

**Town of Dover  
Zoning Board of Appeals**

**Monday, August 11, 2025, 7:00 p.m.**

**126 East Duncan Hill Road**

**Dover Plains, NY**

**Members**

Chair Debra Kaufman

Member Joseph Tchorzyk

Member Jacob Troupe

Member Joanne Yager

Secretary Marilyn Van Millon

- 
1. **Called to Order/Pledge of Allegiance**
  2. **Approval of the June 9, 2025 Meeting Minutes**
  3. **Public Hearing**
    - a. **Wenglowski Subdivision**
      - Parcel: 7261-00-002513
      - Represented by: Cappillino, Rothschild & Egan LLC
      - Property location: 246-252 SE Mountain Road, Wingdale, NY
      - Application for: Reversal of Decision of the Code Enforcement Officer
  4. **Future Scheduled Meetings**
    - September 8, 2025 (Deadline August 18, 2025)
    - October 13, 2025 - No Meeting - Holiday
    - November 10, 2025 (Deadline October 20, 2025)
    - December 8, 2025 (Deadline November 17, 2025)
  5. **Adjournment**

**RECEIVED**

*By Marilyn Van Millon at 9:39 am, Jul 21, 2025*

**CAPPILLINO, ROTHSCCHILD & EGAN LLP**

ATTORNEYS AT LAW

SEVEN BROAD STREET

P. O. BOX 390

PAWLING, NEW YORK 12564-0390

TELEPHONE (845) 855-5444

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POUGHKEEPSIE OFFICE

109 MILL STREET

POUGHKEEPSIE, NEW YORK 12601  
(845) 471-5535

DONALD CAPPILLINO  
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OF COUNSEL

\*ALSO ADMITTED IN CT  
\*\*ALSO ADMITTED IN CO

PLEASE ADDRESS ALL REPLIES TO THE  
PAWLING OFFICE

REGINA M. WEXLER  
HEIDI M. LOIODICE  
JENNA L. JONES  
GRACE MCCORMACK  
PARALEGALS

July 18, 2025

Via Hand Delivery

Town of Dover Zoning Board of Appeals  
126 East Duncan Hill Road  
Dover Plains, NY 12522

Re: Legal Basis for Appeal - Application of Gary M. Wenglowski, Jr. Appeal of May 20, 2025  
Decision of Building Inspector Donn Anderson regarding Subdivision Application for  
Property Located at 246-253 Southeast Mountain Road, Dover Plains, New York 12522  
Our File No: 17739

Dear Members of the Town of Dover Zoning Board of Appeals:

I submit herewith, on behalf of our client Gary M. Wenglowski, Jr. the application and supporting documentation for an Appeal of the May 20, 2025 Decision of Building Inspector, Donn Anderson, regarding a Subdivision Application, along with our office disbursements check number 1489 in the amount of \$150.00 made payable to the Town of Dover representing the Reversal of Decision by Code Enforcement Officer as well as disbursements check number 1490 in the amount of \$300.00 made payable to the Town of Dover representing the Escrow.

This application seeks approval for an appeal to the decision that the proposed subdivision cannot take place due to the garage being on a newly subdivided lot. I provide the following documentation to aid in your review of this application:

- Document 00. Appeal/Variance Checklist;
- Document 01. Appeals/Variance Application;
- Document 02. Disclosure of Interest Form;
- Document 03. Cover Letter Describing the Project;
- Document 04. Building Inspector's Determination;
- Document 05. Site Plan of the Property; and
- Document 06. Copies of All Applications, Attached Information, and Decisions

Town of Dover Zoning Board of Appeals

Page 2

July 18, 2025

As requested, please find enclosed seven (7) copies of the above-mentioned documents as well as a flash drive with an electronic copy of the enclosed. Please be advised that we will be emailing an electronic copy to Marilyn VanMillon as well.

Accordingly, I respectfully request the Zoning Board of Appeals reverse the May 20, 2025 determination of the Dover Building Inspector in this matter.

If you have any questions or need any further information, please contact me.

Very truly yours,



Donald Cappillino

DC/gm

Enclosures

cc: Mr. Gary M. Wenglowski, Jr.

**DOCUMENT 00**

**Appeal/Variance Checklist**

## Appeal / Variance Checklist

Eight copies (supplied by the applicant) of the following items are required to apply to the Zoning Board of Appeals for a variance, an interpretation of the Town of Dover Zoning Law or a reversal of a decision by the Code Enforcement Officer. An application may not be filed until the Code Enforcement Officer has made a decision on a building or zoning permit application, except where an area variance is requested in connection with a special permit or site plan approval from the Planning Board. Incomplete applications will not be put on the Agenda.

