



## Town Board

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February 2, 2007

Dover Knolls Development Company II, LLC  
377 Oak Street  
Garden City, New York 11530

ATTN: Russ Mohr

Re: Dover Knolls Zoning Amendment Application - Comments from Town of Dover Town Board on Dover Knolls Alternative Development Plans as Revised on December 15, 2006

Dear Mr. Mohr:

As you requested at the most recent meeting with Dover Knolls, the Dover Town Board members, with the assistance of the Town Board's consultants, have discussed our response to the series of plans that are evolving for the project. Overall, we appreciate your progress toward making a plan that will serve the Town well and that will fulfill our hopes for the most significant development in Dover's history. It has taken us some time to reach consensus on our response, which is why this letter has been so long in coming. However, we want to speak with one voice and give you clear guidance as to what we need to see in the Plan to make sure it can be approved. We have received considerable input from our consultants and have discussed our own hopes, dreams, and concerns about the future of the HVPC site, being mindful of practical market realities you face. The comments that follow are intended to assist you in complying with our Zoning Code and with the requirements of the SEQR process so that we can bring this design and approval process to a successful conclusion.

These comments are based upon on the conceptual plans ("Primary Alternative Development Scenario" or "PADS") presented on November 28, 2006 and revised and discussed at a meeting on December 19, 2006. This letter also reflects comments made on the revised draft PADS plan presented by Torti Gallas at the December 19, 2006 meeting. Unfortunately, yet another draft of the plan came to us in January, just as we were concluding preparation of comments on the December 2006 Plan. Rather than delay our comments further, we are sending here the comments we were about to send on the earlier plan. We recognize that you may have addressed some of these concerns in the most recent plan, but we do not believe that you have addressed all of them.

While great progress has been made in project planning as reflected in our comments at the technical meetings, the comments below focus primarily on issues raised as a result of the requirements in the Final Written Scope, the State Environmental Quality Review Act ("SEQR") generally and the Town of

Dover's Mixed-Use Institutional Conversion Overlay ("MC Overlay") District. These comments are being made in the absence of a stormwater management plan, wetlands map, steep slopes map and a number of necessary documents that will be part of the SEQR draft environmental impact statement ("DEIS"), as well as other items that may come to light during the review process. We recognize that some of the concerns we raise may be dealt with at later stages of the process, but we want to make sure that they surface now. Many details of environmental analysis and project design will come later. The concerns outlined below relate to the general approach taken in the PADS conceptual plans presented to date. We appreciate the effort that has gone into revising these plans. We are concerned that we have not yet seen a plan that actually complies with the PADS requirements in the Final Scope. We applaud your efforts to come up with a plan that will work in the marketplace and serve the Town; however, we still would like to see a PADS plan that complies with the Scope for comparison purposes. Submission of such a plan is a necessary condition for us to accept the DEIS as complete, which we would like to be able to do.

### **Comments on the Conceptual PADS Plan**

Since the most recent version of the plan divides it into sections by numbers, these comments refer to these sections by number where appropriate. With respect to the numbering, particularly to the extent that it divides the hamlet's main street into two different areas (7 and 8) we suggest that both sides of the main street and the adjoining mixed-use core development be considered as one planning area.

### **Conflicts with the Final Written Scope**

Section V(A) of the Final Written Scope established a series of requirements for the PADS. The PADS does not appear to comply with a number of these requirements, especially the following:

1. The PADS does not appear to comply with the percentages of housing units that must be within ½-mile of the railroad station (85% on the west side and 90% on the east side). Fuss & O'Neill has identified potential problem areas using your base map and the most recent PADS concept plan. Within a ½-mile radius from the train station, the PADS is nearly compliant on the east side of the property but fails to meet the 85% limit on the west side.
2. The PADS does not comply with the requirement of preservation of contiguous historic buildings along the Route 22 frontage.
3. The first phase of development must provide a coherent streetscape grouping of new and restored buildings on the *east* side of Route 22. Current plans only show this on the *west* side. A walkable town center is needed for this project. Terrific examples of this can be found in East Beach, Norfolk, Virginia ([www.eastbeachnorfolk.com](http://www.eastbeachnorfolk.com)) and Warwick Grove, Warwick, New York ([www.warwick-grove.com](http://www.warwick-grove.com)).
4. Phasing must show no more than 50% residential in each phase, or provide a market analysis showing that this is not feasible.
5. Phasing must also show that each phase will create a compact, coherent mixed-use community.

