

Town of Dover Planning Board

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



(845) 832-6111 ext 100

Planning Board Special Meeting
Monday , December 3, 2012
7:00PM

- Co-Chair David Wylock
- Co- Chair Valerie LaRobardier
- Member Peter Muroski
- Member Michael Villano
- Member Tom Holmes
- Member Nicholas D'Agostino
- Member William Sedor

Also, in attendance representing the Planning Board was Planner Ashley Ley, Attorney Victoria Polidoro & Engineer Berger

For the Applicants: Gerald Hatcher, Karen Arden Landscape Architect & Attorney Bumgarner for Westchester Modular Homes Multi Family Dwellings, Caroline & Randy Williams with Rich Rennia for Hunts Country Furniture Site Plan Amendment , John Kalin for Dover Mobil, Bill Dachille & Mark DelBalzo for Dachille Subdivision Jeff Ahrens & Bob DeMeyers for Cricket Valley Energy as well as other interested members of the Public.

Meeting Called to Order

The regular monthly meeting of the Town of Dover Planning Board was called to order at 7: 08 pm by Chair Wylock and began with the Pledge of Allegiance

There are two Public Hearing set for tonight, if you wish to speak, please make sure you sign the correct speaker sheet

Public Hearings:

I. HUNT COUNTRY FURNITURE ACCESSORY BUILDING SITE PLAN AMENDMENT - 7061-00-523969

APPLICANT: RICH RENNIA for PROPERTY OWNERS Clear Farm LLC
PLANS PREPARED BY: RICH RENNIA PROPERTY LOCATED at: 2549 Route 22, Dover Plains, NY
APPLICATION FOR Site Plan Amendment

Motion made by Valerie LaRobardier to open the Public Hearing for Hunts Site Plan Amendment 2nd by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Rich Renna- This project is a proposal to amend the existing site plan, shift some parking around, move the entrance slightly and move the landscaping around.

The Deed has been recorded and the photo metrics has been added to the plan

There were no Public Comments on this application

Engineer Berger- All my concerns have been met

Planner Ley- All my concerns have been met

Attorney Polidoro- The over flow parking, is there an easement that has already been written and recorded?

A: yes, there were always 2 parcels; it was just that the lot line moved, the easement was filed when the original site plan approval went through.

Attorney- There is a condition in the resolution, speaking to this, we just needed to make sure it was done and if the easement needs to be revised if the acreage changed for the lots

A: the easement does not need to be revised; the acreage was taken into account when the lines were drawn. The maps were filed with the County Clerk; they have the plat, the deeds just needed to follow.

Chair- There is still an issue with the sign, This Board does not address signs, it is noted in the resolution as well

** The short Environmental Assessment form was reviewed and resulted in the adoption of the following Negative Declaration:

Motion made by Peter Muroski to accept the short form EAF for the Hunts Site Plan Amendment 2nd by Bill Sedor

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Motion made by Peter Muroski to close the Public Hearing for the Hunts Site Plan Amendment 2nd by Bill Sedor

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

RESOLUTION TO ADOPT A DETERMINATION OF NON-SIGNIFICANCE AND TO GRANT SITE PLAN AMENDMENT APPROVAL

HUNT COUNTRY FURNITURE SITE PLAN AMENDMENT

WHEREAS, Clearfarm LLC, the applicant, has applied to the Planning Board for approval of a site plan amendment to modify the parking, entryway, stormwater management practices, and landscaping at the site located at 2549 Route 22, Dover Plains, NY, in the HM Zoning District, Grid Number 7160-00-523969; and

WHEREAS, the original site plan was approved on October 2, 2007 and amended on December 4, 2007 and again on May 6, 2008; and

WHEREAS, the applicant has constructed, pursuant to a building permit, a wood furnace in the middle of the approved parking location; and

WHEREAS, the proposed site plan depicts the location of the constructed wood furnace and proposes to relocate parking to the north; and

WHEREAS, the applicant has submitted a short environmental assessment form dated August 6, 2012; and

WHEREAS, on August 20, 2012, the Planning Board classified the action as an unlisted action and declared its intent to serve as lead agency in a coordinated review of the application, to which no other agency has objected; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the application was referred to the Dutchess County Department of Planning and Development, which responded on August 24, 2012, that it was a matter of local concern; and

WHEREAS, the Architectural Review Board has reviewed the application and has determined that the existing sign does not conform with the requirements of the Zoning Law;

WHEREAS, a duly noticed public hearing was opened on October 1, 2012 and closed on December 3, 2012, during which all those who wished to speak were heard; and

WHEREAS, the Planning Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby adopts a determination of non-significance for the proposed Hunt Country Furniture site plan, determining that it will not result in any potentially significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared, and directs the Secretary to the Planning Board to send notice of such determination to all involved and interested agencies; and

BE IT FURTHER RESOLVED, that the Planning Board hereby approves the amended site plan for Hunt Country Furniture entitled, "Hunt Country Furniture Factory Store, Amended Site Plan," prepared by Rennia Engineering Design, PLLC, dated August 6, 2012, last revised November 30, 2012, and authorizes the Co-Chair or his or her authorized designee to sign the site plan after compliance with the following conditions:

- 1. Payment of all fees and escrow;**
- 2. Removal of all existing nonconforming signage;**
- 3. Review and approval by the Planning Board attorney of an easement for overflow parking, including access to the overflow parking lot, on the adjacent parcel.**

Date: December 3, 2012

Moved By: Bill Sedor Seconded By: Valerie LaRobardier

Resolution Approved/Disapproved:

David Wylock Aye Valerie LaRobardier Aye

Nicholas D’Agostino	<u>Aye</u>	Tom Holmes	<u>absent</u>
Peter Muroski	<u>Aye</u>	William Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>		

Planning Board Co-Chair David Wylock

Involved/Interested Agencies

NYS DOT, J.H. Ketcham Hose Company, Architectural Review Board

This resolution was revised to show the date of the most revised plans to be November 30, 2012

II. DOVER MOBIL SITE PLAN - 7160-00-061080

APPLICANT: Quality Petroleum, Inc for PROPERTY OWNER Saber Ali Abou-Eid

PLANS PREPARED BY: JOHN KALIN OF DC ENGINEERING PC

PROPERTY LOCATED at: NYS RT 22, RT 55 & County RT 21, Wingdale

APPLICATION FOR Site Plan to create a gas station and convenience store with a drive through window a 3,250 sf retail convenience store on 3.370 acres of a land in the HM district

John Kalin- This is an existing site; with a diner on it, we are seeking to amend it to provide a convenience store and gas station. The gas station will have pumps to dispense fuel, ethanol and diesel, there is also a separate diesel fueling station south of the primary pumps. There will be a Dunkin Donuts drive through and a convenience store inside. We have worked with the Planning Board as well as other Boards to shape this plan, we feel this plan works with the environment and surrounding area.

Q: Has the ARB completed their review?

A: They are looking to do that at a special meeting scheduled for December 17th

Motion made by Peter Muroski to open the Public Hearing for the Dover Mobil Site Plan Special Permit application 2nd by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D’AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

There were no Public Comments on this application

Engineer Berger- All my concerns have been met

Planner Ley- All my concerns have been met

Attorney Polidoro- There is a letter from DC DPW, received today, The Board can discuss, their comments, but it doesn’t appear to raise any SEQRA concerns. The Board can not take any actions tonight, since we have not heard back from the ARB.

Planner Ley- With regard to the 1st bullet- Isn’t a stop bar proposed to prevent larger vehicles from going into the drive through?

A: Yes, I think they did a quick review and it would take 1 quick phone call to clears up any of their questions.

Engineer Berger- The second bullet- you have shown that the septic works, with the 3rd, the site distance works fine, and there is more than enough information to determine that there are no drainage issues.

I just also wanted to point out that the letter was signed by one of the assistant engineers, not by the undersigned traffic engineer, so it is possible Steven did not see this letter before it went out

Dec. 3. 2012 3:43PM Dutchess County Public Works

No. 2728 P. 1

MARCUS J. MOLINARO
COUNTY EXECUTIVE

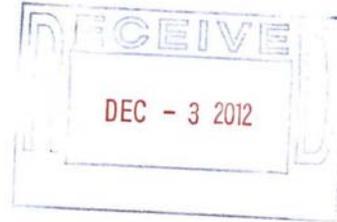


ROBERT H. BALKIND, P.E.
ACTING COMMISSIONER OF PUBLIC WORKS

GREGORY V. BENTLEY, P.E.
DIRECTOR

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING

December 3, 2012



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

**RE: DOVER MOBIL, 1782 ROUTE 22
PARCEL NO. 132600-7160-00-061080
COUNTY ROUTE 21 (PLEASANT RIDGE ROAD)
TOWN OF DOVER**

Dear Planning Board Member:

On October 24, 2012 the DCDPW received the following:

- Town of Dover Planning Board Land Use Application
- Town of Dover Planning Board Lead Agency request dated October 10, 2012
- Town of Dover Planning Board Resolution Classifying the Action and Declaration of Lead Agency dated October 10, 2012
- Plan set titled Dover Mobil dated January 1, 2011, last revised August 13, 2012

DCDPW has reviewed this submittal and offers the following comments:

- The location of the access on County Route 21 appears to be in close proximity to the parking area and drive-thru lane of the proposed site, which may negatively impact the flow of traffic to and from CR 21. In addition, the configuration of the access must be designed to accommodate the largest vehicle anticipated to exit the drive-thru and northerly parking area onto CR 21. Please modify the design as necessary.
- The landscape plantings proposed along the highway right-of-way shall not impede the sign distance along CR 21 or from the site driveway. Driveway sight distance measurements shall be made in accordance with Figure 1, "Sight Distance Measurements Detail", in DCDPW's *Policy and Standards for Access and Utility Work on County Highways* dated April 1, 2009, and as amended (Highway Work Permit Policy). Any plantings proposed within the highway or driveway sight lines shall not exceed a height of 3 feet (i.e., ground covers, flowers, or low shrubs).

Dec. 3. 2012 3:44PM Dutchess County Public Works

No. 2728 P. 2

Town of Dover Planning Board
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- The area labeled as "Delivery Parking" appears to obstruct the line of sight for vehicles utilizing the access on CR 21. Please evaluate this condition and submit a Sight Line Certification Form for the access in question.
- Please provide additional spot elevations along the highway and within the site in the vicinity of the access onto CR 21 to facilitate review of the proposed grading and drainage at that location.

Please forward any further revisions to the site plan application to this office so review of the project may continue. The above comments must be addressed to the satisfaction of the DCDPW prior to project approval and issuance of a Highway Work Permit for this project.

