

DUE TO A LACK OF QUORUM, THESE MINUTES HAVE BEEN FILED NOT ADOPTED AS APPROVED BY THE PLANNING BOARD

Town of Dover Planning Board

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



(845) 832-3048

Planning Board Meeting
Monday - November 16, 2009
7:00PM

- Co-CHAIR David Wylock
- Member Barbara Kendall
- Member John Fila
- Member Brian Kelly
- Member James Johnson
- Member Valerie LaRobardier
- Member Peter Muroski

Also, in attendance representing the Planning Board were Planning Board Attorney Victoria Polidoro, Planner Ashley Ley and Joseph Berger. For the Applicants Anthony Palumbo and Rich Rennia for Plum Hill, Jim Muncey for Hayden Hall 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 by Chair Wylock at 7:04 PM and began with the Pledge of Allegiance

1. SINGH DBL - 7160-00-001179
Applicant: Baljit Singh --Plans Prepared by: Jordan Valdina of Synergy Design Engineering
Property located at 1827 Route 22, Wingdale
Applicant in front of Planning Board for Site Plan approval

Late in the afternoon, the following a letter was received from the Applicant's Engineer:

Re: DBL Gas Station - 1827 NYS Route 22 - Wingdale

To the members of the Planning Board:

The site plan drawings and submitted materials have been updated to address all comments from all reviewing agencies supplied at time of most recent plan production.

The ARB has approved this project.

The lighting levels have been adjusted to meet the desired ranges as communicated to me by Mr.

Burger, Engineer for the town of Dover, at previous Planning Board meeting.

Also, the ZBA has granted the area variance for light levels at the property boundary adjacent to NYS Route 22 to exceed the level normally allowed by the zoning code.

The Dutchess County Planning Board has responded that this project is a matter of local concern.

I spoke with Judith Blauvelt of the NYS DEC today who told me that she received the negative declaration of environmental impact from you yesterday. She said that a letter of complete application will be going out to you, my office, and DBL Gas Station. Included in said letter will be instructions for DBL Gas Station to give proper public notice of this application before the NYS DEC. As you know, from date of publication of notice, the public has fifteen (15) days to comment. Assuming no objections, the DEC expects to issue their approval of this application immediately following close of public input.

NYS DOT has provided a letter stating conceptual agreement with the proposed project. The Dutchess County DOH has stated in written correspondence that no approval is required from them given that this is an existing facility, with a working system, for which we are not changing the use, nor increasing the flow, nor exceeding acceptable flow design standards.

The J.H. Ketcham Bose Company Inc. Fire Department has provided written review of this project. Note that the north side access is as large as the site will permit as shown on current site plan drawings. Also, vehicles will not be allowed to park in the area of the access way to the rear of the building, nor around the mechanical area at the back of the building. A minimum height clearance of 13' - 6" and a 12' minimum width is provided in all areas where an apparatus would have to pass. Owner shall provide visible signage for fire extinguishers and safety shut-offs that meet NFP A requirements, at a minimum.

The above summarized agency review comments should address all outstanding issues to date, besides waiting for final DEC approval.

Respectfully Submitted,

Jordan Valdina, PE, LEED, Assoc. AIA Principal

Chair Wylock corrected the letter by saying that the negative declaration was sent to DEC in October

Motion made by Barbara Kendall to open the Public Hearing 2nd by Peter Muroski

VOTE:	DAVID WYLOCK - AYE	MEMBER BARBARA KENDALL - AYE	MEMBER JOHN FILA - AYE
	MEMBER BRIAN KELLY AYE	MEMBER JAMES JOHNSON- absent	MEMBER PETER MUROSKI AYE
	MEMBER VALERIE LAROBARDIER- AYE		

There were no comments from the Public

There were no comments from the Board

Motion made by Barbara Kendall to continue the Public Hearing to the December meeting 2nd by Brian Kelly

VOTE:	DAVID WYLOCK - AYE	MEMBER BARBARA KENDALL - AYE	MEMBER JOHN FILA - AYE
	MEMBER BRIAN KELLY AYE	MEMBER JAMES JOHNSON- absent	MEMBER PETER MUROSKI AYE
	MEMBER VALERIE LAROBARDIER- AYE		



