

PROPOSED AMENDMENTS
TO THE
TOWN OF DOVER MASTER PLAN
OCTOBER 1998

The Town of Dover Master Plan was originally adopted by the Town of Dover Planning Board on September 21, 1993. Since that time, pressures on the Town have increased for the development of solid waste management facilities and sand, gravel, and rock mining and quarrying operations. The Town therefore proposes to add the following amendments to its Master Plan:

1. On page 107, delete the first full sentence on the page, and substitute the following new text:

(continuation of previous paragraph) Local governments can also prohibit mining in certain districts and may prohibit mining on a town-wide basis under appropriate circumstances.

Mining and quarrying have occurred in many locations throughout the Town, primarily in the valley bottom area. Many mines have not been effectively managed or reclaimed. The Town has recently received proposals to reclaim existing mining and quarrying operations with solid waste rather than clean fill materials. This new direction is worrisome to the Town Board as it seeks to protect the Town's special character as a scenic and rural community that is attractive to families, businesses, and clean industry. The prevalence of large-scale mining and quarrying operations is antithetical to maintaining and enhancing the special character that this Master Plan encourages. Residents of the Town have said in public meetings and written surveys that they would like to prevent new mining operations.

Dover's current zoning has since 1987 prohibited new mining operations except in the industrial zone. However, a number of mines have been approved by DEC in the past eleven years in residential zones. The Town Board has generally not enforced the zoning against those who proceeded in good faith in the belief that their operations were permitted.

Retaining the Town's attractive open spaces and rural character is a paramount objective of this Master Plan. Agriculture is a key ingredient in that character. Several agricultural operations supplement their farm income through small-scale soil mining operations. This is especially important in Dover, where farming is threatened by a variety of factors including competition from farms in areas where farms are less expensive to operate and where residential development is not as financially attractive as an alternative land use. Mining in appropriate locations can thus help to maintain the rural character of the community by enabling farms to stay in business and avoid conversion to suburban development. The Town needs to take appropriate measures to keep its farms economically viable and provide economic incentives for them to continue to operate. One way to do this is by allowing soil mining in locations where it can enhance the economic viability of agriculture without creating significant disturbance to residential neighbors.

The Town Board has considered a range of alternatives to deal with soil mining. Given the amount of mining that has already occurred and is still ongoing, and the sensitivity of the valley bottom aquifer system as documented in studies done by the Chazen Companies of Poughkeepsie, the Town Board has seriously considered prohibiting all new mines that require DEC permits throughout the Town of Dover. (Existing mines that were commenced legally are automatically "grandfathered" to the extent that they can continue their current permitted operations.)

The Town Board has also considered maintaining the current highly restrictive zoning, while "grandfathering" mines commenced under the incorrect assumption that they were permitted uses in fairness to the landowners who were operating in good faith. In order to maintain agriculture as a viable business, the Town Board has also considered adopting a "soil mining overlay district," which would allow new mines and expansion of existing mines within designated areas of farmland that are well-buffered from residential neighbors.

A combination of these approaches seems to be an appropriate strategy to allow mining to continue on a limited basis in order to help maintain Dover's agriculture base. This strategy would maintain Dover's highly restrictive zoning which limits mining to the industrial district by special permit, while partially "grandfathering" existing mines that were commenced illegally but in good faith since 1987, and allowing mining as a special permit use to enhance the economic viability of farms in a designated soil mining overlay district.

2. On page 110, insert after the paragraph carried over from the previous page, the following new text:

Solid waste management facilities are a form of industrial development that the Town does not wish to encourage. Such facilities in the Town have proven to be environmentally unsafe with catastrophic potential (such as the Polytech fire in January, 1996). Solid waste management facilities, existing and proposed, have engendered great controversy in Dover in recent years. Town residents have come to meetings in great numbers to express their disapproval of proposals for such facilities. Although the Town wishes to encourage appropriate forms of light industry, it has done its share of hosting the solid waste industry and does not want to attract additional solid waste management facilities.

Dover is the first town north of the area regulated by the New York City Department of Environmental Protection (DEP) for watershed protection. Stringent new watershed regulations recently adopted by DEP have put pressure on nearby communities to host facilities for the management, processing, and disposal of solid waste. The Town of Dover has become a target for proposals to build various types of waste management and disposal facilities, most of them regulated by the New York State Department of Environmental Conservation.

In recognition of this potential threat and as a result of public outcry over several of these

proposals, the Town Board enacted a six-month moratorium on the permitting of solid waste management facilities in the fall of 1997. The moratorium was extended in the spring of 1998. The purpose of the moratorium was to enable the Town Board to study the problem and consider alternative ways of dealing with the issues. Having considered a variety of alternatives the Town Board has reached the conclusion that the safest course for the Town is to prohibit all such facilities in the Town, with the exception of municipally owned and operated facilities that the Town can fully control.

The Town Board reached this conclusion because there are already a large number of solid waste facilities in the Town, which can continue as non-conforming uses. New facilities would add an increased traffic burden on the Route 22 corridor, an increased burden on municipal resources, more risk of emission of dust, vibration, and odor, as well as the risk of another catastrophic event and the costs associated with it. The Town Board has also found, in its research in the records of the New York State Department of Environmental Conservation, that the DEC does not have the funding or staff needed to properly monitor solid waste management facilities or enforce its regulations.

The Town of Dover has chosen to retain its character as a rural community, while encouraging responsible commercial and light industrial development. The Town already has more than its share of waste-handling uses, and such facilities pose an unacceptable threat to the public health, safety, and welfare (including quality of life concerns, overall community vision, and protection of property values). Although some of these facilities may be safe when properly constructed and operated, Dover has learned from first-hand experience (including a major fire) that it cannot count on proper operation to occur. Its citizens deserve to be protected from the risks of accidents and inadequate facility management.

(NOTE: A more detailed description and analysis of the existing scope of the solid waste and mining industries in the Town of Dover, proposals for new facilities, and the impacts of such facilities on the Town's environment and quality of life are contained in the generic environmental impact statement and supplemental studies that accompany the proposed master plan and zoning revisions.)