.E., last revised December 4, 2007 has been found to have conservation value for all of the following reasons:

1. The open space on the Property has aesthetic value due to its proximity to the Dover Stone Church property.
2. The Stone Church Brook and stream corridor has conservation value in its current state.
3. More than 80% of the land will be preserved as open space and there are no temporary or permanent structures proposed in the open space that may negate the conservation value.

Dated: December 4, 2007

Moved By: David Wylock

Seconded By: Barbara Kendall

Resolution Approved/Disapproved:

Barbara Kendall
12/04/07

- Donna Hearn: AYE
- David Wylock: AYE
- Rosalind Cimino: AYE
- John Fila: AYE
- Barbara Kendall: AYE

Exhibit #5

2012_02_06_StonyBrookEstates_Reissue_SpecialPermit

7063-00-442492 & 390362

RECEIVED

FEB 0 - 2012

TOWN CLERK'S OFFICE
TOWN OF DOVER

(845) 802-6111 ext. 100

Town of Dover Planning Board

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



RESOLUTION REISSUING SPECIAL PERMIT

STONYBROOK ESTATES

APPROVED

February 6, 2012

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 dwelling 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, by letter dated December 20, 2011, the applicant's attorney requested that the special use permit be renewed; and

WHEREAS, on January 16, 2012, the Planning Board granted the applicant one-year extensions of site plan and erosion and sediment control permit approval; and

WHEREAS, the application was referred to the Architectural Review Board which reaffirmed its prior approval on January 23, 2012; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the matter was referred to the Dutchess County Department of Planning and Development, which responded on January 23, 2012 that it was a matter of local concern; and

WHEREAS, a duly noticed public hearing on the reissuance of the special use permit was held on February 6, 2011, during which all those who wished to speak were heard; 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 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 reissues the special permit for 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, subject to the conditions set forth in the resolution granting approval dated February 1, 2010; 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:

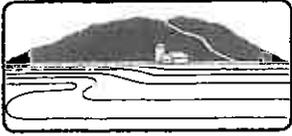
Moved by: Valerie LaRobardier Seconded by: Peter Muroski

David Wylock	<u> / </u>
Valerie LaRobardier	<u> / </u>
Tom Holmes	<u> / </u>
Peter Muroski	<u> / </u>
Michael Villano	<u> / </u>



David Wylock
Planning Board Co-Chair David Wylock

Exhibit #6



DUTCHESS LAND CONSERVANCY

Preserving Open Land in Dutchess County

4289 Route 82
Millbrook, New York 12545
www.dutchessland.org
(845) 677-3002
Fax 677-3008

February 4, 2009

Officers and Directors

Chairman
Timothy M. Bontecou

Vice Chairman
Rebecca Seaman

Secretary/Treasurer
Allan P. Shope

Kathleen V. Augustine
Steven Benardete
Hannah F. Buchan
Everett R. Cook, II
Edward E. Downey
Wolcott B. Dunham, Jr.
Thomas M. Flexner
Peter M. Groffman
Nancy N. Hathaway
Thomas W. Keesee
Brad Kendall
Richard A. Kimball, Jr.
Marta Nottebohm
Katherine C. Regan
Eric D. Rosenfeld
Molly Schaefer
David R. Teter
Oakleigh Thorne
Olivia van Melle Kamp
Ralph Weindling
Ross Williams

Chairmen Emeritus

Leslie B. Barclay, 1985-87
Olivia Brereton-Hall, 1987-88
Charles P. Shaw, 1988-90
Farnham F. Collins, 1990-92
Nancy N. Hathaway, 1992-97
Richard A. Kimball, Jr. 1997-05

Advisory Committee

Gayle Bontecou
Theodora S. Budnik
Russell L. Carson
David C. Clapp
Farnham F. Collins
Wendy C. Curtis
Willem de Vogel
Hamilton W. Meserve
Dorothy W. Sprague
Peter Tcherepnine
Oakleigh B. Thorne
Donald G. Tober

President

Rebecca E.C. Thornton

Randallo, Inc.
c/o Randall Oser
20 Washington Avenue
White Plains, New York 10603

Re: Conservation Easement Donation

Dear Randy:

Thank you so much for your generous gift of a conservation easement to Dutchess Land Conservancy on January 21, 2009. Your donation of a conservation easement on your 50.54-acre property on New York State Route 22 and Cart Road in the Town of Dover has helped protect scenic views, open space and irreplaceable natural resources in perpetuity. Dutchess Land Conservancy provided no goods or services in consideration for your gift of this conservation easement.

