

Town of Dover

Town Board

**Jill Way - Supervisor, Brian D. Kelly – Deputy Supervisor,
Richard Hawthorne – Councilman, Kathryn Palmer–House - Councilwoman,
James Johnson—Councilman**

126 East Duncan Hill Road • Dover Plains, New York 12522

February 21, 2007

Dear Fellow Town of Dover Residents,

As Dover Town Board members, we are committed to protecting the health and safety of residents, promoting balanced growth and development, and sustaining our unique community character. We live and raise families here and take part in our community in different ways – as lifelong residents, volunteers, and local employers, in addition to our roles as public servants – yet we share a deep, abiding affection and concern for the Town of Dover that we call home. The Town held public scoping sessions last April and May on the proposed Knolls of Dover plan. Many citizens attended and provided comments to the Town Board, which we took to heart in developing the Final Scope for the Draft Environmental Impact Statement (DEIS). The Scope was adopted by the Town Board on June 28, 2006 and is the governing document for the next stage in the review process. After the Scope was adopted, the developer was authorized to prepare the DEIS and move the process forward. One of the requirements in the Scope was the preparation of a "Primary Alternative Development Scenario" (PADS) that would truly protect the open space resources of the property and create a compact walkable community center.

The Benjamin Companies retained a well-qualified design firm, Torti Gallas, to prepare this alternative plan. However, instead of following the requirements laid out in the Scope and preparing the PADS and DEIS as required by the Scope adopted by the Town Board, they began a protracted process of preparing a different conceptual plan that does not comply with the Scope. We have been cooperative, regularly communicating with Benjamin Companies' representatives on this alternative proposed conceptual plan. However, we have had an ongoing concern, which we relayed to the developer, that The Benjamin Companies is not following the directions that were clearly presented in the Scope. The creation of a non-compliant PADS will cause the project to be delayed.

We have cooperated with the developer in reviewing their revised plans in order to serve three objectives: 1) to ensure that the conceptual plan eventually adopted complies with the Mixed-Use Institutional Conversion (MC) Overlay District; 2) to help the developers anticipate and address environmental impacts regulated by the State Environmental Quality Review Act (SEQR); and 3) to share community feedback on aspects of the proposed plan in the course of all our discussions.

The redevelopment of the former Harlem Valley Psychiatric Center, according to the Dutchess County Department of Planning and Development, is the single largest project of its kind in the County's history. The Benjamin Companies' development team has shared with us the fact that completion of the entire project may take up to 20 years. The scope of this project confirms that we cannot simply apply past trends and indicators to predict the Town's growth over the next 20 years.

Without a doubt, this project will affect taxes and other quality of life issues and will shape the need for services in our community for decades to come. For that reason, we want to allay your concerns that we are unnecessarily delaying the project from moving forward. Project approval clearly rests on the developer's submission of a comprehensive DEIS that complies with the requirements of the Town's MC Overlay District zoning, the Final Scope adopted by the Town Board with public input, and SEQR regulations. At this time, the application and the alternative plan fall short of that goal. That is why the Town and The Benjamin Companies' development team have been working to try to come to an agreement on a plan that serves and protects the long term needs of our community and allows the developer to earn a living.

This next section presents a very brief background on the Town's creation of the MC Overlay District as the framework that the developers must use in preparing a plan for comprehensive development of the site.

Brief Background on the Town's Creation of an MC Overlay District at the Site

According to the Town Code, the creation of the Mixed-Use Institutional Conversion Overlay (MC) District adopted in 1999 after substantial citizen input was to attract development to this site (the former Harlem Valley Psychiatric Center) because it contains serviceable buildings and water and sewer infrastructure, as well as excellent highway and commuter rail transportation access. (Dover Town Code, Section 145-16, p. 14525).

The goal of the MC District is to provide mixed-use (residential **and** commercial) development with flexibility not typically offered in traditional subdivisions. The District requires that the developers demonstrate the interrelationship between business **and** residential development at the site. To achieve this, The Benjamin Companies' development team must develop a residential-commercial development plan that both increases the Town's business tax base and offsets costs of additional services that will be created as a result of the development as required by law.

Concerns About the Proposed Conceptual Plan

Some of our major concerns with the conceptual plan currently proposed by the Benjamin Development team, and feedback which we have already shared with them, include the following:

- 1) **The current proposed conceptual plan contains too much residential development and not enough commercial development.** The Benjamin Development team proposes to construct approximately 1,400 household units, but provide only 150,000 square feet of commercial development. Such limited commercial space will likely result in attracting primarily "convenience" retailers that will threaten the survival of new and established small businesses in town. A familiar and legitimate frustration we have experienced and heard over the years is the inconvenience of "needing to drive 30 miles" to buy better quality retail and household items. We have suggested to the developers that the site's excellent highway and commuter rail access make it a prime location for "destination retailers" that attract local and regional customers. While convenience retailers certainly play an important role in serving a community's needs, we believe a viable conceptual plan for the development must also include bridging identified gaps in these services. The Scope requires that a market study be prepared as part of the DEIS to assess the financial feasibility of the commercial component of the project.
- 2) **The proposed plan to construct 1,400 households appears to be based on a pre-determined maximal capacity rather than a comprehensive needs assessment.** At our last technical meeting, the developers highlighted a change in their previous proposal from age-restricted and age-targeted markets to now include housing for families with children. Currently, the Town's Planning Board is reviewing almost 60 projects that propose increases in school enrollment and the need for additional town services. We anticipate that increases in town population over the next five to eight years will result in the need for a full-time, paid fire company, ambulance service, and police department, as well as additional recreation resources and staff. In spite of repeated requests by the Town Board for information concerning the scope of the impacts and methods by which the developer proposes to mitigate such impacts on Town services, to date we have no information we can share with you in regard to this issue.
- 3) **The current plan needs to be clearer in providing information about the types and dimensions of specific housing products, anticipated market prices, and percentages of target groups.** We appreciate that the developers and their consultants have presented some visual depictions of housing products from their previous projects. However, we continue to lack requested information about other vital components such as phasing, market studies, elevations and locations of buildings, visual impacts, mapped wetlands delineation, costs of community services, and other projected development costs. Without this information, it is impossible for us to assess the value of the plan to the community. The DEIS should provide us with this information.

