

# TOWN OF DOVER, NEW YORK

## BUILDING AND ZONING DEPARTMENT

George T. Hearn, Code Enforcement  
Officer

126 East Duncan Hill Road

Dover Plains, New York 12522



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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 That stop work order remains in effect as I have not rescinded it.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 solid waste management facilities shall be prohibited with the exception of municipally owned and operated facilities. In addition in section 145-74 solid waste : ..."Any solid waste which receives a beneficial use determination (BUD) from the New York State Department of Environmental Conservation is still considered a solid 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