



TOWN OF DOVER PLANNING BOARD MEETING MONDAY, JUNE 5, 2017

The Town of Dover Planning Board held a regular meeting at 7:00 pm on Monday, May 15, 2017 at the Dover Town Hall, 126 East Duncan Hill Road, Dover Plains, NY with the following members present:

Chairman David Wylock
Member Valerie LaRobardier – Arrived at 7:17 p.m.
Member Peter Muroski
Member Jay Murphy
Member William Sedor
Member Michael Villano

Others in attendance were Mr. Joseph Berger, Town Engineer, Ms. Victoria Polidoro, Attorney to the Planning Board, Laure Wassen, Town Planner, and Kelly Fusco, Planning Board Secretary.

CALL MEETING TO ORDER

Chairman Wylock called the meeting to order at 7:00 pm. Everyone stood for the Pledge of Allegiance to the flag.

CRICKET VALLEY ENERGY – REMOTE LAYDOWN ESC 7062-00-534700-0000

Applicant: Cricket Valley Energy, LLC
Plans Prepared by: Wayne Bergstrom
Property Owner: Dover Flats, LLC
Property Location: 1173 Old Route 22, Wingdale, NY
Application for: Erosion and Sediment Control

A motion to open the public hearing was made by Member Muroski, and seconded by Member Murphy.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

Chairman Wylock	Voting <u>Aye</u>
Valerie LaRobardier	Voting <u>Absent</u>
Peter Muroski	Voting <u>Aye</u>
Jay Murphy	Voting <u>Aye</u>
William Sedor	Voting <u>Aye</u>
Michael Villano	Voting <u>Aye</u>

The resolution was thereupon adopted on June 5, 2017.

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There were no public comments.

A motion to close the public hearing was made by Member Muroski, and seconded by Member Villano.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

Chairman Wylock	Voting <u>Aye</u>
Valerie LaRobardier	Voting <u>Absent</u>
Peter Muroski	Voting <u>Aye</u>
Jay Murphy	Voting <u>Aye</u>
William Sedor	Voting <u>Aye</u>
Michael Villano	Voting <u>Aye</u>

The resolution was thereupon adopted on June 5, 2017.

**RESOLUTION TO GRANT EROSION AND
SEDIMENT CONTROL PERMIT APPROVAL**

The following resolution was offered by Member Sedor and seconded by Member Murphy, to wit:

WHEREAS, the applicant, Cricket Valley Energy Center, LLC, has submitted an application for an erosion and sediment control permit for property located at 1173 Old Route 22, Dover Plains, NY, as shown on the plans entitled, "Survey of Property for Cricket Valley Energy Center LLC," prepared by Zarecki & Associates, LLC, dated February 10, 2017 and accompanying ESC permit application and narrative materials (the "Plan Set"); and

WHEREAS, the parcel involved in this permit application is identified as tax parcel number 7062-00-534700 (the "Site"), and is located in the RU and CO Zoning Districts; and

WHEREAS, the erosion and sediment control permit is proposed in connection with a larger project to construct a natural gas powered 1,000 MW electric generating facility on the Site (the "Project"); and

WHEREAS, the applicant is seeking an erosion and sediment control permit for a remote laydown area located approximately 2.5 miles from the Project to assist with construction activities at the Project site; and

WHEREAS, the NYS Department of Environmental Conservation served as lead agency in a coordinated review of the Project and adopted a Final Environmental Impact Statement dated July 25, 2016 and SEQRA findings dated July 25, 2012; and

WHEREAS, the Town of Dover Town Board has previously approved a site plan for the Site; and

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WHEREAS, on August 15, 2016, the Planning Board adopted SEQRA findings dated August 15, 2016; and

WHEREAS, the application was referred to the Dutchess County Department of Planning and Development, which responded on May 15, 2017 that it was a matter of local concern; and

WHEREAS, a duly noticed public hearing was held on May 15, 2017, and closed on June 5, 2017, 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 control permit for disturbance as shown on the Plan Set subject to the following conditions:

- 1. Submission of \$10,000.00 to be placed into escrow to cover the cost of site inspections by the Planning Board Engineer.**
- 2. Submission of a performance guaranty for erosion control measures in the amount of \$150,000.00 in form, substance, and matter of execution satisfactory to the Town Attorney.**
- 3. The Planning Board Engineer shall inspect the culvert at the construction entrances on Old Route 22 before the construction entrance is installed and upon decommissioning of the construction entrance.**

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.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

Chairman Wylock	Voting <u>Aye</u>
Valerie LaRobardier	Voting <u>Absent</u>
Peter Muroski	Voting <u>Aye</u>
Jay Murphy	Voting <u>Aye</u>
William Sedor	Voting <u>Aye</u>
Michael Villano	Voting <u>Aye</u>

The resolution was thereupon adopted on June 5, 2017.

