



Planning Board

APPROVED

Regular Meeting

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

~ Minutes ~

Monday, June 2, 2014

7:00 PM

Town Hall

The Town of Dover Planning Board held a Regular Meeting at 7:00 PM on Monday, June 2, 2014 at the Town Hall, 126 East Duncan Hill Road, Dover Plains, NY 12522 with the following members present:

I. Call to Order

Chairman David Wylock called the meeting to order at 7:05 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	Present	
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:

There were no Public Hearings scheduled for this meeting

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IV. New Business

a. 486 Rt 55, LLC. - Lascon Inc. Change of Use- 7160-00-451311

For this previously approved site plan/special permit any change of use proposed is required to appear before this Board for site plan and special permit amendment

Donald Walsh – Richard Orefice is a landscaper interested in acquiring this property for a home occupation.

He will reside in the residence, the 'butler' building will be used for the offices, 3-4 employees and the remainder of the building will be used for the storage of seasonal equipment- lawnmowers in the winter, plows in the summer etc. The changes of the site are: less employee parking – the previous application proposed 14 now there will be 3-5 employees, additional screening will be added – the previous app proposed a single line of trees along the view of the neighbor's house, now a triple row is proposed, the parking lot along the building will have motion activated lights along the side, previously the proposal had light that remained on. The outside storage area has been reduce and will be used for plant deliveries. This is a less intensive use than previously proposed.

MOTION TO SET ESCROW FOR LASCON CHANGE OF USE FOR \$1000.00

RESULT: ADOPTED [UNANIMOUS]

MOVER: David Wylock, Chairman **SECONDER:** Michael Villano, Board Member

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

MOTION TO SET THE PUBLIC HEARING FOR LASCON CHANGE OF USE FOR JUNE 16, 2014

RESULT: ADOPTED [UNANIMOUS]

MOVER: David Wylock, Chairman **SECONDER:** Peter Muroski, Board Member

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

RESOLUTION TO REAFFIRM THE SEQRA DETERMINATION AND REFERRING THE APPLICATION TO THE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

486 ROUTE 55 LLC - LASCON INC.

June 2, 2014

Property Address: 6584 Route 55, Dover, NY

WHEREAS, the applicant, 486 Route 55 LLC, has submitted an application for site plan and special permit amendment approval to permit a new Home Occupation, landscaping equipment storage, on a 15.1 acre parcel located at 6584 Route 55, Dover, in the RU Zoning District, and identified as Tax No. 7160-00-451311 (the "Property"); and

WHEREAS, the amended site plan is shown on a plan entitled "Lascon, Incorporated," prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated May 14, 2014; and

WHEREAS, a special use permit to conduct a Home Occupation on the site was granted on September 25, 1997 for a firewood operation during daytime hours; and

WHEREAS, the applicant asserts that the current special use permit is still valid and that the firewood operation has been in continual operation; and

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WHEREAS, the Zoning Law was amended to reduce the amount of space that can be occupied by a home occupation, but the existing commercial building and special use permit precede this change; and

WHEREAS, the existing site plan, which was signed August 5, 1999, requires the applicant to return to the Planning Board for site plan approval for any change in use; and

WHEREAS, pursuant to Section 145-64 of the Zoning Law, the terms and conditions of an existing special permit may be amended in the same manner as required for issuance of the permit; and

WHEREAS, on August 6, 2012, the Planning Board granted site plan and special use permit amendment approval to permit Putnam Steel to establish a Home Occupation in an existing 11,879 sq. ft. structure (10,370 sq.ft. footprint) on the Property, but which was never implemented and has since expired; and

WHEREAS, the new Home Occupation would have less of an impact than Putnam Steel's operation, which would have had 14 employees on site performing metal fabrication; and

WHEREAS, the application was accompanied by a Short Environmental Assessment Form ("EAF") dated May 14, 2014; and

WHEREAS, no signage is proposed to be placed on the property.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby reaffirms its prior SEQRA determination of non-significance adopted on August 6, 2012; and

BE IT FURTHER RESOLVED, that the Planning Board hereby directs the Secretary to the Planning Board to refer the application to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law.