2. **PLUM HILL 7061-00-369979**

Applicant Anthony Palumbo -- Plans Prepared by Rich Renna of Renna Engineering Design
Property located on Dover Furnace Road, on 9.052 acres in the CO land use district within the AQ district

Application for Site Plan, Special Permit and Erosion Control

Applicant seeks to Modify a previously approved but un-built site plan to meet current zoning, DEC wetland setbacks and add additional building

Engineer Renna:

Changes were made:

Building A moved approximately 15' north giving more room for the storm water pond,

Retaining wall is now reduced to 4'

Pulled everything further away from the wetland boundary

This allowed for detailed grading to be done for the site to show where all the water would go, the rim elevations for the catch basins and a full SWPP was prepared

Motion made by Brian Kelly to open the Public Hearing 2nd by Barbara Kendall

VOTE: DAVID WYLOCK - AYE MEMBER BARBARA KENDALL - AYE MEMBER JOHN FILA - AYE

MEMBER BRIAN KELLY AYE MEMBER JAMES JOHNSON- absent MEMBER PETER MUROSKI AYE
MEMBER VALERIE LAROBARDIER- AYE

There were no comments from the Public

Planner Ley-

Discussed lighting to be added to the future parking area to be shown on site plan

Engineer Renna is consulting the manufacturer, and working on a revised plan

Future parking area 10 spaces proposed there may be 1-2 poles

Not lit now but to be proposed for future plan -

Applicant was advised they would need to return for site plan amendment to actually build out that portion of the site

Engineer Berger-

All comments and concerns addressed

SWPPP was very thorough

Survey to be submitted as a sheet **as part of the complete package**

Member Fila- Had concerns that future lighting might have an impact and questioned if there would be public comment due to wattage of currently proposed lighting

Engineer Renna- It is being approved as the zoning code requires, there may not be a need to ever build the additional parking spaces.

Member Kelly- Fire Company, has their letter been addressed?

A: It was just received; they are seeking an additional 2' area for possibly an increased turning radius. There also seem to be building code concerns. As the site is leased out the details will be provided to them.

Will address directly to fire Company

Chair Wylock

Building heated? A: Yes

Sprinkler system? A: Yes Sprinklers to be tenant specific

Engineer Rennia- the project is designed for the largest 18 wheeler to make the turns- He will look into whether or not the area is large enough for a ladder truck with its legs extended

Attorney Polidoro-

The future reserved parking area was designed on the plans to assure the full site layout was considered in the SERQA review.

The applicant has been made aware that they will need to return for site plan amendment if additional lighting and parking area is to be built out

There was no Public Comment at this time

There was no further comment from the Board

Motion made by John Fila to close the Public Hearing 2nd by Barbara Kendall

Vote:	DAVID WYLOCK - AYE	MEMBER BARBARA KENDALL - AYE	MEMBER JOHN FILA - AYE
	MEMBER BRIAN KELLY AYE	MEMBER JAMES JOHNSON- absent	MEMBER PETER MUROSKI AYE
	MEMBER VALERIE LAROBARDIER- AYE		

The short form EAF was reviewed by the Board resulting the following:

Item 11 was marked No- the previous site plan had expired

RESOLUTION DETERMINING SIGNIFICANCE

PLUM HILL SITE PLAN, SPECIAL PERMIT & EROSION AND SEDIMENT CONTROL PERMIT

Date: November 16, 2009

Tax Parcel # 7061-00-369979

WHEREAS, an application for site plan, special permit and erosion and sediment control permit approval was submitted by Rennia Engineering Design, PLLC, on behalf of Danny Fortune & Co., the owner of 9.052 acres located on Dover Furnace Road, Dover Plains, New York, tax parcel number 7061-00-369979, in the CO District (the "site"); and

WHEREAS, the owner is proposing to construct two buildings to be used for mixed uses including Light Industry, Service Commercial, and Warehouse, with Building A consisting of 23,744 sf and Building B, 20,000 sf; and

WHEREAS, the application was accompanied by a Short Environmental Assessment Form ("EAF"); and

WHEREAS, the Planning Board has reviewed the EAF provided and found that it contains sufficient information on which to base a determination of significance; 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 determines that the proposed action will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared and directs the secretary to the Planning Board to send notice of this determination to all involved and interested agencies.