Please contact William Trifilo at (845) 486-2925 if you should have any questions.

Sincerely,



Stephen E. Gill
Traffic Engineer

Is

- c: John A. Kalin, P.E., D.C. Engineering, PC
- Saber Ali Abou-Eid, Property Owner

Motion made by Bill Sedor to close the Public Hearing for the Dover Mobil Site Plan Special Permit application 2nd by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

The long Environmental Assessment form was reviewed and resulted in the adoption of the following Negative Declaration:

**RESOLUTION TO ADOPT A DETERMINATION OF NON-SIGNIFICANCE
DOVER MOBIL**

December 3, 2012

Property Address: 1782 Route 22

WHEREAS, the applicant, Quality Petroleum, has submitted an application for site plan, special permit approval and erosion and sediment control permit approval for the construction of a 3250 square foot

convenience store with a drive thru, fueling facility with three unleaded gas pump islands, two diesel gas pump islands, and associated site improvements; and

WHEREAS, the site is located at the intersection of NYS Route 22 and Pleasant Ridge Road, in the hamlet of Wingdale, in the HM Zoning District; and

WHEREAS, retail and service businesses are permitted in the HM District subject to site plan review; and

WHEREAS, the site is located within close proximity to NYCDEP Wetlands DP-22 (the Great Swamp) and DP-30 and is identified on the NYSDEC's Environmental Resource Mapper as being within the "wetland check zone"; and

WHEREAS, the application was accompanied by a Full Environmental Assessment Form ("EAF") dated July 7, 2012; and

WHEREAS, on October 1, 2012, the Planning Board classified the action as an unlisted action under SEQRA and declared its intent to serve as lead agency in a coordinated review of the application to which no other agency has objected; and

WHEREAS, the applicant has submitted correspondence from the NYSDEC dated October 10, 2012, indicating that any on-site wetlands are not DEC wetlands; and

WHEREAS, although the NYSDEC Environmental Resource Mapper has identified the project site as having the potential to support threatened or endangered species, the site is comprised of a 3.3 acre "island" located between two state highways and a county road, fragmenting it from other potential habitat; and

WHEREAS, the applicant will not be disturbing sensitive areas of the site and has only proposed to increase disturbance at the site by .02 acres, leaving approximately 2 acres undisturbed; and

WHEREAS, all stormwater will be captured and treated on-site, as detailed in a drainage report prepared by John Kalin, P.E., dated July 2012; and

WHEREAS, the applicant has caused the preparation of a traffic study which concludes that the proposed layout will not result in significant traffic impacts off or on-site; and

WHEREAS, the applicant has revised the layout of the project based on comments from the Planning Board to minimize pedestrian and vehicle conflicts, to avoid potential queuing conflicts, and to improve the general circulation of the site; and

WHEREAS, the Planning Board has considered the criteria contained in 6 NYCRR 617.7 and thoroughly analyzed all identified relevant areas of environmental concern.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby adopts a determination of non-significance for the proposed Dover Mobil site plan, determining that it will not result in any potentially significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared, and directs the Secretary to the Planning Board to send notice of such determination to all involved and interested agencies.

Moved by: Peter Muroski **Seconded by:** Valerie LaRobardier

David Wylock	<u>Aye</u>	Valerie LaRobardier	<u>Aye</u>
Nicholas D’Agostino	<u>Aye</u>	Tom Holmes	<u>absent</u>
Peter Muroski	<u>Aye</u>	William Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>		

Planning Board Co-Chair David Wylock

Interested and Involved Agencies

Town of Dover Architectural Review Board, Army Corps of Engineers, NYS Department of Transportation
NYS Department of Environmental Conservation, Dutchess County Department of Health
Dutchess County Department of Public Works, J.H. Ketcham Hose Company, Dover School District

Attorney Polidoro- If you do not have all of your loose ends tied up by the meeting December 17th,
the Board may need to request an extension of the 62 days, to make a determination.

Old Business:

III. DACHILLE SUBDIVISION 6959-00-383093

APPLICANT: Bill Dachille PLANS PREPARED BY: ZARECKI & ASSOCIATES
PROPERTY LOCATED at: 51 Dugway Drive, Wingdale/Pawling
Applicant has submitted for Final Plat, Parcel is located in the RC and the SR districts

Mark DelBalzo- Here requesting final Subdivision Plat approval, at the last meeting, some issues
with ESC came up as well as the bond estimate. These items have been addressed.

Engineer Berger- The Bond for the ESC is acceptable
Planner Ley- All comments have been addressed

Attorney Polidoro- in the draft resolution, there should be the condition added to #1 that recreation
fees for the creation of 1 new lot should be added

**RESOLUTION GRANTING FINAL PLAT APPROVAL AND EROSION AND SEDIMENT
CONTROL PERMIT APPROVAL
DACHILLE CONVENTIONAL SUBDIVISION**

December 3, 2012

51 Dugway Drive, Pawling

WHEREAS, the applicant, William Dachille, has submitted an application for final approval of
a conventional subdivision plat to create a 1.5 acre lot and a 4.48 acre lot from an existing 5.98 acre lot
located on 51 Dugway Drive, Pawling, Tax Grid No. 6959-00-383093 (the “site”); and

WHEREAS, the site is located on the boundary of the SR and RC Zoning Districts which
require a minimum lot size of 1 acre and 5 acres, respectively; and

WHEREAS, the applicant has obtained a .52 acre area variance for Lot 2 from the Zoning
Board of Appeals; and

WHEREAS, the application was accompanied by a Full Environmental Assessment Form (“EAF”); and

WHEREAS, on December 6, 2010, the Planning Board classified the action as an unlisted action and declared its intent to serve as lead agency in a coordinated review of the action, to which no other agency has objected; and

WHEREAS, by letter dated December 6, 2010, the New York State Department of Environmental Conservation (“DEC”) Natural Heritage Program advised the applicant that the New England Cottontail, a species of special concern, is located within the vicinity of the project site; and

WHEREAS, Aspen Environmental prepared a limited habitat survey dated March 30, 2011, and supplemental submission dated April 4, 2011 (“Aspen Report”), which concluded that there is not sufficient ground coverage for the New England Cottontail on the site and that the habitat would not support any other protected species; and

WHEREAS, the Aspen Report further indicated that the stream which traverses the site is of average quality and that the wetlands found at the rear of the site are one of the most commonly found wetland communities in the state and that the proposed stream crossing would not constitute an adverse impact to these water resources; and

WHEREAS, by letter dated November 17, 2011, the DEC advised the applicant and the Board that technical staff has reviewed the submitted information and found it to be acceptable to the DEC standards; and

WHEREAS, by e-mail dated December 8, 2011, the US Army Corps of Engineers advised the applicant and the Board that the applicant may proceed with the project as proposed; and

WHEREAS, on February 6, 2012, the Planning Board adopted a determination of non-significance under the State Environmental Quality Review Act, finding that the project as proposed would not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, pursuant to Section 277 of Town Law and Section 125-13 of the Code of the Town of Dover, before the Planning Board may approve a subdivision plat containing residential units, such subdivision plat shall also show, when required by such board, a park or parks suitably located for playground and other recreational purposes; and

WHEREAS, a duly noticed public hearing on the application was held on March 5, 2012, during which all those who wished to be heard were heard; and

WHEREAS, on March 5, 2012, the Planning Board granted preliminary layout (plat) approval, subject to satisfaction of five conditions of approval; and

WHEREAS, on July 16, 2012, the Planning Board granted the applicant a ninety day extension of time to meet the conditions of preliminary plat approval; and

WHEREAS, the applicant has submitted a final plat for approval which is substantially similar to the final plat; and

NOW, THEREFORE BE IT RESOLVED that the Planning Board hereby grants final plat approval to the subdivision plat entitled, “Preliminary Subdivision Plat, Prepared For Dacheille Subdivision”, prepared by Zarecki & Associates, L.L.C, dated 7-17-09, last revised 9-12-12, subject to satisfaction of the following conditions:

1. Payment of all fees and escrow, including recreation fees for the creation of 1 new lot
2. Dutchess County Department of Health approval.
3. Revision of the title of the map to replace “preliminary subdivision plat plan” with “final subdivision plat” in the title box.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants the applicant an erosion and sediment control permit for disturbance as shown on the approved final plat, subject to the following conditions:

1. Submission of \$500 to be placed into escrow the cover the cost of site inspections by the Town Engineer.
2. Submission of a performance guaranty in the amount of \$2700 in form, substance and manner of execution acceptable to the Town Board and Town Attorney.

BE IT FURTHER RESOLVED, that before the authorized official may issue a Certificate of Compliance, the Planning Board Engineer or Planner shall provide the authorized official with a written statement indicating that all work authorized under the permit has been completed in accordance with the approved permit.

Moved by: Valerie LaRobardier **Seconded by:** Mike Villano

David Wylock	<u>Aye</u>
Valerie LaRobardier	<u>Aye</u>
Nicholas D’Agostino	<u>Aye</u>
Tom Holmes	<u>absent</u>
Peter Muroski	<u>Aye</u>
William Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>

Planning Board Co-Chair David Wylock

IV. WESTCHESTER MODULAR HOMES - 7160-00-227678, 167667& 196673

APPLICANT: Paul Walter for PROPERTY OWNER Charles Hatcher

PLANS PREPARED BY: ANTHONY PISARRI

PROPERTY LOCATED at: 30 Reagan’s Mill Road, Wingdale combined 4.042 acres in the CO district.

APPLICATION FOR site plan special Permit & Subdivision to construct 4 multi family dwellings - 1 acre lot per unit- Presentation of Alternate site plan

Karen Arent Landscape Architect

Attorney Craig Bumgarner- Wanted to address, the plan changes to the dwellings, there were 4 structures, 2 of which were laid out in a traditional apartment setting that would be living space on each floor. The plan also called for the other 2 units to be more 'Town House' style houses. There have been comments from the Board, the Town house layout is what is preferred, and the plans have been revised to be all Town House style houses. A landscaping plan has also been submitted.

Chair- Before we look at the landscaping plan, lets discuss the Town houses- identical?

A: yes town house style

Chair- 3 bedroom units on the ends and 2 bedrooms interior?

A: Yes, 1st and 2nd floor will be 1 unit which is better for the inhabitant's noise wise; they won't have people up stairs from them.