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RESULT: ADOPTED [UNANIMOUS]

MOVER: Michael Villano, Board Member **SECONDER:** William Sedor, Board Member

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

b. Westchester Modular Homes – 7160-00-227678, 167667& 196673

Chair Wylock- This application was approved March 2013 and somewhere along the line it fell between the cracks and the approval had expired. The Applicant is here to apply for a renewal

Anthony Pisarri- We lost track of the time and the approvals we had lapsed for site plan special permit and erosion control. They are here for renewed approval and as far as the plans, absolutely nothing has changed in terms of approval. As far as he knows the conditions of approval have been met, noted were added. The ESC has been confirmed by Engineer Berger. Department of Health signed off on the water & sewer. The remaining items are the bonds, the 2 checks are in the safe in the factory, the Controller's son was in an accident and once we can get to the documents, they will be submitted.

Attorney Polidoro- It is recommended the Engineer & Planner review the plans to confirm the conditions have been met and the notes are correct

Q: Is he planning to start any time soon?

A: He would like to, he plans to start with lot 4 & possibly 3.

Attorney- There was a lot of discussion regarding the phasing and how this should be handled going forward, this is phased to be one after another, so you should be careful in tracking the dates

Chair Wylock- Since the original approval, there have been no significant changes in the neighborhood regarding development in the neighborhood, and how this affects SEQRA.

RESOLUTION REAFFIRMING PRIOR SEQRA DETERMINATION OF NON-SIGNIFICANCE AND REFERRING THE APPLICATION TO DUTCHESS COUNTY PLANNING AND DEVELOPMENT

WESTCHESTER MODULAR HOMES, INC

SITE PLAN, SPECIAL USE PERMIT AND EROSION AND SEDIMENT CONTROL PERMIT

June 2, 2014

Property Address: 30 Reagans Mill Road, Wingdale, NY

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

WHEREAS, the site is located within the Commercial/Industry/Office Mixed-Use (CO) Zoning District which requires a minimum lot size of one acre; and

WHEREAS, subdivision, site plan, special use permit and erosion and sediment control permit approval have expired and the applicant has applied for renewal of all approvals; and

WHEREAS, the proposal is depicted on a subdivision plat entitled "Final Subdivision Plat Prepared For Westchester Modular Homes, Inc.," prepared by Terry Bergendorff Collins, dated March 7, 2013, last revised July 26, 2013 and site plan entitled, "Proposed Factory Housing" prepared by Anthony S. Pisarri, P.E., dated January 26, 2012, last revised April 22, 2013; and

WHEREAS, on October 1, 2012, the Planning Board, serving as lead agency in a coordinated review of the project, adopted a determination of non-significance, finding that the project as proposed would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, there have been no changes to the project or in the surrounding area that would result in any potentially significant adverse impacts.

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NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby reaffirms its prior SEQRA determination of non-significance adopted on October 1, 2012.

BE IT FURTHER RESOLVED, that the Planning Board hereby 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.

RESULT: ADOPTED [UNANIMOUS]

MOVER: William Sedor, Board Member **SECONDER:** Valerie LaRobardier, Board Member

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

MOTION TO SET THE PUBLIC HEARING FOR WESTCHESTER MODULAR MULTIFAMILY RENEWAL FOR JUNE 16, 2014

RENEWAL OF PREVIOUSLY GRANTED SITE PLAN, SPECIAL USE PERMIT AND EROSION AND SEDIMENT CONTROL PERMIT

RESULT: ADOPTED [UNANIMOUS]

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

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

V. Old Business:

a. John Quartararo Subdivision 6962-00-310797 & 6962-00-377644 & 120800

Rich Renna- At the last meeting we were discussing fire protection and believe this is the final item.