Dutchess Land Conservancy was formed in 1985 to protect our irreplaceable prime agricultural soils, crucial watershed lands and vital wildlife habitat, and with your help, we remain dedicated to preserving these priceless qualities today.

Thank you again for your strong support of Dutchess Land Conservancy and for making a difference to protect the rural and natural landscape we all treasure!

Sincerely,

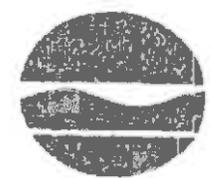
Rebecca E. C. Thornton
President

Randy -
Thanks so
much for
protecting part
of the Stony Brook
land with an
easement. A
look forward to
working with
you further on
the land
donation!



Exhibit #7

New York State Department of Environmental Conservation
Division of Environmental Permits, 4th Floor
625 Broadway, Albany, New York 12233-1750
Phone: (518) 402-9167 • FAX: (518) 402-9168
Website: www.dec.state.ny.us



Alexander B. Grannis
Commissioner

YOUR PERMIT IS ENCLOSED
IMPORTANT NOTICE TO ALL PERMITTEES

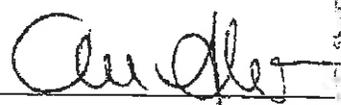
The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area. If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

 25 SEP 08
Andrea Sheeran
Environmental Analyst I
Division of Environmental Permits, Central Office & Region 3
Telephone (518) 402-9179 // (845) 256-3801

Attachments:
-Permit

Cc w/ Attachments:
Randy Oser
Michael Budzinski
Giocondo DiPietro
Janet Swentusky, R3 DOW NP
John Sansalone, R3 DOW NP
T. Rudolph/E. Zicca, R3 DOW WP
Don Ackerman, CO BWP 3505
Dutchess Co-~~ARE~~ *DOH*
R3 Chron- NP
File



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-0-05-001
Discharge of 1,000 - 10,000 gpd to Groundwater

Permittee and Facility Information

Permit Issued To:

STONY BROOK ESTATES SEWAGE WORKS
CORP
20 WASHINGTON AVE
WHITE PLAINS, NY 10601

Facility:

STONY BROOK ESTATES
ST RTE 22 AT STONE CHURCH BROOK
DOVER PLAINS, NY

Applicable DEC Region(s): ALL

General Permit Authorized Activity: A discharge to groundwater of 1,000 to 10,000 gallons per day of treated sanitary waste, without the admixture of industrial wastes, from on-site treatment works serving private, commercial, and institutional facilities using treatment units or processes referenced in Design Standards for Wastewater Treatment Works - Intermediate Size Sewerage Facilities (NYSDEC, 1988), or for facilities in the Lake George Basin, referenced in Design Standards for Wastewater Treatment Works in the Lake George Basin (NYSDEC, 1989).

Facilities serving, or intended to serve, more than one separately owned property can only be authorized to a government agency, municipality, or sewage disposal corporation formed and regulated pursuant to Article 10 of the Transportation Corporations Law.

Exclusions: Activities excluded from this General Permit are facilities in special (100-year) flood hazard areas as defined in 42 United States Code 4001; freshwater and tidal wetlands and their adjacent areas as defined in ECL Articles 24 and 25, respectively; coastal erosion hazard areas as defined in ECL Article 34; wild, scenic, and recreational river corridors as defined in ECL Article 15, Title 27; or facilities located in the counties of Kings, Nassau, Queens and Suffolk not previously authorized by GP 95-01.

Facility Location: in DOVER in DUTCHESS COUNTY

Facility Principal Reference Point: NYTM-E: 617.459 NYTM-N: 4621.524

Specific Activities Authorized for this Permit: Discharge of sanitary waste, without the admixture of industrial waste, to groundwater in the amount of 7,840 gallons per day.

Permit Authorizations

P/CI SPDES- Groundwater Discharge - Under Article 17, Titles 7 & 8

Permit ID 3-1326-00260/00001

New Permit

Effective Date: 10/01/08

Expiration Date: 05/10/15



NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

General Permit Authorized by:

Permit Administrator: WILLIAM R ADRIANCE , Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Date: 05/11/2005

This permit is not effective without the signature below:

Validation under this General Permit

Authorized By: WILLIAM R ADRIANCE , Chief Permit Administrator
Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature:

William R. Adriance

Date 9/25/08

Permit Components

P/C/I SPDES- GROUNDWATER DISCHARGE

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

P/C/I SPDES- GROUNDWATER DISCHARGE PERMIT CONDITIONS

1. **Certification of Treatment Works** Approval of treatment works construction by a local health agency or certification by a professional engineer licensed to practice in New York State is required as a prerequisite to any discharge of wastewaters.
2. **Maximum Flow, Strength and Character** The disposal system must not receive, or be committed to receive, sanitary wastes without the admixture of industrial wastes that:
 - a. exceed the disposal system design flow, or
 - b. have a strength or characteristic beyond the design capability of the disposal system.