6. All of the Dykeman Farm and at least 90% of the land that is more than ½-mile from the train station must be preserved as open space.
7. The PADS would go a long way toward consistency with the Final Written Scope if it removed the development shown in Areas 3, 4, and 6, eliminated the sprawling tentacles in Area 1, if Area 10 were made more compact and concentrated closer to the center, and by reducing the number of lots to twelve or fewer in Area 9 by providing large estate lots. It also appears that it will be necessary to reduce the total unit count in order to comply with the Final Written Scope.

### **Missing Information**

Many aspects of the PADS are difficult to evaluate with respect to compliance with the Final Written Scope without more information. The PADS needs to clearly show building types, proposed use categories, building heights, and slope information in a clear color-coded format so that we can better understand and evaluate it. The latest version has color-coded building types, but they are difficult to decipher as many of the colors are similar and do not seem to match the colors on the map very clearly. There are also concerns about building on steep slopes, and the information presented is not clear enough to tell whether this may be a problem. Fuss & O'Neill has analyzed steep slope information and identified those areas of the sites where the slope requirements outlined in the Town Code are exceeded. This information should be included on the final PADS. The proposed plan should show building heights in different areas of the proposed project for both the proposed plan and the PADS, as well as a preliminary regulating plan for the PADS (see below). This should be forwarded immediately to the Board so that it can answer any questions the public might have on the project.

More information is needed on the following specific issues:

- Phasing: This is extremely important information and we still do not have any definitive information on this.
- General use mix, both of different types of residential and especially different types of non-residential use.
- Vertical mixing of uses and heights of buildings, especially in the mixed-use commercial center portion of the project and the heights of buildings on the higher elevations.
- Mix and location of different building types (i.e., a preliminary traditional neighborhood development “regulating plan”).
- Target markets for the housing types and capture rates.
- Price points on the units.
- Development costs.
- Financial feasibility of the Plan.
- Proposed recreational land, its type of recreational use, and whether or not it will be open to the public.
- Steep slope information, especially as such information relates to the feasibility of the alley-loaded homes in the easternmost through street.
- The Appalachian Trail needs to be clearly shown on the PADS so that visual impacts on it can be assessed. There may also be issues to deal with regarding any proposed day use of the trail, as opposed to overnight hiking.
- A substantial amount of information is needed with respect to the required market studies and, therefore, we have devoted the following section to that issue.

## **Economic, Market, and Financial Feasibility Issues**

Generally, we need to see better information on financial feasibility, i.e., market information on unit types, price points, and target markets, as well as cost information on infrastructure and construction costs.

1. It is still not clear what is being marketed. Is it a “village” or something else? Is the village on the west, east or both sides of Route 22? How will residential above commercial work and how dense will it be? On the west side, what kinds of retail are envisioned to work with this first phase layout?
2. There are about 150-200 housing units designed for young singles and couples in the entire program. Looking at demographics and income, our estimates indicate that there is a potential for this number of units and maybe more over the next *five* years. Why aren’t there more units oriented to young singles and couples in the program? Where would the age-restricted single-family housing demand come from? What would be its absorption, as compared with other types of housing?
3. It seems as though the building types and housing products proposed will generate a lot of school-aged children. Is this correct? How does the applicant plan to mitigate this impact? For example, more apartments and flats and fewer townhouses and single-family residences would likely result in more young couples, singles, and empty-nesters who would not have children in the schools.
4. What is the target market for the stacked townhouses? What are the demographics? How many school-aged children will result in light of such proposed units? Why would this be an attractive product in such a market? Would “mansion-style” apartments work better than stacked townhouses in this setting?
5. It would be helpful to have Torti Gallas and ERA discuss their experience with other comparable projects in the marketplace. This project is being discussed in a void where the opportunities and risks are not fully exposed and discussed. A good development project pushes the envelope on “concept.” We have heard very little about what this project’s marketing concept is all about. The notion of a place that is in the midst of unparalleled natural beauty, yet walking distance to a train to Manhattan and destination retail, seems to be one that offers unique opportunities and is only beginning to be recognized.
6. The roads and utilities in proportion to the lots to be created need to be addressed with respect to the financial feasibility of these units.
7. As we have discussed at some of our meetings, the Town Board is concerned that the project will not fulfill the purpose and intent of the MC Overlay District if the only commercial development planned for the site is local convenience retail. Regional and destination retail that would attract customers who would otherwise go to Poughkeepsie, Danbury, New Milford, Brewster, or Westchester is more consistent with the goals set forth in the Town’s Master Plan for the site. There is considerable second-home and tourism traffic along Route 22 that is en route to Northern Dutchess, Columbia County, Litchfield County and the Berkshires, and this location offers unrecognized potential for capturing these customers for specialized and higher-end retail. We request that such potential be factored into the market analysis.