The fire department did reply to your request and I have prepared a response:

FIRE PROTECTION NOTES:

1. DUE TO THE RURAL LOCATION OF THE NEWLY CREATED LOTS SHOWN ON THIS PLAT THE TOWN OF DOVER PLANNING BOARD HIGHLY RECOMMENDS THE USE OF ENHANCED FIRE PROTECTION ON ALL NEW RESIDENTIAL CONSTRUCTION.
2. ENHANCED FIRE PROTECTION TECHNIQUES INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:
 - a. AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH NFPA 13D FOR ONE- AND TWO-FAMILY DWELLINGS.
 - b. 60 MINUTE FIRE-RESISTANCE RATING OF CORRIDORS AND VERTICAL OPENING ENCLOSURES.
 - c. AUTOMATIC FIRE ALARM SYSTEM WITH: HORN / STROBE / PULL STATION
 - d. APPROPRIATELY SIZED ONSITE WATER STORAGE WITH FIRE DEPARTMENT CONNECTION.
3. PLEASE CONSULT THE LOCAL BUILDING INSPECTOR AND FIRE DEPARTMENT PRIOR TO DWELLING DESIGN FOR VALUABLE INFORMATION AND RECOMMENDATIONS.

DRIVEWAY DESIGN NOTES:

1. ALL FUTURE DRIVEWAYS FOR SINGLE-FAMILY DWELLINGS SHALL ADHERE TO THE FOLLOWING MINIMUM STANDARDS:
 - a. THE MAXIMUM GRADE SHALL BE 12%.
 - b. DRIVEWAYS SHALL BE CONSTRUCTED WITH A MINIMUM OF EIGHTINCH-DEEP RUN-OF-BANK GRAVEL BASE THAT HAS BEEN PROPERLY COMPACTED.
 - c. DRIVEWAYS SHALL PROVIDE A MINIMUM UNOBSTRUCTED WIDTH OF 12 FEET AND A MINIMUM UNOBSTRUCTED HEIGHT OF 13 FEET, 6 INCHES.
 - d. DRIVEWAYS IN EXCESS OF 500 FEET IN LENGTH THAT DO NOT EXIT TO ANOTHER FIRE APPARATUS ACCESS ROAD OR PUBLIC STREET, SHALL BE PROVIDED WITH A SUITABLE TURNAROUND FOR USE BY FIRE APPARATUS.
 - e. DRIVEWAYS IN EXCESS OF 500 FEET IN LENGTH AND LESS THAN 20 FEET IN WIDTH SHALL BE PROVIDED WITH TURNOUTS ALONG THE DRIVEWAY THAT ARE A MINIMUM 20 FEET IN WIDTH FOR A LENGTH OF 50 FEET IN LENGTH. THE TURNOUTS SHALL BE PLACED AT INTERVALS NOT TO EXCEED 500 FEET ALONG THE DRIVEWAY.
 - f. DRIVEWAYS, INCLUDING BRIDGES AND OTHER SUPPORTING STRUCTURE OF DRIVEWAYS, SHALL BE CONSTRUCTED TO SUPPORT FIRE APPARATUS IN ALL WEATHER CONDITIONS.

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g. THE DESIGN OF DRIVEWAYS, INCLUDING TURNING RADIUS AND GRADE, SHALL FACILITATE PASSAGE OF FIRE APPARATUS AND BE APPROVED BY TOWN ENGINEER AND HIGHWAY SUPERINTENDENT.

h. COMPLY WITH ALL OTHER STANDARDS OF TOWN CODE SECTION 93: HIGHWAY STANDARDS.

Chair- In terms of fire protection to get an accurate statement of response time is difficult, there are many factors. Scenarios were discussed, whether there was a driver at the firehouse, as well as time of day and day of week, weather etc. This location there is an automatic mutual dispatch for this area as well.

The previous proposed change of the condition of approval was not acceptable

Attorney Polidoro- There were two sets of note submitted, the fire were fire protection (noted above) and the second are driveway notes, in which the fire company recommendation were used.