4) The proposed plan lacks a cohesive “community center” that is accessible to all town residents. The currently proposed plan includes multiple hamlet centers on both the eastern and western sides of Route 22 that appear to segregate communities within their respective developments and discourage recreational use by town residents who do not reside there. We have asked the developers to provide more specific information about the types of recreational facilities that will be open to the community and, in particular, how the golf course will meet the needs of newcomers and existing residents.

5) The current plan needs to reduce residential development in biological corridors and on steep slopes. The current plan includes some housing clusters with long, serpentine roadways to access remote areas that fragment state and federally-protected wildlife habitats. It also includes some housing clusters on both the western and the eastern sides of Route 22 with 15% and greater slopes that are unsuitable for development. Residential development within these sensitive areas not only detracts from their ecological purposes and benefits, but results in the creation of unwalkable sprawling clusters in areas such as the Dykeman Farm which, according to the Scope, is supposed to be preserved as open space in the PADS plan. This plan also causes potential negative impacts to our only drinking water supply in the valley bottom and may negatively impact the viewshed of existing residents and travelers on Route 22.

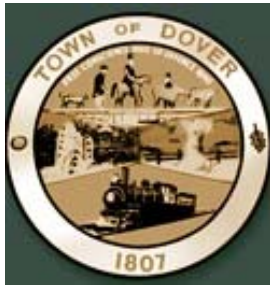
6) The proposed plan could reduce infrastructure costs and enhance its transit-oriented design by re-using large historic buildings. We believe demolition of large historic buildings will result in considerable negative impacts on the quality of life for residents in neighborhoods that surround the site. There must be a balance between preservation and demolition. Additionally, some buildings on the site are listed with the New York State Office of Parks, Recreation, and Historic Preservation and may be eligible for tax credits for rehabilitation and preservation grants. We are also concerned that substantial demolition eliminates the historic architectural theme of buildings along Route 22.

We realize that some residents may have understandably mixed feelings about preserving buildings of a former psychiatric center. However for many town residents, working at “Harlem Valley” sustained their families for generations and was a source of pride in state employment. We believe preserving and re-using the large historic buildings for residential and business development will benefit the developers and the community. For the developers, restoration offers opportunities to increase the density of transit-oriented units within walking distance of the railroad station and business center. For the community, restoration reduces traffic congestion, environmental impacts of large scale demolition, and maintains continuity in the architectural theme of buildings along Route 22.

Many Dutchess County communities, including Tivoli, Pawling, Millbrook and Poughkeepsie, have successfully restored historic buildings for public and private re-uses. In recent years, our own community acquired and restored the Historic Tabor-Wing House in Dover Plains for municipal offices and an historical exhibit room. We feel increased focus on the restoration of historic buildings is a viable and practical alternative to demolition because it supports the goal of transit-oriented development, preserves our unique community history and avoids demolition impacts to adjacent businesses and residents that could last many years.

We need to continue discussions with the Benjamin Companies’ development team to create a redevelopment plan that achieves our mutual goals and visions. We hope this information provides better understanding of our efforts and concerns in shaping the plan. The MC Overlay District in the Zoning Section of the Dover Town Code provides a solid framework for us, as a Town Board, to review and offer feedback on a developer’s conceptual plan. We believe the Benjamin Companies’ development team wants to bring this project to fruition.

As Town Board members, we serve the interests of all Dover residents. A project of this magnitude and impact deserves nothing less than our utmost careful review and consideration. As always, we welcome your feedback on aspects of the proposed plan. For more information on the plan or copies of correspondence and feedback, you can visit the Town Hall, write to us at 126 East Duncan Hill Road, Dover Plains, New York 12522, or contact us by e-mail at TownBoard@TownofDover.us Thank you.



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*Building a better community
one project at a time...*

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Postal Patron

This letter was created and printed in house by the Dover Town Board

To: Dover Town Board

From: Joel Russell, Planner

February 20, 2007

I think that it is important to restate a few simple points with respect to the Dover Knolls project:

1. The Town Board is responsible for complying with the zoning law and SEQR.
2. The Town Board took the community's input seriously and reflected it in the final Scope.
3. The developer's "Primary Alternative Development Scenario" (PADS) plan does not follow the Scope.
4. The developer had the choice of complying with the Scope and starting the DEIS last June, but chose instead to come up with its own "PADS" which is not authorized by the Scope.
5. The Town Board has been cooperating with the developer by meeting to discuss their alternative plan (which they persist in calling the "PADS," even though it is not consistent with the PADS as described in the Scope). The Board expects and has advised the developer to comply with the Scope. The developer has been ignoring the Board's advice and they are now blaming the Board for the delay.
6. The developer can expedite the process by simply following the Scope and the Zoning Law rather than ignoring it.
7. The Town Board would like to move the process forward by having the developer follow the Scope, complete the DEIS, and present it to the public.

While the Town Board has been cooperative in reviewing plans, the developer has disregarded the Scope and has then blamed the Town Board for causing delays. These delays have actually been caused by the developer's failure to follow the Scope, not the Town Board's insistence that it be followed. The public deserves to have this information.