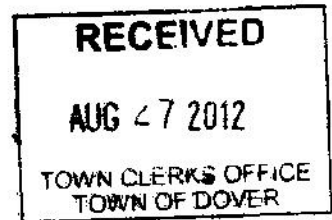


Town of Dover, New York
Michael C. Segelken, Building Inspector

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Cricket Valley Energy Center, LLC proposes to construct a 1,000 megawatt electric power generating facility on approximately 57 acres of an approximately 131-acre assemblage of properties located in the Industrial/Manufacturing (M) Zoning District in the Town of Dover.

The proposed electric generating facility does not fit into one of the use categories within the Use Table at §145-10.B. Nor is the proposed electric generating facility a use prohibited in §145-10.C. Thus, pursuant to §145-10.B, the use may be allowed by special permit issued by the Town Board.

A preapplication meeting was held on August 15, 2012, in compliance with §145-62.A at which time representatives of Cricket Valley Energy met with Building Inspector/Code Enforcement Officer Mike Segelken, Town Board members Lorraine Perri-O'Neill and Richard Yeno, Town Attorney Tom Jacobellis, Town Engineer Joe Berger, and Town Planner Graham Trelstad. The purpose of the meeting was to discuss the proposed use and to classify the proposed project as a major or minor project. Based on the materials reviewed at the preapplication meeting, it is my determination that the proposed project is a "major" project and will require a special permit by the Town Board. The applicant must submit the required materials in §145-61.A. The applicant was directed to attend a preliminary meeting with the Town Board to discuss the nature of the proposed use and to determine the information that will need to be submitted in the site plan.

During the preapplication meeting the applicant requested an interpretation of §145-30.D(1) of the Zoning Code. The applicant specifically questioned whether the proposed stacks would be considered "chimneys" and be exempt from height limitations in the Dimensional Table. Pursuant to my authority to administer the Zoning Code under §145-53, I hereby interpret that the exemption from height in §145-30.D(1) does apply to the proposed project's stacks as the stacks are not considered part of the structure but are intended solely for the purpose of venting emissions from the equipment within the building. The stacks must be attached to the roof or side of the building and must not cover more than 10% of the roof area in order for this height exemption to apply. Drawings submitted with the special permit application must include a calculation of the area covered by the stacks as a percentage of the total roof area within the zoning compliance table.

The proposed project will require an Area Variance from the Zoning Board of Appeals to allow building height to exceed 35 feet.

Michael Segelken
Town of Dover
Building Inspector/Code Enforcement Officer