- X   Appeals / Variance Application
- X   Disclosure of Interest Form
- X   Cover letter describing the project in detail including any hardships involved
- N/A  Agricultural Data Statement (for Use Variances only) if the property is in an agricultural district and contains a farm operation, or if the property is within 500 feet of a farm operation in an agricultural district
- N/A  Building Permit Application with copies of all drawings and maps showing the proposed building(s) and site alterations with dotted lines and showing existing building(s) and other improvements with solid lines submitted to Building Department
- X   Building Inspector's Denial (Decision of Code Enforcement Officer)
- X   Site plan of the property showing adjacent or nearby villages or towns, county or state parks or other recreation areas, county or state roads or highways, county-owned or managed streams or drainage channels and state-owned lands with public buildings, all other building locations and setbacks from other buildings and property lines noted with measurements within a quarter-mile radius
- X   Copies of all applications, attached information, and decisions if matter is being heard by another Board

### FEES:

<u>      </u>	Application	\$150.00
<u>      </u>	Variance	\$150.00 (each variance)
<u>      </u>	Interpretation	\$150.00
<u>  x  </u>	Reversal of Decision by Code Enforcement Officer -	\$150.00
<u>      </u>	TOTAL (checks payable to <u>Town of Dover</u> )	
<u>  x  </u>	Escrow -	\$300.00 (Separate Check payable to the Town of Dover)

**DOCUMENT 01**

**Appeals/Variance Application**

## Town of Dover Zoning Board of Appeals

Town of Dover  
126 East Duncan Hill Road  
Dover Plains, NY 12522



(845) 832-6111 Ext 100  
(845) 832-3188 fax

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**APPEAL / VARIANCE APPLICATION**

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Dear Applicant:

Attached is an application to the Zoning Board of Appeals (ZBA). Please submit all applicable information on the Checklist along with eight (8) copies of all information, an electronic copy (flash drive) and required fees and escrow to the Zoning Board of Appeals Office before the deadline date which is on the website or by contacting the ZBA Secretary (845.832.6111 x 100). Meetings are scheduled for the 1<sup>st</sup> Wednesday of every month at the Dover Town Hall at 7:00 pm (unless specified otherwise).

The applicant is responsible for any costs incurred for public hearing notices and review of the application by town consultants, if needed. A \$300 escrow fee is required with the application in a separate check to cover these costs.

If the matter before the Zoning Board of Appeals was canceled on the part of the applicant, there will be no refund of the application fee.

Applicants before the Board must have all of the information necessary for submittal, as they will be required to pay a new application fee if the matter cannot be heard when scheduled. If it is determined that the application is complete, the applicant will be notified when the public hearing will take place; the Poughkeepsie Journal and all contiguous neighbors will also be notified by the ZBA Secretary. Incomplete applications will not be put on the Agenda.

If an applicant decides to postpone or cancel his/her appearance, please telephone the ZBA Secretary, **AT LEAST 48 HOURS IN ADVANCE** since there are clerical functions which must take place, i.e., notifying property owners, notice in paper, etc.

Please supply a cover letter and describe the project in your own words including any hardships involved.


The applicant is responsible for adhering to Chapter 145, Sections 145-58 and 145-59 of the Town of Dover Zoning Law available online at [www.ecode360.com/DO1139](http://www.ecode360.com/DO1139) (Links, Town Code) or from the Town Clerk for a fee.

By signing this letter, the applicant gives permission to all ZBA members to do a site walk on the property prior to the public hearing.

I have read the above and fully understand my responsibilities.

Gary M. Wenglowski, Jr.

\_\_\_\_\_  
Name (please print)

  
\_\_\_\_\_  
Signature

July 17, 2025

\_\_\_\_\_  
Date

## Town of Dover Zoning Board of Appeals

Town of Dover  
126 East Duncan Hill Road  
Dover Plains, NY 12522



(845) 832-6111 Ext 100  
(845) 832-3188 fax

## APPEAL / VARIANCE APPLICATION

Project Name: Wenglowski Subdivision

Application Number: \_\_\_\_\_ Grid Number: 132600-7261-00-002513-0000  
(to be determined by ZBA Clerk)

Type of Application: \_\_\_\_\_ Area Variance ☒ Reversal or Modification of: Decision of  
(check all that apply) \_\_\_\_\_ Use Variance \_\_\_\_\_ Decision of CEO Donn P. Anderson,  
\_\_\_\_\_ Interpretation of Zoning Text or Map Building Inspector

Property Address: 246-252 SE Mountain Rd., Dover, New York 12522  
Current Use(s): Residential  
Proposed Use(s) and/or Structure(s): Residential  
with garage  
Primary Contact Person: Donald Cappillino, Esq.  
Brief Description of Proposed Use/Activity  
Residential - Subdividing 46+ acre parcel into 3 lots (see attached)

*(attach additional sheets, if necessary):*

Address: Cappillino, Rothschild & Egan LLP  
7 Broad Street, Pawling, New York 12564  
Phone Number: 845-855-5444  
E-mail: dc@cappillino.com

Name of Property Owner: Gary M.  
Wenglowski, Jr.  
Address: 28 Partridge Ridge Road  
Katonah, New York 10536  
Phone Number: 845-590-5777  
E-mail: gmwonuk@verizon.net

Name of Applicant: *(if different)*

Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Relationship of Applicant to Owner  
*(e.g., contract vendee, option holder, lessee):*

Property Information:  
Land Use District: RC  
Overlay Districts *(if any)*: \_\_\_\_\_  
Lot Area: 46.1 Acres

Provisions(s) of the Zoning Law relating to this application, and variance(s) from zoning sought, if any:

Town of Dover Code § 145-74 and § 145-10 D

Is there an existing Special Permit, Variance, and/or Site Plan approval for the property?