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OLD DROVERS INN – SITE PLAN ADJUSTMENT
7061-00-790875-0000

Applicant: Old Drovers Inn
Plans Prepared by: Rennia Engineering and Design, LLC
Property Owner: Old Drovers Inn, LLC
Property Location: 196 East Duncan Hill Road, Dover Plains
Application for: Revised Site Plan for Country Inn and Conference Center

Mr. Rennia provided information on the changes to the site plan. A 360 sq. ft. (12 ft. wide X 30 ft. long) storage area will be added to the east side on the southern end of the pavilion. The color of the building will be white with a clay trim. The parking area will have a 6 ft. high privacy fence.

A motion to open the public hearing was made by Member Muroski, and seconded by Member Sedor.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

Chairman Wylock	Voting <u>Aye</u>
Valerie LaRobardier	Voting <u>Absent</u>
Peter Muroski	Voting <u>Aye</u>
Jay Murphy	Voting <u>Aye</u>
William Sedor	Voting <u>Aye</u>
Michael Villano	Voting <u>Aye</u>

The resolution was thereupon adopted on June 5, 2017.

There were no public comments.

A motion to close the public hearing was made by Chairman Wylock, and seconded by Member Muroski.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

Chairman Wylock	Voting <u>Aye</u>
Valerie LaRobardier	Voting <u>Absent</u>
Peter Muroski	Voting <u>Aye</u>
Jay Murphy	Voting <u>Aye</u>
William Sedor	Voting <u>Aye</u>
Michael Villano	Voting <u>Aye</u>

The resolution was thereupon adopted on June 5, 2017.

**TOWN OF DOVER PLANNING BOARD MEETING
June 5, 2017 (CONTINUED)**

**RESOLUTION GRANTING SITE PLAN AMENDMENT AND
SPECIAL USE PERMIT APPROVAL**

The following resolution was offered by Member Murphy and seconded by Member Muroski, to wit:

WHEREAS, the applicant, Old Drovers Inn, LLC, has submitted an application for special use permit and site plan amendment approval construction of 360 sq. ft. addition to an approved event barn and to change the pavilion color to “white” and “fresh clay” (the “Project”) on property identified as tax parcel no. 7061-00-790875, in the SR Zoning District and the Aquifer Overlay District (the “Project Site”); and

WHEREAS, the Project is shown on a plan entitled, “Old Drovers Inn Accessory Pavilion” prepared by Rennia Engineering Design, PLLC, dated September 15, 2016, last revised May 3, 2017 (the “Site Plan Set”), as well as “Old Drovers Inn Pavilion Exterior Elevations,” prepared by Structure Works Construction Inc., May 3, 2017; and

WHEREAS, pursuant to Section 145-25B of the Zoning Law, the Planning Board may issues a special use permit to permit the expansion of a pre-existing non-conforming use by up to 50% of its area at the time it became nonconforming; and

WHEREAS, the Project would result in a cumulative 46.9% expansion based on an original existing building area of 14,391 sq. ft.; and

WHEREAS, pursuant to Section 37-3 of the Zoning Law, the Planning Board has full authority and power to approve architectural plans and elevations submitted by an applicant in the absence of a quorum on the Architectural Review Board; and

WHEREAS, pursuant to 6 NYCRR 617.5(c)(7), construction or expansion of a primary or accessory/appurtenant nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance, is a Type II action;

WHEREAS, on May 15, 2017, the Planning Board classified the Project as a Type II action; and

WHEREAS, the Project was referred to the Dutchess County Department of Planning and Development, which responded on May 24, 2017 that it was a matter of local concern; and

WHEREAS, a duly noticed public hearing was held on June 5, 2017, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board hereby grants special permit, site plan amendment and architectural review approval to the project, as depicted

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on the Site Plan Set, and authorizes the Chair to sign the Site Plan Set after compliance with the following conditions:

1. Payment of all fees and escrow.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

Chairman Wylock	Voting <u>Aye</u>
Valerie LaRobardier	Voting <u>Absent</u>
Peter Muroski	Voting <u>Aye</u>
Jay Murphy	Voting <u>Aye</u>
William Sedor	Voting <u>Aye</u>
Michael Villano	Voting <u>Abstained</u>

The resolution was thereupon adopted on June 5th, 2017.