## **Mitigation of Potential Significant and Adverse Environmental Impacts and Compliance with the Provisions of the MC Overlay District**

The Town Board makes the following suggestions with respect to mitigation of potential impacts and compliance with the MC Overlay District:

- There is a good range of housing types, although more consideration should be given to apartments and stacked flats rather than townhouses, as there are too many of the latter, which tend to attract more families with school-aged children. Also, apartments would be a better reuse of the old H buildings than townhouses and may better enable these buildings to be preserved. The Town Board also requests that the applicant make 5% of the houses to be built affordable housing units so that those individuals needed to provide services, such as teachers, emergency service responders and other municipal employees, will be able to afford to work and live in the Town.
- There are a number of significant concerns relating to the overall physical layout of the plan. The physical concerns relate largely to the fragmentation of the landscape resulting from the scattering of small hamlets which impinge upon habitat, generate sprawl, add infrastructure costs, and reduce the walkability of the project thereby generating more traffic. The units on the hillside in the northeast portion of the property are spread out and pose potential visual impacts as well as other potential environmental impacts resulting from building roads and structures on steep slopes. Any planned development in steep slope areas, as indicated above, should be removed. The looping infrastructure causing the fragmentation on the west side of the site and the tail on the east side of the site which will require logging and clearing should also be removed. This will go a long way toward preserving existing ecological corridors.
- The spreading of “clustered sprawl” on the Dykeman Farm and on top of the hill near the reservoir also violates the basic principles of the PADS. There should be fewer of these small hamlet clusters and instead just a few larger hamlets, located in a manner that minimizes impacts on habitat and increases the walkability of the entire project, especially in the shopping area. As stated above, there could also be a few very large premium estate lots, especially in the southeastern portion of the site, restricted by conservation easements to protect habitat and views. This type of development has been very popular in adjacent municipalities such as Amenia, Pawling and Millbrook and greatly reduces environmental impacts.
- The impact and need for the stated 1,400 units is a matter of concern for Board members. Specifically, the urban scale in a rural area, the location of some of the units, and their general environmental impact on the Town’s resources are problematic. The 1,400 unit number was originally based upon the underlying (base) zoning to derive a base density number, however, the underlying assumptions based upon wetland and slope delineations will likely change that figure. The wetland and bog turtle habitat zones have not been finally determined and this may affect the feasibility of parts of the plan. The revised edges of the 300-foot federally-mandated bog turtle setback will affect the development footprint, especially the area between DP-22 and DP-34. When will the final wetlands map be provided to the Town? The site does not appear to be workable with 1,400 units for two reasons: (1) To make the numbers work may require an urban

density and scale in the core hamlet area of the site which will likely have an unmitigable impact on the Town's rural character, and/or (2) an excessive amount of sprawl may be needed in order to hit the unit count number, which would be even more unacceptable environmentally and to the community.

- We have not found the assertion that the on-site residential density is needed to support the commercial development required by the MC Overlay District provisions to be supported by the facts before us. We request that the applicant take into consideration that much of the market for the commercial development on the site will be drawn from a regional catchment area.
- The limited amount of the proposed commercial development is not consistent with the requirements of the MC Overlay District.
- The future of the historic buildings on the site is of concern to the Board. The buildings should be preserved and reused to the maximum extent feasible. Discussions to date have shown drastically different treatment of these structures, ranging from substantial demolition to substantial reuse. By reusing the large old buildings which can accommodate large numbers of units without seeming out of scale with the rest of the development, you may be able to achieve your desired unit count without substantial adverse impacts. The street pattern in the vicinity of the historic structures should be rearranged so that it can accommodate reuse of these structures if that is feasible.
- Potential impacts with respect to the character and future of Route 22 need to be addressed. Particularly with the new strategy of beginning west of the rail line, it is critical that the two parts of the project be able to reinforce each other, and that is only going to be possible if Route 22 is tamed, i.e., turned from a "highway" into a "street." The whole feel of Route 22 must be domesticated in order to mitigate potential community character and traffic impacts. It should be walkable. This will require cooperation from the New York State Department of Transportation, which should be brought into the planning process as soon as possible. Similarly, Metro-North should be involved sooner rather than later to ensure that parking facilities for the train station complement the development plan rather than blowing a hole in the middle of it.

