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March 12, 2007

Michael D. Zarin
Zarin & Steinmetz
81 Main Street
White Plains, New York 10601

Re: Dover Knolls - Resolution of Outstanding Violations
Dover Planning Board - Dover Code Chapter 65 permit - Remediation Permit
Harlem Valley Psychiatric Center, Dover, New York

Dear Mr. Zarin:

This office is in receipt of both letters sent from your office today to the Town of Dover Finance Department demanding to know by the end of today whether Dover Knolls can commence the remedial work that must be done to remedy your client's violations of the Dover Code at the Harlem Valley Psychiatric Center site ("site"). This sudden sense of urgency on the part of your client, Dover Knolls, is puzzling in light of its inaction after it violated the Dover Code this past Summer. As you are aware, these violations have impacted endangered species and their habitats. A copy of the Notice of Violation and Order to remedy is enclosed with this letter. Pursuant to conversations with herpetologist Dr. Michael Klemens, who examined the violations at the site, the Town of Dover is acutely aware of the further damage that could be done to these species and their habitats should your client not proceed with the remedial work approved by the above-referenced, conditional Remediation Permit. In this regard, minutes from the Planning Board's November 9, 2006 meeting at which biologist Beth Evans spoke on behalf of Dover Knolls, are helpful. Please note that the Planning Board was going out of its way for your client to process the applications in question so that the site could be remediated as soon as possible. We are now in the month of March. The Town of Dover officials are incredibly disappointed that your client did not immediately undertake to fulfill the conditions in the Remediation Permit and undertake the remedial work in light of the fact that we experienced one of the warmest Januarys on record for Dutchess County. Dover Knolls has placed the Town in a predicament wherein the Town must choose between ensuring that your client fulfills the Remediation Permit conditions to reimburse taxpayers in accordance with the Town's escrow provisions versus ensuring that endangered species and their habitat are not further destroyed. Based on the facts, the Town must clearly choose to allow your client to undertake the remediation. As evidenced by Dover Knolls' biologist Ms. Evans's statement at

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the Planning Board's November 9, 2006 meeting, to make any other decision could allow bog turtle eggs in the vernal pool to literally "be smothered."

Please be aware that no part of this letter gives your client permission to commence work under the Dover Code Chapter 65 erosion and sediment control permit for future well drilling ("Well drilling permit") obtained with conditions on December 2006 from the Planning Board.

The Town fully expects Dover Knolls to fulfill conditions in both the Remediation permit and the Well Drilling Permit including, but not limited to, the reimbursement to the Town's taxpayers for consultant fees incurred by the Planning Board to review the above applications. Your characterization of the related permit condition in your letter from earlier today is deceptive. The condition clearly states as follows:

Payment of all outstanding fees, including, *but not limited to*, payment of \$3,500.00 in settlement of alleged code violations.

Moreover, November 9, 2006 Planning Board minutes detail the Planning Board's resolution with respect to the escrow accounts for both the Remediation Permit and the Well Drilling Permit. Your associate Dan Richmond was at this meeting.

The Town of Dover will be attending the meeting tomorrow at Dutchess County Planning with the Metro-North Transportation Corporation. However, the Town will be attending this meeting without its consultants because your client is also in arrears with the Town Board escrow account on its application to the Town Board for a permit under the Town's Zoning Law. The Town regrets that it must take this position but until Dover Knolls meets its contractual obligations under its Escrow Agreement with the Town, the Town will be limited in the assistance or advice it can provide to Dover Knolls. A copy of the Escrow Agreement is also enclosed with this letter. The Town does not agree that its residents should bear the cost of paying for the consultants the Town's boards need to review applications from Dover Knolls.

Sincerely,

Shannon Martin LaFrance

SML:fhs

cc: Dover Town Board
Dover Finance Department