[ ] yes, granted on \_\_\_\_\_ [x] no

Does the property contain a farm operation located within an agricultural district or is the property boundary within 500 feet of a farm operation located in an agricultural district?

[ ] yes [x] no [ ] not applicable

## REASON FOR APPEAL / VARIANCE (Complete where applicable. Use extra sheet if necessary)

A. INTERPRETATION of the Zoning Law is requested because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

B. REVERSAL OR MODIFICATION of a decision by the Code Enforcement Officer is requested because: The general "Definitions" provisions of § 145-74 are in conflict with the more specific §145-10 D which permits accessory uses "whether or not on the same lot." The only way to reconcile these provisions is to permit the accessory use of the garage as a use accessory to the residence on the adjacent lot.

C. A USE VARIANCE is requested for these reasons (*all blanks must be filled in*):

- (1) The applicant cannot realize a reasonable return from the property for any use allowed by the Zoning Law because: \_\_\_\_\_

\_\_\_\_\_  
The property was acquired in the year \_\_\_\_\_ for \$ \_\_\_\_\_. The applicant has invested \$ \_\_\_\_\_ in the property since that time, and the largest return that can be expected from using the property as a \_\_\_\_\_ (*most valuable use allowed by the Zoning Law*) is \$ \_\_\_\_\_ per year. The value of the property under the current Zoning Law, as determined by competent financial evidence submitted herewith, is \$ \_\_\_\_\_. The expected return and/or property value from other uses allowed by the Zoning Law ranges from \$ \_\_\_\_\_ to \$ \_\_\_\_\_. (*Please attach a list of all permitted and special permit uses and their probable return and value.*)

- (2) The hardship relating to this property is unique, and does not apply to a substantial portion of the district or neighborhood because:

\_\_\_\_\_  
\_\_\_\_\_

- (3) The variance will not alter the essential character of the neighborhood because:

\_\_\_\_\_  
\_\_\_\_\_

- (4) The hardship is not self-created because:

\_\_\_\_\_  
\_\_\_\_\_

D. AN AREA VARIANCE is requested for these reasons:

(1) If the variance is granted, the applicant will have the following benefit:

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(2) There will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties because:

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(3) The applicant cannot attain the benefit of having the variance by any other method because:

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(4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:

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The undersigned hereby makes an application in accordance with all applicable laws and other requirements of the Town of Dover, Dutchess County, New York.



Signature of Record Owner

July 17, 2025

Date

Signature of Applicant (if different)

Date

**DOCUMENT 02**

**Disclosure of Interest Form**

**DISCLOSURE OF INTEREST FORM**Project Name: Wenglowski SubdivisionApplication Number: \_\_\_\_\_ Grid Number: 132600-7261-00-002513-0000

Section 809 of the General Municipal Law provides as follows:

1. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of a municipality shall state the name, address, and the nature and extent of the interest of any state officer and any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership, or association making such application, petition, or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them.

(a) Is the applicant, or

(b) Is an officer, director, partner, or employee of the applicant. or


(c) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant. or

(d) Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition, or request.

3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

In connection with said application, petition or request, the undersigned hereby states, pursuant to the provision of Section 809 of the General Municipal Law, the name, residence, and the nature and extent of the interest of any state officer or employee of the Town of Dover and/or the County of Dutchess, in the person, partnership, or association making the application, petition, or request (hereinafter called the "applicant"). If none, insert the word "none" NONE.

  
\_\_\_\_\_  
Signature of Applicant

July 17, 2025  
\_\_\_\_\_  
Date

## **DOCUMENT 03**

### **Cover Letter Describing the Project**

**CAPPILLINO, ROTHSCHILD & EGAN LLP**

ATTORNEYS AT LAW

SEVEN BROAD STREET

P. O. BOX 390

PAWLING, NEW YORK 12564-0390

TELEPHONE (845) 855-5444

TELECOPIER (845) 855-5895

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ROBERT J. MARVIN, JR.  
OF COUNSEL

\*ALSO ADMITTED IN CT  
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POUGHKEEPSIE OFFICE

109 MILL STREET  
POUGHKEEPSIE, NEW YORK 12601  
(845) 471-5535

PLEASE ADDRESS ALL REPLIES TO THE  
PAWLING OFFICE

REGINA M. WEXLER  
HEIDI M. LOIODICE  
JENNA L. JONES  
GRACE MCCORMACK  
PARALEGALS

July 17, 2025

Town of Dover Zoning Board of Appeals  
126 East Duncan Hill Road  
Dover Plains, New York 12522

Re: Cover Letter Describing the Project - Application of Gary M. Wenglowksi, Jr. Appeal of May 20, 2025 Decision of Building Inspector Donn Anderson regarding Subdivision Application for Property Located at 246-253 Southeast Mountain Road, Dover Plains, New York 12522  
Our File No: 17739

Dear Members of the Town of Dover Zoning Board of Appeals:

I set forth below a description of this application and the underlying Project and a discussion of the legal issues presented.

