

Town of Dover Planning Board

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



(845) 832-6111 ext 100

Planning Board Meeting
Monday May 17, 2010
7:00PM

- Co-CHAIR David Wylock
- Co- Chair Valerie LaRobardier
- Member John Fila
- Member Brian Kelly
- Member James Johnson
- Member Peter Muroski
- Member Michael Villano

Also, in attendance representing the Planning Board were Planning Board Attorney Victoria Polidoro, Planner Ashley Ley and Joseph Berger.

For the Applicants: John Nelson, Frank Peduto and Jon Adams for RASCO, Supervisor Courtien, Attorney Rick O'Rourke - Cricket Valley, Mike Purcell, Evelyn Chiarito, Sybil Gilbert, Linda French , Elaine LaBella, Former Supervisor Jill Way and 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 7:01 PM and began with the Pledge of Allegiance

Public Hearings:

1. RASCO MATERIALS SITE PLAN-7061-00-585063 & 7061-00-580190

Applicant: RASCO Materials, Property Owner Howland Lake Partners, LP
Plans Prepared by Frank Peduto of Spectra Engineering
Property located at Wingdale Industrial Park, 2241 NYS RT 22 Wingdale
Application for Site Plan on 3.0 acres *in the M district*

Continued Public Hearing
Frank Peduto, Jon Adams & John Nelson present

Motion made by Valerie LaRobardier to open the Public Hearing 2nd by Michael Villano

VOTE: CO-CHAIR DAVID WYLOCK – AYE	CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER JOHN FILA – AYE	MEMBER BRIAN KELLY - AYE
MEMBER JAMES JOHNSON - AYE	MEMBER PETER MUROSKI - AYE
MEMBER MICHAEL VILLANO– AYE	

Motion approved

Mike Purcell-Pawling, FrOGS

Read written statement into the record as well as submitted copies of the letter and 1 copy of the NRCS SOILS map of the proposed site.

May 17, 2010

Mr. David Wylock and Ms. Valerie LaRobardier
Co-Chairs, Town of Dover Planning Board
Dover Town Hall, 126 East Duncan Hill Road
Dover Plains, NY 12522

RE: Rasco Materials Site Plan -7061-00-585063 & 7061-00-580190

Applicant: Rasco Materials, Property Owner Howland Lake Partners, LP
Property located at Wingdale Industrial Park, 2241 NYS Rt 22, Wingdale
Application for Site Plan on 3.0 acres in the M district

Dear Mr. Wylock, Ms. LaRobardier and Planning Board Members:

The Great Swamp is the second largest freshwater wetland in New York State. It is a vast wetland system that plays a valuable role in maintaining water quality, flood control and wildlife habitat, including habitat for many threatened and endangered species. The North flow of the Swamp includes the Swamp River watershed, which begins on Pawling Mountain and flows northward from Pawling to Wingdale and Dover Furnace. The Great Swamp in this area a narrow and elongated wetland system lying over a calcareous base.

Ground water recharge is one of the major benefits of the Great Swamp wetland system. Waters from the watershed areas surrounding the Swamp, flow into the Swamp basin and are stored and recharged into the ground water aquifer throughout the upper Harlem Valley. These waters, now stored in that aquifer are essential to and important for the residents of the Valley as almost all the residents depend on individual or community wells, drawing from that aquifer, as their source of drinking water. Maintaining the purity and quality of that water is a key public health issue.

Ground waters can become easily polluted by chemical agents ---and when so polluted may not longer be suitable for drinking water. As the soils underlying this project are particularly unsuitable for storm water discharge (on this proposed site as determined by an examination of the soil maps), the potential for chemical contamination of the waters in the aquifer are high. Several years ago the Village of Brewster wells-located along the East Branch Croton River, were polluted by petroleum based chemicals from a dry cleaning establishment and from petroleum products from automobile repair facilities. The water was declared unfit for human consumption and an extensive amount of time and expenditures of public funds was necessary to find a new source. All the while, the over 2000 residents of the Village that depended on this supply were without potable water, and waters had to be trucked in for them, at great cost.

The Great Swamp, and in particular the North Flow of the Swamp adjacent to the Swamp River, is a highly productive wetland ecosystem that supports a remarkable diversity of plants and animals. Many species require the wetland for survival; others use The Swamp and the River as a corridor to travel from one habitat to another. The Swamp is very important to migratory bird species as over 90 species of migratory birds use this wetland habitat during migration, another 95 species breed in the Swamp. The Great Swamp is one of New York Audubon's Important Bird Areas. Most of the reptiles and amphibians that dwell in the swamp are very sensitive to waters polluted by petroleum products, including the threatened and endangered species that dwell in these areas. Chapters 25, 40 and 41, of the New York State Open Space Conservation Plan recommend special conservation efforts in the Rte 22 corridor.

The protection of the aquifer underlying the proposed project, the adjacent Great Swamp and Swamp River and the environmental importance of the entire area are sufficient to require a Type 1 Declaration under SEQRA for this project and a full environmental review by the Board of all the factors

affecting the project. The Dutchess County Legislature designated the Great Swamp a Critical Environmental Area (CEA) in 1992. Friends of the Great Swamp recommends that a full review under SEQRA take place. The Planning Board would benefit from such a review, in that the Planning Board could consult soil scientists familiar with the characteristics of the soils which would receive the storm water discharge from the project and acting in consultation with the Town's own engineer, recommend the best available technological solutions for treating the storm water discharge from the proposed project. Given the sensitivity and unsuitability of the underlying soils for receiving storm water discharge, a more rigorous plan may be needed than the standard NY State requirements.

In addition a full SEQRA Review would aid the Planning Board in enhancing other procedures in relation to the project that are cited as part of the NYS Department of Environmental Conservation's BUD Permit.

- The proposed project requires that thousands of tons of petroleum contaminated hazardous wastes be trucked into the Town of Dover over roadways in the town, in particular NY Rte 22 which runs parallel to the Swamp River. As this is untreated hazardous waste as it enters and passes through the town, an accident resulting in the spillage of these materials would quickly wash the petroleum portion of these contaminated soils into the drainage system and into the slow flowing Swamp River, the portions of the Great Swamp adjacent to the River and into the underlying aquifer. The Planning Board has the opportunity to put emergency response procedures into place now to deal with such potential accidents and assure that local emergency responders can handle any spilled hazardous waste immediately as well as be prepared for proper clean-up and notification of the NYS DEC and the US EPA.

