

Town of Dover Planning Board

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



(845) 832-6111 ext 100

Planning Board
Special Meeting Agenda
Wednesday, December 15, 2010
7:00PM

- Co-CHAIR David Wylock
- Co- Chair Valerie LaRobardier
- Member James Johnson
- Member Peter Muroski
- Member Michael Villano
- Member Sharon Ipavich

Also, in attendance representing the Planning Board were Planning Board Attorney Victoria Polidoro & Engineer Joseph Berger

For the Applicants: - Jack Nelson and Jon Adams for Rasco 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 7:11 PM and began with the Pledge of Allegiance

Co-Chair Wylock - Introduced and welcomed new Planning Member Sharon Ipavich.

Continued Public Hearing:

- I. 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 of a 177 acre parcel, *In the M and Aquifer overlay districts*

Continued Public Hearing- applicant appeared before the ZBA 8/4, 9/1, 10/06, 10/20, 11/03 & 12/ 08

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 JAMES JOHNSON - Absent	MEMBER PETER MUROSKI – AYE
MEMBER MICHAEL VILLANO– AYE	MEMBER SHARON IPAVICH-AYE

Motion approved

There were no comments from the Public

Engineer Berger: After reviewing the plans the only comments are in the recommended conditions -

Note 1 of conditions of approval which are to included, specific details of the biodiversity area and to provide plants and maintenance procedures in accordance with the EPA fact sheet- 832-F-99-012 and the NYS storm water design manual.

Attorney Polidoro: we spoke to the Town Attorney today, the appropriate permit to be issued to RASCO if approved is a Certificate of Compliance and not a Certificate of Occupancy, so in the resolution where it says occupancy change it to Compliance.

So how this is set up is there are a number of conditions that have to be met before the site plan can be approved. Then there are conditions which have to be met before a Certificate of Compliance can be issued and the Applicant can begin production. This way nothing can happen on site until the conditions are met for site plan and there are additional precautions before production can begin. Tracking pads, roof hole repair, certain safety boxes on the building, etc. After that, a study is required within 3 months showing compliance.

There were no comments from the Board

Motion made by Michael Villano to close the Public Hearing by Peter Muroski

VOTE: Co-CHAIR DAVID WYLOCK – AYE

Co-CHAIR VALERIE LAROBARDIER- AYE

MEMBER JAMES JOHNSON - Absent

MEMBER PETER MUROSKI – AYE

MEMBER MICHAEL VILLANO– AYE

MEMBER SHARON IPAVICH-AYE

Motion approved

RESOLUTION FINALIZING CONDITIONED NEGATIVE DECLARATION

RASCO MATERIALS SITE PLAN

December 15, 2010

Tax Parcel # 7061-00-580190 & 7061-00-585063

WHEREAS, Rasco Materials, LLC, the applicant, has applied to the Planning Board for site plan approval to operate a cold mix asphalt facility at a former tire and contaminated soil recycling facility located at 2241 NYS Route 22, identified as Tax Parcel Nos. 7061-00-580190 and 7061-00-585063 in the M District (“proposed action”); and

WHEREAS, in recognition of the potential for adverse impacts from the use of the site as a PCS processing facility, the Planning Board imposed six SEQRA conditions on the applicant to mitigate all significant environmental impacts.

WHEREAS, on June 21, 2010, the Planning Board adopted a conditioned negative declaration (CND), finding that the project with the imposed SEQRA conditions would not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, a Notice of Negative Declaration was published in the Environmental Notice Bulletin on June 30, 2010 and comments were accepted for 30 days following the date thereof; and

WHEREAS, the Planning Board received one public comment on the CND, namely, a letter from Shannon Martin LaFrance on behalf of the Oblong Land Conservancy, which requested that the Board not adopt the conditioned negative declaration, asserting that the proposed use is not a lawful nonconforming use and also noting that the site is located in the Aquifer Overlay District; and

WHEREAS, the question of the project’s nonconforming use status has been addressed by the by the Zoning Board of Appeals, which determined on December 8, 2010 that the use of the site is a lawful preexisting nonconforming use; and

WHEREAS, although the reference to the Aquifer Overlay District was inadvertently left out of the CND, the site’s location in the Aquifer Overlay District does not change the Board’s determination that the project, with the imposed conditions, will not result in a significant adverse impact on the environment.

NOW THEREFORE BE IT RESOLVED, that the Planning Board has reviewed the comments received on the Conditioned Negative Declaration and has determined that they are non-substantive; and

BE IT FURTHER RESOLVED, that the Conditioned Negative Declaration for the project adopted on June 21, 2010 is now final, subject to the addition of a reference in the Notice of Determination of Non-Significance regarding the site’s location in the Aquifer Overlay District.

