



TOWN OF DOVER PLANNING BOARD MEETING MONDAY, MAY 15, 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
Member Peter Muroski
Member Jay Murphy
Member William Sedor
Member Michael Villano - Absent

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

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

Mr. Bruce Germinero from Advance Power spoke on behalf of the applicant and provided background information on the Cricket Valley project. The project has been under development for a number of years. In January the financial closing occurred and demo and remediation began. The demo is going well with all buildings removed and construction is scheduled to begin in a few months. The remote laydown will be used to augment and improve the flow of construction. It will provide over flow parking and a space for laydown of equipment.

Several questions were asked by Chairman Wylock concerning access, number of cars and lighting. Mr. Germinero stated the access will be from Route 22 and there will be parking for 400 cars to be used over a short period of time. There will be limited night activity and some lighting will be provided near the offices on a corner of the property mostly for security purposes.

**TOWN OF DOVER PLANNING BOARD MEETING
MAY 15, 2017 (CONTINUED)**

Mr. Joe Berger, Town Engineer stated that he has no concerns after reviewing the plans. Erosion calculations were provided and shows the storm water drainage. Ms. Laure Wassen, Town Planner asked about the lighting plan. The lighting plan was evaluated as part of the original EIS. Mr. Germinero stated the parking area and office will be off Route 22 and the lighting analysis was completed for the south end of the property. Ms. Polidoro stated that the consultants should have the approved site plan. Mr. Germinero specified that no trees would be removed from the property with the exception of creating access from Route 22.

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

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 | Absent |

The resolution was thereupon adopted on May 1, 2017.

Mr. Frank Mancuso addressed the Board, specifically questions for Mr. Berger. He has concerns about the erosion and sediment from the site contaminating. Mr. Berger clarified the draining would be on the site. Mr. Mancuso further stated he had a property in New Rochelle adjacent to a similar project and there were significant effects from contamination causing birth defects, cancer, and tumors with his animals. The site has now been abandoned and no taxes have been collected since 1984. He has been pursuing his claims in court.

Mr. Berger detailed the management and regulations concerning the laydown site. It will be used for storage of materials and parking. There will be a gravel parking lot and the storm water will drain over land, into sediment basins, and swales. It is a DEC approved project and will be monitored weekly by the Town Engineer every Tuesday. If any grey water appears it will be handled following regulations. The site is monitored daily by construction site consultant following DEC standards, weekly by a bio consultant, and personally inspected by Mr. Berger. DEC will be welcomed on to the site as a fourth oversight. Mr. Berger has a direct line to the DEC enforcement officer and issues will be handled promptly. Mr. Berger point out that after he inspected the other construction site, fantastic work was being completed and was better than expected concerning the storm water.

Mr. Mancuso was told that soil samples are not required by DEC. He cautioned the Board to be careful since contaminants can odorless and colorless. Mr. Berger assured Mr. Mancuso that a protocol was in place which was evaluated and approved, if there were to be a spill.

**TOWN OF DOVER PLANNING BOARD MEETING
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Mr. Warren Rozelle, Jr. asked about the roads and the extent the area would be stripped. Mr. Germinero clarified that the roads and the parking area will be stripped of topsoil and will be covered with geotextile materials and gravel. The topsoil will be maintained on the site and kept environmentally sound and reused after the project is complete.

Mr. Carlo Benedetto, a resident of Old Route 22 voiced concerns over having the large trucks drive over the culvert crossing the road for drainage. Mr. Germinero stated the only traffic that will be on Old Route 22 will be machinery and cars used to create the entrance that needs to be created from the property. Mr. Berger stated he would inspect the culverts to ensure they are not damaged by travelling over them with machinery.

Ms. Faye Grito question the fencing concerning its purpose and duration. Mr. Jim Frank from Bechtel replied that the purpose of the fencing is for security of the vehicles and machinery. It will be a seven foot chain link fence around the perimeter of the area. Parking is for approximately 400 cars and storage of materials. Prep work will begin July 2017 – September 2017. Most construction work at Cricket Valley will be completed between December 2018 and December 2019.

Chairman Wylock announced that as of today County Planning has not responded concerning this project and have 30 day to respond. The public hearing will have to be continued until June 5th.

A motion to continue the public hearing until June 5th, 2017 was made by Member Muroski, and seconded by Member LaRobardier.

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 | Absent |

The resolution was thereupon adopted on May 1, 2017.

**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 |

**TOWN OF DOVER PLANNING BOARD MEETING
MAY 15, 2017 (CONTINUED)**

Mr. Rennia presented on behalf of the applicant. The owners are looking for some modifications to the site plan to include a 365 sq. ft. area for employees while the facility is in use, change in color from the approved green reddish color with brown trim to white with the same trim, and a privacy fence bordering the neighbor's property. The fence would be solid wood and spray painted maroon. This added area in square footage increases usage to 46.9 but under the 50% max.

The consultants commented on the project. Mr. Berger, Town Engineer visited the site with Chairman Wylock. He noted the small addition was needed. The fence is needed to shield the neighbors, and the site plan is well established. The facility is well constructed. Ms. Wassen had questions concerning lighting. Mr. Rennia stated the lighting had not changed from the original plan. The lights are shielded and the fence will do a better job blocking the light from the neighbors. Parking lighting has not changed. Mr. Rennia also emphasized that the 12 X 30 bump out from elevation blends nicely and a new rendering was handed in. Ms. Polidoro, Town Attorney asked if the fence was already in place. Mr. Muncey stated it was and was agreeable to the neighbors. There was discussion concerning the length of the fence and the landscaping.

