



Planning Board

Regular Meeting

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~ Minutes ~

Monday, March 3, 2014

7:00 PM

Town Hall

The Town of Dover Planning Board held a Regular Meeting at 7:00 PM on Monday, March 3, 2014 at the Town Hall, 126 East Duncan Hill Road, Dover Plains, NY 12522 with the following members present:

I. Call Meeting to Order

Attendee Name	Organization	Title	Status	Arrived
David Wylock	Town of Dover	Chairman	Present	
Valerie LaRobardier	Town of Dover	Board Member	Present	
Peter Muroski	Town of Dover	Board Member	Present	
William Sedor	Town of Dover	Board Member	Present	
Michael Villano	Town of Dover	Board Member	Present	

II. Pledge of Allegiance

III. Public Hearings:

a. JOHN QUARTARARO SUBDIVISION 6962-00-310797 & 6962-00-377644

John Belyea of Rennia Engineering

-Submitted ecological report and requested photos.

-Request Public Hearing be closed due to limited amount of Public participation.

-He understood the Board planned to forward this new report to NYS DEC.

Planner Ley

The report was reviewed, there were discrepancies and once it is corrected it will be forwarded to DEC.

Memo-

AKRF, Inc. has reviewed the revised Eastern Timber Rattlesnake Habitat Assessment Report for the Quartararo Property, prepared by Michael Nowicki, and dated 2/10/14:

1. Although the site appears to lack prime basking habitat (rock outcrops and talus with sun exposure), the photo documentation shows that the site does contain the general habitat preferred by the Timber Rattlesnake, notably bedrock and talus controlled landscapes in mixed deciduous forest with a variety of tree age classes and proximity to edge habitat (farm/road/field). In particular, see photos 11, 16, 18, 22, 28, 29, 47, and 48.

**TOWN OF DOVER PLANNING BOARD REGULAR MEETING
MONDAY, MARCH 3, 2014**

2. The photo location key shows several photos (30, 31, 32, 34, 36, and 37) taken from a distance but oriented (pointed) towards the uppermost ridge (highest topographic point where the Lot #2 home is proposed) - however, no photos are provided taken actually on the ridge itself. Furthermore, these photos are all labelled as "Lot 4", not "Lot 2". So there is a discrepancy between the individual photo labels and the photo location key figure. More definitive photos of the uppermost ridge on Lot 2 should be provided by the applicant.

3. NYSDEC has reviewed the applicant's original report and should provide comments on the latest site photos now provided, ideally after more site-specific photos are provided of the high ground on Lot 2. The Town has initiated the request for NYSDEC Jurisdiction under ECL Article 11 Part 182.

4. We note that NYSDEC Biologist Lisa Masi commented, in an email to the Town dated 1/28/13, that the DEC requires a soils map and photos of "the knob/hill in Lot 2". These have not been provided. We also note that DEC requested area of impact/limits of disturbance for the new lots. These are shown as the "LD" lines demarking the extent of grading on "Sheet 1 of 1: Proposed Subdivision Development Worksheet 2/17/14."

5. No new/additional measures to avoid impacts to Timber Rattlesnakes and foraging habitat are proposed in the revised report and no changes to the layout of homes/driveways are proposed. Therefore, AKRF's prior comments on this application still apply:

a. We note that the large size of the proposed single family lots and depth within which each building site is located maximizes habitat fragmentation and the potential disturbance to migrating/foraging snake (including road kill). An arrangement that moves the proposed homes closer to the existing roads is far preferred and would substantially minimize potential timber rattlesnake impacts. This is especially true for the proposed 69 acre Lot 2, but applies to Lots 3 and 4 as well. Ideally, large portions of the lots that are furthest from Chestnut Ridge and Ridge Roads would be preserved in conservation easement to protect snake migratory movements. As such, the Applicant should consider pursuing a Flexible Subdivision (see §145-18 through 20 of the Town Code).

b. The responsible entities that will inspect the snake exclusion fencing proposed by the applicant must be named as a condition of subdivision approval. In addition to daily fence inspection during the construction period, an ecological consultant with timber rattlesnake experience should also be designated and should visit the sites of construction on a weekly or bi-weekly basis during the period snakes are active (April-October). The procedure for contacting the appropriate ecological consultant in the event of encountering a rattlesnake during construction should be included in the approval documents.