Planner Sheet A-102 it shows the new units to be 2 bedrooms- so will the bedroom count be the same as it was proposed? Sheet A-101 goes with the previously proposed units- 3 bedrooms on the ends and 2 on the interior and A-102 similar layout. It looks like two types of town house buildings, but the replacement buildings match the flats in bedrooms- the end units would be 2 bedroom units not 3, so there is no increase in bedrooms, correct?

It looks like there is an increase in size in the bedrooms and bathrooms.

A: no increase in bedrooms, just the layout

Q: is the color going to be different?

A: that is something we will discuss with the ARB, the applicant is open

Q: Each apartment has a separate entrance?

A: yes

Attorney Bumgarner-So are we on the right track with this revision?

Chair- I can only speak for myself, I think the new lay out is more family oriented than the previous proposal

Karen Arent Landscape Architect- Enlarged notes from map sheet L-1-

The plan was designed to have attractive foundation plantings, a lot of the planting materials were recommended by the Board. There are Honeylocust trees in the entrance ways, as well as by the driveway. At the entrance of the site, in the stormwater management area there would be Shadblow Serviceberry, Red Maples also to shade the parking lot in the back. In the other plans there are rain gardens.

At the front of the house we have a few deciduous red leaf plants (physocarpus), with a grassy ground cover (Carex Pennsylvanica) in front of the window on each side are low growing Arborvitae to give some evergreen cover (Hetz Midget Arborvitae), there's a fancy arborvitae on each corner to give a little pizzazz to the façade. There's some Agastache Blue Fortune a native perennial that blooms blue flowers in the summer time for a long period of time. In the corner is a flowering tree with some juniper underneath. In this area there is a rain garden it has shadblow with an under planting of Joe Pieweed- all 4 rain gardens are treated the same, around the edges since they are generally steep is River Jax Gravel.

Along the sides of the building, (viburnum trilobum) American Cranberry bush, to soften the side. There are trees to shade the back between the units, is the Shenandoah Switch grass (panicum virgatum) it grows about 6' tall, and is purplish blue in August- mid September. In the corner is 3 bottle brush Buckeye they grow about 10' and form a big mass to step down the view. In the corner is Honeylocust with a under planting of honeysuckle. We are saving along the road a couple of the

big trees, there is a sycamore, so we are doing a baby sycamore planting as well. There is also western Arborvitae planted to screen the entrance to the factory.

Q: How high will those grow?

A: very high, maybe eventually 60', they are pretty fast growing plants, maybe 10 years 20-25'

Q: there is a concern with those trees and coming down Sycamore towards Reagans Mill and looking into the back yards, I know you have a footpath-

A: we can add a few more, if that is what you are looking for, to give better screening

Peter Muroski- I think she has a great plan- if we are going to be purists, you may want to think about changing the Stella d'Oro Daylily to Heliopsis or Rudbeckia and I'm a big fan of the Shasta daisy but if you wanted to be more of a purist - New England Astor or a White Woodland Aster. The Arborvitae are ok but again if you want to use a native plant- nigra might be a better fit. I'm also a big fan of the White Spruces- they are more dense and the deer don't eat them.

A: I would be more inclined to choose the white spruce instead of the arborvitae.

Member Muroski- Yes they would get thicker, provide a better screen and you probably won't have to plant them so close. The Double Flowering Weeping Cherrys are fine- but the malus Adirondack we seem to be using those more, instead of calapy pears. Your choices of plant are just fine, these are just suggestions.

A: We are happy to take the suggestions

Chair- Would it be better to stagger the planting give them more space to grow?

A: Yes they can be staggered, the spruces seem to have a different habit than the arborvitae, I just don't want to use up too much of the yard space, I wanted to keep it nice and open for playing, etc. They can be staggered though, and we can give more space for each plant to grow.

Attorney Polidoro- As far as maintenance- are the plants chosen high or low maintenance can you explain how you incorporated a four season approach?

A: the plants are basically low maintenance, there are colorful perennials in the front for pizzazz, the only maintenance would be cutting them back, in fall. The four season approach is the evergreens for the winter also the Shadblow has a fantastic winter look, a kind of black dark cloaked habit. White flowers in the spring and red fall color. There are plants with a lot of fall color for example, the red maple, Tilia a yellow color, Gleditsia Yellow fall color, Sycamore has the great bark, the bottle brush buckeye has huge pinnacle flower in the summer time and there are evergreens across the facade, the grasses, there is some Pennsylvania Sedge, which is a thick green grassy ground cover. The Viburnum trilobum has great red berries this time of the year. The Joe Pieweed has a great purple flower in the summer; it's got great dried flower heads in the winter.

Q: are these plants deer resistant?

A: when driving by the site, there was a lot of arborvitae that wasn't touched- and deer like them, if we change to white spruce, we will be more deer resistant. There are a few plants across the front there are a few the deer like, but there isn't a lot in the native deer resistant evergreen shrubs.

Chair- I'm sure these would be great the first year, but in the spring, after the deer went at them, I'm afraid what it would look like.

A: It's a tough call, one deer resistant plant is boxwood, but it's not native

Q: How about Ilex glabra?

A: It's number two on the list, it's eaten when there's a lot of snow cover, it usually bounces back, but tends to get leggy, the compact variety is not as attractive.

Q: There are paved walkways from each house to the driveways?

A: Yes, you go up the driveway on the walkway and there are steps to the covered porch.

Q: Garbage receptacles?

A: I would assume they are back here-

Q: would there be curbside pick up, on the drawing it looks like dumpsters, how will the garbage company go u the driveway to a back yard pickup?

Attorney- I'm not familiar with that but I will look into it.

Bill Sedor- The Shenandoah Switch Grass, is there any reason why they are not continued, so when you come up Reagans mill, you don't see into the back yards?

A: They were used to separate the driveways more as a showy thing, than privacy. They are only about 6' high; there may not be a lot of blockage. There is a tree that may help block from the road.

There are trees to help screen the back yard, the Shadblow clumps will help screen

Q: How long before they serve the screening purpose?

A: My philosophy is plant not too big, you loose a lot of roots in the process, but not too small that the deer eat them. The Shadblow is 8-10' the deciduous shade trees are 2-2 1/2" in caliper that's 12'15' height- That's the smallest toughest size you can plant. In 5 years you'll have a big full landscape, plus there's a lot of plant, so the budget was used wisely and there's a lot of diversity

Engineer Berger- The landscaping proposed for the infiltration basins- there can be some type of groundcover, and on the slopes down hill side and up hill

A: we originally had lawn, but if you would prefer some kind of meadow mix-

Engineer Berger- That would be better then trying to mow it-

In the Infiltration basins, I thought they needed to be maintained and not have any kind of tall grass in them-

A: the grass is allowed, it can still act as a modified bioretention if you feel the grass can still grow. Depends on the soil - perk tests will show it. Is it acceptable for a shrub, because it would be nice in this area?

A: yes it would, it helps with more water uptake.

A: A drought tolerant shrub

Member Muroski- A conservation mix which is a mix of low shrubs grasses and perennials, and they will need to be salt resistant.

A: if there is one type of shrub with a low growing grass it can look manicured

Planner Ley- The sidewalk between lots 3 & 4 was left off the plan that should be added.

Member Sedor- Are sidewalks even necessary, if Mr. Hatcher is planning to rent to people who don't work for he factory, would you want them walking through your back yard? If I lived in a house close to the factory or even in lot 2 I wouldn't want someone walking through my yard.

Maybe we should look at moving the path to the front of the houses?

Planner- People tend to walk in the path of least resistance, so they may walk that way

If the Arborvitaes were made more like a fence instead of a sidewalk, you wouldn't be able to get through; it could be an issue with bad neighbors.

Attorney Polidoro- It's a good point, but the Board needs to remember this needs to be focused towards the factory in some respects-

Member Sedor- if there were a guarantee he would only rent to factory workers then it wouldn't be an issue, but he's not saying that, he said he will rent to whoever at some point- if you have kids you wouldn't want people walking through your back yard.

Attorney Bumgarner- The housing is being built with the factory in mind and of course the factory workers are going to get first crack at it, so I don't know if we want to eliminate that walk way altogether, I can talk to Mr. Hatcher and see how he wants to handle it, but the thought was the workers.

Mr.Sedor- But that's what he said, if not the workers, then firemen ambulance workers town workers and after that anyone else who wants it, that's what he said. So the sidewalk can stay if it's just factory workers, but the concern of another family moves in with children in one of the middle houses, then somebody else is walking through their back yard

Attorney Polidoro- Is there some kind of shrub screening that would address your concern?

Is there some way to make it so it didn't feel like it was part of the back yard, more like a walking path?

Multiple discussions took place discussing, sidewalks, easements, understanding shared driveways, eventually these can be sold individually, access while the properties are used for workers and what happens afterwards, As well as sidewalks along Reagans Mill, who will maintain, who will own them, if the Town were to take them liability responsibility of clearing for snow and all Public to have access, cross access easements for the sidewalk if it were along Reagans Mill, bringing the sidewalk along the tree line, gates, river access, dogs, dedication of a strip for river access, Possible concerns of setbacks if the Town were to have the sidewalks, the site would completely shift. If the sidewalks were in front, and it were private property, how do you stop the general public. Will the large existing trees be a concern?

If this sidewalk were to be placed along Reagans Mill Road, is it being said the general Public can not use it?

A: the applicant could voluntarily allow the Public to use it, but the Board, would need to discuss requiring it , the same way parkland is discussed, you can't require the park land to be open to everyone in town, it's more just for the people who live in the subdivision. The question of is there enough basis for the walkway to be open to everyone in the Town or just for the four lots. It would be difficult to have a pathway and people not use it

Chair- You should go back with your architect and come back with some options.

Options like gravel, walking path, and fine, clean item 4 with minimal excavation, could work. If the path were part of the consideration for them walking to work, it would be required to be shoveled. There was also discussion of no walkway at all. The creation of a walkway and then saying people can not use it makes no sense. ROW and location of possible locations was also looked at. Liability and maintenance could be a concern if it were to be the Town to take it over, since it would be a small unconnected section of sidewalk to be maintained by the Town.

Attorney Bumgarner- If the Board is leaning in one direction, we would like to move towards that, if the Board is not in favor of a walkway they would like to know when looking at redesign

Members - some not in favor of a walkway, walkway in back has obvious problems and the sidewalk in the front has it's own set of concerns. Others are interested in the concept of a sidewalk for the general Public to have access as well, maintenance and who it will be constructed is a concern

Attorney Bumgarner - There would be no problem to create it and maintain it, if directed so, if they were to maintain it in front, it would seem best for it to be Town Property.