- The Planning Board should have access to the advice of a soil scientist and consultation with its engineering consultants so these consultants can aid the Board in making final decisions on the design of the storm-water management system.

- The Town of Dover should have access to the records required to be kept by the NYSDEC BUD permit, which must, by law be retained for three years. This is particularly important for "Open Governance" and the public's "Right •to Know". Copies of the complete set of records from where the contaminated soils originated, to the testing of the final batches after treatment at the facility confirming that they have been completely remediated and the purchaser and transportation plans for each remediated batch should be available digitally in Town Hall rather than retained exclusively in DEC files.

- Additional information provided to the Planning Board after consultation with a soil scientist and their own consulting engineers in regard to Best Available technology for treatment to the storm water management system will give the Board a better estimate in regard to bonding the project and may in fact suggest that a cash bond be included as well as the usual insurance bond. The cash bond would allow for some "emergency funds" to be available to the Town of Dover, should clean up or emergency action need to be taken and prevent a reoccurrence of the problems related to the TT Materials Operation.

The Swamp's geology, the calcareous nature of the geology of the underlying the Harlem Valley and the affects that pollution can have on the underground aquifer from which most of the residents of the Valley draw their water are all interrelated. The risks are great, and the best way of determining and evaluating those risks and planning for their elimination or mitigation is a complete environmental review. Respectfully Submitted,

Gordon Douglas, Vice Chairman May 17, 2010

NRCS Soils map submitted show the ratings for storm water management based on NYS guidelines. Almost all the soils on the site have a limited classification rating for infiltration of storm waters.

Elaine LaBella- HVA

RE: RASCO MATERIALS SITE PLAN-7061-00-585063 & 7061-00-580190

Applicant: RASCO Materials, Property Owner Howland Lake Partners, LP

Property located at Wingdale Industrial Park, 2241 NYS RT 22, Wingdale
Application for Site Plan on 3.0 acres in *the M district*

Dear Mr. Wylock, Ms. LaRobardier and Planning Board Members:

The Housatonic Valley Association (CHVA), founded in 1941 is the one of the oldest non-profit watershed conservation organization in the nation, and is dedicated to preserving and protecting the natural character and environmental health of the Housatonic River and its 1,948 mile watershed, which includes the Swamp and Ten Mile River watersheds in New York. Our work in surface and groundwater protection issues is extensive.

We understand that the applicant has compiled and submitted a considerable amount of information as requested by this Board. A number of the studies, comprising many hundreds of pages, were received at the Town Hall on May 3rd. Due to the great volume of information the last of the documents was posted to the Town website this afternoon, giving the public very little time to review the submissions prior to this meeting. We ask the Board to extend the Public Hearing to afford residents sufficient time to review and prepare comments on the documents.

Although the applicant has provided a materials handling plan there is little that can be done to prevent material from falling from the buckets and sticking to the tires of heavy earth moving equipment, and the opportunity for petroleum to be picked up by rainwater still exists. We are concerned that the berms proposed for this project may not adequately address the risk of polluting the underlying soil and thereby ask that the Board require the applicant to prepare plans to capture storm water on the site using impermeable surfaces with catch basins and collection basins to prevent petroleum products from infiltrating into the soil. Removing petroleum products prior to discharging the storm water to groundwater will ensure that no contaminants will seep into the Great Swamp. The applicant's attorney acknowledged, in a letter to the Board on April 16, 2010, that the Great Swamp is approximately 350 feet from the corner of the nearest building on the site. The attorney also stated that the rail bed and a berm and vegetation will avoid the potential of any interaction between the site and the Great Swamp or Swamp River. But those are surface structures, which may not prevent contaminated storm water from carrying contaminants through the soil.

It appears that this proposed operation may have a significant adverse impact on the environment and would, under §617.4, Type I actions, of the State Environmental Quality Review regulations, require the preparation of an EIS. An EIS would give the Board the opportunity to fully quantify and evaluate any potential environmental consequences of the project. We appreciate the careful and comprehensive review the Board has given this application and would support a finding that this application requires a full EIS under SEQRA.

We greatly appreciate the opportunity to comment on this important matter.

Sincerely,
Elaine E. LaBella
Director of Land Protection

Evelyn Chiarito- resident Town of Dover

Thanked the Board for keeping the Public Hearing open and accepting comments as well as for putting the RASCO application on the Town website as well as the Town staff that worked so hard to make that happen.

One document looked at from the CEO's office dated May 5, 2010, had a lot of interesting information in it. It states a former CEO sent a notice to TT Materials that no site plan approval had been received as was required by the then zoning. So it was required and never occurred. Also 2005 stop work order had not been rescinded by the CEO. He cites Town code section 150-58. It also appears to her that the CEO has not determination that this project is pre-existing non conforming s use, She believes that only he has the

authority to make this determination. She does not think it is a function of the Town Board. There is a reason why the departments are independent and reach their decisions, they each have their own specialties. It seemed to her that there are many outstanding questions that need to be resolved. She therefore requested this project receive a Type 1 SEQRA review.

Sibyl Gilbert: Vice Chair of the Oblong Land Conservancy

A letter fro their attorney was just turned in, they have not had time to digest the contents but the conclusion is that there were as number of legal issues involved in this action between the Town Board and RASCO that are challenged and do not hold up in law. Beyond that they did obtain water samples and permission to get the water samples from the polluted site in Pawling, they are waiting for the lab test results.

Co-Chair Wylock – We have a copy of that letter, would you care to read it into the record.

Dover Planning Board
126 East Duncan Hill Road
Dover Plains, NY 12522

Re: Rasco Materials, LLC, 2241 Route 22, Wingdale, NY (the "site" or "property")
Site Plan application (the "application")

Dear Chairman Wylock and members of the Dover Planning Board:

The Oblong Land Conservancy ("Conservancy") respectfully requests that the Planning Board include this letter as part of the Board's record with respect to a number of legal issues raised by this application. The Conservancy further requests that the Planning Board refrain from relying on the December 1, 2009 stipulation in making any decision on this application as the stipulation was unlawfully entered into by the Dover Town Board with the applicant. The application should be denied as the proposed use is a solid waste management facility under Section 145-50 of the Dover Code and is not a continuation of a lawful preexisting, nonconforming use.