Chair- this was discussed and no matter what conditions we impose now, in 5 years, sprinklers could be a requirement of NYS building Code, we don't know. The property owner could also come in and have a note removed from the plat, and they would have to come in to have that addressed, it would be up to the Planning Board to entertain the subdivision plat amendments.

Engineer Rennia- it is appreciated and understood the intent of the Board for health & safety, this is why we have returned with a suite of options.

The resolution in these minutes reflect the changes made and adopted during this meeting

RESOLUTION GRANTING PRELIMINARY AND FINAL SUBDIVISION APPROVAL

QUARTARARO SUBDIVISION

June 2, 2014

Property Address: Chestnut Ridge Road

WHEREAS, the applicant, John Quartararo, has submitted an application for subdivision approval to create two new lots from two existing parcels of land (three existing tax parcels) and to make other associated lot line modifications, as shown on the plat entitled, Subdivision of the Lands of John P. Quartararo", prepared by Sheridan Land Surveyors, dated January 7, 2014 (the "Subdivision"); and

WHEREAS, the parcels involved in this application are identified as tax parcel numbers 6962-00-120800; 6962-00-310797 and 6962-00-377644 (the "site"), and are located in the RC District and AQ and SC Overlay Districts in the Towns of Dover and Union Vale; and

WHEREAS, the Subdivision includes the abandonment of Old Chestnut Ridge Road, which bisects a lot; and

WHEREAS, the applicant has indicated that this will be a non-realty subdivision but has demonstrated that each proposed new lot is capable of providing water and supporting a septic disposal system; and

WHEREAS, on February 26, 2014, the Town Board authorized the conveyance of Old Chestnut Ridge Road to John Quartararo; and

WHEREAS, the applicant has submitted an Eastern Timber Rattlesnake Habitat Assessment Report, prepared by Mike Nowicki, which indicates that the site is not prime basking habitat but does

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contain general habitat preferred by the Timber Rattlesnake, such as bedrock and talus controlled landscapes in a mixed deciduous forest; and

WHEREAS, by letter dated April 7, 2014, the NYS DEC determined that the take avoidance measures described on page 6 of the habitat assessment are sufficient to prevent the need for an incidental take permit under Part 182 of the NYS Environmental Conservation Law for the Subdivision as proposed; and

WHEREAS, on April 7, 2014, the Planning Board, serving as lead agency in a coordinated review of the project, adopted a determination of non-significance, finding that the Subdivision would not result in any significant adverse environmental impacts and that the applicant has included measures sufficient to mitigate any impacts to the Timber Rattlesnake; and

WHEREAS, pursuant to Section 145-65D(4) of the Code of the Town of Dover, before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground and other recreational purposes; and

WHEREAS, the J. H. Ketcham Hose Company Inc., submitted a memorandum dated May 14, 2014 which provided comments on minimum emergency access requirements for single- and two-family dwellings and recommended installation of automatic sprinkler systems; and

WHEREAS, pursuant to Sections 277(1) and (2) of the Town Law, the Planning Board is authorized to require that "streets and highways be of sufficient width . . . to facilitate fire protection, and to provide access of firefighting equipment to buildings" and to further require that water mains and fire alarm signal devices be installed in accordance with all applicable standards; and

WHEREAS, in 1990 Op. Atty. Gen. 1138, the Attorney General opined that the Planning Board has implicit authority to require the installation of fire hydrants as a condition of subdivision approval; and

WHEREAS, the Subdivision is not located in an area serviced by water mains and the Planning Board has determined that underground holding tanks with dry hydrants will serve as the functional equivalent to the installation of water mains and a fire hydrant; and

WHEREAS, the applicant has requested that the Planning Board permit alternatives to the installation of the underground storage tanks; and

WHEREAS, a duly noticed public hearing on the application was opened on January 15, 2014 and closed on April 21, 2014, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town and that a suitable park or parks of adequate size to meet the requirement cannot be properly located on the proposed plat and in lieu thereof requires that payment to the Town of Dover Recreation Trust Fund for two new lots be made prior to the signing of the Final Plat by the Planning Board Chair.

