

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



APPROVED

(845) 832-3048

RESOLUTION CLASSIFYING THE ACTION, DECLARING INTENT TO SERVE AS LEAD AGENCY AND REFERRING THE APPLICATION TO THE COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT AND THE ARCHITECTURAL REVIEW BOARD

RASCO MATERIALS SITE PLAN

January 6, 2010

Tax Parcel # 7061-00-580190

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; 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 applicant has received 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 8/31/06, for the Board's consideration; and

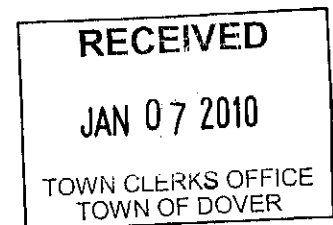
WHEREAS, pursuant to Section 37-5A(1) of the Town Code, except for certain residential dwellings, all applications for site plan approval shall be referred to the Architectural Review Board ("ARB") for review; and

WHEREAS, the application was accompanied by a Short Environmental Assessment Form ("EAF"); and

WHEREAS, the Planning Board has performed a preliminary review of the EAF and other application materials; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), said Board is required to determine the classification of the proposed action.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby classifies the Rasco Materials site plan as an unlisted action under SEQRA; and



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BE IT FURTHER RESOLVED, that the Planning Board hereby declares its intent to serve as lead agency in a coordinated SEQRA review and directs the secretary to the Planning Board to send notice of its intent to all other involved agencies, as indicated in the attached list; and

BE IT FURTHER RESOLVED, that the Planning Board hereby directs the Secretary to the Planning Board to refer the application to the Dutchess County Department of Planning and Development pursuant to Section 239-m of the General Municipal Law and to the Dover ARB.

Moved by: John Fila Seconded by: Valerie LaRobardier

David Wylock	<u>Y</u>
Valerie LaRobardier	<u>Y</u>
John Fila	<u>Y</u>
James Johnson	<u>A</u>
Brian Kelly	<u>Y</u>
Peter Muroski	<u>Y</u>
Michael Villano	<u>Y</u>

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David Wylock
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
- Dover Fire Co.