

**FOR EASE OF REFERENCE – SET FORTH BELOW IS A COMPARE VERSION OF SECTION 145-16 WITH PROPOSED ADDITIONS AND DELETIONS**

**SENTENCES WITH UNDERLINING ARE ADDED AS NEW LANGUAGE  
SENTENCES WITH STRIKE THROUGH ARE DELETED**

**§ 145-16. Mixed-Use Institutional Conversion Overlay District (MC).**

A. Findings and purpose. The purpose of this overlay district is to facilitate the redevelopment of the former Harlem Valley Psychiatric Center as a mixed-use community that fulfills the goals of the Town of Dover Master Plan and the purposes of this chapter as expressed in Article I. The town wishes to attract development to this site because it contains certain serviceable buildings and water and sewer infrastructure, as well as ~~excellent-both~~ highway and commuter rail transportation access. This overlay district is the most appropriate area of the town for intensive mixed-use development. The provisions of this overlay district are intended to streamline permitting and allow greater use flexibility. The regulations that follow require the preparation of a ~~conceptual site plan~~ Master Development Plan that shall be subject to review and approval by the Town Board with input from the Planning Board. Upon approval of the ~~conceptual site plan~~ Master Development Plan, an applicant shall be required to secure site plan approval for the various phases of the development from the Town Board in accordance with Article IX of this Ordinance, as applicable. As part of its review of the site plan, the Town Board shall refer the site plan to the Planning Board for its input and recommendation.

B. Boundaries. The boundaries of the MC Overlay District are shown on the Overlay District Map.

C. Effect of district. Within the MC-Overlay District, all uses listed on the Use Table, Article III, Section 145-10B, ~~as requiring a special permit~~ shall be permitted by right subject to site plan approval only. Any use not listed on the Use Table and not prohibited by § 145-10C may be allowed by special permit. Dimensional and density regulations and requirements for buffers between uses may be modified by the Town Board in the course of Master Development Plan or site plan approval to fit the unique characteristics of the district. ~~Buffer requirements intended to protect residential uses adjoining the MC District shall not be modified. Total allowable development of the district or any portion thereof under review shall not exceed 50% more than would be otherwise permitted in the underlying districts, except that in the portion of the MC Overlay District which is zoned SR a density bonus of 100% shall be allowed.~~ In addition, land use district classifications may be changed in the following ways:

- (1) The Town Board may, in its sole discretion, by zoning amendment granted at the request of an applicant, reclassify any portion of the overlay district to any other land use district, except for the M District. In so doing, the Town Board shall make a finding that the reclassification is consistent with the purposes of the Town of Dover Master Plan and this chapter. The reclassification shall entitle the applicant to approval by right subject to site plan approval of all specially permitted uses in the district to which the use has been classified. The Town Board may attach such conditions as it finds necessary to ensure

that the reclassification of land in the district will be in harmony with surrounding land uses and the purposes of the overlay district.

(2) The Town Board may, by zoning amendment in its sole discretion, rezone all or a portion of the MC Overlay District pursuant to a ~~comprehensive Master e~~Development ~~p~~Plan for a portion of the property that includes at least 40 acres. Such rezoning shall be in the form of a planned development district and shall be consistent with the Town of Dover Master Plan and any other master plan for the site adopted by the Town Board. ~~A conceptual site plan shall be approved by the Town Board as part of the comprehensive development plan rezoning application approved pursuant to Article X. The conceptual site plan shall show street layouts, an open space system, and density and general use classifications within the planned development district and shall indicate dimensional regulations that will apply within the district. The Master Development Plan shall include a narrative description of the overall plan, along with appropriate graphics, which show proposed street layouts, density and general use classifications, recreation and open spaces, principal and accessory buildings, off-street parking and major utility systems. The Master Development Plan shall also present dimensional regulations, which shall be applicable to the development and project-specific design guidelines illustrating proposed architectural and site plan details. Said regulations and guidelines shall include off-street parking and loading standards applicable to the proposed development in the Overlay District. Project-specific guidelines shall consider and refer to the Hamlet Design and Building Form Guidelines produced by the Dutchess County Department of Planning and Development to the extent applicable. The design guidelines approved by the Town Board shall be used by the Architectural Review Board in any review it may conduct of property subject to the Master Development Plan. A phasing plan shall also be provided in the Master Development Plan.~~ The Town Board may attach such conditions as it finds necessary to ensure that the planned development district will be in harmony with surrounding land uses and the purposes of the overlay district.

(3) The Town Board shall refer any ~~comprehensive development plan and conceptual site plan~~Master Development Plan submitted by an applicant to the Town Planning Board for review and comment as part of the environmental review process. The Planning Board shall provide written comments within sixty-two (62) days from its receipt of the ~~conceptual site plan~~Master Development Plan and an accompanying Draft Environmental Impact Statement (“DEIS”) deemed complete pursuant to the requirements of the New York State Environmental Quality Review Act. ~~The DEIS shall be submitted to the Planning Board in accordance with SEQRA and the referral set forth in this paragraph. The conceptual site plan~~Master Development Plan approved by the Town Board shall provide the development framework for subsequent site plan review by the Town Board, which shall be undertaken by the Town Board in accordance with Article IX of this Ordinance, as applicable. ~~The Town Board shall refer the subsequent site plan to the Planning Board, which shall provide written comments to the Town Board within sixty-two (62) days from its receipt of the site plan. At its sole risk, an Applicant may submit a detailed site plan(s) to the Town Board for site plan approval for all or part of an MC development concurrently with the Town Board review of the Master Development Plan.~~

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provided, that approval of a site plan may not occur until the Town Board approves the Master Development Plan.