3. Approval of New or Modified Treatment Works Discharges from new disposal systems, or increases in discharge from the modification or replacement of existing disposal systems are not authorized until appropriate action is taken as follows:

- a. In locations where a local health agency has jurisdiction, required approval for on-site system plans, design, and construction must be secured. Prior to commencing a discharge, the permittee must submit a "Permittee Affirmation of Local Health Department Approval of Onsite Treatment Works" to the Department's GP-0-05-001 Coordinator affirming that local health agency approval has been obtained. The affirmation must include the date that the system will be placed into service and become operational.
- b. Where local health department approval is not required, at the completion of system construction and prior to commencing a discharge, the permittee's engineer must submit a "Professional Engineer's Certification of Onsite Treatment Works Design and Construction" to the Department's GP-0-05-001 Coordinator. The certification must include the date that the system will be placed into service and become operational.

The certification must be performed by an engineer licensed to practice engineering in New York State, certifying that treatment works were designed and constructed in accordance with Design Standard for Wastewater Treatment Works - Intermediate Size Sewerage Facilities (NYSDEC, 1988) or for facilities in the Lake George Basin, the Design Standards for Wastewater Treatment Works in the Lake George Basin (NYSDEC, 1989).

4. Inspect Septic Tanks A septic tank installed as part of the disposal system shall be inspected by the permittee or his agent for scum and sludge accumulation at intervals not to exceed one year's duration. The permittee shall remove scum and sludge accumulations before they exceed one-fourth of the liquid depth so that no settleable solids or scum will leave the septic tank effluent. Septage materials shall be removed, transported and disposed of in accordance with applicable law and regulation.

Such inspections may be performed by the permittee, an engineer licensed to practice in New York State, a National Association of Wastewater Transporters (NAWT)-certified inspector, or a New York Onsite Wastewater Treatment Training Network (OTN)-registered inspector. Records of annual septic tank inspection and pumping information shall be retained onsite and maintained for review by the NYS Department of Environmental Conservation.

5. Maintain Facility The permittee must maintain the facility in effective working condition.

6. No Violation of Water Quality Classifications and Standards The discharge must not cause or contribute to a violation of water quality classifications and standards as contained in New York Codes, Rules, and Regulations, Title 6, Chapter X, Parts 700-705.

7. Certifying Engineering Report, Plans, Specifications The permittee must obtain a signed and sealed copy of the engineering report, plans, specifications, and other related documents from the certifying professional engineer and must maintain this material for inspection by the NYS Department of Environmental Conservation.

8. Maintain Records The permittee shall maintain a copy of the engineer-certified disposal facility plans, specifications, any engineering reports, as built drawings, required health agency approvals, and other related documents for inspection by the NYS Department of Environmental Conservation.



9. **Need for an Individual Permit** The Department retains the right to require that any discharge authorized under this General Permit obtain an individual permit.

10. **Annual Regulatory Fee** Permittees are responsible for payment of the annual regulatory fee billed by the Department. Failure to pay can result in imposition of penalties or revocation or suspension of this permit. The permittee is responsible for payment of the fee until the discharge ceases and the permittee requests and receives Department concurrence for termination of coverage under the permit or the Department approves a transfer of the permit to a new permittee.

11. **General Permit Expiration** This General Permit expires on May 10, 2015. If the permittee is in full compliance with the terms of this permit, a renewal application will not be required in accordance with General Condition 4, and General Permit coverage will continue in force and effect until NYSDEC issues a new General Permit.

12. **Operating in Accordance with SPDES Rules** The permittee must comply with NYCRR Title 6, Chapter X, State Pollutant Discharge Elimination System (SPDES) Permits, Part 750.

13. **GP-0-05-001 Coordinator** As referenced in this permit, the GP-0-05-001 Coordinator can be contacted at:

DEC GP-0-05-001 Coordinator
New York State Department of Environmental Conservation
Division of Water
625 Broadway
Albany, NY 12233-3505

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. **Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. **Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.



3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 3 HEADQUARTERS
21 SOUTH PUTT CORNERS RD
NEW BALTZ, NY 12561 -1620

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: P/C/I SPDES- Groundwater Discharge.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities; and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Item E: Referenced Materials Forms and regulations referenced in this permit are available at the NYS Department of Environmental Conservation's regional offices and on our website:
www.dec.ny.gov

Exhibit #8

08082800049/

CSC 45
DRAW DOWN

FOR STATE USE ONLY
DEPT. OF STATE
DIVISION OF CORPORATIONS

CERTIFICATE OF INCORPORATION
OF

STONY BROOK SEWAGE WORKS, INC.