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

David Wylock	<u>AYE</u>
Valerie LaRobardier	<u>AYE</u>
James Johnson	<u>absent</u>
Peter Muroski	<u>AYE</u>
Michael Villano	<u>AYE</u>
Sharon Ipavich	<u>abstained</u>

Planning Board Co-Chair David Wylock

Involved Agencies:

**Architectural Review Board
Dutchess County Department of Health
NYS Department of Environmental Conservation
NYS Department of Transportation**

Interested Agencies:

Dover Town Board

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RESOLUTION GRANTING SITE PLAN APPROVAL**RASCO MATERIALS SITE PLAN****December 15, 2010****Tax Parcel # 7061-00-580190 & 7061-00-585063**

WHEREAS, the applicant, Rasco Materials, LLC, has applied to the Planning Board for site plan approval to operate a cold mix asphalt facility at a former tire and contaminated soil recycling facility located at 2241 NYS Route 22, identified as Tax Parcel Nos. 7061-00-580190 and 7061-00-585063 in the M District (“proposed action”); and

WHEREAS, while heavy industry, asphalt plants, facilities for the disposal of solid waste materials and solid waste management facilities are not permitted within the Town, the applicant, the Town Board and the Planning Board have entered into a Stipulation of Agreement dated December 1, 2009, to permit the use of the site as a cold mix asphalt plant as a preexisting non-conforming use, subject to receiving site plan approval from the Planning Board; and

WHEREAS, the issue of the site’s nonconforming use status was referred to the ZBA, which determined on December 8, 2010 that the use of the site is a lawful preexisting nonconforming use; and

WHEREAS, on January 15, 2009, the applicant was issued a permit and a beneficial use determination from the DEC to accept up to 500 tons daily of non-hazardous petroleum contaminated soils for handling in a cold mix asphalt process; and

WHEREAS, the applicant has submitted a site plan entitled, “Survey of Lands of Howland Lake Partners, L.P., Rasco Materials, LLC Site Plan”, prepared by Spectra Engineering, dated 9/12/05, last revised January 28, 2010, received on April 1, 2010, for the Board’s consideration; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the application was referred to the Dutchess County Department of Planning and Development, which responded on January 20, 2010 that it was a matter of local concern; and

WHEREAS, in recognition of the potential for adverse impacts from the use of the site as a PCS processing facility, the Planning Board imposed six SEQRA conditions on the applicant to mitigate all potential significant environmental impacts.

WHEREAS, on June 21, 2010, the Planning Board adopted a conditioned negative declaration (CND), finding that the project with the imposed SEQRA conditions would not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement would not be prepared; and

WHEREAS, the Planning Board reviewed the comments received on the Conditioned Negative Declaration and after determining that such comments were not substantive, adopted a resolution finalizing the Conditioned Negative Declaration; and

WHEREAS, a duly noticed public hearing on the application was opened on March 15, 2010 and closed on December 15, 2010, during which all those who wished to speak were heard.

NOW THEREFORE BE IT RESOLVED, that the Planning Board grants site plan approval to the site plan for a cold mix asphalt processing plant, entitled “Survey of Lands of Howland Lake Partners, L.P., Rasco Materials, LLC Site Plan”, prepared by Spectra Engineering, dated 9/12/05,

last revised January 28, 2010, received on April 1, 2010 (3/29/10 via e-mail) and authorizes the Chair to sign the site plan after compliance with the following conditions:

1. Revision of the site plan to include a planting and maintenance schedule for the bioretention area. The biodiversity detail shall provide length, width and depth of the practice proposed, as approved by the Planning Board Engineer. The plants used within the practice shall be native plants for the area as listed in the NYSDEC Stormwater Design Manual. A maintenance schedule shall be provided and shall conform with EPA Fact Sheet EPA 832-F-99-012, entitled "Stormwater Technology Fact Sheet, Bioretention".

2. Revision of the site plan to include the imposed SEQRA mitigation measures as a note, enforceable by the Town.

3. Revision of the site plan to contain the following note: This site plan authorizes the use of the site as a cold mix asphalt processing plant only. The site operator shall comply with all conditions of DEC Permit 3-1326-00144-00005, as may be amended from time to time. At no time shall the site be used as a cold mix asphalt processing plant except in conformance with a valid DEC permit.