Ms. Polidoro informed the Board that this application was a site plan amendment and special use permit. She noted a public hearing needs to be set because it is a special permit and would need to be referred to Dutchess County Planning.

**RESOLUTION CLASSIFYING THE ACTION AND REFERING THE APPLICATION
TO THE DUTCHESS COUTY DEPARTMENT OF PLANNING AND DEVELOPMENT**

OLD DROVERS INN SITE PLAN AMENDMENT & SPECIAL USE PERMIT

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 (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

**TOWN OF DOVER PLANNING BOARD MEETING
MAY 15, 2017 (CONTINUED)**

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, the Planning Board of the Town of Dover has performed a preliminary review of the application materials; and

WHEREAS, in accordance with the State Environmental Quality Review Act, said Board is required to determine the classification of the proposed action.

NOW THEREFORE BE IT RESOLVED that the Planning Board hereby:

- 1. Classifies the action as a Type II SEQRA action.**
- 2. Directs its Secretary to refer the application to the Dutchess County Department of Planning and Development for a review and recommendation thereon pursuant to Section 239-m of the General Municipal Law.**

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 | Absent |

The resolution was thereupon adopted on May 15, 2017.

Ms. Polidoro reminded the Board that Dutchess County Planning will have 30 days to respond. If they do not respond before June 5th the public hearing cannot be held. The balance of the escrow is \$1,300.

A motion to set the public hearing for June 5th, 2017 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>Aye</u> |
| Peter Muroski | Voting <u>Aye</u> |
| Jay Murphy | Voting <u>Aye</u> |
| William Sedor | Voting <u>Aye</u> |
| Michael Villano | Absent |

The resolution was thereupon adopted on May 15, 2017.

**TOWN OF DOVER PLANNING BOARD MEETING
MAY 15, 2017 (CONTINUED)**

MINUTES

A motion to accept the minutes of the April 17th, 2017 Planning Board Meeting was made by Member LaRobardier, seconded by Member Sedor.

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

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|---------------------|-------------------|
| 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 | Absent |

The resolution was thereupon adopted on May 15, 2017.

A motion to accept the minutes of the May 1st, 2017 Planning Board Meeting was made by Member LaRobardier, 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>Aye</u> |
| Peter Muroski | Voting <u>Aye</u> |
| Jay Murphy | Voting <u>Aye</u> |
| Member Sedor | Voting <u>Aye</u> |
| Michael Villano | Absent |

The resolution was thereupon adopted on May 15, 2017.

**BAUER EROSION AND SEDIMENT CONTROL PERMIT
7059-00-722112-0000**

| | |
|---------------------------|-------------------------------------|
| Applicant: | Robert Bauer |
| Plans Prepared by: | Joe Zarecki Engineering |
| Property Owner: | Robert Bauer & Jennifer M. Muller |
| Property Location: | NYS 22 & Deer Ridge Road |
| Application for: | Erosion and Sediment Control Permit |

Ms. Polidoro, Town Attorney, stated that Bauer paid escrow to ensure the conditions were met. Mr. Berger, Town Engineer, inspected the site and all the conditions have been. The Board can release the funds.

**TOWN OF DOVER PLANNING BOARD MEETING
MAY 15, 2017 (CONTINUED)**

RESOLUTION RECOMMENDING RELEASE OF PERFORMANCE GUARANTY

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

WHEREAS, on May 1, 2017, the Town of Dover Planning Board granted Robert Bauer an erosion and sediment control permit for disturbance including a new driveway onto Route 22 (the “Project”) on property identified as tax parcel no. 7059-00-722112, in the RU Zoning District (“Site”); and

WHEREAS, the Planning Board Engineer has conducted an inspection of the property and by letter dated May 15, 2017 confirmed that all work contemplated under the permit work has been completed and all provisions of the permit have been met; and

WHEREAS, pursuant to Town Code Section 65-11(C), “such performance guaranty shall continue in full force and effect until a certificate of compliance shall have been issued by the authorized official after such consultation with any agencies or individuals as he deems necessary to ensure that all provisions of this chapter and of the permit have been met”.

NOW THEREFORE BE IT RESOLVED, pursuant to Town Code Section 65-11(C), the Town of Dover Planning Board recommends release of the performance guaranty.

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 | Absent |

The resolution was thereupon adopted on May 15, 2017.

**RESOLUTION
ADJOURN THE MEETING**

A motion was made by Member LaRobardier, seconded by Member Sedor, to adjourn the meeting at 7:47 p.m.

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

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|---------------------|-------------------|
| Chairman Wylock | Voting <u>Aye</u> |
| Valerie LaRobardier | Voting <u>Aye</u> |
| Peter Muroski | Voting <u>Aye</u> |

**TOWN OF DOVER PLANNING BOARD MEETING
MAY 15, 2017 (CONTINUED)**

| | |
|-----------------|-------------------|
| Jay Murphy | Voting <u>Aye</u> |
| Member Sedor | Voting <u>Aye</u> |
| Michael Villano | Absent |

The resolution was thereupon adopted on May 15, 2017.

Respectfully submitted,

Patti Zangle