BE IT FURTHER RESOLVED, that the Planning Board grants preliminary layout approval to the Quartararo Subdivision.

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BE IT FURTHER RESOLVED, that that the Planning Board hereby grants final subdivision approval to the subdivision plat entitled, "Subdivision of the Lands of John P. Quartararo", prepared by Sheridan Land Surveyors, dated January 7, 2014, and authorizes the Chair to affix his or her signature to the plat after compliance with the following conditions:

- 1. Payment of all fees, including a recreation fee of \$6000.00 and escrow.**
- 2. Submission of recorded Deed which conveyed Old Chestnut Ridge Road to Quartararo.**
- 3. Revision of the subdivision plat to amend the calculation of area for Lot 1 to include the entire lot, including the portion of the lot located in the Town of Union Vale.**
- 4. Revision of the plat to contain the following note: Lot 1 is subject to a conservation easement which was recorded with the Dutchess County Clerk on November 22, 2000 as Document No. 02 2000 10615.**
- 5. Amendment of the Plat to indicate that the Lots are located in the Stream Corridor and Aquifer Overlay Districts.**
- 6. Revision of the plat to contain the following notes:**
 - a. Disturbance activities, including movement of construction vehicles, excavation and alteration of vegetation shall only be conducted from November 1st through March 31st annually.**
 - b. A temporary restrictive barrier shall be installed around the perimeter of any disturbance with a footprint of less than one acre.**
 - i. The barrier shall be installed prior to March 31st and maintained until the end of the construction phase of the project, or until November 1st, whichever occurs first; and**
 - ii. The barrier shall be inspected daily and, if necessary, repaired immediately to a fully functional condition; and**
 - iii. The barrier shall be constructed in accordance with the following design specifications:**
 - 1. Made of ¼ inch square hardware cloth or wire mesh;**
 - 2. A minimum of 48 inches high;**
 - 3. Anchored into the ground with reinforcement bars placed on the "disturbance side" of the barrier and spaced 6-8 feet apart; and**
 - 4. Secured at the base (barrier/ground interface) with at least 6 inches of fence material covered with soil backfill.**
 - c. No building permit shall be issued for a residential dwelling unit unless such dwelling unit includes an underground storage tank with dry hydrant / elevated stand pipe accessible to a fire company pumper that is appropriately sized in accordance with NFPA and local Code standards the tank should not be located further than 250 feet from the residence. In lieu of the provision of an underground storage tank, a lot owner may voluntarily install an automatic sprinkler system that meets the requirements of NFPA 13D, as may be revised from time to time, and any local and state requirements.**
 - d. All future driveways for single- family dwellings shall adhere to the following minimum standards:**
 - i. The maximum grade shall be 12%.**

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- ii. Driveways shall be constructed with a minimum of 8" deep run of bank gravel base that has been properly compacted
 - iii. Driveways shall provide a minimum unobstructed width of 12' and a minimum height of 13' 6".
 - iv. Driveways in excess of 500 feet in length that do not exit to another fire apparatus access road or public street, shall be provided with a suitable turnaround for use by fire apparatus as approved by the Fire Chief
 - v. Driveways in excess of 500 feet in length and less than 20 feet in width shall be provided with turnouts along the driveway that are a minimum of 20 feet in width for a length of 50 feet. The turnouts shall be placed at intervals not to exceed 500 feet along the driveway.
 - vi. Driveways, including bridges and other supporting structure of driveways, shall be constructed to support fire apparatus in all weather conditions
 - vii. The design of driveways, including turning radius and grade, shall facilitate passage of fire apparatus and be approved by Town Engineer and Highway Superintendent.
 - viii. Comply with all other standards of Town Code section 93: HIGHWAY STANDARDS.
- e. An erosion and sediment control permit under Chapter 65 of the Town Code is required before the construction of each driveway.