4. Revision of the site plan to contain the following note: The site operator shall comply with the Materials Handling Plan, dated May 3, 2010 and Contingency Plan, prepared by Spectra Engineering, Architecture and Surveying, PC, dated October 2005, last revised March 22, 2010, on file with the Town Planning Office and the Town Building Department. If such plans are amended, the site operator shall provide the Town with the amended plans within 5 business days.

5. Revision of the site plan to include the following note: The applicant shall timely provide the Town Building Department with copies of all correspondence to or from the Department of Environmental Conservation, or other successor organization. Electronic transmissions of correspondence are acceptable.

6. Dutchess County Department of Health approval of methods of water supply and sewage disposal.

7. Payment of all fees and escrow.

BE IT FURTHER RESOLVED, that before the Building Inspector may issue a certificate of compliance for the site and the applicant may begin production of cold-mix asphalt, the applicant shall comply with the following conditions:

1. Installation of a tracking pad at the entrance/egress to Building A.

2. Installation of a secondary containment system around the pug mill, to be used in conjunction with the proposed drip pan, to prevent spilled or leaked emulsion from leaving the site.

3. Installation of covers on all windows consisting at a minimum of heavy-duty poly-plastic to prevent rainwater from entering the building.

4. Repair of all holes in roof.

5. Installation of a Knox Box on Building A and Building B.

6. All entrance doors shall be clearly marked.

BE IT FURTHER RESOLVED, that within 3 months of the issuance of a Certificate of Compliance for the site, or within 4 months if the Certificate of Compliance is issued between November and March, the applicant shall prepare a vibration analysis to demonstrate compliance with Section 145-40D of the Town Code. The vibration analysis shall be submitted to the Town of Dover Building Inspector, or his or her designee, for review. Should the Building Inspector determine that the operation of the site does not comply with Section 145-40D of the Town Code; the applicant shall prepare and implement vibration control measures under the direction of the Town of Dover Building Inspector or his or her designee to attain compliance with Section 145-40D.

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

David Wylock Aye
Valerie LaRobardier Aye
James Johnson absent
Peter Muroski Aye
Michael Villano Aye
Sharon Ipavich abstained

Planning Board Co-Chair David Wylock

Discussion of A Complaint received:

Co-Chair Wylock - There was an email, in reference to the storm water/ water conditions on Cricket Hill. Joe was up there today and inspected the site.

Engineer Berger- Went to the site, the swale that was over grown and needed maintenance has now been maintained, dug out, cleaned and returned to its functional purpose. It appeared, even with snow on the ground, he has done what has been asked of him to do, which is to provide the ditch along the property to take the water away to the existing County Culvert and off the site. Everything I can see from the site, it appears he has done exactly what we asked him to do.

Co-Chair Wylock - The tone of the email was something I take offense to, there were allegations made that were totally without merit. I'm glad you went up there, and checked.

As you may remember we had mentioned several months ago, that the people up there should possibly get together and approach the Town Board to create a drainage district, which would help the situation, but they apparently haven't done so.

Engineer Berger- As the Town Engineer I will put it on my schedule to inspect it a few more times after rain so I can come back and comment. As an active inspection area if we can find something else that can help the residents in the area, I will recommend it to the Town Board. The whole area is subject to drainage problems, this is bigger than what was done there. The erosion control plan for that site was not there to remedy the existing drainage problems that exist in the area.

Co-Chair Wylock - So what the neighbor did- did not impair the neighbor's septic system at all?
A: Not that I can see.

REMINDERS:

The first meeting for year 2011 is scheduled for January 3rd

Site walk scheduled for Sunday, December 19, 2010 @ 10:30 am

Motion made by Valerie LaRobardier to adjourn 7:30 pm 2nd by Michael Villano

VOTE: Co-CHAIR DAVID WYLOCK – AYE	Co-CHAIR VALERIE LAROBARDIER- AYE
MEMBER JAMES JOHNSON - Absent	MEMBER PETER MUROSKI – AYE
MEMBER MICHAEL VILLANO– AYE	MEMBER SHARON IPAVICH-AYE

Motion approved

Respectfully submitted,

Betty-Ann Sherer
PlanningARB@TownofDoverNY.US

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
This meeting may now be viewed at Cablevision Channel 22 for residents who have that provider-Please check local listings for meeting re broadcast times

All reasonable accommodations will be made for persons with disabilities. In such a case, please notify Betty-Ann Sherer in advance by phone at 845-832-6111 ext 100 so that arrangements can be made

Please call the Planning Board Office with any questions 845-832-6111 ext 100

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