



***Town of Dover***  
***Dutchess County, New York***

# **Special Permit/Site Plan Discussion Application**

Submitted by:  
**Cricket Valley Energy Center, LLC**  
(November 4, 2009)



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.

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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.

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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.

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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