**THE TOWN BOARD CANNOT USURP THE AUTHORITY OF THE PLANNING
BOARD, ZONING BOARD OF APPEALS OR THE BUILDING INSPECTOR UNDER
THE GUIDANCE OF A COMPROMISE OF A CLAIM PURSUANT TO
THE NEW YORK STATE TOWN LAW**

The stipulation entered into between the Dover Planning Board and Rasco Materials (the "Applicant") is improper for several reasons. A freedom of information law requests reveals that no legitimate claim was ever presented to the Town Board with respect to the applicant's allegation that a lawful preexisting, nonconforming use at the site had not ceased. There was no legitimate claim or controversy for the Town Board to settle. There is no request for an interpretation of the Dover Code from the applicant with respect to this issue anywhere in the Building Department or Town Board files. It appears that there was no determination by the Building Inspector as to whether the proposed use by the applicant would qualify as a continuation of a purported lawful preexisting, nonconforming use. A plain reading of the stipulation is also evidence of this fact. The stipulation is merely an inartful attempt to give the applicant authority to undertake an action at the site that is not permitted by the Dover Code. The May 5, 2010 letter from the Building Inspector to the Planning Board is even better evidence. As far as the Building Inspector is concerned violations still exist at the site. As indicated below, the Building Inspector has confirmed in a May 5, 2010 letter to the Planning Board that the stop work order he issued for the site in 2005 as a result of local Code violations has not been rescinded and is still in effect. The Town's records reveal that the stop work order was never challenged by the site owner or operator or any other

person or entity. Section 145-59.F of the Dover Code provides that the stop work order had to be challenged within 60 days of its filing through an appeal to the Zoning Board of Appeals. The Town Board cannot resuscitate the applicant's appeal via the stipulation.

Even if the applicant had challenged a determination by the Building Inspector as to the legality of the applicant's proposed use, the Town Board *could not* lawfully validate the applicant's baseless and specious claim that it is merely continuing a lawful preexisting, nonconforming use in accordance with the Dover Code and New York State case law. New York State Town Law Section 68 does not give town boards the authority to take such erroneous actions. *Wadsworth v. Board of Sup'rs of Livingston County*, 217 N.Y. 484 (1916) (Although a town board can compromise or settle an action or proceeding against the town with the approval of the court in which the action or proceeding is pending pursuant to Section 68 of the New York Town Law, a town cannot indirectly, by means of a compromise agreement, give validity to a void claim). The Town Board lacked the authority to make determinations in purported settlement of a matter that is rightfully within the jurisdiction of the Planning Board, the Building Inspector and the Zoning Board of Appeals. The intent of the Town Board's stipulation with the applicant was clearly to usurp the authority of both the Building Inspector and the Planning Board so that the applicant could avoid controversy and the application of relevant provisions of the Dover Code including, but not limited to, Sections 145-50 and 145-74 and Article VI of the Zoning Law. As made clear by the public hearing record in this matter, those Dover Code provisions require the denial of the Rasco Materials application because the applicant proposes a privately owned and operated solid waste management facility and any such prior use of the site was not properly permitted and has been discontinued for more than a year under Section 145-24 of the Dover Code.

The Town Board in its November 2009 meeting minutes is under the misconception that it can and/or should authorize the Planning Board Chairman and the Building Inspector to enter into a stipulation with the applicant. The Town Board is apparently also under the misconception that the Chair of the Planning Board can take action on behalf of the Planning Board without any action on the part of a quorum of Planning Board members. The law does not agree. The signatures of the Planning Board Chair and the Building Inspector at the end of the stipulation do not cure any of the defects in process.

The power to interpret the zoning law is vested in the building inspector and the zoning board of appeals. *See Barron v. Geltnik*, 107 A.D.2d 1017 (4th Dept. 1985) (finding that the ZBA had no authority to consider the matter of whether a use fits the definition of preexisting, nonconforming as set forth in its zoning law unless the building inspector has first considered the matter); *Jamil v. Village of Scarsdale Planning Board*, 24 A.D.3d 552(2d Dept. 2005) (finding that the planning board correctly relied on the building inspector's determination). The Dover Town Board does not have this authority. New York case law requires the Planning Board to utilize its applicable land use laws in reviewing, approving and denying applications. In so doing, the Planning Board will rightfully make informal interpretations of the local laws. *East Moriches Property Owners' Association, Inc. v. Planning Board of Town of Brookhaven*, 66 A.D.3d 895 (2d Dept. 2009) (rejecting a neighbor's argument that the planning board made an implicit interpretation of the zoning law merely by approving an application). The Dover Town Board does not have this authority either. *See Spinosa v. Ackerman*, 98 Misc.2d 1073 (1979). When a town board does usurp the authority of its planning board, its decision is null and void.

THE EXISTING VIOLATIONS AT THE SITE PRECLUDE THE PLANNING BOARD FROM RECEIVING, REVIEWING OR GRANTING ANY SITE PLAN APPLICATION

Based on a site walk by the Planning Board in January of 2010, there are outstanding state and Dover Code violations at the site. Willie Janeway, the New York State Regional Director for Region 3 has concurred with this conclusion as it concerns state violations for the record. Neither the applicant nor the site owner needs local approval to rectify outstanding state violations at the site. A number of these state

violations are also Dover Code violations including, but not limited to, the existence of the solid and hazardous waste located at the site. In fact, As best stated by the Building Inspector, the stop work order he issued in 2005 is still in effect as he has "not rescinded it." There is apparently no evidence that the former operator of the site ever obtained the local approvals necessary to lawfully run its operation. Dover Code Section 145- 57.H forbids the Planning Board from receiving, reviewing or granting this applicant site plan approval or any other approval until the outstanding violations are rectified. No other conclusion can be drawn from a plain reading of the applicable local law provision and the record in this matter.

**THE PROPOSED USE AT THE SITE IS NOT A CONTINUATION OF A LAWFUL
PREEXISTING, NONCONFORMING USE AND SHOULD NOT BE PERMITTED**

Section 145-24.A of the Dover Code clearly states that "If a nonconforming use of land or structures is discontinued for a period of one year, it shall not thereafter be reestablished except as provided in Subsection B, and any future use shall be in conformity with this chapter."

Subsection B does not apply to this application. The period of one year has been held by the courts in this state to be an adequate amount of time. It is undisputed in the record that the applicant's and landowner's operation of a solid waste management facility at the site ceased in November 2005. The nonconforming use of land at the site was discontinued under any rational interpretation of the Dover Code and New York case law. In this regard, the Planning Board appears to have been misled by the Town Board and its counsel and the applicant. The case law indicates that an intention to abandon a nonconforming use of property must be established if the zoning law fails to provide that mere discontinuation of the nonconforming use of property for a specified time constitutes abandonment. The annexed cases and treatise pages are merely provided as examples.

