



Planning Board

APPROVED

Regular Meeting

<http://www.townofdovery.ny.us/>

~ Minutes ~

Monday, May 5, 2014

7:00 PM

Town Hall

The Town of Dover Planning Board held a Regular Meeting at 7:00 PM on Monday, May 5, 2014 at the Town Hall, 126 East Duncan Hill Road, Dover Plains, NY 12522 with the following members present:

I. Call to Order

called the meeting to order at 7:00 PM.

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	Absent	
Michael Villano	Town of Dover	Board Member	Present	

II. Pledge of Allegiance

Everyone stood for the Pledge of Allegiance to the flag.

III. Public Hearings:

a. Reagans Mill Water Company Lot Line Change 7160-00-190630 & 7160-01-235625

MOTION TO OPEN THE REAGANS MILL WATER COMPANY PUBLIC HEARING

The Reagan's Mill Water Company Lot line change Public hearing was open.

No Public Comment

No additional Board member comments

Additional information is needed from the Applicant's Attorney

RESULT: ADOPTED [UNANIMOUS]

MOVER: Peter Muroski, Board Member **SECONDER:** Valerie LaRobardier, Board Member

AYES: David Wylock, Valerie LaRobardier, Peter Muroski, Michael Villano

ABSENT: William Sedor

MOTION TO CONTINUE THE REAGANS MILL WATER COMPANY PUBLIC HEARING

This Public Hearing has been continued to July 7, 2014

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RESULT: ADOPTED [UNANIMOUS]

MOVER: Michael Villano, Board Member **SECONDER:** Valerie LaRobardier, Board Member

AYES: David Wylock, Valerie LaRobardier, Peter Muroski, Michael Villano

ABSENT: William Sedor

IV. New Business

a. None

b. Executive Session

MOTION TO GO INTO EXECUTIVE SESSION FOR ATTORNEY CLIENT

RESULT: ADOPTED [UNANIMOUS]

MOVER: Peter Muroski, Board Member **SECONDER:** Michael Villano, Board Member

AYES: David Wylock, Valerie LaRobardier, Peter Muroski, Michael Villano

ABSENT: William Sedor

MOTION TO RETURN FROM EXECUTIVE SESSION

7:22 No money was spent; no decisions were made

RESULT: ADOPTED [UNANIMOUS]

MOVER: Peter Muroski, Board Member **SECONDER:** Valerie LaRobardier, Board Member

AYES: David Wylock, Valerie LaRobardier, Peter Muroski, Michael Villano

ABSENT: William Sedor

V. Old Business:

a. John Quartararo Subdivision 6962-00-310797 & 6962-00-377644

Rich Renna- Engineer & Applicant's Attorney Paul Quartararo

Follow up on last discussion regarding Sprinkler systems

A letter from the Applicant's Attorney was submitted. The initial letter requested the condition of requiring residential sprinklers be removed completely and the second was a letter suggesting the condition of approval be changed to the following:

"No building permit shall be issued for a residential dwelling unit unless the applicant for the permit receives information from the building department regarding the benefits of the installation of a fire sprinkler system"

Chair Wylock- The Board did not feel this change of language did not meet the intent of the original condition.

He spoke to the Fire Chief of J.H.Ketcham Hose Company, who will be providing the Board with a memo, was in support of the original condition

The Applicant did not feel it was the Planning Board who has the legal authority to require a sprinkler in every house.

Chair Wylock- Because of the remote location Fire Company response time was a concern

There is an automatic mutual aid with Unionvale Fire Company. Unionvale has a tanker truck, Ketcham does not. Unionvale's truck is located on Rt 82, which is quite a distance from this location.

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Engineer Rennia- One option discussed was having a tank put on the site, a lot of insurance companies do that because of the distance. The applicant again felt this decision would be better left to others, and not be determined in this forum. The Building department or the insurance company, the individuals actually dealing with the construction of the house.

Chair- They could do a tank with a dry hydrant, there could be a draft to the pond, or least costly a sprinkler system.

A: The pond is far and would cross property owned by others so this option may not work. A tank may be a good option but again, that would be at the insurance company's request before the policy is written.

Engineer Rennia- Another option is the house be built to a higher level of fire rated materials such as 5/8" sheet rock. This could be a good solid way to get protect, that would not fail. If the mechanical system fails on a sprinkler, then it doesn't do any good. Looking at the 5/8"sheetrock, building code would address where it would be required.