7. Department of Health permission to file.

Brief discussion before vote – as far as Unionvale's Planning Board requirement to sign and including the area of the plat including the union vale portion of the site- Engineer Renna thought the discussed they had just required a new deed be created just for that portion of the site. They are separate lots, because they are in separate Towns.

A: what was discussed was if you wanted to make that a separate lot that should be done now as part of this project.

Q: You are sending us to Unionvale's PB, for something they have no jurisdiction over, there is no subdivision or change in Unionvale

A: the lot is located in 2 districts, so the lot is partly in Unionvale and part in Dover

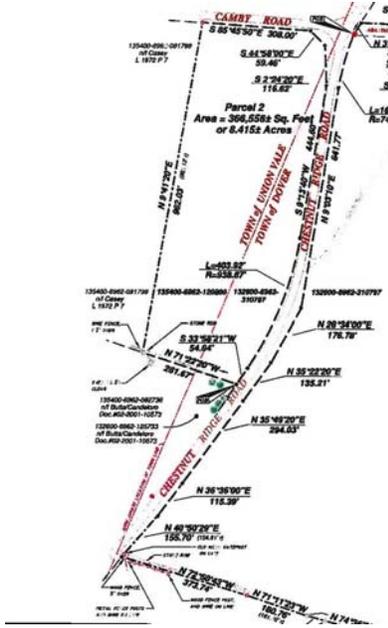
Q: there are 2 different tax numbers

A: correct the lot that is being subdivided is located in both of those towns although the subdivision is located in Dover

Q: If we create a deed and file it, then it would be a separate parcel

A: no the question was, do you have a separate deed or if it was part of the larger parcel. Right now that. Dover's code does not state that if a parcel is divided by a municipal boundary, then it is subdivided.

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RESULT: ADOPTED [UNANIMOUS]

MOVER: David Wylock, Chairman **SECONDER:** Peter Muroski, Board Member

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

c. Dover Estates 6 lot Subdivision- 7060-00-788552 & 7060-16-779491

Peter Rusciano: After working with the Department of Health we believe the project is better because it will have less of an impact due to the reduction of the number of lots. We are working on completing the rest of the conditions of approval.

Attorney Polidoro- Generally with Final Plat, if there is a change you would have a Public Hearing, but since this revision is minimal and actually reduces the impact, it's up to the board if they would like to waive the Hearing. If everyone agrees we could work on a resolution on approval of the amended plat for the next meeting

VI. Extensions:

a. Rusciano ESC 7060-00-850712 & 7060-00-891744

RESOLUTION GRANTING EIGHTH EXTENSION OF EROSION AND SEDIMENT CONTROL PERMIT

RUSCIANO EROSION AND SEDIMENT CONTROL PERMIT

June 2, 2014

Property Address: 236 & 246 Cricket Hill Road

WHEREAS, on February 1, 2010, the Planning Board granted the applicant, Peter Rusciano, an erosion and sediment control permit for disturbance as shown on the plan entitled "Proposed Fill Plan, Rusciano Property", prepared by John Meyer Consulting, P.C., dated 07/07/2009, last revised

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01/06/2010, to expire on February 2, 2011, subject to several conditions including submission of a performance guaranty in the amount of \$3,000.000; and

WHEREAS, on October 4, 2010, the Planning Board granted the applicant a six-month extension of time to August 2, 2011, to complete the work contemplated under the permit; and

WHEREAS, on May 16, 2011, the Planning Board granted the applicant a second six-month extension of time to February 2, 2012, to complete the work contemplated under the permit; and

WHEREAS on December 19, 2011, the Planning Board granted the applicant a third six-month extension of time to August 2, 2012, to complete the work contemplated under the permit; and

WHEREAS on May 21, 2012, the Planning Board granted the applicant a fourth six-month extension of time to February 2, 2013, to complete the work contemplated under the permit; and