CONCLUSION

The Conservancy appreciates the Planning Board's consideration of the issues herein and requests that the Rasco application be denied.

Sincerely,

Signed by Sybil Gilbert

Chris Wood

Chairman

Co-Chair Wylock - Understand that our Attorney has not seen this letter- this is the first time we are all seeing this letter. There are 3 items in that letter he would like to take exception to:

- 1- The CEO did make a determination that this is a non conforming pre-existing use.
- 2- The stipulation agreement was ratified by the Planning Board at the January 2010 meeting by vote
- 3- Within the past 2-3 weeks by our insistence , the Code enforcement officer did inspect the site by alleged violations enumerated by our attorney there is a copy of his letter
May 8, 2010

"This office did its enforcement action by issuing the stop work order! The vehicles, if considered construction vehicles, of which it could be argued all are - bucket loader, tank trailer, dump truck etc. are allowed by section 145-51 B (2) to be there as it is not a residential zone and they are not visible from the other properties. All the "junk" that was observed on this parcel was inside the building and as such would be regulated by whether it had a permit

to operate or not and the terms of the permit. In addition, some of the material questioned is not even on this parcel of property.

Our request was to inspect the entire Howland Lake parcel, not just what will be leased by the applicant

He continued to read:

. At this point the question is; are they going to be allowed to operate and if not then the order to remove any materials not allowed could be enforced!

. George T. Hearn

Code Enforcement Officer

There have been no violations issued.

Code enforcement officer did make a determination back in December 2009. The stipulation agreement was signed. He signed it after the supervisor and the code enforcement officer had signed it and my signature was ratified at the January 2010 - unanimously by the Planning Board.

Member Kelly- The vote wasn't unanimous- it may have been, but the following month I asked to rescind it- and then that got voted down.

Co-Chair Wylock- You couldn't rescind your vote

Member Kelly- No, I asked the Board to rescind the agreement

Co-Chair LaRobardier- we did revote and revoted to approve it again.

Member Johnson- 4 to 2

Member Kelly- I felt the Planning Board was misled that it was a pre-existing non-conforming use, and it actually isn't- those are my feelings.

Attorney Polidoro- according to the code no application shall be received for a site where there is an existing violation unless the application is required by the Building inspector, Town Attorney or reviewing agency in settlement of the outstanding violation. So the fact that there was a stop work order for the site doesn't preclude the planning Board from reviewing the application if the application is to remedy the stop work order. That's why we asked Tom Hearn if there are other violations on the site

Member Johnson- What is this other letter

Co-Chair Wylock - That is the original letter he sent after reviewing the site

May 5, 2010

To: Town of Dover Planning Board

Re: RASCO Materials

The site was re-inspected along with Town Engineer Berger. Their (Rasco's) engineer is to prepare a report which is to be forwarded to Engineer Berger for his review in reference to the structural integrity of the buildings.

As for a brief history: October 4 1994, CEO Binotto sent a letter to T&T Materials Informing them (T&T) that no site plan approval had been received for the site as required by the then current zoning law. There are also several copies of "Notice of violation" issued by NYSDEC that are in the file. On May 7, 1998, CEO Binotto hand delivered a letter to T&T Materials notifying them that the equipment brought to the site was not in compliance with the Town Code which at that time had a moratorium on solid waste management facilities. However on May 20, 1992 Thomas A. Taylor, Chairman of the Town of Dover Planning Board issued a letter to Richard Speidel, NYSDEC Region 3 Division of Regulatory Affairs that Carbon Activation US Inc. Of Cricket Hollow Industrial Park were operating in an existing building in an approved site with an existing site plan. These records should be checked! I do not find any approval for T&T Materials. In 2005 I issued a stop work order because the DEC permit had expired and I could find no approvals for the operation of T&T Materials in the Town records. That stop work order remains in effect as I have not rescinded it.

Town Code, Section 145-50A states sold waste management facilities shall be prohibited with the exception of municipally owned and operated facilities. In addition in section 145-74 sold waste..."Any solid waste which receives a beneficial use determination (BUD) from the New York State Department of Environmental Conservation is still considered a sold waste for the purposes of these regulations."

As for the unknown substances, I will not speculate as to what they are. If there are concerns then a qualified individual or firm should be retained to examine and test these materials to determine if they are hazardous.

George T. Hearn
Code Enforcement Officer

cc: Town Board

Co-Chair Wylock - This is in reference to our request for a structural re evaluation of the Buildings.

He went back later on to inspect for the alleged violations on the property then the other letter came in - and as of this date there are no violations issued.

So with respect to the Letter read by Ms. Gilbert- we will discuss it with our Attorney Polidoro

Ms. Gilbert- Right well, we just received it from our attorney and we need to go over it ourselves.

Co-Chair Wylock - will you give your attorney's name to our attorney so they can communicate? Because the letter is signed by you

A: Yes, Our Attorney is - She's the Attorney who worked for the Town of Dover Shannon LaFrance.

Louis Trombetto- Board of Directors- Oblong- Also a Neuro-Toxicologist and professor and Chairman of the department of pharmaceutical science of St. John's University- College of Pharmacy- He has 30 years experience as a toxicologist, although his toxicity research is primarily dealt with heavy metal toxicity he is well aware of the toxicity of hydrocarbons.

There are 3 issues you have to think about:

- 1- This area, Dover Pawling, has a very fragile aquifer. Very delicate, we do not have a good water supply, and one has to be aware of the fact that anything that enters the ground water supply could be potentially toxic
- 2- Why are we bringing toxic material into an area where there is no toxic material? That's something you really need to think about
- 3- Hydrocarbons are toxins. They are neuro toxins, developmental toxins, they're respiratory toxins, and I can go on and on and give you list upon list of toxicity related to hydrocarbons.

Be aware of the fact that many of these issues. When we think of hydrocarbons, we usually think of carcinogens. That's rather simplistic, because they're more dangerous than simple carcinogens. Cancer would probably be a good way to end. Neuro developmental defects and neuro degenerative diseases would be a much harsher way of injuring a person we need to look at the long term that these toxins will do to our environment and the health of the people who live here. If there's a spill and it enters the Great Swamp, who's going to pay for it, who's going to be responsible for it? And who's going to stand up and say I was responsible for my children or my children's children of having developmental defects and developmental diseases. And believe me they do cause these diseases I teach neuro-toxicology, for many years.