David Wylock	<u>Aye</u>
Barbara Kendall	<u>Aye- Motion</u>
John Fila	<u>Aye</u>
James Johnson	<u>absent</u>
Brian Kelly	<u>Aye</u>
Valerie LaRobardier	<u>Aye</u>
Peter Muroski	<u>Aye - Second</u>

Mr. Palumbo asked if he could now begin some of the work on the site

He was advised that he did not have site plan approval and although ARB made recommendation they still needed to approve it.

Engineer Rennia- asked if approval for just the ESC could be granted

After much discussion of conditions and bond amounts the Board felt that as long as this were legally permissible the erosion control permit could be considered-

Engineer Rennia with Engineer Berger and Attorney Polidoro left the meeting room to discuss the details- The Board will return to discuss this project later in the meeting

Singh DBL- Mr. Singh arrived and Chair Wylock advised him that his project was continued to the December 7 2009 meeting

3. Hayden Hall- Dover Furnace Application 7061-00-182280

Applicant Jim Muncey Plans Prepared by: Zarecki & Associates

Property located at 30 Green Acres Road, Dover, on 181.9 acres, located in the RU / RC districts

Application for Site Plan Special Permit Approval

Applicant seeks to renovate and expand an existing kitchen for catering, bathrooms and renovate existing dining hall for catering use.

Motion made by Valerie LaRobardier to open the Public Hearing 2nd by John Fila

VOTE: DAVID WYLOCK - AYE MEMBER BARBARA KENDALL - AYE MEMBER JOHN FILA - AYE
MEMBER BRIAN KELLY AYE MEMBER JAMES JOHNSON- absent MEMBER PETER MUROSKI AYE
MEMBER VALERIE LAROBARDIER- AYE

Mr. Muncey

ARB made recommendation of Approval for both the B=building and signage

The applicant is still unsure if he will need to apply to the ZBA due to the pending status of the proposed local law

Chair Wylock- mentioned the Notice of an Incomplete Application by the DEC.

Mr. Muncey was unaware of this letter- Engineer Berger had called Engineer Zarecki to discuss the details.

The separation between the Health department and the DEC Health Department is waiting for Dec, An incomplete notice is sent out the plans are at the health department waiting to go to DEC . Once you get to a certain size septic, the approval from the DEC for a SPDES comes through and the plans came from the health department. The project is moving

forward- this is very typical to wait for health department to state they agree with the design before it goes to DEC.

Wayne Vincent:

Neighboring property owner on both sides of this parcel
Green acres or Sharparoon property? A: It's considered one property

Mr. Vincent: Southern access of Dover Furnace is dangerous, will the expansion make it safer

Mr. Muncey- Encourages patrons to use the north entrance, there is even an arrow directing traffic to the safer route.

Planner Ley- Comments from site walk have been addressed

There were no Public comments at this time

There were no further comments from the Board

Motion made by Barbara Kendall to close the Public Hearing 2nd by Peter Muroski

Vote: DAVID WYLOCK - AYE	MEMBER BARBARA KENDALL - AYE	MEMBER JOHN FILA - AYE
MEMBER BRIAN KELLY AYE	MEMBER JAMES JOHNSON- absent	MEMBER PETER MUROSKI AYE
MEMBER VALERIE LAROBARDIER- AYE		

The short form EAF was reviewed by the Board resulting in the following

RESOLUTION DETERMINING SIGNIFICANCE

HAYDEN HALL SITE PLAN & SPECIAL PERMIT

Date: November 16, 2009

Tax Parcel # 7061-00-182280
7061-00-062121
7061-00-357420

WHEREAS, an application for site plan and special permit approval was submitted by Jim Muncey, on behalf of Chippawalla Properties, the owner of 268.9 acres located at 30 Green Acres Road, Dover Plains, New York, tax parcel number(s) 7061-00-182280, 7061-00-062121, 7061-00-357420, in the RU/RC Districts (the "site"); and

WHEREAS, the owner is proposing to renovate an existing structure known as "Hayden Hall" for continued use as a catering hall by adding a 2795 sq. ft. addition; and

WHEREAS, the application was accompanied by a Short Environmental Assessment Form ("EAF"); and

WHEREAS, the Planning Board has reviewed the EAF provided and found that it contains sufficient information on which to base a determination of significance; 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 determines that the proposed action will not have a significant adverse impact on the environment and that a Draft

Environmental Impact Statement will not be prepared and directs the secretary to the Planning Board to send notice of this determination to all involved and interested agencies.