Note- There are no sideways in the area to connect to

The census was no sidewalk

The concern is when looking at traffic, under SEQRA, there was a walkway proposed; does the elimination of the walkway now change the amount of cars making trips?

Planner- My answer would be no, the ITE trip generation used, there were no credits taken for the use of a walkway, so it would be the same number of cars.

Members- Could there be a strip just to the back and not across the lots, where the line of Arborvitae is drawn?

What about gates from the end of each lot behind each building lot, it gives the owners an option of access

It would not have to be a paved path, the trees could move over. Keep the path on the factory property.

There is still an easement issue to allow access to allow the workers to access the path. As part of Site Plan approval it would need to be on the plan

The Planning Board does have an interest in connecting these four lots to the factory because in the district these residences are in support of the factory and creating walkways that are permanent is good planning, so if the Planning Board does want an easement, there is more than enough support. There always needs to be consideration that maybe not no is there a worker in each lot, maybe lots 1 &3 but later in the other lots, they would need to have access.

Maybe it could be in the language of the easement

The Board should give guidance of location

Along the right side of the Arborvitae line to the factory, this would create a line linked to the factory.

Ms.Arent- When would you like these changes?

A: It was agreed to allow the applicant to submit revisions prior to the Public Hearing

Motion made by Valerie LaRobardier to refer this application to the Dover ARB 2nd by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Motion made by Peter Muroski to extend the deadline to December 11, 2012 for this application 2nd by Bill Sedor

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

PLANT LIST SHEET L 1

SYM	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	REMARKS
TREES					
Aca	5	Amelanchier canadensis	Shadblow Serviceberry	8-10'	clump
Apa	4	Aesculus parviflora	Bottlebrush Buckeye	6-8'	
Aru	7	Prunus subhirtella Pendula	Double Flowering Weeping Cherry	8-10'	
Cvi	2	Chionanthus virginicus	White Fringe Tree	8-10'	
Gtl	4	Gleditsia triacanthos inermis	Thornless Honeylocust	2-2.5"	
Tam	1	Tilia americana	Basswood	2-2.5"	
TpG		Thuja plicata Green Giant	Green Giant Arborvitae	6-8'	
SHRUBS					
Dio	13	Diervilla lonicera	Bush honeysuckle	18-24"	
JHY	22	Juniperus horizontalis Youngstown	Youngstown Juniper	18-21"	
Pos	8	Physocarpus opulifolius Seaward	Seaward Ninebark	21-24"	
RaG	3	Rhus aromatica Gro Low	Gro Low Sumac	21-24"	
ToF	4	Thuja occidentalis Filiformis	Threadleaf Arborvitae	3-4'	
ToH	16	Thuja occidentalis Hetz Midget	Hetz Midget Arborvitae	18-21"	
VtC	12	Viburnum trilobum Compactum	Compact American Cranberry Bush	24-30"	
Vtr	20	Viburnum trilobum	American Cranberrybush	30-36"	
PERENNIALS & ORNAMENTAL GRASSES					
ABF	31	Agastache Blue Fortune	Blue Fortune	#2 can	
Cpe	28	Carex pennsylvanica	Pennsylvania Sedge	#1 can	
CsB	9	Chrysanthemum x superbum Becky	Becky Shasta Daisy	#2 can	
EdL		Eupatorium dubium Little Joe	Dwarf Joe Fleweed	#2 can	
Hsd	6	Hemerocallis Stella d'Oro	Stella d'Oro Daylily	#2 can	
FVS	12	Panicum virgatum Shenandoah	Shenandoah Switch Grass	#3 can	



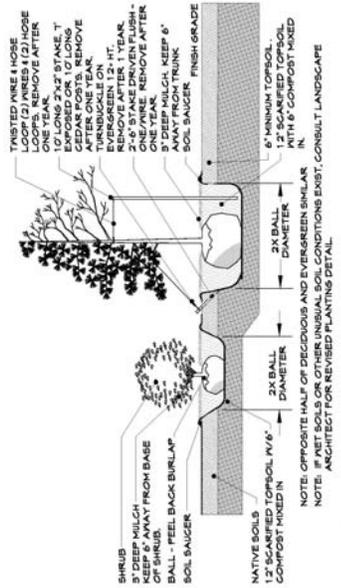
Landscape Notes:

1. Soil: Install 6" topsoil compost mix. Scarify or dig all proposed planting areas to a depth of 12". Topsoil-compost mix consists of 70% stockpiled topsoil (if available) and 30% well rotted compost. If stockpiled topsoil is not available, use purchased topsoil in sufficient quantity to complete the requirements as specified. Topsoil shall be natural, friable, fertile soil, characteristic of productive soil in the vicinity, reasonably free from stones, clay lumps, roots and other foreign matter, with an acidity level between 6 and 6.8 pH. Topsoil shall be subject to approval by Landscape Architect. All planting beds shall have a minimum of 30" of soil.
2. Install 3" double ground hardwood or softwood bark mulch on all landscape beds and tree pits. Edge all beds by digging trench around outside edges.
3. All plants shall meet or exceed the latest edition of American Standard for Nursery Stock by the American Association of Nurserymen, ANSI Z60.1.
4. Warranty: All plants shall be warranted for a period of one year. Replace, in accordance with the drawings and specifications, all plants that are missing, more than 25% dead, do not develop from planting stock, that appear unhealthy or unsightly and/or that have lost their natural shape due to dead branches. Any tree that loses its main leader shall be replaced. Provide guarantee for all replacement plants for at least one full growing season.
5. Watering: Watering of plants and areas of ground covers such as lawns shall be contractor's responsibility until final acceptance of completed project by Owner. Watering responsibility after acceptance shall be clearly stated in Contractor's bid. If not stated in Contractor's bid, the Contractor shall be responsible for watering if and as necessary.
6. Substitutions: There shall be no substitution of plant materials without the written consent from Landscape Architect.
7. Nomenclature Tags: Contractor shall not remove nomenclature tags from plants until receipt of written inspection report by Landscape Architect.
8. Shrub size: Shrubs shall meet the requirements for height indicated on the Plant List. The measurements for height shall be taken from the ground level to the average height of the top branches of the plant and not to the longest branch. Single stemmed or thin plants will not be accepted. Side branches shall be generous and well twigged. Plants shall be in a moist, vigorous condition, free from dead wood, bruises or other root or branch injuries.
9. Plant quantities: Contractor shall be responsible for counting plant material on drawing. If a discrepancy exists between the plant count shown on the Plant List and the Planting Plan, the Planting Plan count shall take precedence.
10. Underground utilities: The contractor is hereby notified that underground utilities exist and the contractor shall obtain current utility record maps and notify all utility companies prior to commencing work. Utility location shall be verified in the field with the general contractor prior to commencement of any digging operations. In the event that any underground utility is uncovered, the owner/general contractor/utility company shall be notified.
11. Tree staking: Stake trees immediately after planting. Stakes are to be removed by the contractor at the end of the guarantee period.
12. Landscape Contractors: Landscape materials shall be installed by local companies familiar with the conditions in this area that employ NYS Certified Nursery Professionals or with an owner or foreman that has a degree in horticulture, arboriculture, botany, or any other landscape degree or qualified experience.
13. Perimeter Area protection: The contractor shall not disturb any area outside the work area as indicated on the Grading Plan. Storage of materials or equipment is not permitted within areas delineated as do not disturb.
14. Erosion Control: The contractor shall follow regulations for topsoil storage and soil stabilization in accordance with County Soil Conservation District standards.
15. This drawing shall be used for landscaping purposes only.
16. During planting operations, if wet soils are encountered, plants may be set up to three inches above surrounding grade.
17. Plants shall be pruned at the time of planting, if necessary, in accordance with standards set forth by the International Society of Arboriculture.
18. All street and shade trees planted near pedestrian or vehicular access shall limbed up to 8'. All street and shade trees within intersection sight triangles shall be limbed up to 10'.
19. All plant material shall be planted with the same relationship of finish grade as at the nursery.
20. All shrub and perennial masses shall be planted in continuous beds.
21. Plants shall be planted during the following growing seasons: With irrigation or a comprehensive watering schedule in place, upon completion of construction, from March 1-November 15 for evergreens, March 1-December 15 for deciduous trees. Without irrigation or a comprehensive watering schedule, do not plant June 15-August 15.
22. Seeding schedule: Seed indicated areas between April 1-May 31, August 15-October 15.
23. Seeded area preparation: Install 6" minimum topsoil in accordance with topsoil requirements in note #1 above. Rock rake to remove stones larger than 1/2". Seeded area preparation per 1000 square feet: Install 90 lbs hay mulch, 15 lbs 5-10-5 fertilizer, 50% slow release. Install limestone as needed in accordance with pH soil test. Seed mixture: see seed mixture schedule.
24. All debris resulting from landscape work shall be removed from site after planting is complete. Property shall be left in a neat and orderly condition.
25. Existing landscape beds: Weed and install 3" bark mulch in existing landscape beds and 6" rings (minimum) around existing trees to remain. Where lawn meets garden beds, dig trench 6" deep to separate landscape beds from lawn areas.



SCALE: 1"=100'

LANDSCAPE PLAN



PLANTING DETAIL

Enlarged details from Sheet L2

PLANT LIST SHEET L2

SYM	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	REMARKS
TREES					
Aca	5	Amelanchier canadensis	Shadblow Serviceberry	8-10'	clump
Apr	6	Aesculus parviflora	Bottlebrush Buckeye	6-8'	
Aru	7	Prunus subhirtella Pendula	Double Flowering Weeping Cherry	8-10'	
Cvl	2	Chionanthus virginicus	White Fringe Tree	8-10'	
Stl	3	Gleditsia triacanthos inermis	Thornless Honeylocust	2-2.5"	
Poc	1	Platanus occidentalis	American Sycamore	2-2.5"	
Tam	1	Tilia americana	Basswood	2-2.5"	
Tp6	12	Thuja plicata Green Giant	Green Giant Arborvitae	6-8'	
SHRUBS					
Dlo	12	Diervilla lonicera	Bush honeysuckle	18-24"	
Jhy	10	Juniperus horizontalis Youngstown	Youngstown Juniper	18-21"	
Pos	8	Physocarpus opulifolius Seward	Seward Ninebark	21-24"	
Ras	5	Rhus aromatica Gro Low	Gro Low Sumac	15-18"	
ToF	4	Thuja occidentalis Filiformis	Threadleaf Arborvitae	3-4'	
ToH	16	Thuja occidentalis Hetz Midget	Hetz Midget Arborvitae	18-21"	
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ABF	26	Agastache Blue Fortune	Blue Fortune	#2 can	
Cpe	43	Carex pennsylvanica	Pennsylvania Sedge	#1 can	
CaB		Chrysanthemum x superbum Becky	Becky Shasta Daisy	#2 can	
EdL	24	Eupatorium dubium Little Joe	Dwarf Joe Fleweed	#2 can	
Hsd		Hemerocallis Stella d'Oro	Stella d'Oro Daylily	#2 can	
Pv5	11	Panicum virgatum Shenandoah	Shenandoah Switch Grass	#3 can	

RJ6 River Jax gravel, size 2-3", 3" deep, on landscape fabric.