These are issues that are grey, there's a lot of literature out there, that substantiates the fact that relationship between hydro carbon toxicity, neuro degenerative disease neuro toxicologists other diseases related to neuro toxicology and cause degenerative defects. This is something you have to think about, what's going to happen years from now? What's going to happen tomorrow, 10 years

from now, 20, 25, 30 years from now. What legacy are we leaving our children? That's what you have to think about.

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

Co-Chair Wylock asked for a motion to go into executive session for Attorney Client 7:49

Motion made by John Fila to go into executive session 2nd by Peter Muroski

VOTE: Co-CHAIR DAVID WYLOCK – AYE	Co-CHAIR VALERIE LAROBARDIER- AYE
MEMBER JOHN FILA – AYE	MEMBER BRIAN KELLY - AYE
MEMBER JAMES JOHNSON - AYE	MEMBER PETER MUROSKI - AYE
MEMBER MICHAEL VILLANO– AYE	

Motion approved

8:08 PM Motion made by Brian Kelly to return from executive session 2nd by John Fila

VOTE: Co-CHAIR DAVID WYLOCK – AYE	Co-CHAIR VALERIE LAROBARDIER- AYE
MEMBER JOHN FILA – AYE	MEMBER BRIAN KELLY - AYE
MEMBER JAMES JOHNSON - AYE	MEMBER PETER MUROSKI - AYE
MEMBER MICHAEL VILLANO– AYE	

Motion approved

There were no further comments from the Public
There were no further comments from the consultants

Member Muroski- On the site walk on the North West corner, there is a temporary structure a plastic a garage, it was explained that it was out up by the previous tenant, do have any additional information on that?

Mr. Nelson- There is a tent was erected by a tenant who was there; he was in the concrete business. He left his equipment there, the tent is a tubular steel construction with sheathing over it, and there are still miscellaneous tools there.

Co-Chair Wylock -To Engineer Peduto- When you made your power point presentation- did you not state that the contaminated soil and the finished product were going to be separated?

A: Yes they would be, the processed material would be in building B, and building A would be the incoming material.

Q: Did you tag and identify the piles?

A: Piles are marked in Building B to identify the date they were sampled. One of the requirements is it has to sit for 7 days before TCLP tests can be performed- sample collected and test performed. The individual piles in building b are dated to identify time periods.

Q: we have photographed from your power point could you identify those piles are the ones on the left any different than the ones n the right? Are they all finished product?

A: They are all finished product what those tags would be is identifying that particular pile or batch. The dates the batches were finished- seven days hence they can be sampled and if the results pass criteria, then they're available for sale.

Q; So nothing in that picture is contaminated, it's all finished product?

A: anything that ends up in this building is treated, already been handled.

Q: The term tracking pads came up a few times, for the trucks as they come out, looking at these photos, your photos, you can see the discoloration and markings where tracking pads would be needed also.

A: It looks like that's water-what we have said in the subsequent submittal is that we would put tracking material. That is a concrete front piece and the dirt begins before it. What you see is concrete as it is inside the building. There is no problem in repairing or at least putting the material there. What we did say in the material handling plan is that wheels would be swept prior to exiting the building. Appreciate this- most trucks coming in should not have this material under their wheels anyway. They go in they will drop they come out and they have not rolled over this material. I have no way of knowing what they did at the site, but they also probably had traveled a few miles. What the track pads are is stone crushed stone; he would rather not to do that outside the building but rather the trucks be cleaned inside. Any material outside would stay there and we don't want that, we don't want any material to be caught out here. We want material to be caught inside. The track material exiting the facility is not to protect from pcs, but from mud and dirt from tracking on the highway- it's a state requirement.

Mr Nelson- If you see where the equipment is back inside the building, that's about as far in as the truck backs up, the concrete from there to the front of the door is kept clean. When the truck leaves it will be cleaned and inspected- we'll have a mechanic use a power broom there with a paddle on it. Anything that's on that floor will be swept back inside the building. When the next truck comes in they'll back in on clean concrete and leave on clean concrete, they will not back over contaminated soil, so there shouldn't be anything on those tires, when the trucks leave.

Engineer Berger- Just to follow up- I did not read that in the material handling plan- the power broom, can that be added? That would allow the Zoning Administrator to show whether or not you're in compliance.

Co-Chair LaRobardier- Was curious about where the hydro carbons come in?

A: Here, the soil is hauled in by trucks which come in, back into this building, and are deposited here. Once inside the material stays there, gets - it's not shown in these prints, because we are redesigning this plan to show the different bins we are going to create, so it's put in bins until it gets processed. Material like this will now be stored in bins before processing. It will be processed further up front, in the pug mill, placed in a truck inside the building, taken to building B where it is stored for 7 days, until testing and ultimate sale.

Member Villano- After the 7 days the testing, is that done on site or sent to a lab?

A: All testing must be done at a DOH certified Laboratory

Q: What's the turn around time on the testing?

A: it could be as quickly as you want to pay for it, standard turn around is 10 days, you can get it as quickly as 3.

Because this is TCLP* testing, you can't get it in 24 hours. The purpose of the test is that it actually creates leeching through the material, then they analysis the leeching, not the soil, but they analysis what gets squeezed out. And that's what has to be clean, so it shows that if this were somewhere and got exposed to water, you wouldn't have leeching that has petroleum contaminated hydrocarbon to levels above DEC criteria.

Evelyn Chiarito- In one of your comments - you had said the CEO did make a determination that it was non conforming, pre-existing in December 2009. She went through the CEO files and perhaps there's another file she did not see, but where can she find a copy or obtain a copy of that written determination?

A: Co-Chair Wylock -It's a good question if he doesn't have it- did you speak to him?

Mrs. Chiarito- No, I didn't.

Mr. Adams- That determination is encompassed in the stipulation agreement; the first item in that stipulation is the determination.

Mrs. Chiarito- So there's really no written determination by Mr. Hearn as CEO.

*TCLP is Toxicity Characteristic Leaching Potential

Mr. Adams- There was an expressed determination by Mr. Hearn that the use was a legal non conforming use- It's in black and white.

I believe the question raised was whether or not Mr. Hearn as the Code Enforcement Officer made the determination that the use, that my client intends to continue is a legal non conforming use. He an explicit and express statement contained in the December 1, 2009 stipulation which has been the discussion of the Board this evening, it is expressed, that decision was never challenged, it's a final determination. If any challenge was going to be made to that determination it would have had to have been made months ago, no challenge was made to that decision, so that's why it is called a final determination.

Mrs. Chiarito- Ok thank you, so I guess there is really not a written definition or determination apart from but it is contained in the stipulation, his determination is part of the stipulation not apart from it.