David Wylock	<u>Aye</u>
Barbara Kendall	<u>Aye</u>
John Fila	<u>Aye- Motion</u>
James Johnson	<u>absent</u>
Brian Kelly	<u>Aye</u>
Valerie LaRobardier	<u>Aye-Second</u>
Peter Muroski	<u>Aye</u>

ZBA application pending Local Law
Application still waiting for comment from BOH
Applicant can return to the ARB for their approval of their recommendations

4. KELLER 2 LOT SUBDIVISION- 7063-00-768737

Applicant Richard Rennia Jr., of Rennia Designs for Melvin Keller Property owner
Property located on the north side of Clover Lane
Application for Preliminary Plat Subdivision
Applicant seeks the creation of 1 new lot to separate an existing house from a larger farm parcel located in the RU district with in the AQ district on 148.7 acres

Motion made by Barbara Kendall to open the Public Hearing 2nd by Peter Muroski

Vote:	DAVID WYLOCK - AYE	MEMBER BARBARA KENDALL - AYE	MEMBER JOHN FILA - AYE
	MEMBER BRIAN KELLY AYE	MEMBER JAMES JOHNSON- absent	MEMBER PETER MUROSKI AYE
	MEMBER VALERIE LAROBARDIER- AYE		

Engineer Rennia: existing house on 148 acres, cutting off to be on a 2 acre parcel,
Not on a private road, but a shared driveway,
Originally there was not enough road frontage on Benson Hill Road.
Applicant applied to the ZBA for a variance - which was granted- SEQRA was completed

There were no comments from the Public
There were no comments from the Board

Motion made by Barbara Kendall to close the Public Hearing 2nd by Peter Muroski

Vote:	DAVID WYLOCK - AYE	MEMBER BARBARA KENDALL - AYE	MEMBER JOHN FILA - AYE
	MEMBER BRIAN KELLY AYE	MEMBER JAMES JOHNSON- absent	MEMBER PETER MUROSKI AYE
	MEMBER VALERIE LAROBARDIER- AYE		

RESOLUTION GRANTING PRELIMINARY LAYOUT AND CONDITIONAL FINAL PLAT APPROVAL

KELLER SUBDIVISION

November 16, 2009

Tax Parcel # 7063-00-768737

WHEREAS, an application for a 2-lot subdivision of property located at Benson Hill Road in the Town of Dover, as shown on a plat entitled, "Minor Subdivision Plan Prepared For Melvin D.

Keller,” prepared by Mark. R. Graminski, dated April 4, 2009, last revised June 30, 2009, was submitted to the Planning Board; and

WHEREAS, the property is located in the RU District and AQ Overlay District; and

WHEREAS, on October 5, 2009, the Planning Board determined that the proposed action would not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, on 10/21/09, the Zoning Board of Appeals granted the applicant an area variance from the minimum required road frontage; 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 if a suitable park or parks of adequate size to meet the requirement cannot be properly located on the subdivision plat, the planning board may require a sum of money in lieu thereof, to be deposited into a trust fund to be used for park, playgrounds or other recreational purposes; and

WHEREAS, a duly noticed public hearing was held on the application on November 16, 2009, during which all those who wished to speak were heard.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby finds that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the town and that a suitable park or parks of adequate size to meet the requirement cannot be properly located on the plat.

BE IT FURTHER RESOLVED, that, upon the recommendation of the Planning Board Engineer, the Planning Board waives the requirements of Sections 125-17C, K I & 125-18I of Chapter 125.

BE IT FURTHER RESOLVED, that the Planning Board hereby grants preliminary layout approval and final plat approval to the plat entitled, “Minor Subdivision Plan prepared for Melvin D. Keller”, prepared by Mark R. Graminski, L.S., dated 4/04/2009, last revised 06/30/09, subject to the following conditions:

- 1. Payment of all fees and escrow, including the recreation fee of \$2,000.00.**
- 2. Dutchess County Department of Health permission to file.**
- 3. Approval by the Planning Board attorney of an easement and maintenance agreement for Clover Lane.**