- The Planning Board Chair has made the recommendation the Board should consider a condition of approval requiring automatic fire sprinklers be installed if approval is granted due to the remote location of the proposed houses

There were no Public comments

At this time the Board would like to keep the Public Hearing open until SEQRA has been completed

Motion to continue the Public Hearing to April 7, 2014

RESULT: ADOPTED [UNANIMOUS]

MOVER: Peter Muroski, Board Member

SECONDER: Valerie LaRobardier, Board Member

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

b. Stony Brook Estates ESC Extension & Special Permit Renewal

Motion to open the Public Hearing for Stony Brook Estates ESC Extension & Special Permit Renewal

<p>RESULT: ADOPTED [UNANIMOUS] MOVER: Michael Villano, Board Member SECONDER: William Sedor, Board Member AYES: Wylock, LaRobardier, Muroski, Sedor, Villano</p>

There were no Public comments

Motion to close the Public Hearing for Stony Brook Estates ESC Extension & Special Permit Renewal

<p>RESULT: ADOPTED [UNANIMOUS] MOVER: Peter Muroski, Board Member SECONDER: William Sedor, Board Member AYES: Wylock, LaRobardier, Muroski, Sedor, Villano</p>

**RESOLUTION REISSUING SPECIAL PERMIT AND EROSION AND
SEDIMENT CONTROL PERMIT APPROVAL**

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

WHEREAS, the project was previously approved by the Planning Board on December 4, 2007, and again on February 1, 2011 and March 18, 2013, but has expired or is about to expire pursuant to Section 145-62H of the Town Code, which states that a special permit shall expire if the applicant fails to obtain the necessary building permits within 12 months of its issuance, and Section 65-8H of the Town Code, which states that an erosion and sediment control permit shall expire after a year or such shorter term prescribed by the Planning Board; and

WHEREAS, by letter dated February 4, 2014, the applicant, RandallO, Inc., requested an extension of the reapproval in order to assist the ongoing efforts to develop the property and aid financing; 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

**TOWN OF DOVER PLANNING BOARD REGULAR MEETING
MONDAY, MARCH 3, 2014**

WHEREAS, the Planning Board sent a courtesy notice to all involved and interested agencies by letter dated February 5, 2013, notifying them that the applicant has submitted an application for reapproval of the project; and

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

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

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

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

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

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

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

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

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

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

WHEREAS, on March 13, 2013, the Planning Board reaffirmed its prior SEQRA determination of non-significance; and

**TOWN OF DOVER PLANNING BOARD REGULAR MEETING
MONDAY, MARCH 3, 2014**

WHEREAS, the application was referred to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law, which responded on March 5, 2013 that it was a matter of local concern, and there have been no changes to the project since that iteration; and

WHEREAS, a duly noticed public hearing on the reissuance of the special use permit and erosion and sediment control permit was held on March 3, 2014, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby reaffirms its prior determination of non-significance for the project, issued on December 4, 2007 and reaffirmed on December 7, 2009 and March 18, 2013; and

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

- 1. Payment of all fees and escrow.**

BE IT FURTHER RESOLVED, that the Planning Board regrants the applicant an erosion and sediment control permit for disturbance as shown on the map set entitled “Stony Brook Estates,” prepared by Michael J. Budzinski, P.E., last revised November 5, 2009, to expire on March 3, 2015, subject to the following conditions:

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

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

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

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

**TOWN OF DOVER PLANNING BOARD REGULAR MEETING
MONDAY, MARCH 3, 2014**

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:

Motion to adopt the resolution

RESULT: ADOPTED [UNANIMOUS]