WHEREAS, on December 3, 2012, the Planning Board granted the applicant a fifth six-month extension of time to August 2, 2013, to complete the work contemplated under the permit; and

WHEREAS, on June 3, 2013, the Planning Board granted the applicant a sixth six-month extension of time to February 2, 2014 to complete the work contemplated under the permit; and

WHEREAS, on December 2, 2013, the Planning Board granted the applicant a seventh six-month extension of time to August 2, 2014 to complete the work contemplated under the permit; and

WHEREAS, by an undated letter, the applicant has requested an additional extension of time to complete the work; and

WHEREAS, pursuant to Section 65-8K of the Code, the Planning Board may grant an extension of time to complete the work contemplated under an erosion and sediment control permit if, in its discretion, the Planning Board finds that such extension was warranted; and

WHEREAS, permit renewals 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, that the Planning Board hereby grants the applicant a six-month extension of time to February 1, 2015, to complete the work contemplated under the erosion and sediment control permit, as shown on the approved plan entitled "Proposed Fill Plan, Rusciano Property", prepared by John Meyer Consulting, P.C., dated 07/07/2009, as last revised, subject to the following conditions:

1. **Payment of all fees and escrow.**
2. **Proof that the required performance guaranty will remain in full force and effect until at least February 2, 2015.**

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BE IT FURTHER RESOLVED, that before the authorized official may issue a certificate of compliance, the Planning Board Engineer shall provide the authorized official with a written statement indicating that all work authorized under the permit has been completed in accordance with the approved permit.

RESULT: ADOPTED [UNANIMOUS]

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

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

b. Zingaro Property 7259-00-088958

**RESOLUTION GRANTING FINAL 180 DAY EXTENSION OF TIME IN WHICH TO SATISFY
THE CONDITIONS OF FINAL SUBDIVISION PLAT APPROVAL**

ZINGARO (ROUTE 55 CORP.)

June 2, 2014

Tax Parcel No. 7259-00-088958

WHEREAS, on August 2, 2010, the Planning Board granted an erosion and sediment control permit and conditional final approval to an eight lot flexible subdivision plat entitled "Final Subdivision Plat known as Route 55 Corp.," for property located on New York State Route 55, Tax Parcel No. 7259-00-088958 (the "site"); 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 276(7)(c) of the NYS Town Law, a planning board may extend for periods of 90 days the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted; and

WHEREAS, on May 30, 2012, Local Law No. 3 was adopted which authorizes the Planning Board to grant eight extensions of up to 180 days each; and

WHEREAS, on January 3, 2011, the Planning Board granted the applicant a 90 day extension of time in which to meet the conditions of final plat approval to April 29, 2011; and

WHEREAS, on April 4, 2011, the Planning Board granted the applicant a second 90 day extension of time in which to meet the conditions of final plat approval to July 28, 2011; and

WHEREAS, on July 18, 2011, the Planning Board granted the applicant a third 90 day extension of time in which to meet the conditions of final plat approval to October 26, 2011; and

WHEREAS, on October 3, 2011, the Planning Board granted the applicant a fourth 90 day extension of time in which to meet the conditions of final plat approval to January 24, 2012; and

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WHEREAS, on January 16, 2012, the Planning Board granted the applicant a fifth 90 day extension of time in which to meet the conditions of final plat approval to April 23, 2012; and

WHEREAS, on April 2, 2012, the Planning Board granted the applicant a sixth 90 day extension of time in which to meet the conditions of final plat approval to July 23, 2012; and

WHEREAS, on July 16, 2012, the Planning Board granted the applicant a seventh extension of time in which to satisfy the conditions of final plat approval to and including January 21, 2013, constituting the fourth 180-day extension; and

WHEREAS, on January 7, 2013, the Planning Board granted the applicant a fifth 180-day extension of the time in which to satisfy the conditions of final plat approval to July 22, 2013; and