David Wylock	<u>Aye</u>
Barbara Kendall	<u>Aye- Second</u>
John Fila	<u>Aye</u>
James Johnson	<u>absent</u>
Brian Kelly	<u>Aye</u>

Valerie LaRobardier
Peter Muroski

Aye Motion
Aye

Discussions:

Katz letter:

Daniel Katz
Dover Acquisitions LLC
444 So. Fulton Street
Mount Vernon, NY 10553

Re: PSK-Food Town Plaza Site Plan Approval

Mr. Katz,

As you know, the site plan for the above-referenced site remains incomplete. The Code Enforcement Officer continues to advise the Planning Board that the clock tower shown on the site plan has not been constructed and that the store is operating without proper approvals. This is the Board's third attempt to resolve this issue.

On April 6, 2009, you advised the Planning Board that you would be unable to erect the Clock Tower shown on the site plans. The Planning Board offered you the opportunity to provide the Board with alternative plans for discussion in hopes that the current site plan could be amended. To date we have not received any alternate plans for the site.

Until the improvements shown on the existing site plan have been completed or site plan amendment approval has been obtained, **you may be subject to an enforcement action by the Town.** Should you have any questions concerning this matter, feel free to contact the Planning Board office at (845)877-4271. We look forward to working with you to resolve this issue.

Sincerely,

David Wylock
Chair, Dover Planning Board

Response from Applicant:

October 22, 2009

David Wylock Chair, Dover Planning Board
Town of Dover
Historic Tabor Wing House
3128 Rt. 22.
Dover Plains, NY-12522

Dear Chairman Wylock,

I received your letter dated October 13th 2009. Since my appearance at the Planning Board meeting, we have been working on possible alternatives to the clock tower as initially presented. The reason I have not presented anything to date is because I do not want to make the mistake of suggesting an alternative prior to having it properly bid out for cost and feasibility.

We are currently having an engineer and architect work with a contractor to that end and once there is consensus, we would like to contact you.

We appreciate your patience
Sincerely Daniel Katz

Camp Type 1 Local Law Amendment Option 3:

Member Fila- had objection, but felt he would prefer to make them at the Public Hearing - as a member of the Public, and not the Planning Board.

There were no further comments from the Board

RESOLUTION RECOMMENDING ADOPTION OF PROPOSED LOCAL LAW TO AMEND THE ZONING LAW AS IT PERTAINS TO CAMPS, LODGING FACILITIES, RECREATIONAL BUSINESSES, AND COUNTRY INNS/CONFERENCE CENTERS (“OPTION 3”)

WHEREAS, the Wilhelm Family Partnership Investments, LLC, (also known as Wind Rose) has petitioned the Town Board to create a new Recreation Community Development Overlay District in the Town of Dover; and

WHEREAS, in response to said zoning petition, a draft local law to amend the Zoning Law was prepared by the Town Board and its consultants in coordination with representatives from the Planning Board, and

WHEREAS, on September 21, 2009, the Planning Board recommended that the Town Board adopt the proposed local law; and

WHEREAS, in consideration of further public comment, the Town Board substantially revised the draft local law to add a new use classification for “Country Inn/Conference Center” and corresponding supplementary regulations, and on October 15, 2009 referred “Option 3” of the draft local law to the Planning Board for review and comment pursuant to Section 145-69(B)(2) of the Town of Dover Code.

NOW THEREFORE BE IT RESOLVED, that the Planning Board makes the following findings with respect to the proposed local law entitled “A Local Law to Amend Chapter 145 of the Town Code, ‘Zoning’” (“Option 3”):

- 1. The topographic landscape and rural character of the Town of Dover attracts outdoor recreational uses;**
- 2. The proposed amendments would provide use and design flexibility for the development of recreation oriented businesses on appropriate large properties; protect scenic and environmental resources; and promote tourism, recreation, and open space protection all in accordance with provisions of the Town’s Master Plan;**

- 3. **The Planning Board supports the proposed amendments to the definitions of “Camp, Type 1,” “Lodging Facility,” and “Recreational Business” and new definitions of “Accessory Facility,” “Country Inn/Conference Center,” and “Group Lodging,” to clarify these types of uses in light of the Wind Rose application and other various proposed projects in the Town which fall, generally, into those categories;**
- 4. **The Planning Board supports the proposed amendments to the supplementary regulations of Camp, Type 1, and new supplementary regulations for Recreational Business and Country Inn/Conference Center to reduce potential adverse impacts from those uses; and**