LANDSCAPE NOTES

1. Soil: Install 6" topsoil compost mix. Scarify or dig all proposed planting areas to a depth of 12". Topsoil-compost mix consists of 70% stockpiled topsoil (if available) and 30% well rotted compost. If stockpiled topsoil is not available, use purchased topsoil in sufficient quantity to complete the requirements as specified. Topsoil shall be natural, friable, fertile soil, characteristic of productive soil in the vicinity, reasonably free from stones, clay lumps, roots and other foreign matter, with an acidity level between 6 and 6.8 ph. Topsoil shall be subject to approval by Landscape Architect. All planting beds shall have a minimum of 30" of soil.
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4. Warranty: All plants shall be warranted for a period of one year. Replace, in accordance with the drawings and specifications, all plants that are missing, more than 25% dead, do not develop from planting stock, that appear unhealthy or unsightly and/or that have lost their natural shape due to dead branches. Any tree that loses its main leader shall be replaced. Provide guarantee for all replacement plants for at least one full growing season.
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17. Plants shall be pruned at the time of planting, if necessary, in accordance with standards set forth by the International Society of Arboriculture.
18. All street and shade trees planted near pedestrian or vehicular access shall limbed up to 8'. All street and shade trees within intersection sight triangles shall be limbed up to 10'.
19. All plant material shall be planted with the same relationship of finish grade as at the nursery.
20. All shrub and perennial masses shall be planted in continuous beds.
21. Plants shall be planted during the following growing seasons: With Irrigation or a comprehensive watering schedule in place, upon completion of construction, from March 1-November 15 for evergreens, March 1-December 15 for deciduous trees. Without Irrigation or a comprehensive watering schedule, do not plant June 15-August 15.
22. Seeding schedule: Seed indicated areas between April 1-May 31, August 15-October 15.
23. Seeded area preparation: Install 6" minimum topsoil in accordance with topsoil requirements in note #1 above. Rock rake to remove stones larger than 1/2". Seeded area preparation per 1000 square feet: Install 90 lbs hay mulch, 15 lbs 5-10-5 fertilizer, 50% slow release. Install limestone as needed in accordance with pH soil test. Seed mixture: see seed mixture schedule.
24. All debris resulting from landscape work shall be removed from site after planting is complete. Property shall be left in a neat and orderly condition.
25. Existing landscape beds: Weed and install 3" bark mulch in existing landscape beds and 6" rings (minimum) around existing trees to remain. Where lawn meets garden beds, dig trench 6" deep to separate landscape beds from lawn areas.



V. CRICKET VALLEY ENERGY- 7060-00-610940&493989, 7061-00-580190, 585063 & 465190

APPLICANT: BOB DEMEYERE
PROPERTY LOCATED: 2241 NYS RT 22, Dover
APPLICATION FOR: Site Plan Special Permit

JEFF AHRENS & BOB DEMEYERE

Jeff Ahrens- Project on NYS RT 22, Site plan And Special Use Permit, Submitted October.
Chair- This Boards only involvement is the Erosion Control Permit, and that the Town Board has requested comment on the SUP.

A: The ESC plan will be submitted by the General Contractor, with the specific details in accordance with the Stormwater management plan already submitted.

Engineer Berger- On the Stormwater plan, Will you be filing an NOI prior to the erosion Control or after?

A: After, when it it site specific.

Planner Ley- The landscaping plan, just showed the general layout, not the specific species material or size. The December said - evergreen or deciduous, it should have the botanical name with sizes, etc.

Member Muroski- Another thing to be considered, is the site falls in the limestone vein, the soils are consistent in this valley, be careful in your selections.

A: we are raising the site 6' in grade, and the materials will be consistent and native.

A list of Native species for limestone / alkaline soil will be forwarded to the applicant
This will be added to comment 11 on page 11 of the Planners comment. Also if soil will be brought in, the ph should be tested and consistent with what is there around a 6. Sample ph testing should be done first, then work with that

Chair- We received the referral October 5, so we will need to respond to the Town Board, we have the Planners comments, and would like to respond for the next planning meeting.

Can we act on this December 17th?

Applicant- We are ok with December 17th.

This applicant will return on the December 17 agenda

DRAFT**TOWN OF DOVER PLANNING BOARD
REPORT AND RECOMMENDATION
CRICKET VALLEY ENERGY SITE PLAN AND SPECIAL PERMIT****PROJECT SITE LOCATION**

The Project Sponsor proposes to use a portion of a 193-acre assemblage of parcels located west of Route 22 between North Chippawalla Road to the south and Dover Furnace Road to the north. The Project Development Area is a 57-acre parcel located between Route 22 to the east and the Metro-North Railroad rail line to the west. An additional 57 acres of industrial land to the south of the Project Development Area is the site formerly leased to Rasco Materials, LLC (the “Rasco Site”). Approximately 13 acres of the Rasco Site will be temporarily used during the construction of the Project. An additional 79 acres of land west of the Metro-North Railroad tracks comprises the balance of the property controlled by the Project Sponsor.

It is noted that the acquisition and proposed use of the former Rasco Site was in response to public comments. In particular, the Planning Board had recommended the acquisition and clean up of this site during the DEIS public comment period, and therefore supports this acquisition.

A 38.8-acre temporary construction parking and laydown area (the “Remote Laydown Site”) is proposed to be located approximately 2.5 miles north of the Project Development Area on a parcel on the east side of Route 22 near the intersection of Old Post Road/Old Route 22.

ZONING REGULATIONS (SPECIAL PERMIT/SITE PLAN)

The Project Development Area is located within the Industrial/Manufacturing (M) Zoning District as shown on the Town’s Zoning Map (§145-9). The purpose of the M Zoning District is to “allow industrial and related uses and adult entertainment, uses that are not compatible with most commercial, office, or residential uses, in isolated and well-buffered locations” (§145-8.A(8)). A small portion of the Project Site, located west of the Swamp River, is within the Resource Conservation (RC) Zoning District. No activity or use is proposed within the RC-zoned portion of the Project Site. The Remote Laydown Site is located within both the Commercial (CO) and Rural (RU) Zoning Districts. No permanent use of the Remote Laydown Site is proposed.

The Project Site is located entirely within the Town of Dover’s Principal Aquifer Zone (PAZ) and the Valley Bottom Aquifer System. Land uses and activities within those zones are regulated pursuant to §145-15. The portion of the Project Site west of the Project Development Area along the Swamp River (west of the railroad track) includes Stream Corridor Overlay District and Floodplain Overlay District. The area north of Dover Furnace Road is designated with a Soil Mining Overlay District.

Since the proposed electric generating facility does not fit into any one of the categories of permitted uses identified in the Use Table of the Town’s Zoning Code (§145-10.B) and is not identified as a Prohibited Use (§145-10.C), the proposed use “may be allowed by special permit issued by the Town Board” (§145-10.B).

Article IX, “Special Permits and Site Plan Review,” of the Town’s Zoning Code identifies the required submissions and procedures for actions requiring special permit and/or site plan approval. Pursuant to §145-60.A, “...uses not listed on the Use Table (if not prohibited by §145-10.C) require a special permit issued by the Town Board, which shall follow the procedures and standards established for the Planning Board...”. Further, §145-65.A(1) states that “Site plan review shall be included as an integral part of the special permit approval process, and no separate site plan approval shall be required for uses requiring a special permit.”

Thus, the Town Board has asserted its role as an Involved Agency for the purposes of reviewing the combined application for Special Permit/Site Plan (SP/SP) approval submitted by the Project Sponsor pursuant to §145-61.A and §145-65.B. The Town Board referred the Special Permit and Site Plan application to the Planning Board for comment.

The Town’s Code Enforcement Officer has issued an interpretation (received by the Town Clerk on August 27, 2012) confirming that the proposed use does not fit into one of the use categories within the Use Table at §145-10.B and is not considered a use prohibited in §145-10.C.

The Town’s Code Enforcement Officer has also issued an interpretation (received by the Town Clerk on August 27, 2012) confirming that the proposed stacks would be considered “chimneys” and would be exempt from height limitations in the Dimensional Table.

As noted in the Town Code Enforcement Officer’s interpretation, the Proposed Project will require an Area Variance from the Zoning Board of Appeals to allow building height to exceed thirty-five (35) feet.

PROPOSED AMENDMENTS TO THE ZONING CODE

As currently proposed, the Project would not be consistent with the following two (2) provisions of the Zoning:

- §145-30.G relating to the permitted height of a fence along a property line; and
- §145-40.C(2)(a) relating to the permitted sound pressure level at a property line.

The Planning Board reviewed the proposed amendments and issued a report to the Town Board on September 26, 2012, which suggested several revisions or modifications to the proposed Zoning Amendments.

AQUIFER OVERLAY DISTRICT REGULATIONS

The Special Permit/Site Plan application filed by the Project Sponsor documents the Proposed Project’s compliance with all relevant provisions of the Aquifer Overlay District (§145-15). The application references the DEIS which contains detailed studies that document compliance with all applicable Town, County, and State standards for storage of hazardous materials, a public water supply system, an on-site wastewater treatment system (septic system), and a Stormwater Pollution Prevention Plan (SWPPP) that would meet the Town of Dover’s requirements for uses and activities within the Aquifer Overlay District.

The Project Sponsor has designed secondary containment systems around all storage areas where hazardous substances may be stored. A preliminary Spill Prevention, Control, and Countermeasure (SPCC) Plan has been prepared and would be fully developed following project approvals and design. The SPCC was prepared to meet the requirements of Title 40, Code of Federal Regulations (CFR), Part 112 (40 CFR 112) and will be submitted to the NYSDEC Region 3 Petroleum Bulk Storage Section for review and approval. The SPCC Plan would also be developed in coordination with the J.H. Ketcham Hose Company. A Spill Prevention Report

(SPR) for hazardous substance storage systems has also been prepared that identifies the specific substances and quantities of materials to be stored and used on the Project Site. The SPR includes Material Safety Data Sheets (MSDS) for each of the hazardous materials proposed to be stored and used on the Project Site. The SPR will be shared with the J.H. Ketcham Hose Company. Due to the potential impacts to the aquifers within the Town of Dover, this secondary containment of hazardous substances is a necessary form of mitigation to prevent degradation of aquifers within the Town.