MOVER: Valerie LaRobardier, Board Member

SECONDER: Peter Muroski, Board Member

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

IV. Old Business:

- a. None

V. Entertain Request for Extensions

- a. **O'Neill Davis Road Subdivision- 7160-03-360320**

**RESOLUTION GRANTING EXTENSION OF TIME TO MEET THE
CONDITIONS OF SUBDIVISION APPROVAL- O'Neill**

WHEREAS, on September 16, 2013, the Planning Board granted conditional final approval to the subdivision 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, subject to satisfaction of seven conditions; and

WHEREAS, the applicant has asked for additional time to satisfy the conditions of approval; and

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

WHEREAS, pursuant to Section 125-8D(2) of the Dover Code, the Planning Board may grant up to eight extensions of 180 days each of the time to meet the conditions of final plat approval; and

WHEREAS, permit renewals and extensions are Type II actions under SEQRA; and

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

NOW THEREFORE BE IT RESOLVED the Planning Board hereby grants the applicant a 180 day extension of the time in which to satisfy the conditions of final plat approval to and including September 15, 2014.

Date: March 3, 2014

RESULT: ADOPTED [UNANIMOUS]

MOVER: Michael Villano, Board Member

SECONDER: Valerie LaRobardier, Board Member

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

VI. New Business

a. Dover Plains Plaza- FreshTown 7063-00-509295

John Belyea of Rennia Engineering & Daniel Katz

In addition to the plans submitted Mr. Belyea wanted to discuss these revisions
Modification of the signage- there are 2 additional signs for drive through direction
At the north and south entrances to direct people to the pharmacy
Along with the stop sign at the drive through exit there will be a do not enter sign

Supplemental plans were submitted during the meeting

These plans have not been submitted to or reviewed by the ARB.

There is also a revision noted in the reduction of the canopy.

With respect to SEQRA- this may be considered a type 2 action and it was requested a Public Hearing be waived.

It was also requested conditional Preliminary approval be granted with these revisions

Board Discussion:

Looking at the rendering- the existing CVS space is being divided?

It shows - convert to multiple tenant spaces

Mr. Katz:

Requesting the space be divided to multiple tenant space and the flexibility of reducing the now CVS space to its original size.

Q: Are you asking for the option of dividing the space or will it be done?

A: the flexibility

Q: Will the pharmacy be completely replaced by the drive through?

A: the Pharmacy will have a drive trough

The drive through allows the flexibility of CVS to move into the Fresh Town Space

This is a business decision that has not been decided yet

**TOWN OF DOVER PLANNING BOARD REGULAR MEETING
MONDAY, MARCH 3, 2014**

Q: Will you put in the drive through whether or not CVS moves over?

A: the drive through has already been approved, so they are before the Board for additional site signage, the plan is to reduce the vestibule, remove the bottle redemption machines, re divide the space to what it once was and modify the canopy.

Q: If this were approved- will CVS decrease in square footage?

A: no it will increase if it moves to the new space, and where it is currently will be divided. The ARB agreed to allow windows to be put back into place where they once existing as well as the change in entrance.

Q: No matter what happens do you plan to put in the dividing wall?

A: yes

Q: If the supermarket stays will it be reduced in size?

A: that is up in the air right now.

If you get approval to put in that wall, the permit is only good for a certain amount of time, then expires; possibly 18 months

* look at the height of the proposed signs to not impede the site distance

Mr. Katz- What is the rational in having a Public Hearing since we already have an approval?

Chair- this is the only supermarket in town and the Public should have an opportunity to know what is going on.

Attorney- the application needs to go to County Planning - so we have to wait 30 days either way.