DOVER SOLAR, LLC
7061-00-730320-0000

Applicant: Cricket Hill Solar, LLC
Plans Prepared by: Cypress Creek Renewables, LLC
Property Owner: Ann M. Edge
Property Location: Route 22, Dover Plains, NY
Application for: Solar Farm

Ann Whalen spoke for the applicant. The proper name will be Dover Solar, LLC. Updated documents were submitted. Member Muroski provided a list of suitable landscaping for the project. Member LaRobardier submitted recommendations and asked for information about the fencing. Ms. Whalen stated they are waiting for some guidance on the fencing. The National Electric Code specifies a six foot fence with three strands of barbed wire or a seven foot fence. Either is acceptable. The company is willing to do what the board would suggest in terms of visual appeal and security. A presentation was made to the school board and did not ask for additional information. The company will provide a kiosk with information and a yearly tour would be provided in the future. A solar science curriculum is also available and would dovetail with their instruction. Member LaRobardier asked for the PPT presentation be made available to the public. Ms. Whalen stated she could provide some videos on plants that have already been constructed and a YouTube video of a fly over of the largest facility that was built in North Carolina. Member Sedor asked about the fencing from Route 22 near the entrance. Ms. Whalen stated there would be no screening unless needed. It would be landscaped with native trees and plants. Member Muroski suggested several plants that would provide screening from the road. The highest point of the panels would be ten feet. Chairman Wylock discussed the fencing suggesting a wire at the bottom and on the arms so it would be difficult to climb. The fences are outside the setback and higher fences are allowed. Black or green wired coated were suggested for blending in with the landscape. Panels are monitored remotely with varied on-site inspections and maintenance. Ms. Wassen, Town Planner, said the area has rattle snake and butterflies habitats. Ms. Whalen explained that the panels can withstand a fairly significant shot,

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but would be replaced if broken. Significant row spacing is accounted for in the plan. Response time to repair panels could be handled by local maintenance people. If a panel goes off-line it shows with the monitoring. There is a local response plan that is shared with the local fire department.

Ms. Polidoro, Town Attorney stated a number of items needed to be addressed before a formal SEQR recommendation could be made to the Town Board. Ms. Wassen discussed calculating the area coverage using sign parameters and she anticipated it would be under 6,000 sq. feet and within the town's code. Additionally, the Erosion and Sediment Control permit and the ARB should be noted on the EAF. The natural resource person felt there needed to be additional investigation, specifically vegetation and habitats for potentially endangered species. He also noted that there is a lot of hydric soils in the area and .1 acre of wetland seemed to be a little low. He suggested comments from the Army Corp of Engineers. Mr. Berger, Town Attorney, suggested going through the Chapter 65 checklist.

Chairman Wylock reviewed the process for making a recommendation to the Town Board for a special use permit. The first step would be to conduct a public hearing, the Planning Board will review it and make a recommendation to the board. One sign should be posted on Route 22 and one on Cricket Hill.

A motion to set a public hearing for June 19th, 2017 was made by Member LaRobardier, and seconded by Member Muroski.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

Chairman Wylock	Voting <u>Aye</u>
Valerie LaRobardier	Voting <u>Aye</u>
Peter Muroski	Voting <u>Aye</u>
Jay Murphy	Voting <u>Aye</u>
William Sedor	Voting <u>Aye</u>
Michael Villano	Voting <u>Aye</u>

The resolution was thereupon adopted on June 5, 2017.

DWY LANE
7161-04-929119-0000

Applicant: Brenda Masterson
Plans Prepared by: Eric Gardell, P.L., P.L.S.
Property Owner: Brenda J. Masterson
Property Location: Dwy Lane, Wingdale, NY
Application for: Lot Line Change

Chairman Wylock read a letter received for a withdrawal of an application for a lot line change from Brenda J. Masterson. She requested the return of any unused escrow funds.

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MINUTES

A motion to accept the minutes of the May 15th, 2017 Planning Board Meeting was made by Member Sedor, seconded by Member Muroski.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

Chairman Wylock	Voting <u>Aye</u>
Valerie LaRobardier	Voting <u>Aye</u>
Peter Muroski	Voting <u>Aye</u>
Jay Murphy	Voting <u>Aye</u>
Member Sedor	Voting <u>Aye</u>
Michael Villano	Voting <u>Aye</u>

The resolution was thereupon adopted on June 5, 2017

**RESOLUTION
ADJOURN THE MEETING**

A motion was made by Member LaRobardier, seconded by Member Sedor, to adjourn the meeting at 7:54 p.m.

The question of the adoption of the foregoing Resolution was duly put to a vote which resulted as follows:

Chairman Wylock	Voting <u>Aye</u>
Valerie LaRobardier	Voting <u>Aye</u>
Peter Muroski	Voting <u>Aye</u>
Jay Murphy	Voting <u>Aye</u>
Member Sedor	Voting <u>Aye</u>
Michael Villano	Voting <u>Aye</u>

The resolution was thereupon adopted on June 5, 2017.

Respectfully submitted,

Patti Zangle