BE IT FURTHER RESOLVED, that the Planning Board of the Town of Dover positively recommends the adoption of the proposed Local Law subject to the following revisions:

- 1. **For all instances, amend the requirements of Large Event Management Plans to include the locating of “toilet facilities.”**
- 2. **For all instances, amend the phrase “one-hundred (100) acres of land and/or water” to read “one-hundred (100) acres of land, or land and water.”**
- 3. **Consider applying the proposed criteria for a Camp, Type 1 to a Camp, Type 2.**
- 4. **Amend 145-52.1.E(4) to read “Dimensional and density standards shall be as approved by the Planning Board in the Master Development Plan, based upon the physical characteristics of the site, the character of the proposed development, § 145-19 of this Code as applicable, § 145-52.1G., and the requirements of the SEQRA process.”**
- 5. **Amend 145-52.1.H(3) to read “Dimensional and density standards shall be as approved by the Planning Board in the Master Development Plan, based upon the physical characteristics of the site, the character of the proposed development, § 145-19 of this Code as applicable, § 145-52.1K., and the requirements of the SEQRA process.”**

November 16, 2009

David Wylock : Aye
 John Fila : Abstained
 James Johnson : absent
 Brian Kelly : Aye
 Barbara Kendall: Aye Second
 Valerie LaRobardier Aye Motion
 Peter Muroski : Aye

David Wylock, Planning Board Chair

Flood Plain Ordinance:

Board to review draft documents submitted to them and be prepared to discuss at the December meeting

Cricket Valley Energy:

Rick O’Rourke & Mathew Martin

This application was received by the Town last week- there is a copy in the Planning office if anyone cares to review it-

KEANE & BEANE, P.C.

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RICHARD L. O'ROURKE
PRINCIPAL MEMBER

November 4, 2009

BY HAND

Supervisor Ryan Courtien and
Members of the Town Board
Town of Dover
Dover Town Hall
126 East Duncan Hill Road
Dover Plains, New York 12522

Re: Application for Special Permit -
Cricket Valley Energy Center, LLC
(Grid Nos. 7060-00-493989, 7061-00-465190,
7061-00-580190 and 7061-00-585063)

Dear Supervisor Courtien and Members of the Town Board:

Keane & Beane, P.C. represents Cricket Valley Energy Center, LLC ("CVE"). On CVE's behalf, I hereby submit an application for a special permit authorizing the construction and operation of an electric generating facility (the "Project") on property identified as Grid Nos. 7060-00-493989, 7061-00-465190, 7061-00-580190 and 7061-00-585063 on the Tax Map of the Town of Dover (the "Property"). As set forth below, the Town Board may issue this special permit pursuant to Sections 145-10B and 145-60A of the Dover Town Code.

CVE is an independent power producer, a non-franchised generator of electric power. It seeks to operate a nominal 1,000 MW electric power generating facility on a site consisting of approximately 131 acres located on the westerly side of New York State Route 22. This site bears the street address of 2241 NY Route 22. The proposed facility will utilize natural gas as a fuel source, which is the cleanest and lowest emission fossil fuel source available. The facility will be developed to state-of-the-art environmental standards. The project site is currently unused and occupied by a collection of inactive industrial buildings, some of which are partly collapsed or burned out. This application presents a unique opportunity to restore this parcel to productive and beneficial use. In addition to the significant capital investment to be made in development of the site, the project will create up to 750 jobs as construction progresses and 25 to 30 permanent high-paid operation and maintenance jobs upon completion.

KEANE & BEANE, P. C.

Supervisor Ryan Courtien and
Members of the Town Board
November 4, 2009
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CVE seeks a special permit from the Town Board authorizing the use of the property as a non-franchised power generator. Because the proposed use requires a special permit issued by the Town Board, separate site plan approval is not required under Section 145-60A of the Dover Town Code.

The Proposed Use

The Project would generate a nominal 1,000 megawatts (MW) of electricity for the local/regional electric transmission grid through an interconnection with the ConEd 345-kilovolt (kV) transmission lines, which abut the north property line of the Property. Natural gas would be supplied as the sole fuel to the facility via a short lateral pipeline (<500ft) from the Iroquois Gas Transmission Company (IGT) interstate pipeline, which also passes just north of the Property.