Co-Chair Wylock - there is no separate written document.

Attorney Polidoro - There appears to be a subsequent determination by the Code enforcement Officer in that May letter, now we have this subsequent that seems to counter the determination the Board has been following. So my recommendation would be to send it to the ZBA for an interpretation.

There were no further comments from the Public

There were no further comments from the consultants

Motion made by John Fila to continue the Public Hearing to June 21, 2010 2nd by Peter Muroski Before voting on the motion the following discussion began:

Engineer Peduto- Can you explain that?

Attorney Polidoro - The Planning Board does not interpret the Zoning Code so we have had this application before us for some time because of the Stipulation Agreement wherein Tom Hearn signed it and said he felt this was a non conforming use and that the Planning Board should review it. An email dated May 5, 2010 was posted in which he said it doesn't say he doesn't feel it meets the requirement of a pre existing non conforming use; it seems to be in conflict of the stipulation agreement.

The letter was projected again

Mr. Peduto- The last sentence - "These records should be checked! I do not find any approval for T&T Materials In 2005 I issued a stop work order because the DEC permit had expired and I could find no approvals for the operation of T&T Materials in the Town records. That stop work order remains in effect as I have not rescinded it."

Understood- but this doesn't even talk about the stipulation agreement

Attorney Polidoro- I know, but it conflicts with the stipulation agreement, it says " These records should be checked! I do not find any approval for T&T Materials"

Mr. Peduto- The approvals for TT Materials is referring to a site plan not to a conforming use. One had nothing to do with another

Attorney Polidoro- In order to be a conforming use, you had to have approvals; it's just confusing to me that's why I'm recommending it go to the ZBA. He seems to say one thing at one time and something else another.

Mr. Adams- Another thing is that you have to read the stop work order- it was issued to get to the permit that DEC permits, we got the permits, but getting the permit, we basically cured the stop work order. The remedy that was asked for was getting the permits, the rescinding was self operative, he didn't need to make a formal order doing it, we complied with the stop work order, our compliance was in fact the satisfaction of the stop work order.

Attorney Polidoro- Not concerned with the stop work order on the site, it is understand that this is in furtherance of the stop work order and remedying, it's just confusing why we have a second letter that questions the non conforming use status. She is not comfortable moving forward

VOTE: Co-CHAIR DAVID WYLOCK – AYE
MEMBER JOHN FILA – AYE
MEMBER JAMES JOHNSON - AYE
MEMBER MICHAEL VILLANO– AYE

Co-CHAIR VALERIE LAROBARDIER- AYE
MEMBER BRIAN KELLY - AYE
MEMBER PETER MUROSKI - AYE

Motion approved

Motion made by John Fila to refer this application to the Zoning Board of Appeals for a determination of whether the 5/5/10 determination of the CEO whether he is saying it is or isn't a non conforming use 2nd by Peter Muroski

VOTE: Co-CHAIR DAVID WYLOCK – AYE
MEMBER JOHN FILA – AYE
MEMBER JAMES JOHNSON - AYE
MEMBER MICHAEL VILLANO– AYE

Co-CHAIR VALERIE LAROBARDIER- AYE
MEMBER BRIAN KELLY - AYE
MEMBER PETER MUROSKI - AYE

Motion approved

Co-Chair LaRobardier- I just don't see his determination here, I see questions but not a determination

Attorney Polidoro- well not a determination, but in the written letter of the Code Enforcement Officer he raises issues of the non conforming use status of the application, and now they're raised on the record. So we need clarification.

The ZBA meets the first Wednesday of the month - their deadline is the same as planning - it was May 12th

CRICKET VALLEY ENERGY PROJECT 7060-00-493989; 7061-00-465190; 7061-00-580190; 7061-00-585063

Applicant: Cricket Valley Energy Center, LLC

Property located 2241 NY Route 22 Dover, NY 12522

Application for: Applicant currently before the Planning Board for the Scoping process

Lead Agent- DEC

Co-Chair Wylock - there is no formal application before us but referred to us through a scoping document.

We have until June 18th for the end of written comment period

Planner Ley:

AKRF prepared the attached comments (previously circulated on May 3, 2010) on the pre-publication Cricket Valley Energy Project Draft SEQR Scoping Document, dated April 23, 2010. I have reviewed the Cricket Valley Energy Project Draft Scoping Document, dated May 3, 2010, which was prepared by NYSDEC, the Lead Agency, and submitted for public review. This Draft Scoping document has not been revised to reflect our previous comments. Therefore, our comments on the draft scope remain, with the following addition:

The project site is currently occupied by one or more business tenants. The DEIS should describe which, if any, of these businesses would remain on the site, and any additional approvals that may be required to accommodate them (e.g. subdivision).

AKRF recommends that the Planning Board and Town Board submit one set of Town of Dover comments to the Lead Agency for consideration in the preparation of the Final Scope. To accomplish this, please review the Draft Scope, as well as our comments, and consider whether the scope sufficiently addresses the potential impacts of the project, or if additional items should be addressed. We can discuss these concerns at tonight's meeting (May 17, 2010) so a letter from the Planning Board to the Town Board can be prepared for the following meeting (June 7, 2010). Please note that the Public scoping sessions will be held Saturday, June 5, 2010 from 9:00 am - 12:00 pm and Wednesday, June 9, 2010 at 7:00 pm at the Dover Middle School Auditorium. Written comments will be accepted any time before the close of the comment period on June 18, 2010.

KUNZELMAN- GRID # 7161-00-698116

Applicant: Gail Kunzelman

Engineer: Curt Johnson of Zarecki Associates

Property located on Weil Road

Application for a subdivision

Request for extension of Preliminary Plat - previous 6 month extension granted January 6, 2010**RESOLUTION TO EXTEND TIME IN WHICH TO SUBMIT A FINAL PLAT****Kunzelman Subdivision**

May 17, 2010

Tax Parcel No. 7161-00-698116

WHEREAS, on June 3, 2008, the Planning Board granted preliminary plat approval to the subdivision entitled "Kunzelman Subdivision" for property located on Weil Road, Tax Parcel No. 7161-00-698116 (the "site"); and

WHEREAS, pursuant to Section 125-8(A) of the Dover Code, a final plat must be submitted to the Planning Board within six months of preliminary plat approval; and

WHEREAS, on December 2, 2008, the Board granted the applicant a 6 month extension of time within which to submit the final plat, to June 3, 2009; and

WHEREAS, on June 1, 2009, the Board granted the applicant a second 6 month extension to December 3, 2009; and

WHEREAS, on January 6, 2010, the Board granted the applicant a third 6 month extension of time to June 3, 2010; and

WHEREAS, the applicant has timely requested an additional extension of time in which to satisfy the conditions of preliminary plat approval and submit a final plat for the Board's consideration; and

WHEREAS, the Planning Board has considered the particular circumstances of the applicant which warrant an extension thereof.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants the applicant a 6 month extension of time to submit a final plat to the Planning Board for the Board's consideration to December 3, 2010.