D. Subdivision and Chapter 65 Approval. Notwithstanding anything in Chapter 125 of the Town Code of the Town of Dover (“Subdivision of Land”), the Town Board shall have the sole power and authority to approve or disapprove plats for subdivisions related to projects proposed within the MC Overlay District. An applicant shall be required to secure subdivision approval for projects within the MC Overlay District in accordance with Chapter 125 of the Town Code, as applicable. Notwithstanding anything in Chapter 65 of the Town Code of the Town of Dover (“Erosion and Sediment Control”), the Town Board shall have the sole power and authority to approve or disapprove any application subject to said Chapter 65 within the MC Overlay District. An applicant for project within the MC Overlay District shall be required to secure approvals from the Town Board for matters subject to Chapter 65, in accordance with said Chapter, as applicable.

E.D. Site Plan Approval/Amendments.

(1) The Master Development Plan approved by the Town Board shall provide the development framework for subsequent site plan review by the Town Board, which shall be undertaken by the Town Board in accordance with Article IX of this Ordinance (“Special Permits and Site Plan Review”), as applicable. The Town Board shall refer the site plan to the Planning Board, which shall provide written comments to the Town Board within sixty-two (62) days from its receipt of the site plan. At its sole risk, an Applicant may submit a detailed site plan(s) to the Town Board for site plan approval for all or part of an MC Overlay development concurrently with the Town Board review of the Master Development Plan, provided, that approval of a site plan may not occur until the Town Board approves the Master Development Plan.

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~~In an effort to facilitate the Planning Board’s review and comment on any Master Development Plan submitted to the Town Board and in an effort to keep the Planning Board apprised of the various revisions to such plans prior to the referral provided for above, five (5) copies of any Master Development Plan and any revision thereto submitted to the Town Board shall also be simultaneously submitted to the Planning Board.~~

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~~(2) No site plan or site plan amendment (“Site Plan Amendment”) shall be approved by the Town Board unless the Town Board determines that such site plan (or Ssite Pplan Aamendment) complies in all material respects with the Master Development Plan adopted by the Town Board. No site plan or site plan amendment shall be approved by the Town Board unless the Town Board determines that such site plan (or site plan amendment) complies in all material respects with the conceptual site planMaster Development Plan adopted by the Town Board.~~

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~~(3) A site plan, or any Site Plan Aamendment to a site plan approved n amendment to the approved site plan hereunder, shall be deemed to comply in all material respects with~~

the Master Development Plan ~~conceptual site plan~~ adopted by the Town Board, and shall not constitute a substantial change for the purposes of the Town Board's implementation of Section 145-68(D),  ~~("Site Plan Amendments")~~, and presumptively shall not require supplemental review under SEQRA,  ~~and shall be granted without a hearing under any provision of Chapter 145 of the Town Code,~~ if such site plan or Site Plan Amendment meets the following criteria as compared to the adopted Master Development Plan  ~~if such site plan or site plan amendment meets the following criteria as compared to the adopted Master Development Plan~~. In the case of a Site Plan Amendment, such Amendment shall also be granted without a hearing under any provision of Chapter 145 of the Town Code, provided it meets the following criteria:

a) does not increase traffic volumes generated by the approved site plan as calculated pursuant to the most recent edition of the Institute of Transportation Engineer's Trip Generation manual by more than ten percent (10%);

b) does not increase the number of school children generated by the approved site plan by more than ten percent (10%);

c) does not alter the aggregate gross residential density or non-residential floor area in the approved site plan by more than ten percent (10%),  ~~provided, that, solely for the purposes of implementing this Section 145-16(D), under no circumstances shall more residential units be allowed than are permitted under by the Master Development Plan approved by the Town Board~~ as it relates solely for the purposes of implementing this Section 145-16(D).  ~~It is specifically intended that, consistent with the goal of allowing greater use flexibility in the MC Overlay District, a change in product or use mix shall not in itself constitute a substantial change;~~

d) does not increase impervious surfaces in the approved site plan by more than ten percent (10%);

e) does not increase the amount of sewage effluent or water consumption (gpd) by more than ten percent (10%);

f) conforms or substantially conforms with any Design Guidelines or other conditions adopted in connection with the approved site plan; and

g) does not increase by more than ten percent (10%) any encroachment on: (i) wetlands under the jurisdiction of the New York State Department of Environmental Conservation or the United States Army Corps of Engineers; (ii) slopes exceeding fifteen percent (15%); or (iii) any Environmental Sensitive Area specifically designated by the Town Board in connection with its approval of the original Master Development plan.