The Project would use the most advanced, state-of-the-art, power generation technology available, making it one of New York's most efficient energy producers. Due to the high efficiency of the technology, the development and operation of the Project is expected to reduce dependence on older, less efficient, and higher emitting electric generators that currently serve the New York region.

The facility would comprise three separate combined-cycle units. Each unit would be a 1x1x1 configuration consisting of one combustion turbine generator (CTG), one Heat Recovery Steam Generator (HRSG) with supplemental duct firing, and one steam turbine generator (STG). Associated Air Cooled Condensers (ACCs) and additional Balance of Plant (BOP) equipment and systems would also be used to support operation (see Exhibit 11.3).

The Project plans incorporate technologies to minimize water use to the greatest extent possible, including advanced dry cooling ACCs, which utilize air instead of water for cooling, and a Zero Liquid Discharge (ZLD) system to recycle process water. These advanced technologies reduce water use by approximately 99 percent when compared to an equivalent water-cooled facility. The Project proposes to use on-site, bedrock water wells (~ 600-800 feet in depth) to meet water needs and CVE will conduct long-term pump tests to ensure that neither neighboring wells nor the Swamp River are adversely affected.

CVE recognizes the rural character of Dover and its surrounding communities and places a high value on low-impact design and development to preserve and protect the environmental quality of the area. The Property possesses a number of qualities that will minimize visual impacts to its surroundings, including a substantial buffer of mature trees and a hillside that will shield the majority of the Project structures from view. These barriers will be maintained to the greatest extent possible, including a 300-foot wide buffer of trees between the Project and Route 22.

KEANE & BEANE, P. C.

Supervisor Ryan Courtien and
Members of the Town Board
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The Approval Process

Pursuant to Section 145-60A of the Dover Town Code, “uses not listed on the Use Table (if not prohibited by Section 145-10C) require a special permit issued by the Town Board, which shall follow the procedures and standards established for the Planning Board in this Article IX - Special permits and site plan review.” CVE’s proposed use is not one contained on the Use Table, nor is it specifically prohibited under Section 145-10C of the Dover Town Code. For this reason, this project requires a special permit issued by the Town Board.

Moreover, Section 145-65A(1) of the Dover Town Code directs that “site plan approval by the Planning Board shall be required for all permitted uses on the Use Table as requiring site plan approval only. 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.” Consequently, site plan review for this project is subsumed in the Town Board’s consideration of CVE’s special permit application.

Finally, this project constitutes an “action” under the State Environmental Quality Review Act (“SEQRA”). The enclosed materials include the documentation necessary to commence SEQRA review procedures. CVE therefore requests that the Town Board initiate the SEQRA processing of this application.

Conclusion

The site lends itself to the project proposed by CVE in this application. The site’s location near an existing natural gas transmission line and electric transmission infrastructure make it particularly suitable for the proposed facility. The current condition of the subject premises also favors CVE’s project, which will result in a collection of inactive, dilapidated industrial buildings being replaced by a modern, highly advanced facility that creates substantial economic, tax and energy benefits on the local and regional level. As borne out by the enclosed materials, and as will be demonstrated as the special permit application process unfolds, the proposed facility will employ state-of-the-art environmental controls and other environmentally sensitive features that will effectively mitigate its impacts. In light of these positive attributes, CVE welcomes the opportunity to present this application to the Town Board.

On behalf of CVE, I respectfully request that this application be placed on the next available Town Board agenda so that the review process may begin.

KEANE & BEANE, P. C.
Supervisor Ryan Courtien and
Members of the Town Board
November 4, 2009
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I thank the Town Board for its consideration of this request.

Respectfully submitted,



Richard L. O'Rourke

RLO/emd
Enclosures

cc: Honorable Caroline Reichenberg, Town Clerk
Thomas Jacobellis, Esq., Town Attorney
Graham Trelstad, AICP, Town Planner

Cricket Valley-

Member Kendall- asked if the Planning Board Attorney agreed with the interpretation of the code - not needing site plan approval
Attorney Polidoro reserved judgment of that interpretation- In the past the Planning board did approve site plan as with the Iroquois project.