It is the responsibility of the applicant to track the time frame within which this extension of approval will expire. There will be no written or verbal notification to the applicant from the Planning Board office prior to the expiration of this extension of the approval.

Moved by: Valerie LaRobardier **Seconded by:** Michael Villano

David Wylock Aye
 Valerie LaRobardier Aye
 John Fila Aye
 James Johnson Aye
 Brian Kelly Aye
 Peter Muroski Aye
 Michael Villano Aye
 Planning Board Co-Chair David Wylock

The applicant is still working on getting a land conservancy to take the conservation easement

Setting initial escrow deposit

Co-Chair Wylock - This question came up at our last meeting. Applicants submitting their applications are coming before the board with out submitting an escrow. A valid point was made that the consultants have been reviewing the applications and if the project were to be withdrawn prior to escrow, the town is left with the consultant fees.

We had a conference call between the Supervisor and Our Consultants and we seem to have 3 options:

- 1-We can stay with the existing procedure which is not satisfactory
- 2-We can let the applicant come in and appear once without posting any escrow at that point the consultants would not have reviewed the applications, nor would the Board, this would delay the whole process at least 1 month or
- 3-We can request an initial escrow of \$500.00 to be submitted with each application that comes in before the board, which he personally thought was the best option.

Member Kelly- Did we ever get a determination on what I had requested last month?

Co-Chair LaRobardier- Victoria did clarify that, I believe it was in an email, Victoria could you please re clarify?

Attorney Polidoro- Under our escrow law, all reasonable and necessary costs of review can be charged to escrow funds, there is no limitation on when they occurred as long as they are reasonable and necessary to the review of the application.

Member Kelly- That's before we set an escrow?

A: Correct, the code gives you the authority to set an escrow even before you review an application so there's no time limit as to when you use those escrow funds as long as it's reasonable.

Member Kelly- The question I asked was when t the consultants review an application, before an escrow is set, is it legal to back charge.

Attorney Polidoro- My answer is so long as those consultant review charges are reasonable and necessary for the review of the application. We all had implicit authority to review these applications, since it's been the practice for over 2 years.

Co-Chair Wylock - this would eliminate that, initial escrow deposit doesn't mean we can't increase the escrow as the application progresses. Before they come to the board they would have deposited an initial escrow, this gives the consultants a ½ hour to an hour of preliminary review of the application so they can comment on it before the applicant makes their first appearance. If it moves on from there, the escrow could always be replenished.

Member Kelly- I think the ones that we set last time were \$600.00. and that was just for review, and that was just the last couple of times.

Attorney Polidoro- there were a few options we had discussed, what a lot of towns do now is have a schedule of deposits, similar to a fee schedule so you get it when you receive your application packet, and it would say along a sliding scale of escrow deposits. It's something they suggested the Planning Board look into setting. In the meantime, we're looking for a measure to fill the gap, from when an application is submitted and the Board gets around to looking at it and determines how complex the application is going to be. We looked at the historical charges of the consultants for minor applications; usually they are around \$500.00. That's how we can up with this number and we thought it would be a good initial deposit to cover consulting costs before the Board determines whether the applicant should submit a large escrow or if the original \$500.00 fee was sufficient.

Member Kelly- I think the two we set the other month were \$600.00 and they were minor.

Member Fila- I do think somewhere it needs to say initial deposit some where on the application - to cover preliminary review, just to make it clear.

Attorney Polidoro - What we wrote was:

NOW THEREFORE BE IT RESOLVED, that henceforth all new applications to the Planning Board shall be accompanied by an initial escrow deposit of \$500.00, to be used to cover the reasonable and necessary costs of reviewing an application in accordance with Section 145-58 of the Town Code.

Member Fila- Preliminary review would make more sense

Attorney Polidoro - if we just said preliminary review- it would limit it
Co-Chair LaRobardier- what about should be used to be applied to so it you don't do anything and they decide to bounce it, they could get a refund and if you decide to do more it can be increased. That was the intent anyway.

Attorney Polidoro - We wouldn't want to just limit this to just preliminary for some applications, like at the last meeting, the escrow would cover the process.

Member Johnson- The only problem I see with this is you might as well say that the application fee is \$700.00. Instead of \$200.00 you should say 700.00. You're going to have some one like last week 2 of the applications were questionable, if they even should be in front of the Board. Years ago either the Building Inspector or the Co-Chairs would sit with the applicant, go through the zoning and say this is what you need, this is what could happen or no you don't need to be in front of the Board. Now you're pretty much saying, come in front of the Board and for 700.00 we will tell you if- what if someone comes in front of the Board they pay their 700.00 everybody has reviewed it and all you say to them is by the zoning law, this and this, you can't do it and that's 700.00

Attorney Polidoro- that's why we went with an escrow deposit instead of a lump fee, fees are not refundable, with an escrow you could get a refund.

Member Johnson- Yes but just like we discussed you'll review for an hour, Ashley's going to review for an hour, Joe- \$500.00 used up \$200.00 application fee and \$700.00 to be told you can't do it.

Co-Chair LaRobardier- What is your solution for them to find out they can't do it with out -

Member Johnson- You (Valerie) or David should be maybe meeting with the people after they fill out an application going through the zoning law and deciding. Sitting with the Building inspector and going through it initially to see if it warrants coming before the Board.

Co-Chair LaRobardier- the Building inspector is paid to refer things to us

Member Jonson -and he doesn't always do that, people go right to the Planning Board

Co-Chair LaRobardier- he referred it and circulated an explanation of what that was

Member Johnson- Yes but that was a one time thing, there are other examples

Member Fila- Wasn't the Town sued for giving what can be construed as giving legal advice an applicant comes in and you say you should go by this code or this code

Member Johnson- We used to also 2-3 years ago when we had a County grant or something the County Planner- sat with all of the applicants and said you can or these are your road blocks it's your decision if you want to spend- then it was just a \$200.00 application fee no we're talking about \$700.00 application fee - do you want to spend this money or not

Secretary- A bill was generated by that County Planner, for the application review, prior to escrow being set, I don't know if you're aware of that.