Pursuant to Section Three of the Transportation Corporations Law

^{LC}
STATE OF NEW YORK
DEPARTMENT OF STATE

FILED AUG 28 2008

WORKS: LO

BY: sw

Address

Law Offices of
Keane & Beane, P.C.
445 Hamilton Avenue, 15th Floor
White Plains, New York 10601
(914) 946-4777

CUSTOMER REF. #

703147MPJ

2008 AUG 28 PM 12:16

RECEIVED

3112/01/332544 V1 5/16/08

080828000557

STATE OF NEW YORK

DEPARTMENT OF STATE

I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.



WITNESS my hand and official seal of the Department of State, at the City of Albany, on August 28, 2008.

Paul LaPointe

Paul LaPointe
Special Deputy Secretary of State

080828000491

CSC 45
DRAW DOWN

CERTIFICATE OF INCORPORATION

OF

STONY BROOK SEWAGE WORKS, INC.

Pursuant to Section Three of the Transportation Corporations Law

The undersigned natural person, being at least eighteen years of age, desiring to form a corporation pursuant to the provisions of Section Three of the Transportation Corporations Law of the State of New York, hereby certifies:

FIRST: The name of the Corporation is: Stony Brook Sewage Works, Inc., hereinafter sometimes called "the Corporation".

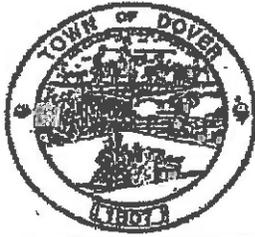
SECOND: The purpose for which said corporation is formed is to be a sewage-works corporation as defined in Section 115(1) of the Transportation Corporation Law to supply a sewer system for the disposal of sewage to certain areas of the Town of Dover, Dutchess County, New York, and in furtherance thereof:

- a. To build, develop and construct upon real estate, along with appropriate related services; to purchase, receive by gift, subscribe for, invest in, and in all other ways acquire, import, lease, possess, maintain, handle on consignment, own, hold for investment or otherwise use, enjoy, exercise, operate, manage, conduct, perform, make, borrow, contract in respect of, trade and deal in, sell, exchange, let, lend, export, mortgage, pledge, deed in trust, hypothecate, encumber, transfer, assign, and in all other ways dispose of; develop, invest, improve, equip, repair, alter, fabricate, assemble, build, construct, operate, manufacture, plant, cultivate, produce, market, and in all other ways (whether like or unlike any of the

foregoing), deal in and with tangible or intangible, wherever situated and however held, including but not limited to, money, credits, choses in action, securities, stocks, bonds, warrants, script, certificates, debentures, mortgages, notes, commercial paper, and other obligations and evidences of interest in or indebtedness of any person, firm, or corporation, foreign or domestic, or of any government or subdivision or agency thereof, documents of title and accompanying rights, and every other kind and character of personal property, real property (improved or unimproved), and the products and avails thereof, and every character of interest therein and appurtenance thereto, including, but not limited to, mineral, oil, gas and water rights, all or any part of any going business and its incidents, franchises, subsidies, charters, concessions, grants, rights, powers, or privileges, granted or conferred by any government or subdivision or agency thereof and any interest in or part of any of the foregoing, and to exercise in the respect thereof all of the rights, powers, privileges, and immunities of individual owners or holders thereof, to promote or aid in any manner, financially or otherwise, any person, firm, association or corporation; and to do anything legal that is deemed necessary to improve the interests of the Corporation.

- b. To have all of the powers enumerated in Section 202 of the Business Corporation Law, and Articles I and 10 of the Transportation Corporations Law, subject to any limitations provided in the said laws, and subject to any other statute of the State of New York.

THIRD: The aggregate number of shares which the Corporation shall be authorized to issue is Two Hundred (200) shares at no par value.



TOWN OF DOVER
126 East Duncan Hill Road
Dover Plains, NY 12522
Tel (845) 832-6111
Fax (845) 832-3188

CAROLINE REICHENBERG BMC, CMC
Town Clerk

TOWN OF DOVER TOWN CLERK CERTIFICATION

I Caroline Reichenberg, hereby certify that I am the Town Clerk for the Town of Dover, in the said County of Dutchess, does hereby certify the attached Town of Dover Town Board; Resolution #1792008 was adopted on August 6, 2008 at a Special Town Board meeting held at the Town Hall, 126 East Duncan Hill Road, Dover Plains, New York.