**DESCRIPTION OF THIS APPEAL AND THE UNDERLYING PROJECT**

Gary M. Wenglowksi, Jr. presents this appeal seeking a reversal of the May 20, 2025 determination by the Town of Dover Building Inspector regarding Mr. Wenglowksi's proposed subdivision of his 46.1-acre parcel. Mr. Wenglowksi proposes to subdivide the parcel into three lots. An existing garage would be the sole structure on proposed Lot No. 3, but used as an accessory to Mr. Wenglowksi's residence on proposed Lot No. 2. The Building Inspector determined that a garage on Lot No. 3 without a principal use on Lot No. 3 is not permitted, even though the garage serves the primary residence on the adjacent proposed Lot No. 2. We submit that this determination is contrary to Dover Town Code §145-10D which states:

Accessory uses. Uses customarily incidental and subordinate to principal uses shown on the Use Table shall be allowed on the same terms as the principal uses, **whether or not on the same lot**, unless otherwise indicated on the Use Table. (Emphasis supplied.)

The Use Table does not indicate otherwise. Accordingly, the plain language of the Town of Dover Code explicitly would permit on proposed Lot No. 3 the use of the existing garage as accessory to the principal residence on Lot No. 2.

In this case, Mr. Wenglowksi is not proposing any new construction. The attached "site plan" in this case consists of the proposed Subdivision Plat which shows all existing structures on the 46.1-acre parcel. Mr. Wenglowksi's proposal seeks only to subdivide the existing lands into 3 distinct parcels. Mr. Wenglowksi unquestionably has the right to sever proposed Lot No. 1 from the remainder of his lands. And, for the sake of efficiency and future planning, Mr. Wenglowksi further seeks to create proposed Lot No. 2, containing only his residence, and Lot No. 3, containing the garage which is used as accessory to his residence.

On May 20, 2025, the Town Building Inspector determined that it was impermissible to create proposed Lot No. 3 without there being a principal use on that same lot. Mr. Wenglowksi now appeals to your Board to reverse that determination.

#### THE LEGAL ARGUMENT

##### The explicit language of §145-10D of the Town Code controls.

The specific language of §145-10D permits accessory uses whether or not on the same lot as the principal use. Here, the existing garage has continually been used as an accessory to Mr. Wenglowksi's principal residence. He now seeks to divide the land into two parcels but does not intend to change the character of the accessory use or the principal use, as permitted by §145-10D.

##### Other Town Code Provision in Conflict.

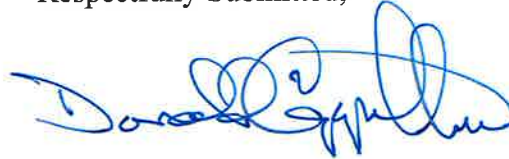
§145-74 of the Town of Dover Code does define Accessory Use as "A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building." This general definition conflicts with the explicit language of §145-10D which states that the accessory use is permissible regardless of the location, unless the Use Table provides otherwise. The Use Table does not prohibit this accessory use of a garage on a separate lot. Indeed, the well-settled case law in New York requires that the provisions of §145-10D control for several reasons:

- a. Where a conflict exists between two provisions in a Zoning Ordinance, the conflict must be resolved in favor of the landowner and against the municipality. *Hess Realty Corp. v. Planning Com'n of Town of Rotterdam*, 198 A.D.2d 588, 589 (3d Dept 1993).
- b. Since zoning regulations are in derogation of the common law, they must be strictly construed against the municipality which has enacted and seeks to enforce them." *Allen v. Adami*, 39 N.Y.2d 275 (1978).

- c. Any ambiguity in the language used in such regulations must be resolved in favor of the property owner." *Allen v. Adami*, 39 N.Y.2d 275 (1978).

Accordingly, the May 20, 2025 determination of the Building Inspector should be reversed.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Donald Cappillino", with a stylized flourish at the end.

Donald Cappillino, Esq.

**DOCUMENT 04**

**Building Inspector's Determination**



***Town of Dover, New York***  
***Donn P Andersen, Building Inspector***

*126 East Duncan Hill Road  
Dover Plains, New York 12522  
Phone (845) 832-6111 x103  
Fax (845) 832-3188*

**RECEIVED**

**By Marilyn Van Millon at 3:15 pm, May 20, 2025**

May 20, 2025

Town of Dover Planning Board  
Town of Dover Zoning Board of Appeals

RE: Wenglowski Proposed Subdivision  
Parcel #7261\_00\_002513

Dear Planning and Zoning Boards;

The building department has been asked to determine if an existing garage can legally be on a proposed newly subdivided lot, with no existing primary structure.

An accessory structure is not allowed on a parcel without a previously built primary structure.

If you have any further questions, please don't hesitate to reach out to me.

Sincerely yours,

Donn P Andersen  
Town of Dover  
Building Inspector

**DOCUMENT 05**

**Site Plan of the Property**

DATE: 10/14/2025  
BY: [Signature]

