

Town of Dover Planning Board

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



(845) 832-6111 ext. 100

March 15, 2010

Hon. Supervisor Ryan Courtien and
Members of the Town Board
Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 10522

Re: Howland Lake Properties
Wingdale Industrial Park
2241 NYS Route 22, Wingdale New York

Dear Supervisor Courtien and Members of the Town Board:

As you know, Rasco Materials, LLC ("Rasco") has submitted a site plan application to the Planning Board to operate a cold-mix asphalt facility on a portion of the above-referenced property. On January 23, 2010, the Planning Board conducted a site walk in connection with its review of the plan. Although our site walk was limited to the confines of the premises to be occupied by Rasco, we observed numerous barrels of unidentified materials, debris, and other potentially hazardous materials throughout the property. The Board is very concerned about pollution and contamination from the unidentified barrels, especially given the property's proximity to the Great Swamp.

We have notified the Department of Environmental Conservation ("DEC") about the potential environmental issues on the site but it does not appear that the DEC will be taking any immediate action. Regional Director William Janeway attended our last planning board meeting on March 1, 2010. Although he recognized that there may be some potential pollutants, Mr. Janeway stated that the site did not appear to "rise to the level" of a superfund site and that therefore it was not likely that the DEC would initiate a cleanup.

We therefore respectfully request that the Town Board authorize the Code Enforcement Officer to pursue an enforcement action against the property owners to require them to maintain the property in conformance with the Town Code and the New York State Uniform Fire Prevention and Building Code, including the Property Maintenance Code. There appear to be numerous violations of both the state and local code on the property. Pursuant to Section 77-3 of the Town Code, the Building Inspector has been designated to enforce the Uniform Fire Prevention and Building Code within the Town.

The Property Maintenance Code ("PMC") of New York State applies to both residential and nonresidential properties. Section 301.3 of the PMC provides that vacant structures and premises "shall be maintained in a clean, safe, secure and sanitary condition as provided herein

so as not to cause a blighting problem or adversely affect the public health or safety.” The Board feels that the current condition of the site, including the potential for release of harmful substances, threatens the public health and safety and that steps should be taken to immediately abate this condition.

Further, Section 307.1 of the PMC requires landowners to maintain property free from “rubbish or garbage.” Piles of garbage have accumulated within the vacant buildings on the property. Directly across from the entrance to the Rasco site, there is a large pile of rubbish which includes an old mattress, assorted chairs, a refrigerator and other assorted unidentified items. The property owner should be required to remove the rubbish and garbage.

In addition to violations of the Uniform Fire Prevention and Building Code, it appears that the property is also in violation of the Town’s Zoning Law. The Zoning Law requires that all property be used and maintained in accordance with the Use Table and provisions of the Zoning Law. Town Code § 145-10B. The Zoning Law defines a junkyard as “the use of 400 square feet or more of area on any lot outside a fully enclosed structure for the storage or collection of junk or junk cars.” Town Code § 145-74. Junkyards are only permitted by special permit from the Town Board. As far as we are aware, no permit has been granted which would permit the use of the site as a junkyard. Based on our observations during the site walk, it appears that the property is being used as a junkyard in violation of the Zoning Law.

The above violations are not exclusive and are meant to provide the Board with sufficient information to begin an inquiry. Upon inspection, the Building Inspector may find that there are additional violations on the property. I have enclosed pictures of the property taken by the Town Engineer for your review. The Planning Board strongly feels that the conditions on the property must be improved to protect the health, safety and welfare of the residents of the Town of Dover and of all those entering and using the Rasco site.

If you have questions regarding this request, we would be happy to discuss them with you.

Sincerely,

David Wylock
Planning Board Co-Chair