Based solely upon these objective criteria, the Town Board shall make a determination concerning any site plan or Ssite Pplan Aamendment within thirty (30) days of the complete submission of a request for such determination, containing the aforementioned information. Notwithstanding the foregoing, nothing herein shall an exempt a site plan or Ssite Pplan Aamendment from any applicable legal or regulatory requirements other than as set forth in Chapter 145 of the Town Code (“Zoning”).

In an effort to facilitate the Planning Board’s review and comment on any comprehensive development plan and conceptual site plan Master Development Plan submitted to the Town Board and in an effort to keep the Planning Board apprised of the various revisions to such plans prior to the referral provided for above, five (5) copies of any comprehensive development plan and conceptual siteMaster Development Plan plan and any revision thereto submitted to the Town Board shall also be simultaneously submitted to the Planning Board. The DEIS shall be submitted to the Planning Board in accordance with SEQRA and the referral provided for above.

Notwithstanding anything in Chapter 125 of the Town Code of the Town of Dover (“Subdivision of Land”), the Town Board has the sole power and authority to approve or disapprove plats for subdivisions related to projects proposed within the MC District. An applicant shall be required to secure subdivision for projects within the MC District in accordance with Chapter 125 of the Town Code, as applicable. Notwithstanding anything in Chapter 65 of the Town Code of the Town of Dover (“Erosion and Sediment Control”), the Town Board has the sole power and authority to approve or disapprove any application subject to said Chapter 65 within the MC District. An applicant for project within the MC District shall be required to secure approvals from the Town Board for matters subject to Chapter 65, in accordance with said Chapter, as applicable.

DF.E. Limitations on development.

1. Overall Density of Development

- (a) The maximum density of residential development shall not exceed 1.56 dwelling units per gross acre of land. The gross acres of land within the District shall be determined by calculating, without any qualifications or deductions, the total acreage within the District, including roads, parking and loading areas, land under buildings, waterbodies and other natural features.
- (b) The maximum square footage of non-residential development shall not exceed a floor area ratio of 0.015, with the floor area ratio defined as the total square footage of all non-residential uses divided by the gross acres of land within the District, as defined in C.2(a.) above.

2. Dimensional Regulations

Lot and bulk controls and off-street parking requirements shall be defined as part of the proposed Master Development Plan. Said controls and requirements shall be subject to review and approval by the Town Board as per Section C hereof.

GFE. Non-residential development. Non-residential development shall be designed within a mixed use hamlet center. It shall provide a variety of retail, restaurant, personal service, community facility, and other uses that support the proposed development and provide a focus for the immediate area, consistent with market conditions as defined in the SEQRA review process, provided however, that the total square footage of non-residential development in the District shall total a minimum of 200,000 square feet of floor area.

~~D. Applicability of design guidelines. In reviewing any site plan application in the MC Overlay District, the Town Board and the Architectural and Community Appearance Board of Review shall apply the Dutchess County Hamlet Design Guidelines, Rural Development Guidelines, and Building Form Guidelines as appropriate to ensure that development is compatible with the character of the town. Where the specific historic character of existing buildings on the site justifies divergence from the recommendations of the Guidelines, the Architectural and Community Appearance Board of Review may permit such divergence with a written explanation in its decision. Architectural compatibility with existing post-1950 architecture may not be the basis for such divergence. However, architectural excellence may provide the basis for divergence from the Guidelines.~~

~~E. Limitation on residential development. No more than 30% of the gross floor area of all development in the MC Overlay District may consist of residential dwelling units containing three or more bedrooms. No more than 50% of the gross floor area of all development in the MC Overlay District may consist of residential development, except that age restricted senior citizen housing shall be excluded from this calculation.~~

HGF. Protection of open space resources. All development in the MC Overlay District shall protect open space of "conservation value" by clustering development and utilizing traditional neighborhood design concepts to the maximum extent practical. Particular open space deemed resources designated for protection of "conservation value" includes the existing golf course, the Great Swamp River, New York State designated wetlands, and the area on the east side of the MC Overlay District that includes steep slopes in excess of 15%, the Reservoir and the Appalachian Trail.

IH. Vested Rights. For fifteen (15) years following the approval of a Master Development Plan by the Town Board, an applicant, or its successor(s) in interest, shall obtain vested rights to complete the development shown on said Plan. All Town local laws, ordinances, and enactments, and all other Town zoning, planning, environmental rules, requirements or regulations, which are in effect at the time of the Town Board approval of a Master Development Plan, shall remain applicable to said Plan for fifteen (15) years, absent clear and convincing evidence of a necessity directly relating to the public health, safety or general welfare. Upon the expiration of the aforementioned fifteen (15) year period or any time prior thereto, the Town Board shall have the right in its discretion to extend the vested rights granted hereunder based

upon the level of progress by the applicant, or its successor(s), in completing the ~~full~~-build-out of the Master Development Plan. Nothing in this provision shall prohibit, preempt or otherwise prevent in any way an applicant from obtaining vested rights to complete any part of its approved Master Development Plan by common law or otherwise.”