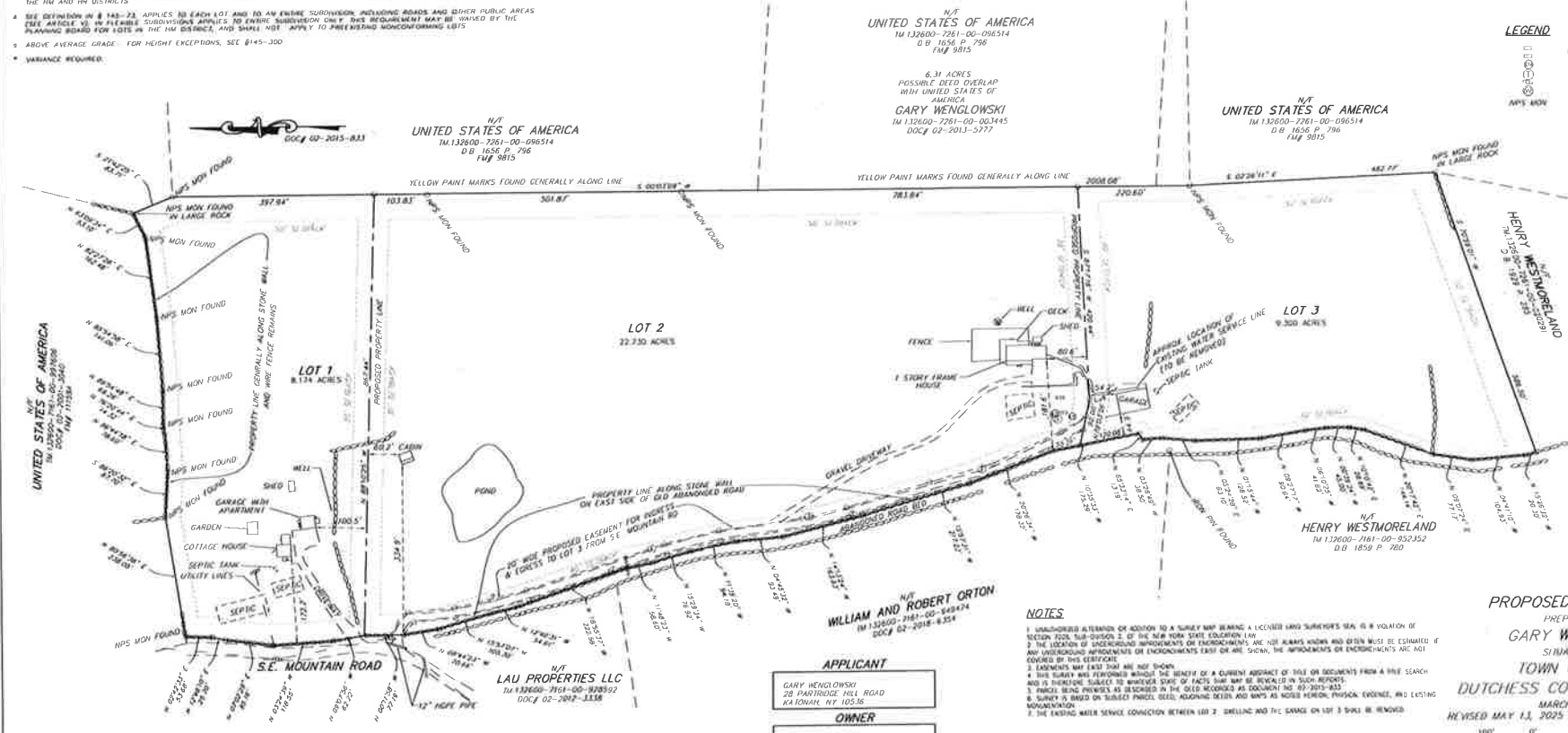
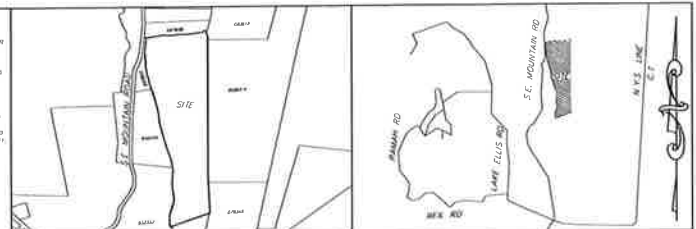
# TOWN OF DOVER - AREA AND BULK SCHEDULE:

DISTRICT NO. RESOURCE CONSERVATION	BULK REGULATION	PROPOSED LOT NO. 1	PROPOSED LOT NO. 2	PROPOSED LOT NO. 3
MINIMUM LOT SIZE (CONVENTIONAL)	5 AC	817 AC	32.73 AC	"REAR LOT" 9.30 AC
MINIMUM (TOWN ROAD) FRONTAGE	230 FT	355.31 FT	772.19 FT	110 FT
MINIMUM (TOWN ROAD) FRONT YARD SETBACK	40 FT	122.2 FT	181.6 FT	54.2 FT
MINIMUM SIDE YARD SETBACK	30 FT	100.3 FT	60.2 FT	44.9 FT
MINIMUM REAR YARD SETBACK	50 FT	560.5 FT	311.1 FT	681.3 FT
MAXIMUM IMPERMEABLE SURFACE COVERAGE	10%			
MAXIMUM HEIGHTS	35 FT	≤ 35 FT	≤ 35 FT	≤ 35 FT

