APPROVED

Town of Dover Planning Board

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

(845) 832-6111 ext. 100

RECEIVED
JUN 18 2014
TOWN CLERKS OFFICE
TOWN OF DOVER

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

WESTCHESTER MODULAR

June 16, 2014 Property Address: 30 Reagans Mill Road, Wingdale, NY

WHEREAS, the applicant, Westchester Modular, has submitted an application for a conventional subdivision, special permit, site plan and erosion and sediment control permit reapproval 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 (the "project"), located on Reagans Mill Road, Wingdale, Tax Grid Nos. 7160-00-227678, 7160-00167667, 7060-00-196673 (the "site"); and

WHEREAS, the subdivision, special permit, site plan and erosion and sediment control permit were conditionally approved on April 1, 2013, but which have expired for failure to timely meet the conditions of approval and submit final plans for signature; 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, the CO District may include, where compatible, residential housing intended to support the permitted primary uses, such as manufacturing; and

WHEREAS, the proposed project will provide housing opportunities for employees of the adjacent factory; and

WHEREAS, a site plan for a daycare facility had previously been approved on the site but has expired; and

WHEREAS, the proposal is depicted on a subdivision is depicted on a 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, Site Plan entitled, "Proposed Factory Housing" last revised 4/22/2013 and Phasing Plans 1-5 prepared by Anthony S. Pisarri, last revised 3/5/2013, landscape plans entitled, "Westchester Modular Homes,

Reagan's Mill Road" prepared by KALA, dated 11/13/12, last revised 12/30/12, and ES & C Plan, prepared by Arden Consulting Engineers, last revised 2/07/2013 (collectively, the "site plan set"); 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, the Planning Board reaffirmed its SEQRA determination of non-significance on June 2, 2014; and

WHEREAS, by decision dated February 25, 2013, the Architectural Review Board approved the elevations; and

WHEREAS, the project was referred to the Dutchess County Department of Planning and Development, which responded on April 10, 2012 that the project was a matter of local concern with comments; and

WHEREAS, the application was again referred to the Dutchess County Department of Planning and Development which responded on June 16, 2014 that it was a matter of local concern; and

WHEREAS, water supply and wastewater disposal will be provided by Reagan's Mill Water Company and Reagan's Mill Sewer Company ; and

WHEREAS, by letter dated December 11, 2012, the J.H. Ketcham Hose Company submitted comments on the proposed site plan; and

WHEREAS, in response to the J.H. Ketcham Hose Company Letter, the Planning Board's Engineer has advised the Board that Reagan's Mill Road can serve as a Fire Access Road, obviating the need to increase the proposed width of the driveways; and

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

WHEREAS, a duly noticed public hearing was opened on June 16, 2014, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board makes the following findings pursuant to Section 145-63 of the Town Code:

1. **The project complies with all land use district, overlay district, and other specific requirements of the zoning law and other local laws and regulations and will be consistent with the purposes of the Zoning Law and the CO District. The project is consistent with the Town's goals of increasing the diversity of housing, decreasing automobile dependence, and supporting existing light industrial uses.**

   The Town's Master Plan contains a clearly stated goal on page 98 of providing a broad range of housing options for all present and future Town residents. The Master Plan cites local zoning strategies and private incentives as two methods of providing housing developments of varying size, location, cost and accessibility. The Master Plan also notes Dover Plains and Wingdale should be targeted for higher density housing units as part of an aim to reinforce the "traditional community center land use pattern." The Westchester Modular application contributes to the variety of available housing.

   The Master Plan states that the market and developers will respond accordingly to the Town's goals for housing needs of all types and in varying price ranges. The Master Plan continues on page 64 to state that without strategies to provide diversity, Dover will lose the current mix of income groups. The Westchester Modular application will increase diversity in the housing inventory.

   The Master Plan encourages on page 82 the need to develop and encourage systems to less the dependence on automobiles. The Westchester Modular application includes employer-sponsored housing and will permit employees to walk to work, decreasing automobile usage.

