

TOWN OF DOVER ZONING BOARD OF APPEALS SPECIAL MEETING HELD ON WEDNESDAY, October 20, 2010, AT 7:00 P.M. AT THE DOVER TOWN HALL:

PRESENT: Chair Marilyn Van Millon
Member George Wittman
Member Debra Kaufman
Member Anthony Fusco
Member Henry Williams

Also in attendance was Secretary to the Board, Maria O’Leary, and Attorney Michael Liguori.

Chair Van Millon called the meeting to order at 7:03 p.m. and began with the Pledge of Allegiance. She then read the first item on the Agenda as follows:

RASCO Interpretation - Z 2010-03 – The applicant seeks an interpretation of a determination of the Code Enforcement Officer regarding whether the use of the property as a cold-mix asphalt facility is pre-existing non-conforming. This property is located at 2241 Route 22, Dover Plains, NY and is located in the M district on tax map numbers 7061-00-580190 & 7061-00-5850063.

In attendance were Jack Nelson of Rasco and his attorney, Jon Adams.

Attorney Liguori: We had last left off with a motion by the Board to close the public hearing on the matter and during the process of the meeting, we became aware of the fact that there was a copy of the file on microfilm in the Town’s Building Department records, which I wasn’t aware of and I don’t think anyone on the Board was, so I printed off a copy of those files that were on those films. I made copies for the members of the Zoning Board of Appeals, except that I don’t have a full copy of all the documents; my photocopy machine quit this afternoon around 4:30. I got a good bulk of them copied, I have a full copy and we’ll get those copied and made available. I’ll go through the materials, I’ll narrate certain portions and flip through certain things and I’ll make a description of what they are.

I did the best that I could to get everything in chronological order from the beginning of the file to the end. I will note that there were two sheets of microfilm material that are related specifically to the fire there were fire log transcripts from the County and the Town as it related to the fire, but I didn’t print off those documents because they weren’t relevant to the Board’s determination. We have those microfilms, I’ll returned those to the Board if anyone wants to examine them. We’re going to have some documents that don’t have dates on them so I’ll just call them undated.

Attorney Liguori read the attachments in the following order:

- 001 Note to Terry from RE Quote Renovations
- 002 Sale or Lease Unusual Industrial Park
- 003 1991-11-07 Ltr to Greco from DEC RE MicaProducts

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- 004 1992-01-08 Ltr to IER from Tire Recycling RE Receiving Tires
- 005 Article Large Dover Plant On The Market
- 006 Article Tire Recycling Problem Rolls On
- 007 1992-03-24 Ltr to Frank from Binotto RE Absence
- 008 1992-05-07 Ltr to PB from Doyle Engineering RE CACTUS Proposed Facility
- 009 1992-05-19 PB Minutes *(read Carbon Activation on pages 5 & 6)*
- 010 1992-05-20 Ltr to DEC from PB RE Carbon Activation Application
- 011 1992-06-03 Neg Dec
- 012 1992-06-09 Ltr to TB from CJ Patrick Real Estate RE Locating Business In DC
- 013 1992-11-25 Ltr to IER from DEC RE Partial Exemption
- 014 1992-12-07 Ltr to DEC from Allied RE Leasing Building
- 015 1992-12-21 Ltr to Compressed Gas from Binotto RE Nitrogen Storage Installation
- 016 1992-12-28 Ltr to DEC from Allied RE Proposal
- 017 1992-12-29 BP 92-147 Enlarge Doors
- 018 1993-01-29 Fax to Binotto From CGA RE Safety Issues *(later the file will indicate that there's storage and nitrogen for one of the uses and it will make sense when we get a little further, you'll see how the uses for the property develop as they roll along)*
- 019 1993-03-01 Ltr to DEC From Allied RE Proposal *(18 pages, there's a lot of technical specifications, I'll read whatever verbiage paragraphs that I can read and whenever there's a reference to the technical spec, I'll just indicate it.)*
- 020 1993-03-08 DEC Permit and Full EAF *(These two are on file with the Town)*
- 021 1993-03-09 Ltr to DOH from Allied RE Septic System
- 022 1993-02-20 Allied Proposal
- 023 1993-03-25 Ltr to PB from IER RE Security
- 024 1993-05-24 Ltr to Allied from DOH RE Septic System
- 025 1993-05-04 BP 93-33 Accessory Pads
- 026 1993-06-03 Ltr to PB from CACTUS RE Proposal
- 027 1993-06-17 BP 93-73 Window to Door
- 028 1993-07-15 Neg Dec
- 029 1993-08-01 Ltr to DEC from Allied RE Proposal

The meeting was paused at 8:50 p.m for a break and reconvened 9:13 p.m.

- 030 1993-08-20 Plans for Facility from PolyTech
- 031 1993-08-24 Ltr to JH Ketcham from Binotto
- 032 1993-08-26 Ltr to DOH from DEC Re Lead Agency Coordination
- 033 1993-08-26 SEQRA Coordination
- 034 1993-09-14 Comment Form to PB from Binotto RE SEQRA Coordination
- 035 1993-09-21 PB Minutes *(p. 11)*
- 036 1993-09-29 Elec Cert
- 037 1993-11-22 Ltr To Whom It May Concern from TB
- 038 1993-11-23 Elec Cert - Primary Shredding Area
- 039 1993-11-29 Inspection Report - PolyTech, Primary Shredding Area
- 040 1993-11-29 CO 93-52
- 041 1994-01-06 Neg-Dec
- 042 1994-01-27 CO 94-05 Complete Plant Facility

043 1994-02-25 Elec Cert

044 1994-03-25 Ltr to Binotto from J H Ketcham RE Incident At PolyTech

045 1994-03-28 Ltr to DEC from DOH RE Receipt Of Notification And EAF

Attorney Liguori: There are a number of additional documents, but this is where the machine stopped working. We can continue on the computer screen, but it might be worth it to put this over until another date.

MOTION: Member Fusco motioned to extend the meeting until November 3, 2010; seconded by Member Wittman.

VOTE: Chair Van Millon – Aye
Member Wittman – Aye
Member Kaufman – Aye

Member Fusco – Aye
Member Williams – Aye

MOTION: Member Wittman motioned to re-open the public hearing on November 3, 2010; seconded by Member Kaufman.

VOTE: Chair Van Millon – Aye
Member Wittman – Aye
Member Kaufman – Aye

Member Fusco – Aye
Member Williams – Aye

MOTION: Member Fusco motioned to adjourn the meeting at 9:45 p.m.; seconded by Member Wittman.

VOTE: Chair Van Millon – Aye
Member Wittman – Aye
Member Kaufman – Aye

Member Fusco – Aye
Member Williams – Aye

Meeting adjourned at 9:45 p.m.

Respectfully submitted by:

Maria O'Leary
Secretary to the Zoning Board of Appeals