- FOOTNOTES:**
- FOR CONVENTIONAL SUBDIVISION AS DEFINED IN §145-15A.
  - LOTS IN CONSERVATION DENSITY SUBDIVISIONS AND REAR LOTS MAY HAVE SHORTER FRONTAGES SEE §§ 145-21 AND 145-22.
  - SETBACKS FROM CENTER LINE OF ROAD: FRONT YARD SETBACKS MAY BE ADJUSTED TO PREMAINTAIN SETBACKS IN THE IMMEDIATE NEIGHBORHOOD ON ALL ROADS. A MAXIMUM SETBACK OR "BUILD-TO-LINE" MAY BE ESTABLISHED TO MAINTAIN THE "STREET WALL" IN THE TOWN AND IN DISTRICTS.
  - SEE DEFINITION IN § 145-23. APPLIES TO EACH LOT AND TO AN ENTIRE SUBDIVISION, INCLUDING ROADS AND OTHER PUBLIC AREAS (SEE ARTICLE VI). IN FLEXIBLE SUBDIVISIONS APPLIES TO ENTIRE SUBDIVISION ONLY. THIS REQUIREMENT MAY BE WAIVED BY THE PLANNING BOARD FOR LOTS IN THE TOWN DISTRICT, AND SHALL NOT APPLY TO PREEXISTING NONCONFORMING LOTS.
  - VARIES AVERAGE GRADE: FOR HEIGHT EXCEPTIONS, SEE §145-200.
  - VARIES REQUIRED.

"PER SECTION 145-22, REAR LOTS WITH OR WITHOUT SETBACKS SURROUNDING TO PUBLIC OR PRIVATE ROADS MAY BE CREATED WHERE THEY WILL NOT ENDANGER PUBLIC HEALTH AND SAFETY AND WILL HELP PRESERVE NATURAL, HISTORIC, AND SCENIC RESOURCES. THE FOLLOWING REQUIREMENTS APPLY TO REAR LOTS:

- REAR LOTS MUST HAVE A MINIMUM FRONTAGE OF 25 FEET ON AN IMPROVED PUBLIC OR PRIVATE ROAD AND AN ACCESS ROAD A DISTANCE OF 100 FEET FROM THE PUBLIC OR PRIVATE ROAD. IF A SETBACK EXISTING ON ANY EXISTING LOT, THE SETBACK SHALL BE MAINTAINED AND PROPORTIONATELY ADJUSTED TO A PUBLIC OR PRIVATE ROAD IN THE DISTRICT. REAR LOTS MUST HAVE A MINIMUM ROAD FRONTAGE OF 15 FEET ON A DECEASED RIGHT-OF-WAY SETBACK AT LEAST 15 FEET FROM THE ROAD.
- MINIMUM LOT SIZE FOR REAR LOTS SHALL BE THAT THE MINIMUM LOT SIZE FOR A CONVENTIONAL SUBDIVISION IN THE DISTRICT. THE AREA OF THE ACCESS ROAD SHALL NOT BE INCLUDED IN THE CALCULATION OF MINIMUM LOT SIZE. THIS SUBSECTION SHALL NOT APPLY TO FLEXIBLE SUBDIVISIONS.
- EXCEPT AS INDICATED IN SUBSECTIONS A AND B ABOVE, REAR LOTS MUST MEET ALL OTHER REQUIREMENTS FOR A LOT IN THE APPLICABLE ZONE AND DISTRICT. MINIMUM LOT SIZE SHALL BE THE SAME AS THE MINIMUM ROAD FRONTAGE REQUIREMENT IN THE TOWN OR DISTRICT STREET FOR PRIVATE ROADS FROM WHICH ACCESS IS GRANTED.
- THE FRONT AND SIDE SETBACKS OF THE LAND AND A LINE BETWEEN THE TOWN AND DISTRICT AND THE PUBLIC OR PRIVATE ROAD FROM WHICH ACCESS IS GRANTED.
- IF THERE IS NO ROAD FROM WHICH ACCESS IS GRANTED, THE FRONT AND SIDE SETBACKS OF THE LAND AND A LINE BETWEEN THE TOWN AND DISTRICT AND THE PUBLIC OR PRIVATE ROAD FROM WHICH ACCESS IS GRANTED.
- IF A COMMON BOUNDARY BOUNDARY OF LOT OR ROAD SEAR LOT MUST MEET THE REQUIREMENTS FOR CONSERVATION DENSITY SUBDIVISIONS IN § 145-21.
- ALL REAR LOTS MUST HAVE SAFE ACCESS FROM THE ROAD, AND EMERGENCY VEHICLES.



- LEGEND**
- PROPOSED
  - EXISTING
  - ELECTRIC METER
  - TELECOM
  - UTILITY POLE
  - WELL
  - NATIONAL PARK SERVICE MONUMENT

**DUTCHESS COUNTY HEALTH DEPARTMENT**

THIS PLAN DOES NOT CONSTITUTE A HEALTH SUBDIVISION AS DEFINED BY ARTICLE 13, § 145-21 OF THE PUBLIC HEALTH LAW OF THE STATE OF NEW YORK, AND ARTICLE 14 OF THE DUTCHESS COUNTY CHARTER CODES. PERMISSION IS HEREBY GRANTED FOR THE FILING OF THIS MAP WITH THE CLERK OF THE COUNTY OF DUTCHESS, APPROVAL IS NEITHER SOUGHT NOR GRANTED.

SUPERVISING PUBLIC HEALTH ENGINEER DATE

**PLANNING BOARD - TOWN OF DOVER**

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF DOVER, NEW YORK, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, SUBJECT TO ALL REQUIREMENTS AND CONDITIONS OF SAID RESOLUTION, ANY CHANGES, ERRATA, MODIFICATIONS, OR REVISION TO THIS PLAN AS APPROVED SHALL VOID THIS APPROVAL.