2. **The project will not result in excessive off-premises noise, dust, odors, solid waste, or glare or create any public or private nuisances. The applicant has included extensive landscaping along the front of each lot to soften, and in some cases, block, the view from the road. The applicant will also include restrictions on the use of each property to mitigate the potential for private nuisances.**

3. **The project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant. The project was evaluated for the potential to generate traffic. The project will result in 8 additional vehicle trips during peak hours, which was determined not to be a substantial impact.**

4. **The project will be accessible to fire, police, and other emergency vehicles. The applicant has agreed to install fire sprinkler systems in each unit as an additional safety measure.**

5. **The project will not overload any public water, drainage, or sewer system, or any other municipal facility. Water and wastewater disposal service will be provided by Reagan's Mill Water Company and Reagan's Mill Sewer Company, which have sufficient capacity to serve the project.**

6. **The project will not materially degrade any watercourse or other natural resource or ecosystem or endanger the water quality of an aquifer. The project has been designed to keep development out of the floodplain and to treat all stormwater on site. Best Management Practices will be followed to mitigate erosion and decay. The site currently consists of a lawn. The existing large cedar trees will be maintained. No other significant natural resources or habitat will be removed by project development.**

7. **The project will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, its ability to be buffered or screened from neighboring properties and public roads. The applicant has provided for extensive landscaping to screen the property from neighbors and public roads.**

8. **The project will be subject to such conditions on operation, design and layout of structures, and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the town. The applicant will place restrictions on the use of the site to ensure compatibility with nearby residential uses. The dwellings have been designed to resemble single-family homes and will be consistent with the character of the area.**

9. **The project will be consistent with the goal of concentrating retail uses in hamlets, avoiding strip commercial development, and buffering nonresidential uses that are incompatible with residential use. The project, which consists of four multi-family dwellings, will serve as a buffer between the existing factory and nearby residential uses.**

10. **The project will not adversely affect the availability of affordable housing in the town and will increase the diversity of housing options within the Town.**

11. **The project has been designed to comply with applicable site plan criteria.**

12. **The project is located in the CO District.**

BE IT FURTHER 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 site plan set and in lieu thereof requires that payment to the Town of Dover Recreation Trust Fund for 12 new dwelling units (16 new units, less three existing lots, less the recreation fee for one newly created lot) be made prior to the signing of the site plan by the Planning Board Chair.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants special permit and site plan approval to the project, as depicted on the plan set, and authorizes the Chair to sign the site plan after compliance with the following conditions:

1. **Payment of all fees, including the recreation fee for 12 new units (16 new units, less three existing lots, less the recreation fee for one newly created lot), and all escrow.**

2. **Revision of sheet 2011-31-03 of the site plan set to contain the following notes:**

    a. **There shall be no parking of motor vehicles on any grass or lawn areas.**
    b. **There shall be no outdoor clothes lines visible from any public road.**
    c. **Garbage and recycling containers shall be stored at rear of buildings or in garage areas.**
    d. **Burning garbage or trash on the property is prohibited.**
    e. **There shall be no athletic equipment, e.g., soccer nets, basketball backboards, etc., erected in front yards.**
    f. **No commercial vehicles shall park in front of the building line.**
    g. **No vehicles shall be parked in a manner that obstructs ingress or egress to the lot.**
    h. **No repair of automobiles, boats, trailers, off-track vehicles, campers, buses, trucks, snowmobiles, or other commercial or recreational vehicles shall be made on the site.**
    i. **Automatic fire sprinkler systems to be installed in each of the four buildings**

3. **Revision of sheet L1 of the plan set to contain the following note: All landscaping shall be installed in a healthy and vigorous state and shall be inspected at the beginning and end of the growing season within the first year of installation. Individual species that do not survive beyond the first year shall be replaced at the beginning of the next growing season. Landscaping shall be maintained for the life of the facility.**

4. **Approval by the Planning Board Attorney of the 10' wide water line easement.**

5. **Approval by the Planning Board Attorney of the 10' wide sewer line easement.**

6. **Approval of the final SWPPP by PB Engineer.**

7. **Submission of a performance guaranty in the amount of $130,275.00 in form, substance, and manner of execution satisfactory to the Town Attorney, to cover the cost of installation of the water and sewer infrastructure.**

8. **Approval by the Department of Health of the methods of water supply and wastewater disposal.**

9. **Proof of filing of the approved subdivision plat.**

10. **Revision of Phasing Sheets 1-5 to include a plant schedule on each phasing plan, including the quantity and type of each plant material for the individual phase.**

11. **Submission of $1000.00 to be placed into escrow for Town Engineer and Town Planner to cover the cost of site inspections, to be replenished for each phase of development.**

BE IT FURTHER RESOLVED, that the Planning Board grants the applicant an erosion and sediment control permit for disturbance as shown on the plan set, 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 $17,097.00 in form, substance, and matter of execution satisfactory to the Town Attorney.**

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.

It shall be the obligation of the applicant to track the time within which this approval expires. No written or verbal notice of the pending expiration of this approval shall be given to the applicant by the Planning Board or any other Town department.

Moved by: Wm Sedor Seconded by: Michael Villano

David Wylock Y

Valerie LaRobardier Y

Peter Muroski A

William Sedor Y

Michael Villano Y

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Planning Board Chair David Wylock