There are many factors which could delay Fire Company response, such as weather (ice, snow etc.) no matter where the location.

Chair Wylock- This is why, it was recommended to the Town Board that they adopt an ordinance requiring this.

The Applicant would want something that would show there was a legal authority of the Board to require a system such as a tank.

Would this be for all of the lots or just the lots with long driveways?

A: No, the area as a whole. The Chair's opinion is that each of these houses should have a water tank when built. Using NFPA standards for guidance.

Engineer Rennia- Still felt this conversation is something outside of the normal tasks of both he and the Planning Boards scope.

He would like the legal statement requiring this.

Attorney Polidoro: NYS Town Law 277(1), "... the planning board shall require that the land shown on the plat be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, drainage or other menace to neighboring properties or the public health, safety and welfare. "

NYS Town Law 277 (2) The planning board shall also require that:

"(a) the streets and highways be of sufficient width and suitable grade and shall be suitably located to accommodate the prospective traffic, to afford adequate light and air, to facilitate fire protection, and to provide access of firefighting equipment to buildings..."

1990 Attorney General Opinion: The Planning Board has implicit authority to require the installation of fire hydrants as a condition of subdivision approval. There are some cases which discuss this.

Engineer Rennia- So how does this work in the case of realty vs. Non- realty subdivision

A: It doesn't make a difference, because once the lots are created, they are build able, even though they would still have to get DOH approval in order to put a house up.

Q: How does the board feel about a suite of options, such as the tank or sprinkler, this could leave the option open to the property owner. Such as the ones discussed, the enhanced sheetrock, sprinkler system, and tank. Each have different benefits, with the tank are you looking to supply enough water for the Fire Company to fight the fire or to buy time for the tanker to come? The other 2 options buy time for the occupants to get out.

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A: Submit in writing the options proposed and we can go from there. The main concern of the Board is the safety of the occupants, you can always build another building.

Attorney Quartararo- It is understood there are good intentions, but looking at the law, I don't know how a planning Board has the right to enhance the building code on their own. Right now building code does not require this, so what you are doing is taking specific people/ applicants and making them/requiring them to do something that is not within the building code

Chair- by that argument we can eliminate one of you options, the sheetrock. A water source on the property can still be required.

Attorney Quartararo- I think a lot of what you are doing is premature, what if the property owner wants to build a stone house, we have no idea what will happen down the road. The concern is understood and in some states like California, it makes sense, but right now here there is no requirement for them. I'm still not sure what legal authority you have to expand the building code on your own. This is my interpretation.

There was a discussion about what is happening in the Senate regarding this, there are conversations supporting both sides if the argument.

Chair- looking at the driveways, are they 12 1/2' wide?

A: Typically we keep the drive clear for the driving surface and then there are shoulders added for clear width for fire truck mirrors etc.

Chair- Generally they like 14' feet of clear

A: we have provided 14' of driving surface with 2' clear on each side which provides a total of 18' clear, Town Code requires 12' , but working with the Fire company we understand what they need.

Chair- they may request more pull offs

Engineer Renna- There are notes on the plat regarding chapter 65, we could add the note for driveway pull offs.

A: the design is not approved with non-realty, it just has to be proved out here. You could add the note the driveways will be built as per fire company requirements.

There were no additional comments- we will continue review at the June 2 meeting. We can hope to receive Fire Company comments before then.

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VI. Entertain Request for Extensions

- a. None

VII. Minutes:

- a. Minutes of April 21 2014

MOTION TO ACCEPT THE MINUTES OF APRIL 21, 2014

RESULT: ADOPTED [UNANIMOUS]

MOVER: Michael Villano, Board Member **SECONDER:** Peter Muroski, Board Member

AYES: David Wylock, Valerie LaRobardier, Peter Muroski, Michael Villano

ABSENT: William Sedor

VIII. Adjournment

The meeting was closed at

MOTION TO ADJOURN THE MEETING AT 7:49

RESULT: ADOPTED [UNANIMOUS]

MOVER: Peter Muroski, Board Member **SECONDER:** Michael Villano, Board Member

AYES: David Wylock, Valerie LaRobardier, Peter Muroski, Michael Villano

ABSENT: William Sedor

Betty-Ann Sherer, Recorder