MOTION TO REFER THIS APPLICATION TO THE ARB

ADDITIONAL SIGNS ADDED TO SITE

<p>RESULT: ADOPTED [UNANIMOUS] MOVER: Peter Muroski, Board Member SECONDER: Michael Villano, Board Member AYES: Wylock, LaRobardier, Muroski, Sedor, Villano</p>

MOTION TO SET A PUBLIC HEARING FOR THE FRESH TOWN SITE PLAN AMENDMENT

Motion for Public Hearing for April 7, 2014

<p>RESULT: ADOPTED [UNANIMOUS] MOVER: David Wylock, Chairman SECONDER: William Sedor, Board Member AYES: Wylock, LaRobardier, Muroski, Sedor, Villano</p>

**RESOLUTION FOR DOVER PLAZA SITE PLAN AMENDMENT TO DIVIDE EXISTING
RETAIL SPACE**

WHEREAS, the applicant, Dover Acquisition, LLC, has submitted an application for approval of an amended site plan to divide existing retail space and to modify the previously approved drive-up window canopy at an existing shopping center located at 3081 Route 22, Dover Plains, Tax Grid No. 7063-00-509295 (the “site”), located in the HC and AQ Districts; and

WHEREAS, the applicant has submitted a site plan entitled, “Dover Plaza, Amended Site Plan”, prepared by Rennia Engineering Design, PLLC, dated 2/14/14; and

WHEREAS, the application was accompanied by a Short Environmental Assessment Form (“EAF”), undated; and

WHEREAS, the Planning Board of the Town of Dover has performed a preliminary review of the EAF and other application materials; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (“SEQRA”), said Board is required to determine the classification of the proposed action.

WHEREAS, construction of an accessory non-residential structure or facility involving less than 4,000 sq. ft. is a Type II action under the SEQRA; and

WHEREAS, on February 24, 2014, the Dover Architectural Review Board reviewed and approved the proposed exterior changes at the site.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby:

- 1. Classifies the action as a Type II action under SEQRA; and**
- 2. Directs its Secretary to refer the application to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.**

Motion to type this as a Type 2 Action under SEQRA and circulate to County Planning

<p>RESULT: ADOPTED [UNANIMOUS] MOVER: William Sedor, Board Member SECONDER: Michael Villano, Board Member AYES: Wylock, LaRobardier, Muroski, Sedor, Villano</p>

b. 22 West Properties 7059-04-739389

John Kalin

22 West owns this property - a few years back they proposed storage buildings, previously egress was established by creating a frontage on Rock Hill Road. Although they had permission to use the road they did not have permission to improve it for truck access.

The original entrance and access was abandoned and now they are looking at revisiting an existing access off of RT 22.

NYS was approached, they favored this access site distance is better and grade is flatter.

Those are the plans presented tonight.

**TOWN OF DOVER PLANNING BOARD REGULAR MEETING
MONDAY, MARCH 3, 2014**

Chair- The entry road- will they be wide enough for truck traffic?

A: it was agreed that the largest truck would be a WB-30 or 40, the radius may be tight, the driveway which exists is pretty wide, and however the radius may be increased. The only area of concern may be where an existing well and septic exist. The truck radiuses will be shown and it will be bank run and grass.

They also reached out to DEC to extend / re-establish the wetland boundary down to Rt 22- as soon as the ground clears the field work will begin.

The existing houses will be discussed as to whether or not they will remain.

A computer rendering of the buildings will be submitted, along with a grading plan

A site walk will be set once the ground clears - the drive / access will be flagged along with the corners of the proposed buildings

A new EAF will be submitted as well

Documentation on the Goff Subdivision will need to be submitted.

Health Department DEC, DOT - all updated documents will be submitted.

There are several easements in which all will be shown and documented

VII. Minutes:

a. Minutes of January 15, 2014 & February 8, 2014

MOTION TO APPROVE THE MINUTES OF JANUARY 15 & FEBRUARY 8, 2014

Approved as submitted

RESULT: ADOPTED [UNANIMOUS]

MOVER: Valerie LaRobardier, Board Member

SECONDER: Michael Villano, Board Member

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

VIII. Adjournment

Motion to Adjourn

Meeting adjourned at 7:50

RESULT: ADOPTED [UNANIMOUS]

MOVER: Peter Muroski, Board Member

SECONDER: Valerie LaRobardier, Board Member

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

Recorder