The Proposed Project would use on-site water supply wells to provide process water for the Proposed Project. These wells will be designed, installed, and operated pursuant to all applicable Dutchess County Department of Health (DCDOH), New York State Department of Environmental Conservation, and New York State Department of Health (NYSDOH) regulations and permits. The Project Sponsor is able to provide sufficient land area and fencing to ensure the security and safety of the wellheads as well as limit the introduction of pollutants to the water supply. The Proposed Project includes a pre-treatment facility for process water to meet the high purity requirements of water used in the Proposed Project. All potable water would meet the requirements of DCDOH and NYSDOH.

The Proposed Project would use an on-site sanitary wastewater disposal system (septic system) to treat and dispose of sanitary wastewater generated by employees. The septic system will be designed and approved by DCDOH. The Proposed Project intends to use a “Zero Liquid Discharge” system for process wastewater. Implementation of such a system would result in no industrial wastewater discharge from the Proposed Project. Due to the potential impacts to the aquifers within the Town of Dover, a “Zero Liquid Discharge” system is a necessary form of mitigation to prevent degradation of aquifers within the Town.

SPECIAL PERMIT/SITE PLAN

It is respectively noted that the Town Board has jurisdiction over the Site Plan and Special Permit Application. However, the Planning Board offers its thoughts on the Proposed Project’s compliance with the Town Code §145-63.B, which requires that “Before granting or denying a major project special permit, the [Town Board] shall make specific written findings establishing whether or not the proposed major project:”

(1) Will comply with all land use district, overlay district, and other specific requirements of this chapter and other local laws and regulations and will be consistent with the purposes of this chapter and of the land use district in which it is located.

As documented above, the Proposed Project would be in compliance with all land use laws and regulations with the exception of three (3) provisions of the Zoning Code relating to: (i) height of fence within a side and/or rear yard setback; (ii) height of structure; and (iii) sound pressure levels along a property line. The Project Sponsor has proposed Zoning Amendments that would address height of a fence within a side and/or rear yard setback and sound pressure levels along a property line. The Project Sponsor will require an Area Variance from the Zoning Board of Appeals for height of the proposed building. This Area Variance, while significant, would allow for the construction of a building to enclose the mechanical equipment and would replace existing buildings and structures that do not comply with the height standard.

(2) Will not result in excessive off-premises noise, dust, odors, solid waste, or glare or create any public or private nuisances.

The estimated sound pressure levels at the south and west property lines would exceed the Town of Dover nighttime threshold of 50 dBA. Subsequent to preparation of the Baseline Sound

Study, the Project Sponsor has obtained an option to purchase the Rasco Site (south of the Project Development Area). The additional land area provided by the Rasco Site would attenuate sound pressure levels to below the 50 dBA threshold at the southern property line, thus eliminating that impact. The Project Sponsor has requested a Zoning Amendment to §145-40.C(2) of Town of Dover Town Code to allow sound pressure levels of up to 65 dBA at the property line for M-Zoned properties adjacent to a rail line (the western property line). Adoption of this Zoning Amendment would eliminate the impact at the western property line.

The Town of Dover Town Code regulates “smoke, dust and other atmospheric pollutants” at §145-40.E. The DEIS prepared for the Proposed Project contains detailed analyses of potential air quality impacts. NYSDEC, as Lead Agency, reviewed these analyses for sufficiency and accuracy and concluded “that the Project will comply with all applicable State and federal air pollution laws and regulations” (see NYSDEC Findings at page 9). NYSDEC issued a Title IV (Phase II Acid Rain) Permit under Article 19 of Environmental Conservation Law (Permit ID 3-1326-00275/00005) for the Proposed Project on September 27, 2012 with an expiration date of September 26, 2017. The Proposed Project will utilize Lowest Achievable Emission Rate (LAER)/Best Available Control Technology (BACT) measures to achieve the permitted levels of emissions.

The Town of Dover expressed concern during the public comment period on the DEIS regarding the sufficiency of the air quality modeling and the conclusions drawn from the studies contained in the DEIS. The Town of Dover retained the services of Dr. Bruce A. Egan, Sc.D., CCM (Certified Consulting Meteorologist) to review the technical studies prepared by the Project Sponsor. Dr. Egan filed a report dated March 8, 2012, with the Town Board. Dr. Egan recommended that a NO₂ monitor and anemometer (wind monitor) be located in the vicinity of the High and Middle schools in Dover to provide the data needed to establish the relationships of the NO₂ measurements with the impacts of the high terrain of West Mountain on east winds. Dr. Egan also noted that the monitoring station could include measurement of particulate matter (PM 2.5) to assess whether the Proposed Project could achieve the NAAQS for that pollutant in the Town of Dover. Dr. Egan recommended that the monitoring station be implemented at least one year before construction of the Proposed Project and extend for a full year after CVE is in full production.

The Town of Dover Town Code also regulates emissions of smoke and dust (see §145-40.E(2) and §145-40.E(3)). The Town’s standard for measurement of the density of smoke is based upon any of three methodologies (Ringelmann Smoke Chart, US EPA Method 9, US EPA Method 22). The Air Permit issued by NYSDEC requires conformance with opacity requirements measured under the US EPA Method 9 (visual observation by a certified smoke reader). Specifically, Condition 10 of the Air Permit issued for the Proposed Project limits the opacity of any smoke to 20 percent (20%), which is consistent with the Town of Dover standard. While NYSDEC is the agency responsible for enforcing conditions of the Air Permit, the Town of Dover may retain an independent party to periodically assess the Proposed Project’s conformance with this provision of Town Code.

Dust or other particulate matter emitted by combustion equipment or soil erosion is regulated by §145-40.E(3). Operation of the Proposed Project would not result in dust emissions due to use of natural gas and use of LAER/BACT technologies. During the construction process, an Erosion & Sediment Control Plan (ESC) would be implemented to control any fugitive dust emissions generated by construction traffic or earth moving activities. The Erosion & Sediment Control Plan would be reviewed and approved by the Town’s Planning Board prior to receipt of building permits.

Odors are regulated by §145-40.F and §145-40.G of Town Code. While certain of the chemical substances proposed for storage and use on the Project Site would have an “obnoxious odor” at off-site locations, these substances are proposed to be contained within storage vessels that would not allow for off-site dispersal. Some minor releases of these substances might be possible during loading, but the design of the Proposed Project would not allow for releases of these substances in quantities that would be readily detectable at off-site locations. The primary emissions of the Proposed Project are water vapor and odorless gases such as carbon dioxide (CO₂) and nitrogen (N₂).

Liquid and Solid Wastes

Liquid and solid wastes are regulated by §145-40.M of Town Code. Liquid wastes generated by employees will be managed through implementation of an on-site sanitary treatment system (septic system) regulated by DCDOH. The Proposed Project will implement a Zero Liquid Discharge system so that no process wastewater will be discharged from the Proposed Project. Pursuant to Town Code, all solid wastes will be collected and stored so as to be screened from the street and adjoining property and to discourage the breeding of rodents and insects.

Glare

Glare, defined as illumination beyond the property boundaries in excess of 0.5 footcandles, is regulated at §145-40.L of Town Code. Lighting plans for the Project Development Area and temporary construction parking and storage areas (Rasco Site and Remote Laydown Site) have been prepared to meet the standards of Town Code and the Illuminating Engineering Society Lighting Handbook. All site lighting has been designed to provide sufficient lighting of the Proposed Project during normal operations and emergency situations while meeting Town of Dover standards.

Other Nuisances

The Town’s Environmental Performance Standards at §145-40 also include standards for vibration (§145-40.D(2)), heat (§145-40.K), and electromagnetic fields (§145-40.I).

While the Project Sponsor has not provided evidence of future compliance with the vibration standards at §145-40.D(2), these performance standards are typically measured against built projects. Thus, there would be no way before the Proposed Project is constructed for the Project Sponsor to demonstrate compliance. In the Special Permit/Site Plan Application, the Project Sponsor has noted that the selected construction management company would “guarantee” compliance. The Town of Dover Code Enforcement Officer is empowered to enforce the Zoning Chapter and would conduct any necessary testing once the Proposed Project is complete and operational.

The Proposed Project would use 282.5-foot stacks and air cooled condensers mounted on a roof top approximately 113 feet above ground level to dissipate emissions and heat from the Proposed Project. The height of these units would allow heat to dissipate such that ground-level temperatures at the property line would not rise in excess of one (1) degree Fahrenheit.

The Proposed Project must comply with New York State Public Service Commission (PSC) interim standards for electro-magnetic emissions along rights-of-way for high voltage electric transmission lines. The Proposed Project’s electrical interconnection will occur within the Project Site and on ConEdison property, both of which are buffered from public access by trees and vegetation. As documented in Section 6.5 of the DEIS, maximum field strengths were calculated at the outer edge of the right-of-way and approximately 75 feet from the centerline of

the structure and found to be below the PSC interim standards. These levels are not anticipated to interfere with normal radio or television reception within the Town of Dover.

(3) Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.

The DEIS at Section 6.3 includes an analysis of traffic conditions for the construction period and the operations of the Proposed Project. Analysis was conducted at two (2) signalized intersections and nine (9) unsignalized intersections, including the Project Development Area driveway and Remote Laydown Site driveway.

Construction period traffic was estimated for each of four (4) different construction phases and the peak volumes of traffic from the busiest phase were used to assess potential impacts. The DEIS estimated that the peak construction traffic would comprise 675 workers (including a 20 percent provision for carpooling), 38 shuttle buses between the Remote Laydown Site and the Project Development Area, and 20 delivery trucks.¹ Construction traffic was distributed to Route 22 according to existing 24-hour counts that show 45 percent of vehicles traveling northbound and 55 percent of vehicles traveling southbound in the AM peak period.

Analysis indicates that Levels of Service (LOS) at each of the study area intersections during construction would be acceptable (LOS A through D) except for the Project Development Area driveway, Remote Laydown Site driveway, and intersection of Route 22 and East Duncan Hill Road.

The Project Sponsor is coordinating with NYSDOT to identify appropriate temporary measures to implement during the construction period to mitigate traffic operations at the Project Development Area driveway. Temporary measures could include installation of a traffic signal and/or installation of a southbound right-turn lane and a northbound left-turn lane into the driveway. (Upon completion of the construction period the traffic signal and turning lanes would be removed).