I further certify Resolution #1792008 is a true and accurate record to grant petition to establish Stonybrook Sewage Works, Inc. under the Transportation Corporations Law of the State of New York.

I have herewith set my hand and affixed the seal of said Town this August 20, 2008.

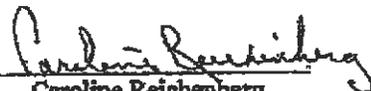

Caroline Reichenberg
Dover Town Clerk

Exhibit #9

October 24, 2008

Randall O Inc.
c/o Randall Oser
20 Washington Ave
White Plains, NY 10603

Re: Stony Brook Estates, Condominiums
Tax Map No. 04-7063-00-390362 & 442492
Town of Dover

Dear Mr. Oser:

The plans, engineer's report and specifications submitted to this department for the above-referenced project were approved on October 23, 2008. Said project consists of 28 units of residential condominiums, a sewer collection, treatment and disposal system and a watermain extension from the Dover Plains Water Company. The project has a permitted design flow of 7,840 gallons per day.

The New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES No. 3-1326-00260/00001) permit shall apply to this project. Installation, operation and maintenance of the sewage collection, treatment and subsurface disposal system shall conform to all conditions, restrictions and/or limitation so noted in the permit. The installation shall also conform to the health department approved plans, reports and specifications. Any deviation or change shall require approval from this department prior to initiating construction.

This approval is not to be construed in any way as authorization to operate. Authorization to operate will be granted only after a Certificate of Construction Compliance has been received from a licensed New York State Professional Engineer. The Engineering Section of this Department requires notification of construction commencement, completion, and all testing so that, at its option, an inspection can be made.

**Dutchess
County
Department
of Health**

William R. Steinhaus
County Executive

Michael C. Caldwell,
MD, MPH
Commissioner

Environmental Health

387 Main Street
Poughkeepsie
New York
12601
(845) 486-3404
Fax (845) 486-3545

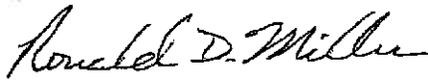


Stony Brook Estates
28 Unit Condominium Project
October 24, 2008

The health department approval shall remain valid for a period of five (5) years. Following the expiration of said approval, the plans and other documents may be resubmitted to the Commissioner of Health for consideration of re-approval. Re-submission or revised submission of plans and/or associated documents shall be subject to compliance with the technical standards, guidelines, policies and procedures in effect at the time of resubmission.

If you have any questions relative to this project, feel free to contact me at 486-3404.

Very truly yours,



Ronald D. Miller, P.E.
Senior Public Health Engineer
Environmental Health Services

RM:ah

cc: Michael Budzinski, P.E. (w/plan, facilities report, water & wastewater specs.)
Town of Dover Building Inspector
LaGrange District Office
File (088-33777) (w/plan, facilities report, water & wastewater specs.)

Exhibit #10

Dover Plains Water Co.
P.O. Box 633
Sherman, Conn. 06784
Phone: (860) 354-0842
Fax: (860) 354-0263

Randall Oser
7733 Bergamo Ave.
Sarasota Fl. 34238

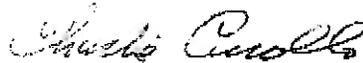
Re: Stony Brook Estates
Rt. 22 Dover Plains

Dear Mr. Oser:

The Dover Plains Water Co. will be providing water service to Stony Brook Estates. There is a sufficient water supply for this project. The operating pressure is 60 to 80 psi. Well #1 is capable of pumping 600 gallons per minute, while well #2 is capable of pumping 700 gallons per minute.

Should you have any questions, please call the office at (860) 354-0842

Respectfully,



Charlie Carollo
Vice President



State of New York
Department of Transportation
334 Violet Avenue
Poughkeepsie, New York 12601
DOT.NY.gov

William J. Gorton, P.E.
Acting Regional Director

Joan McDonald
Commissioner

January 31, 2013

DiPietro Construction Corp.
20 Banksville Avenue
Bedford, NY 10506
Attn.: Jack DiPietro

RE: Extension of HWP **08-07-1031**

Mr. DiPietro:

Having received an updated PERM 17 for the continuation of the insurance coverage, Highway Work Permit 08-07-1031 is hereby extended as per your request, with a new expiration date of 02/5/2014.

All conditions, requirements, and attachments of the original permit are still in effect. This letter must be attached to the original permit and make it part thereof.

If I can be of further assistance please contact me at: 845-473-3076

Sincerely,

Chuck Walter

Chuck A. Walter
Permit Field Engineer
North & Central Dutchess Co.



CC: MVT, Permit Office
File w/permit