PLANNING BOARD CHAIRPERSON DATE

THE UNDERSIGNED OWNER OF PROPERTY SHOWN HEREON STATE THAT THE PROPERTY IS LOCATED WITHIN THE TOWN OF DOVER, NEW YORK, AND ALL SAID TERMS AND CONDITIONS AS STATED HEREON AND CONSENT TO THE FILING OF THIS PLAN.

OWNER

GARY WENGLOWSKI  
28 PARTRIDGE HILL ROAD  
KATONAH, NY 10538

DATE

- NOTES**
- UNDESIGNED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL, IS A VIOLATION OF SECTION 145-21, SUBSECTION 2, OF THE NEW YORK STATE EDUCATION LAW.
  - THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS CERTIFICATE.
  - LANDMAYERS MAY EXIST THAT ARE NOT SHOWN.
  - THIS SURVEY HAS BEEN PERFORMED WITHOUT THE BENEFIT OF A CURRENT ASSESSMENT OF TITLE OR DOCUMENTS FROM A TITLE SEARCH AND IS THEREFORE SUBJECT TO WHATEVER STATE OF FACTS THAT MAY BE REVEALED IN SUCH REPORTS.
  - PROPERTY BEING PREPARED AS SHOWN IN THE GLEED RECORDS AS DOCUMENT NO. 80-2002-843.
  - SURVEY IS BASED ON SUBJECT PROPERTY DEED, ADJOINING DEEDS AND MAPS AS NOTED HEREON, PHYSICAL EVIDENCE, AND EXISTING MAPPING INFORMATION.
  - THE EXISTING WATER SERVICE CONNECTION BETWEEN LOT 2, SHEDDING AND THE SANAGE ON LOT 3 SHALL BE REMOVED.

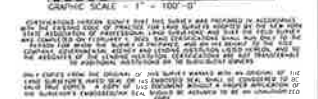
**ENVIRONMENTAL NOTES:**

- INSIDE BOUNDARIES DENSITY POTENTIAL THREATS/HAZARD IN THIS AREA (SOURCE: NYSDEC)

**DEVELOPMENT NOTES:**

- THE PROPERTY IS LOCATED WITHIN THE ADJUTER OVERLAP DISTRICT, SPECIFICALLY THE UPLAND ADJUTER ZONE (LAZ). ANY FUTURE DEVELOPMENT IS SUBJECT TO PROVISIONAL INSTRUCTIONS FOUND AT SECTION 145-15 OF THE TOWN OF DOVER ZONING CODE.

**PROPOSED SUBDIVISION**  
PREPARED FOR  
**GARY WENGLOWSKI**  
SITING IN THE  
**TOWN OF DOVER**  
**DUTCHESS COUNTY, NEW YORK**  
MARCH 23, 2025  
REVISED MAY 13, 2025 - ZONING BOARD COMMENTS



CHAD MEUNIER  
LAND SURVEYOR  
Phone: (845) 232-0343  
399 Old Route 22  
Wassico, NY 12592

## **DOCUMENT 06**

# **Copies of All Applications, Attached Information, and Decisions**

Town of Dover  
126 East Duncan Hill Road  
Dover Plains, NY 12522



(845) 832-6111 Ext 100

# Town of Dover Planning Board

## **SUBDIVISION** **Preliminary Plat Application**

Type of Application:

- ☒ Conventional Subdivision  
☐ Conservation Density Subdivision

- ☐ Lot Line Change  
☐ Flexible (Cluster)

Grid Number: 132600-7261-00-002513Name of Subdivision: N/AProperty Address: 246-252 SE Mountain Road

Primary Contact Person:

Gary WenglowskiAddress: 28 Partridge Ridge RoadKatonah, NY 10536Telephone Number: 845-590-5777Email: gmwnonuk@verizon.net

Name of Property Owner:

Gary WenglowskiAddress: 28 Partridge Ridge RoadKatonah, NY 10536

Telephone Number:

845-590-5777Name of Applicant (if **different**):

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email: \_\_\_\_\_

Relationship of Applicant to Owner (e.g. *contract vendee, option holder, lessee*): \_\_\_\_\_

Plans Prepared By:

Name: Zarecki & Associates, LLCAddress: 88 NYS Route 22Pawling, NY 12564Telephone Number: 845-855-3771E-mail: joez@zarecki.comZoning District(s): RU\_\_\_, RC X, HM\_\_\_, HR\_\_\_, SR\_\_\_

HC\_\_\_, CO\_\_\_, M\_\_\_

Overlay District(s) (if any): Floodplain\_\_\_, Stream Corridor\_\_\_

Upland Aquifer X, Soil Mining\_\_\_Current Use(s): ResidentialProposed Use(s): ResidentialParcel Size: 46.1 AcresNumber of Lots Proposed: 3Deed Reference: Liber 22015Page 833 Date 2/10/15Filed Map Reference: Lot # N/A Map # N/ADoes Plat cover applicant's entire holding? N/AO yes O no

Date of discussion meeting: \_\_\_\_\_

(To be filled in by Planning Board Secretary)

Does the property contain a farm operation located within an agricultural district or is the property boundary within 500 feet of a farm operation located in an agricultural district

☐ yes ☒ no

If yes, submit an Agricultural Data Statement, available from the Planning Office.