Operational traffic impacts of the Proposed Project were also assessed. The Proposed Project was estimated to generate approximately 28 vehicle trips (entering and exiting vehicles) during both the AM and PM peak hours. The vehicle trips include both employees and delivery vehicles. Analysis of Proposed Project vehicle trips at study area intersections reveals acceptable Levels of Service at each of the study area intersections. No mitigation is required for operational traffic.

(4) Will be accessible to fire, police, and other emergency vehicles.

The Project Site was designed to allow for access to fire, police, and other emergency vehicles. A Preliminary Site Maneuvering Plan was submitted as Exhibit A15 of the Special Permit/Site Plan Application. This drawing demonstrates that a 42.5-foot long fire truck (the longest currently owned by J.H. Ketcham Hose Company) can satisfactorily navigate the proposed driveway and loop road.

¹ The traffic analysis included in the DEIS assumed more construction period traffic and parking at the Remote Laydown Site than is currently projected. With the addition of the Rasco Site immediately south of the Project Development Area, less traffic and parking is anticipated at the Remote Laydown Site and along Route 22 between the Project Site and the Remote Laydown Site.

(5) Will not overload any public water, drainage, or sewer system, or any other municipal facility.

The Proposed Project will rely on on-site wells for water supply and an on-site sanitary wastewater treatment system (septic system). The Proposed Project will be required to obtain a State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001). A Stormwater Pollution Prevention Plan (SWPPP) has been developed to meet all NYSDEC Design Standards and Town of Dover standards and will ensure that the peak rate of runoff will not be increased.

Fire protection service in the Town of Dover is provided by the J.H. Ketcham Hose Company, an all-volunteer fire department. The fire department has approximately 200 volunteers that operate three engines, one rescue/pumper, one quint (5 function engine and ladder truck), two utility trucks, two ambulances, and two staff automobiles. The fire department currently has a 75-foot aerial ladder truck. Given the height of proposed buildings (approximately 113 feet high) and the height of the existing aerial ladder truck (75 feet) operated by the J.H. Ketcham Hose Company, the Proposed Project will result in an impact to the Town.

As proposed, the Proposed Project will include fire protection systems designed and constructed to the latest, state-of-the-art requirements, including the National Fire Protection Association (NFPA) "Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations." The fire protection systems will also comply with all applicable state and local codes.

NFPA fire protection systems will be fully automated to provide alarm, detection, and suppression capability for all hazard areas. Fire water will be supplied to the fire protection system via an electric motor driven pump. A diesel-driven pump will serve as back up to the motor-driven pump. The fire pumps will take suction directly from a 1,000,000-gallon on-site water storage tank supplied by on-site wells, and supplemented by rooftop rainwater capture. The fire water distribution system will include yard hydrants and automatic and manual suppression systems serving areas requiring protection. In addition, a Comprehensive Site and Safety Plan (CSSP) will be prepared, in coordination with the Hose Company, State Police and Sheriff's Office, detailing safety procedures, training and testing that must be completed before workers can enter the site. The CSSP may identify the need for specialized training for local emergency responders given the unique character of the Proposed Project. As mitigation, the Project Sponsor will be required to coordinate whatever training is necessary to ensure the safety of local emergency responders.

(6) Will not materially degrade any watercourse or other natural resource or ecosystem or endanger the water quality of an aquifer.

Construction of the Proposed Project within the Project Development Area will minimize effects on watercourses and natural habitat. The majority of the Project Development Area comprises a former industrial property where a great deal of disturbance has already occurred due to past industrial uses. An approximately 13-acre portion of the Rasco Site will be disturbed to create a temporary construction parking area. The entire 79-acre parcel west of the railroad tracks will remain undisturbed.

While the Proposed Project has been designed to minimize potential impacts to wetlands, approximately 0.2 acres of an approximately 1.7-acre degraded wetland area will be permanently disturbed and the remaining 1.5 acres will be converted into shrub/scrub wetland. An additional 0.05 acres of Federal- and State-jurisdiction wetlands will be permanently filled. However, this area comprises an area previously disturbed and filled by historical industrial

activities. Finally, approximately 0.8 acres of Adjacent Area to a State-jurisdiction wetland (DP-22) will be permanently filled due to construction of the Proposed Project. Approximately 1.0 acres of wetland within the Project Development Area will be temporarily disturbed by construction or waste removal/restoration activities. On the former Rasco Site, 1.4 acres of Adjacent Area associated with Wetland DP-22 will be temporarily disturbed due to waste excavation and temporary parking during construction. An additional 0.03 acres of fill is proposed within a wetland regulated by the United States Army Corps of Engineers.

To compensate for the loss of wetlands, the Proposed Project would restore 0.6 acres of previously degraded wetland and 2.4 acres of Adjacent Area and create 0.08 acres of new wetland. In addition, approximately 1.8 acres of Adjacent Area between the Project Development Area and Wetland 2 will be selectively planted with tree and shrub species to increase the density of vegetation and create further buffer to Wetland 2.

NYSDEC issued a Freshwater Wetlands Permit (Article 24) and Water Quality Certification (Clean Water Act Section 401) for the proposed wetland modifications on September 27, 2012. The Town of Dover concurs with the findings of the NYSDEC, as Lead Agency, that these wetland modifications will not have adverse effects on the Swamp River. The Town of Dover agrees that the installation (by the Project Sponsor) of a stream gauge in the Swamp River near the Route 22 bridge will help to monitor stream flow and water quality conditions within the Swamp River. With the implementation of this stream gauge, the Town of Dover agrees that all potential adverse effects on the Swamp River would be avoided, minimized, or mitigated to the maximum extent practicable.

Approximately 4.8 acres of upland forested habitat would be permanently lost due to construction of the Proposed Project. An additional 2 acres of upland forested habitat would be cleared during construction and restored to scrub/shrub habitat.

No significant disturbance to wetland or forested habitat would occur at the Remote Laydown Site, which is predominantly covered by agricultural crops.

Biological surveys were conducted on each of the parcels (Project Development Area, Rasco Site, and Remote Laydown Site) for Threatened or Endangered Species. Surveys were specifically conducted for bog turtle (*Glyptemys muhlengergii*), timber rattlesnake (*Crotalus horridus*), New England cottontail (*Sylvilagus transitionalis*), and Indiana bat (*Myotis sodalis*). The Town of Dover concurs with the findings of the NYSDEC, as Lead Agency, with respect to the absence of potential impacts to threatened or endangered species.

(7) *Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.*

The DEIS and FEIS contain detailed descriptions of the topography, soils, vegetation, natural habitat, and hydrology of the Project Site. Most of the area to be used for the Proposed Project has been previously disturbed by prior industrial use. There will be approximately 4.8 acres of forested habitat lost due to Proposed Project construction and 2 acres of forested habitat proposed to be temporarily cleared during construction. An additional 13-acre area within the Rasco Site will be disturbed for temporary construction parking, of which 6 acres comprise former waste material piles and 2 acres comprise small diameter trees.

As indicated above, the Town of Dover concurs with the findings of the NYSDEC, as Lead Agency, with respect to the absence of potential impacts to natural habitat and hydrology of the Project Site.

See the discussion below regarding visibility of the Proposed Project from neighboring properties and public roads.

(8) *Will be subject to such conditions on operation, design and layout of structures, and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the town.*

The DEIS contained a visual impact assessment conducted pursuant to the NYSDEC Program Policy on “Assessing and Mitigating Visual Impacts.” The methodology described in the Program Policy requires a comprehensive analysis of certain natural, recreational, and cultural (historic) features within a five (5)-mile radius of the Proposed Project. The DEIS also evaluated various “landscape similarity zones” and the various “viewer groups” that might experience visibility of the Project Site within the five (5)-mile radius study area to supplement the NYSDEC methodology. A Geographic Information Systems (GIS) analysis of the five (5)-mile study area was prepared to identify areas within the study area where views of the Proposed Project (specifically the 282-foot tall stacks) might be possible given both topography and presence of vegetation. Field studies were completed to evaluate accuracy of the GIS analysis. From these analyses, four (4) viewpoints were identified where views of the Project Site would be possible or which represented a typical “middleground” view from which views would either not be possible or would be obscured due to intervening topography. There would be no views of the Proposed Project from any of the designated historic resources within the Town of Dover. These four (4) viewpoints were selected for further analysis:

- Viewpoint 1: Southbound on NYS Route 22 from the ConEdison transmission lines
- Viewpoint 2: Cricket Hill Residences
- Viewpoint 3: Dover Middle/High School Complex
- Viewpoint 4: Knolls of Dover proposed development area

A computer-generated photosimulation of the Proposed Project was developed to evaluate potential visibility of the Proposed Project from each of these viewpoints. In addition, a plume simulation was prepared to determine potential visual impacts from water vapor plumes.

The DEIS concluded the following for each of these viewpoints:

Viewpoint 1: While elements of the Proposed Project would be visible from this location in both leaf-off and leaf-on conditions, other built elements within this viewshed include the existing ConEdison transmission lines and existing buildings or structures within the Project Site. Visibility of the Proposed Project from this viewpoint would generally be limited to motorists traveling southbound on Route 22. Those motorists would only experience fleeting views of the Proposed Project as the speed limit (and prevailing rate of travel) along Route 22 is 55 miles per hour. There are few residences in the vicinity of this viewpoint that would have views similar to those from Route 22.

Viewpoint 2: Views of the Proposed Project from residences along Cricket Hill Road would be a new element of the viewscape and would be notable due to the increase in height of the proposed stacks and buildings.

Viewpoint 3: Visibility of the Proposed Project from the Dover Middle/High School would be limited due to the presence of existing vegetation between the viewpoint and the Project Site. While the proposed stacks might be partially visible through the dense screen of vegetation, this visibility would not significantly alter the overall viewshed.

Viewpoint 4: Visibility of the Proposed Project from the proposed Knolls of Dover mixed-use development project would be limited to the tops of the proposed stacks. This visibility would be

partially screened during leaf-off conditions and more fully screened during leaf-on conditions. Visibility would not significantly alter the overall viewshed.

The plume simulation noted that the type of technologies proposed to be used for cooling at the Proposed Project would minimize the likelihood of a water vapor plume. The plume simulation does note that a potential plume could be visible from viewpoints 2 and 4 during winter months.