Member Johnson- There were times she kicked things back, there were times when Donna went through the applications and said, they don't need to come in front of us

Attorney Polidoro- Tom Hearn is supposed to be the gate keeper; it's not supposed to be the planning Board's role to decide whose applications will come

Member Johnson- Does every application go before Tom Hearn?
Secretary- No, he does not always feel he has the time to do that review

Member Johnson- Is it legal for the Co-Chairs to review the applications?

Attorney Polidoro- They could review it, but I would be uncomfortable telling an applicant Co-Chair Wylock - I wouldn't make any legal determinations

Member Johnson- Then we might as well say the application fee is \$700.00
Co-Chair LaRobardier- We don't want to say that because then it's not refundable. It closes the option of having it refundable if it's not needed. Victoria and Ashley reviewed best practices of several towns and their fee schedules and they circulated it to us for our consideration.

Co-Chair Wylock - If you saw the fee schedules for some of these towns, it would knock your socks off. Compared to our fees it's thousands of dollars

Engineer Berger- I just submitted a 2 lot in Amenia 5000.00 escrow for 2 lot standard, Hyde Park and Poughkeepsie similar- some higher.

Co-Chair Wylock - I don't think a \$500.00 initial deposit is really unreasonable

Attorney Polidoro- we also have a phrase in here:

The Planning Board may modify the required deposit in cases of more or less complexity.

And I think that if there is a case where maybe a waiver is warranted that they could come before the Board and ask for a waiver or even reduced escrow.

Member Muroski- One of the goals here too is to speed up the process

Member Kelly- I think what they should do is write a law and put it to bed

Attorney Polidoro- There is a law now-

Member Kelly- Then revise the law

Co-Chair Wylock- In the interim this would plug that hole

Attorney Polidoro The law currently says:

In connection with any application for a special permit, site plan or subdivision approval, zoning amendment, variance, or other appeal, the reviewing board may require an applicant to deposit an initial sum of money into an escrow account in advance of the review of the application.

Member Kelly- so it says in advance of the review, so that means before you review it there's got to be an escrow already deposited.

Ashley Ley- The way that this would work is that as an applicant came and filed an application with Betty-Ann before it even got on the agenda an escrow would be deposited and by the time we received the plans, the Town would already have that money

Member Kelly- My problem is that we have 2 simple applications in front of us last month and the consultants charged \$600.00, so we're already behind the eight ball

Co-Chair Wylock - We set escrow at 600.00 that doesn't mean they'll spend it

Co-Chair LaRobardier- that's for the whole thing
 Member Kelly- Yeah so what we should do - it should be more than 500.00 then
 Member Johnson- What happens when the application takes 4 hours for each person to review?
 Member Kelly- If in Hyde Park and Amenia its \$5,000.00 and \$10,000.00 then \$750.00 and \$1,000.00 isn't out of the question.
 Member Fila we're not precluding setting escrow, we're still maintaining that.
 Co-Chair Wylock - if an applicant comes in and he pays his \$500.00 with his application, they review it and say it's going to be big - we can increase it-
 Member Kelly- I understand you can raise that- but what I'm getting at is 2 simple applications last month 600.00 for review
 Member Fila- but there were a lot that have been 500 too
 Member Kelly- that has to cover their review before we set escrow
 Co-Chair LaRobardier- No that's the escrow that was set for the project
 Member Kelly- they said it would be 600 to discuss what was being covered
 Attorney Polidoro- we were also estimating our costs - we don't generate bills until a month later
 Co-Chair that would cover their entire project
 Member Johnson- What if it's a bigger application and each of you take 2-3 hours to review
 Ashley- An initial review generally wouldn't take 2-3 hours- this is establishing a guideline for us to limit initial review
 Co-Chair Wylock - when you look at an application for the first time- you can tell within the first 20 minutes if this is going to be lengthy.
 Member Fila- If our three consultants agree, and then it's probably a good figure.
 Member Johnson- What does it say about fees in the code- about changing fees?
 Attorney Polidoro- this is not a fee it's a deposit that the Planning Board has the power to set this and change it periodically, so if this is too high or low it could be revisited in a few months.
 Co-Chair LaRobardier- Plus we can work on the schedule
 Attorney Polidoro- We will send the samples to everyone on the Board. The regular escrow provisions in the escrow law still apply, this isn't setting a different escrow, and this is an initial amount that needs to come in with the application escrow rules apply

RESOLUTION SETTING INITIAL ESCROW DEPOSIT FOR ALL NEW APPLICATIONS

May 17, 2010

WHEREAS, pursuant to Section 145-58(A)(1) of the Town Code, a reviewing board may require an applicant to deposit an initial sum of money into an escrow account in advance of the review of the application; and

WHEREAS, the Planning Board has estimated the costs to the Town of having consultants perform a preliminary review of new applications and desires to set an initial escrow deposit to cover such costs.

NOW THEREFORE BE IT RESOLVED, that henceforth all new applications to the Planning Board shall be accompanied by an initial escrow deposit of \$500.00, to be used to cover the reasonable and necessary costs of reviewing an application in accordance with Section 145-58 of the Town Code. The Planning Board may modify the required deposit in cases of more or less complexity.

BE IT FURTHER RESOLVED, that applications will not be considered administratively complete until the initial escrow deposit has been submitted to the Planning Board.

Moved by: Valerie LaRobardier **Seconded by:** Michael Villano
Resolution Approved/Disapproved:

David Wylock Aye
Valerie LaRobardier Aye
John Fila Aye
James Johnson Aye
Brian Kelly Aye
Peter Muroski Aye
Michael Villano Aye
Planning Board Co-Chair David Wylock

Motion made by Peter Muroski to adjourn 2nd by Valerie LaRobardier

VOTE: CO-CHAIR DAVID WYLOCK – AYE CO-CHAIR VALERIE LAROBARDIER- AYE
MEMBER JOHN FILA – AYE MEMBER BRIAN KELLY - AYE
MEMBER JAMES JOHNSON - AYE MEMBER PETER MUROSKI - AYE
MEMBER MICHAEL VILLANO– AYE

Motion approved

Respectfully submitted,

Betty-Ann Sherer

This meeting may be viewed in full on the Town of Dover web site by going to
www.townofdoverny.us

Full Audio may be requested for a fee by completing a FOIL request form from the Dover Town Clerk
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Please call the Planning Board Office with any questions 845-832-6111 ext 100