WHEREAS, on July 1, 2013, the Planning Board granted the applicant a sixth 180-day extension of the time in which to satisfy the conditions of final plat approval to January 20, 2014; and

WHEREAS, on January 15, 2014, the Planning Board granted the applicant a seventh 180 day extension of time in which to meet the conditions of final plat approval to July 21, 2014; and

WHEREAS, by letter dated May 20, 2014 the applicant's attorney has requested an additional 180-day extension of the time in which to meet the conditions of final plat approval; and

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

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant an eighth and final 180-day extension of time in which to satisfy the conditions of final plat approval to and including January 19, 2015.

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RESULT: ADOPTED [UNANIMOUS]

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

AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

This is the final and last extension the Board can approve, if they would like to return, they would have to reapply. The new SWPPP requirements would be applied, although they weren't in effect when this originally came to us and SEQRA would need to be revisited

VII. Circulation

145-39 – Revisions to the Sign Ordinance- Circulation from Town Board for comments

Discussion:

Q: Why can't we have guidelines that would allow a sign to be approved, if they met the guideline criteria, why does every single sign have to go to the ARB? Only if you were requesting an exception, then they would have to go to the ARB.

On prohibited signs no off premise signs- I thought this was being discussed, I thought this wasn't final, did I miss understand that.

A: With respect to off premise signs, there is a discussion going on with trying to find a way to make off premise signs permissible, there is a struggle with how that is controlled, if there is an intersection which is privately owns or it is the DOT ROW, how do you regulate how many signs are permitted there.

If it is privately owned and they choose to rent out their property for a sign, how does that get capped? There may be a way to have the Town own a parcel in which a business owner can rent a space on the Town sign.

Q: What would happen to the current off premise signs?

A: Those have been addressed, if there is an off premise sign and they currently have a NYS DOT permit, they should be allowed to remain, just the documentation should be submitted to the Town for the record.

Q: Plaza – Multiple business in a structure- What about the size of the print – because road speed and distance from the road could be far.

A: In some areas, the sign should not be readable from the road, just the plaza sign should be.

Also in certain zones there are bonuses for the increase in a sign size, there has been no discussion on font size.

The recommendation was the font size should be larger – considering the distance from the road.

LED color- why not white, why wouldn't white lettering be allowed?

Supervisor Ryan Courtien and
Members of the Town Board
Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522

**TOWN OF DOVER PLANNING BOARD REGULAR MEETING
MONDAY, JUNE 2, 2014**

Re: Proposed Revisions to the Zoning Law
Section 145-39, Signs

Dear Supervisor Courtien and Members of the Town Board:

The Planning Board has reviewed the proposed zoning amendments and recommends their adoption. Please accept this as the Planning Board's report in accordance with Section 145-69B of the Zoning Law.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Valerie LaRobardier, Board Member **SECONDER:** Peter Muroski, Board Member
AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

Monday July 7, 2014 meeting cancelled- the next regularly scheduled meeting for July will be 7/21/14

MOTION TO RESCHEDULE THE REAGANS MILL WATER COMPANY SUBDIVISION PUBLIC HEARING TO MONDAY JULY 21, 2014 @ 7:00PM

RESULT: ADOPTED [UNANIMOUS]
MOVER: William Sedor, Board Member **SECONDER:** Michael Villano, Board Member
AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

VIII. Minutes:

Minutes of May 5, 2014

RESULT: ADOPTED [UNANIMOUS]
MOVER: Peter Muroski, Board Member **SECONDER:** William Sedor, Board Member
AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

IX. Adjournment

The meeting was closed at 8:23 PM

Motion to Adjourn

Meeting Adjourned at 8:23PM

RESULT: ADOPTED [UNANIMOUS]
MOVER: David Wylock, Chairman **SECONDER:** Peter Muroski, Board Member
AYES: Wylock, LaRobardier, Muroski, Sedor, Villano

Betty-Ann Sherer

Betty-Ann Sherer, Recorder