

**RESOLUTION #162005**  
**DOVER KNOLLS DEVELOPMENT COMPANY**  
**LEAD AGENCY**

**Motion made by Timothy Basting Motion seconded by Richard Hawthorne**

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Application: Zoning Amendment Application for Mixed-Use Institutional Conversion (“MC”) Overlay District Pursuant

To A Comprehensive Development Plan

Property Address: Former Harlem Valley Psychiatric Center Properties including parcels identified by tax map parcel numbers 7059-00-749943, 7059-00-162702, 7059-00813813, 7059-00-555750 and 7059-00-137973

**WHEREAS**, The Dover Knolls Development Company, II, LLC (“Dover Knolls”) submitted a revised zoning amendment application to rezone the MC Overlay District pursuant to a comprehensive development plan as contemplated by Section 145-16(c)(2) of the Town Zoning Law (“MC Overlay District comprehensive development plan rezone application”);

**WHEREAS**, the Town Board of the Town of Dover has approval jurisdiction over Dover Zoning Law and Map amendment applications pursuant to Articles 2 and 3 of the Municipal Home Rule Law including the proposed action entitled Zoning Amendment Application for MC Overlay District Pursuant to A Comprehensive Development Plan located at the former Harlem Valley Psychiatric Center campus;

**WHEREAS**, the Town Board has responsibility under the provisions of the State Environmental Quality Review Act (“SEQR”) to coordinate the environmental review of the proposed action;

**WHEREAS**, the Town of Dover Town Board has reviewed the full environmental assessment form prepared by the applicant for the MC Overlay District comprehensive development plan rezone application;

**WHEREAS**, the Town Board has determined that the action will involve one or more other agencies including, but not limited to, the Dover Planning Board, the Dutchess County Department of Health and the state and federal governments;

**WHEREAS**, the Town Board has determined that the MC Overlay District comprehensive development plan rezone application is a Type I action under SEQR and that a coordinated review of the action will be undertaken;

**WHEREAS**, the Town Board reiterates that the amended MC Overlay District comprehensive development plan rezone application contains significant improvements from the prior Dover Knolls’ application such as the improved design of the mixed-use village center, the reuse of some of the existing buildings and the existing track, the creation of a dock and fishing area for residents and the driving range;

**WHEREAS**, the MC Overlay District comprehensive development plan rezone application has the potential to move the Town’s goal of reusing of the existing Harlem Valley Psychiatric Center campus forward by creating another vibrant hamlet;

**WHEREAS**, the Town’s Master Plan, revised on April 28, 1999, was adopted as a “guide for managing growth and inspiring positive change”;

**WHEREAS**, the Master Plan specifically identifies the former Harlem Valley Psychiatric Center as within the Wingdale hamlet center and states that the campus is an “opportunity to pull together the hamlet into a coherent whole”;

**WHEREAS**, the Master Plan states that - One of the best ways to facilitate economic growth is to concentrate medium to high-density residential uses within the immediate hamlet areas. Placing such development on central utilities could aid in meeting existing needs as well as providing for future increased capacity. Lower density developments could be located on the

outskirts of the hamlets and, where appropriate, should be clustered. A natural outgrowth of such an approach would be the protection of open space views, environmentally sensitive areas and agricultural land. This community center concept would regenerate traditional land use patterns and tend to avoid the scattering of homes across the landscape resulting in strip residential development;

**WHEREAS**, the Master Plan recommended that the former Harlem Valley Psychiatric Center campus have commercial development at its very core with the ultimate goal of creating a pedestrian village atmosphere;

**WHEREAS**, the MC Overlay District at issue was created in April 1999 upon the adoption by the Town Board of the Town's current Zoning Law;

**WHEREAS**, the former Harlem Valley Psychiatric Center campus was the focus of the MC Overlay District, as set forth in Section 145-16 of the Zoning Law, and the purpose of the District was to facilitate the redevelopment of the campus in accordance with the Master Plan;

**WHEREAS**, the Town identified the MC Overlay District as "the most appropriate area of the town for intensive mixed-use development" because of its existing infrastructure;

**WHEREAS**, the MC Overlay District provision further states that "[a]ll development in the MC District shall protect open space of conservation value by clustering development to the maximum extent practicable";

**WHEREAS**, the Town Board acknowledges that Dover Knolls must provide more information to the Board prior to the application being considered complete under the Dover Town Code as set forth in the annexed letter from Planner Joel Russell to Dover Knolls and the annexed letter from Michael Klemens to the Town Board dated December 21, 2005 ("Klemens' letter");

**WHEREAS**, the Town Board also recognizes that there are also components of the amended MC Overlay District comprehensive development plan rezone application that are not consistent with the provisions in the Town Zoning Law sections concerning the MC Overlay District or the Master Plan including, but not limited to,

- the addition of the Dykeman Farm as part of the MC Overlay District for the purposes proposed as set

- forth in detail in the annexed resolution concerning the Dover Knolls' application to expand the MC Overlay District,

- plan components that divide and bisect the proposed hamlet center rather than unifying the project and

- centering development around the mixed-use core and the train station to create a pedestrian-friendly village center as envisioned by the Master Plan and MC Overlay District,

- plan components that are constructed in identified environmentally sensitive areas and/or bisect such

- areas such as ES-1 and ES-2,

-plan components, especially the hillside village and golf course community, that conflict with the Dutchess County Hamlet Design Guidelines and Rural Development Guidelines required by the MC Overlay District provision in the Zoning Law as detailed in the memorandum from Planner Joel Russell to the Town Board dated December 29, 2005, and

- plan components that fail to cluster development to the “maximum extent practicable”; and

**WHEREAS**, Notwithstanding the foregoing, Town Board members are willing to exercise their discretion to further process the amended MC Overlay District comprehensive development plan rezone application, without including the Dykeman Farm as part of the MC Overlay District, by commencing the environmental review process;

**WHEREAS**, any deficiencies in the application can be cured through amendment to the application as a result of the SEQR process or, if not cured, may be the basis for a denial by the Board.

**NOW, THEREFORE, BE IT RESOLVED** , as follows:

1. The Town Board of the Town of Dover declares its intent to assume Lead Agency status for the above application and hereby requests that the Town Clerk circulate notice of its intent to all involved agencies.
2. The Town Board must receive all of the information requested from the applicant in the December 13, 2005-letter from Planner Russell and set forth in the Klemens’ letter to process the application any farther than circulation for lead agency under SEQR.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Way Aye  
Councilman Basting Aye  
Councilman Hawthorne Aye  
Councilman Kelly Aye  
Councilwoman Palmer-House Aye

The Resolution was thereupon adopted.