The proposed stacks would require Federal Aviation Administration (FAA) lighting. This lighting, if not properly designed, could have adverse impacts on residences along Cricket Hill Road. To mitigate this impact, the Project Sponsor should work directly with the FAA to develop a lighting program that is sensitive to the rural character of views from Cricket Hill Road and the overall rural character of the Town of Dover.

The site lighting plan was provided as part of the Special Permit/Site Plan Application. The lighting plan includes full cut-off and shielded fixtures, which would minimize spillover to adjacent properties and Route 22. This lighting plan did not include specifications for the towers.

The Town's Architectural Review Board (ARB) will review the materials and colors of each of the Proposed Project elements as part of the Special Permit/Site Plan process. The ARB will work with the Project Sponsor to identify materials and colors that will minimize the visibility of the Proposed Project and that will blend into natural background colors.

(9) Will be consistent with the goal of concentrating retail uses in hamlets, avoiding strip commercial development, and buffering nonresidential uses that are incompatible with residential use.

The NYS Route 22 corridor is a major roadway extending in a north-south direction through the area surrounding the Project Site. Route 22 serves as a primary connector between communities in the Harlem Valley, and is characterized along its length by scattered commercial, industrial and residential development, and open space or undeveloped land. The closest residence (located at the north side of the intersection of Route 22 and Cricket Hill Road) is approximately 1,000 feet from the center of the Project Development Area. The closest residence to the south along Chippawalla Road is approximately 3,000 feet from the center of the Project Development Area.

The Project Site is the location of former industrial uses and is buffered from Route 22 and surrounding land uses by both a topographic grade change and dense vegetation. The grade change between Route 22 and the center of the Project Development Area is approximately 40 to 50 feet. The horizontal distance between Route 22 and the Project Development Area is approximately 300 to 400 feet.

The Proposed Project is not a retail or commercial use that would be appropriate for location within a hamlet. Nor does the Proposed Project continue strip commercial development in an area that would be contrary to the Town's Master Plan. This nonresidential use would be buffered by existing vegetation from residential uses that would be supplemented along Route 22 to further screen the proposed buildings from visibility.

(10) Will not adversely affect the availability of affordable housing in the town.

Section 6.7.3.1.4 of the DEIS indicates that the majority of construction labor for the Proposed Project would come from the greater Hudson Valley region. Approximately 75 construction workers could relocate to the area during peak construction periods and would seek temporary housing or lodging within the area. It is envisioned that these construction workers and technicians would find temporary lodging within existing motels in the area and would not require the construction of new housing.

The Proposed Project itself would not affect the availability of affordable housing in the town as it would not occupy land that could be used for affordable housing, nor would the Proposed Project generate sufficient long-term employment to require the construction of new housing for employees.

(11) Will comply with applicable site plan criteria in §145-65.D.

Many of the criteria within this section of the Code are relevant to small-scale development within hamlet areas or along commercial corridors. The applicable site plan criteria to the Proposed Project are those that apply to landscaped buffers and screening that would prevent the majority of the Proposed Project from being seen from public rights-of-way. In the case of the Proposed Project, the existing band of mature deciduous and evergreen vegetation between the Project Development Area and Route 22 already screens views of the existing buildings and structures and would continue to screen most views of the Proposed Project (with the exception of views identified above from Route 22 near the ConEd transmission lines).

The proposed site plan maintains a sufficient buffer along Route 22, and proposes new landscaping at the entrance driveway. While the general layout of the proposed landscaping may be sufficient, the landscaping plan should include a complete plant schedule including the species, size, and spacing of plants proposed. The proposed landscaping should utilize native species to the greatest extent practicable.

The Planning Board believes that the Site Plan Application sufficiently meets the intent of the criteria contained in §145-65.D, specifically with regard to buffers, landscaping, lighting, circulation, and parking, except as noted above. It is noted that §145-65.D(4) is not relevant to this application.

(12) If the property is in a residential district, will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social, and economic impacts.

This provision is not applicable to the Proposed Project as the Project Site is not located within a residential Zoning District. The Project Site is located in the Industrial/Manufacturing (M) Zoning District.

Entertain request for Extension:

I. RUSCIANO ESC 7060-00-850712 & 7060-00-891744

APPLICANT Peter Rusciano PLANS PREPARED BY Richard Pearson of John Meyer Consulting
PROPERTY LOCATED at 236 & 246 Cricket Hill Road on 12.95 acres in the RU district
APPLICANT SEEKS an Extension of Erosion Control Permit to fill and level property

RESOLUTION GRANTING FIFTH EXTENSION OF EROSION AND SEDIMENT CONTROL PERMIT

RUSCIANO EROSION AND SEDIMENT CONTROL PERMIT

December 3, 2012

Property Address: 236 & 246 Cricket Hill Road

WHEREAS, on February 1, 2010, the Planning Board granted the applicant, Peter Rusciano, an erosion and sediment control permit for disturbance as shown on the plan entitled “Proposed Fill Plan, Rusciano Property”, prepared by John Meyer Consulting, P.C., dated 07/07/2009, last revised 01/06/2010, to expire on

February 2, 2011, subject to several conditions including submission of a performance guaranty in the amount of \$3,000.000; and

WHEREAS, on October 4, 2010, the Planning Board granted the applicant a six-month extension of time to August 2, 2011, to complete the work contemplated under the permit; and

WHEREAS, on May 16, 2011, the Planning Board granted the applicant a second six-month extension of time to February 2, 2012, to complete the work contemplated under the permit; and

WHEREAS on December 19, 2011, the Planning Board granted the applicant a third six-month extension of time to August 2, 2012, to complete the work contemplated under the permit; and

WHEREAS on May 21, 2012, the Planning Board granted the applicant a fourth six-month extension of time to February 2, 2013, to complete the work contemplated under the permit; and

WHEREAS, the applicant has requested an additional extension of time to complete the work; and

WHEREAS, pursuant to Section 65-8K of the Code, the Planning Board may grant an extension of time to complete the work contemplated under an erosion and sediment control permit if, in its discretion, the Planning Board finds that such extension was warranted; and

WHEREAS, permit renewals are Type II actions under SEQRA; and

WHEREAS, the Planning Board has considered the particular circumstances of the applicant which warrant an extension thereof.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant a six-month extension of time to August 2, 2013, to complete the work contemplated under the erosion and sediment control permit, as shown on the approved plan entitled “Proposed Fill Plan, Rusciano Property”, prepared by John Meyer Consulting, P.C., dated 07/07/2009, as last revised.

BE IT FURTHER RESOLVED, that before the authorized official may issue a certificate of compliance, the Planning Board Engineer shall provide the authorized official with a written statement indicating that all work authorized under the permit has been completed in accordance with the approved permit.

Moved by: Michael Villano Seconded by: Bill Sedor

David Wylock	<u>Aye</u>
Valerie LaRobardier	<u>Aye</u>
Nicholas D’Agostino	<u>Aye</u>
Tom Holmes	<u>absent</u>
Peter Muroski	<u>Aye</u>
William Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>

Planning Board Co-Chair David Wylock

- II. DOVER ESTATES 6 LOT SUBDIVISION- 7060-00-788552 & 7060-16-779491
 APPLICANT Peter Rusciano PLANS PREPARED BY Richard Pearson of John Meyer Consulting
 PROPERTY LOCATED at: NYS Rt22 and Rural Avenue, Dover, NY RU district
 APPLICANT SEEKS an Extension of Erosion Control Permit remove fill and level property

**RESOLUTION GRANTING SECOND 6-MONTH EXTENSION OF EROSION AND
SEDIMENT CONTROL PERMIT APPROVAL**

DOVER ESTATES SUBDIVISION

December 3, 2012

Tax Parcel Nos. 7060-00-788552 & 7060-16-779491

WHEREAS, on August 1, 2011, the Planning Board granted conditional final approval to the subdivision plat entitled “Dover Estates, Town of Dover”, Sheets 1-14, dated 10/21/04, last revised 6/11, prepared by Northern Westchester Civil Engineering, PC and granted an erosion and sediment control permit for disturbance shown thereon; and

WHEREAS, pursuant to Section 65-8K of the Code, the Planning Board may grant an extension of time to complete the work contemplated under an erosion and sediment control permit if, in its discretion, the Planning Board finds that such extension was warranted; and

WHEREAS on December 19, 2011, the Planning Board granted the applicant a six-month extension of time to February 1, 2013, to complete the work contemplated under the permit; and

WHEREAS, the applicant has requested an additional extension to complete the work authorized under the permit; and

WHEREAS, the Planning Board has considered the particular circumstances of the applicant which warrant an extension thereof.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant a 6-month extension of time to August 1, 2013 to complete the work contemplated under the erosion and sediment control permit, as shown on the approved plan entitled, “Dover Estates, Town of Dover”, Sheets 1-14, dated 10/21/04, last revised 6/11, prepared by Northern Westchester Civil Engineering, PC, subject to satisfaction of the conditions set forth in the resolution adopted by the Board on August 1, 2011; and

BE IT FURTHER RESOLVED, that before the authorized official may issue a Certificate of Compliance, the Planning Board Engineer shall provide the authorized official with a written statement indicating that all work authorized under the permit has been completed in accordance with the approved permit.

Moved by: Pete Muroski Seconded by: Valerie LaRobardier

David Wylock	<u>Aye</u>	Valerie LaRobardier	<u>Aye</u>
Nicholas D’Agostino	<u>Aye</u>	Tom Holmes	<u>absent</u>
Peter Muroski	<u>Aye</u>	William Sedor	<u>Aye</u>
Michael Villano	<u>Aye</u>		

Planning Board Co-Chair David Wylock

VI. MINUTES OF NOVEMBER 2, 2012

Motion made by Bill Sedor to Approve the Minutes of November 2, 2012 2nd by Michael Villano

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Motion made by Peter Muroski to adjourn at 9:07 2nd by Valerie LaRobardier

VOTE: CO-CHAIR WYLOCK	AYE	CO-CHAIR VALERIE LAROBARDIER	AYE
MEMBER PETER MUROSKI	AYE	MEMBER MICHAEL VILLANO	AYE
MEMBER TOM HOLMES	ABSENT	MEMBER NICHOLAS D'AGOSTINO	AYE
MEMBER WILLIAM SEDOR	AYE		

Motion approved

Respectfully submitted,

Betty-Ann Sherer
Betty-Ann Sherer

PlanningARB@TownofDoverNY.US

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All reasonable accommodations will be made for persons with disabilities. In such a case, please notify Betty-Ann Sherer in advance by phone at 845-832-6111 ext 100 so that arrangements can be made

Please call the Planning Board Office with any questions 845-832-6111 ext 100