### **Miscellaneous Comments on the Physical Plan**

In addition to the general comments above on the Plan's overall layout, we have some more specific comments on the plan as it has evolved.

1. The idea of beginning with a node of mixed use just west of the train station, with a fairly large, tight cluster of single-family further west, just across the Swamp River, is good.
2. The retail / office / restaurant street perpendicular to Route 22 will need a grocery or other lead anchor to succeed as discussed in our meetings. The anchor grocery store will need to be 50,000 to 65,000 square feet. We request that the applicant indicate what phase such anchor is likely. The location of the grocery store should be changed so that it does not present big-box frontage along Route 22 and have an adverse impact on the rural character of the Town. Earlier plans showed it

playing more of a role in activating the main street, which would be desirable. This can be reconciled with the need for Route 22 visibility.

3. We recognize that dense residential development is necessary close to the Route 22/Wheeler Road intersection and near Wheeler Road as it passes through the main hamlet center for a number of reasons including traffic calming. However, the new unit types chosen to attain that density appear so urban that they are not consistent with the character of the Town. As stated above, the development may be able to achieve desired densities more effectively by reusing the historic buildings at the site rather than by demolishing them and replacing them with new buildings that will seem out of place and out of scale. On the same subject, and in the face of the various unknowns affecting the project, the street network should be designed to allow for either the adaptive reuse of some or all of the old buildings or for their replacement by new construction. The substitution of new buildings for the historic buildings would clearly trigger supplemental environmental impact statement requirements under State law. Additionally, new structures built in the MC Overlay District should follow the current underlying zoning with regard to permitted building heights as set forth in the Dimensional Table in the Zoning Law.
4. There is an opportunity for recreational use of land lying between the railroad station and the Swamp River. With proper environmental management, this could be a major asset to the project and could mitigate impacts on Town recreation facilities. The applicant should also consider improving the proposed 9-hole golf course by increasing and varying the yardage of the holes. The proposed nine-hole golf course looks like it was squeezed into the plan as an afterthought. The applicant should explore the possibility of locating some of the golf course on the Dykeman property. Relocating the golf course may allow for more housing within the ½-mile radius around the train station. The applicant should address the Community Revitalization Act requirement that there be public access to the course. There must also be parking for the golf course. Recreational amenities should be shown on the PADS to inform residents of how the recreational needs of the newcomers to the Town, and those of existing residents, will be met.
5. The applicant should consider becoming part of the “Rebuild New York Program.”

## **Conclusion**

In summary, we are requesting the following:

1. A Plan that fully complies with the Final Written Scope PADS requirements and is consistent with SEQRA and the Dover Code, including required percentages of units within a half-mile of the train station, the required amount of commercial development, reuse of historic buildings, preservation of community character, and an explicit Phasing Plan showing compliance with all phasing requirements in the Scope;
2. Steps to be taken to address traffic impacts with Metro North and NYS Department of Transportation;
3. Provision of missing and requested information for PADS regarding proposed building types, costs, heights and proposed public recreational facilities (including access to the Appalachian Trail);

4. Submittal of economic and market analysis data to support the proposed building types, housing products and infrastructure plan, verified by your consultants' experiences with comparable projects;
5. Submittal of a comprehensive mapped wetlands delineation (i.e., Wetlands Map); and
6. Submittal of a plan that addresses the Board's concern about fragmentation in existing ecological corridors, clustered sprawl on the Dykeman Farm, looping infrastructure, and perceived excessive density and scale in the core hamlet.

We very much appreciate the opportunity to work with you to create the best project for the residents of Dover. We anxiously await the DEIS.

Sincerely,  
Supervisor Jill Way  
Deputy Supervisor Brian Kelly  
Richard Hawthorne  
Kathryn Palmer-House  
James Johnson