

I. OAK HILL SUBDIVISION- 7061-00-608644

Applicant Steven Vincent Plans Prepared by John Decker

Property located at 62 Dover Furnace Road on 333 acres in the RU district

Circulation for lead mailed 12/09/10

Steven Vincent- The Planner had questions regarding the habitat study- we are in agreement that the environmental impact study from Domain Sand and Gravel is sufficient and we will mark the maps accordingly. The easement on lot 6(six), he is in contact with Con Edison- when they first went through in 1964, his grandfather had retained 4(four) easements 50' (fifty) in width, to be used at their (Vincent's) discretion. Taking with Candy Canizio from Con Edison, who said if the existing driveway is not on, she sees no reason why it wouldn't automatically be approved because it has been used as an existing driveway since before Con Edison went through. There is enough road frontage to retain another 50' (fifty) easement also. There could be 2 (two) - 50' (fifty) accesses to lot 6(six).

Attorney Polidoro- The concern with this lot is that after reading through the easement, this is a pretty big lot, 60+ acres- is it clear to Con Edison that this might be used for 60 lots?

A: In practicality, you're looking at 66 acres and not the land constraints, there is no way to get 66(sixty-six) building lots in there. It would also then be up to the future planning Board to put a restriction on it if someone did come in with it. A 25' (twenty-five) easement off of RT 22, to us would be burdensome, we already have Con Ed lines going through, An Iroquois easement there which is 30' (thirty).

Attorney Polidoro- At this point the Board is not asking you to move your driveway, but can you provide a 25' (twenty-five) strip of land, that can be left undeveloped, so that down the road if someone does want to develop that lot, 30-40 years and Con Edison does put poles or something-

A: They can't, according to the easement; there is an open egress and ingress.

Q: OK, so if Con Edison doesn't want you to create a road to allow 60 cars on it, at least there will be an option to develop that vacant part of the land. Again, we're not asking you to move your driveway at this point, we just think it's better planning to provide an actual fee title to a piece of land.

A: We have been using this since before Con Edison came through, there has never been a problem, and we use it commercially. We do have access for another 50' easement on top of that. To put in another 25' easement to make it a flag lot, for future use, it may be to you good planning, but to us it's tying up property that we already have access to, multiple accesses to.

Co-Chair Wylock - My concern is, as I tried to point out at the last meeting, I understand what your father is doing, he's doing the right thing, the smart thing, but everything within the family is smooth now. Who's to say that future generations from now if your family still owns these parcels, one of them is not satisfied with that entrance way. What if they want to come out onto Rt 22 and the owners of lot 5 say no. Things happen in families; wouldn't it be better to make lot 6 a flag lot? Lot 5 can still be owned by the same people, but split into 2 parcels and a driveway be made from a parcel on the southern end onto RT 22?

A: In a way, but can it be on top of the Iroquois easement?

Engineer Berger- Where is the Iroquois easement, is that on top of the Con Edison easement?

A: It is on the northerly side of Con Edison.

Engineer Berger- The Iroquois easement can be on top of land that you are granting in fee, yes. We just don't have the Iroquois easement shown on the map. If the Iroquois easement was on here and your fee ownership was across that was to lot six instead of lot 5, it's then accomplishing what the Board wants done. Even though right now you use it, if even a single user wants to buy lot 6 and years from now they require a high level survey, if it shows there is no access, the buyer may not understand easements or right of ways from con ed. Commercial funding requires ownership of frontage on a town or state road in order for a mortgage to be processed. It sounds silly, but I do a lot of this on the other side of the County. Our clients can't get mortgages with out an **alter**

survey ???, it doesn't provide frontage, it's an exemption to the clause and the contract dies. By adding access through a ROW, it doesn't meet that threshold; it has to be in fee. This is all for you.

A: we would like to keep it the 2 50' accesses, if the board requires us to do the 25' or 30' of the Iroquois pipeline, that's what we're going to have to do

Attorney Polidoro- Could you please show us where the Iroquois pipeline is on the map?

A: it's adjacent to the con Ed on the north side.

Q: So the Con Edison I owned by Con ed and you just have an easement over it and what you're saying is that there's another easement that Iroquois has on your land.

A: Yes, and I didn't realize it wasn't on the map. I didn't want Con Edison, then Iroquois then another 25' strip of land.

Engineer Berger- I don't see why the strip can not coincide with the Iroquois easement. Is there a term or restriction of building over the pipeline?

A: they would have to work that out with Iroquois as to structure, road base and stuff like that. It's still feasible. When they put in road accesses for us they just beefed up the material. It doesn't prevent the road from being built.

Engineer Berger- I feel it's wise to have even fee ownership over the Iroquois, it's a recommendation I would certainly make to a client of mine.

Attorney Polidoro- In most Towns it wouldn't be legal to create this lot without a strip of land, but in Dover it is allowed.

Engineer Berger- Because Dover allows it in the code; most commercial vendors don't understand it, NYS law requires 15' minimum on a Town or State road.

A: If that's what the Board wants, I would go on the recommendation of the Board. We would prefer the 2- 50' Row's but if the Board prefers it, we will do as requested.

Attorney Polidoro- You won't have to move the driveway, since nothing is being proposed for construction or development; it's just revising your maps to show it.

A: it's having the surveyor come out and mark it and all that too.

Engineer Berger- He doesn't have to mark it in the field, there's no requirement to have it staked. The map needs to be amended to show the gas line any way, but there is no requirement for it to be stakes.

A: So it's 25 - law says 15...17? I'm just kidding

Engineer Berger- 25' is the recommendation. On another note, I did look at the soils map. I am very familiar with the Domain application. There is no concern for well or septic on these huge lots.

Our next meeting is February 7