The undersigned hereby makes application in accordance with all applicable laws and other requirements of the Town of Dover, Dutchess County, New York.

Signature of Record Owner

Signature of Applicant (if different)

Date: 10/28/24

## TOWN OF DOVER

### **PRELIMINARY PLAT SUBMISSION CHECKLIST**

<b>Applicant/Subdivision Name</b> <u>Gary Wenglowski</u>			
<b>HAVE YOU SUBMITTED:</b>	<b>Yes</b>	<b>Inc.*</b>	<b>NA/W**</b>
A Preliminary Plat Application?	X		
Your escrow fees?			
Have you determined the requirements of the Dutchess Health Department?	X		
Have you determined if a Erosion and Sediment Control Permit is needed?	X		
<b>Per Chapter 125, does the plat contain the following?</b>			
The subdivision name or identifying title?	X		
The words, "Town of Dover, Dutchess County, New York"?	X		
The name and address of the record owner and/or sub divider?	X		
The parcel grid number?	X		
The name, address, signature, and seal of the licensed engineer or land surveyor?	X		
The dates of the original plat and the revision date(s)?			X
Approximate true North point?	X		
A graphic scale?	X		
The location, bearings and distances of the tract boundary?	X		
Topography at a contour interval of not more than five feet? Note: Site the datum source.	X	X	
The names and addresses of all adjoining property owners?	X		
The Zoning District	X		
A Bulk Regulations table, showing the allowed dimensions and the proposed dimensions? (See §145-11)	X		
A density calculation (the allowable number of lots)			
If a flexible subdivision, the calculation for a minimum of 50% conservation land?			X
If a flexible subdivision, the proposed holder of the conservation easement?			X
<b>*Incomplete Information    ** Not Applicable    W - Waiver Requested in writing</b>			

# TOWN OF DOVER

## PRELIMINARY PLAT SUBMISSION CHECKLIST

Applicant/Subdivision Name Gary Wenglowski

	Yes	Inc.*	NA/W**
The location, name and dimensions of: existing streets, easements, property lines, buildings, parks and public properties?	X		
The location of existing sewers, water mains, culverts and storm drains?	X		
The pipe sizes, grades and flow of direction?			X
The location of natural features such as: watercourses, wetlands, swamps, rock outcrops and single trees eight or more inches in diameter?			
A vicinity map (Scale of 2,000 feet to the inch)?	X		
An area map (Scale of 1" = 400') showing all property within 1,000 feet of the subdivision and identifying all property held by the applicant?	X		
The location, width and approximate grade of all proposed streets?			X
<b>The proposed provision of:</b>			
Water supply?	X		
Fire protection?			X
Sanitary waste disposal?	X		
Stormwater drainage?			X
Street trees?			X
Streetlight fixtures?			X
Street signs?			X
Sidewalks?			X
The approximate shape, dimensions and area of all proposed and existing lots and suggested location of buildings?			
Property proposed to be reserved for park or public use?			
<b>Have you provided the Planning Board with:</b>			
A written response to any comments of the Planning Board Engineer?			X
A written response to any comments of the Planning Board Attorney?			X
<b>*Incomplete Information    ** Not Applicable    W - Waiver Requested in writing</b>			

### **PRELIMINARY PLAT SUBMISSION CHECKLIST**

[illegible]

Page 25 of 26

## Town of Dover Zoning Board of Appeals

Town of Dover  
 126 East Duncan Hill Road  
 Dover Plains, NY 12522



(845) 832-6111 ext. 100  
 (845) 832-3188 fax

The following is the list of the Town of Dover Zoning Board of Appeals deadlines and meetings. This schedule was created by use of the guidelines the ZBA has in place. This schedule can be changed only at a formal ZBA meeting by way of a motion being made and a vote of the membership on record.

The **Zoning Board of Appeals meetings are scheduled for the 2<sup>nd</sup> Monday** of each Month at 7:00pm at the Town Hall and the deadline for any and all submissions is before **Noon on the Deadline Dates listed below.** To make these deadlines, submissions must be received or be emailed to the [LandUse@DoverNY.us](mailto:LandUse@DoverNY.us).

MEETING DATE	DEADLINE DATE
January 13, 2025	December 23, 2024
February 10, 2025	January 21, 2025
March 10, 2025	February 18, 2025
April 14, 2025	March 24, 2025
May 12, 2025	April 21, 2025
June 9, 2025	May 19, 2025
July 14, 2025	June 23, 2025
August 11, 2025	July 21, 2025
September 08, 2025	August 18, 2025
October 13, 2025 (No Meeting – Columbus Day)	
November 10, 2025	October 20, 2025
December 08, 2025	November 17, 2025

\* All meeting dates are subject to change. Please call the Town of Dover Zoning Board of Appeals Office (845) 832-6111 ext 100 to confirm monthly dates or go to [www.DoverNY.us](http://www.DoverNY.us)

Respectfully submitted,

*Marilyn Van Millon*

Marilyn Van Millon, Zoning Board of Appeals Secretary

Motion to Approve was made by Member Troupe;  
 Second by Member Tchorzyk  
 All in favor