Chair-Subdivision and erosion control is still the Planning Board

Attorney O'Rourke- looked very carefully at the Zoning with respect to this particular use and made sure they did exactly what the zoning required. Yes Subdivision and erosion control ids clearly before the Planning Board the Zoning ordinance is clear that the use proposed is not specifically prohibited, nor is it specifically prohibited there is a provision that provides for a Special Permit to be provided by the Town Board. If you read the code- it specifically provides for Site Plan being within the special permit. He noted the case of Windrose and the old Starkdale house that went before the Town Board, not planning.

Member Fila- If we do not agree- do you have objection to the Planning Board doing site plan?

A: They anticipate the Planning Board being very involved. Under the zoning, site plan is the Town Board, in this instance. Erosion control and subdivision is clearly Planning.

Attorney Polidoro- understands both interpretations- the Application although submitted to the Town Board, the applicant is asserting the Planning Board does not have jurisdiction over Site Plan review. The Town Board has not made their decision; it would be up to the Code enforcement officer to make the interpretation.
Planner Ley agreed with Attorney Polidoro's assessment

Matt Martin spoke to how the power was to be distributed through the area, as well as basic information about how the power is sold through the wholesale market

There were no further comments from the Board

Return to Plum Hill Erosion Control Application

RESOLUTION GRANTING EROSION AND SEDIMENT CONTROL PERMIT PLUM HILL

WHEREAS, an application for site plan, special permit and erosion and sediment control permit approval was submitted by Rennia Engineering Design, PLLC, on behalf of Danny Fortune & Co., the owner of 9.052 acres located on Dover Furnace Road, Dover Plains, New York, Tax Parcel Number 7061-00-369979; and

WHEREAS, pursuant to Chapter 65 of the Town Code, an erosion and sediment control permit is required for stripping or grading which affects more than ½ acre of ground surface within any parcel; and

WHEREAS, on November 16, 2009, the Planning Board determined that the project would not result in any adverse environmental impacts and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, a public hearing was held on the application on September 21, 2009 and continued to November 16, 2009, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants the applicant an erosion and sediment permit for site disturbance as shown on the Erosion and Sediment Control Plan prepared by Rennia Engineering Design, PLLC, sheets 3 and 4 of 4, dated 11/03/09, no revision date, subject to the following conditions:

- 1. Payments of all fees and escrow; and**
- 2. Submission of an inspection fee of \$500 to cover the costs of the Planning inspections by the Planning Board Engineer; and**
- 3. Submission of a performance guaranty in the amount of \$10,000 US dollars satisfactory to the Town Board and the Town Attorney as to form, sufficiency, manner of execution and period of execution.**

BE IT FURTHER RESOLVED, that before issuance of a certificate of compliance, the Planning Board Engineer shall provide the Planning Board and the Building Inspector/Code Enforcement Officer with written verification that all work has been completed according to the approved Erosion and Sediment Control Plan.

Motion made by Valerie LaRobardier to grant the Plum Hill project their Erosion Control permit 2nd by Peter Muroski

VOTE: DAVID WYLOCK - AYE MEMBER BARBARA KENDALL - AYE MEMBER JOHN FILA - AYE
MEMBER BRIAN KELLY AYE MEMBER JAMES JOHNSON- absent MEMBER PETER MUROSKI AYE
MEMBER VALERIE LAROBARDIER- AYE

The 2010 meeting schedule was distributed to the Board with the revision of - instead of meeting January 4, 2010, the Town Board will have their reorganization meeting on that date and we will meet- the 3rd Monday January 18

Motion made by Barbara Kendall to adjourn 8:34 2nd by John Fila

VOTE: DAVID WYLOCK - AYE MEMBER BARBARA KENDALL - AYE MEMBER JOHN FILA - AYE
MEMBER BRIAN KELLY AYE MEMBER JAMES JOHNSON- absent MEMBER PETER MUROSKI AYE
MEMBER VALERIE LAROBARDIER- AYE

Respectfully submitted,

Betty-Ann Sherer

This meeting may be viewed in full on the Town of Dover web site by going to www.townofdover.us
Full Audio may be requested for a fee by completing a FOIL request form from the Dover Town Clerk

Please call the Planning Board Office with any questions 845-832-3048

DUE TO A LACK OF QUORUM, THESE MINUTES HAVE BEEN FILED NOT ADOPTED AS APPROVED BY THE
PLANNING BOARD