



***Environmental and Planning Consultants***

34 South Broadway  
Suite 314  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

---

**To:** Town of Dover Planning Board  
**From:** Ashley Ley, AICP  
**Date:** March 1, 2010  
**Re:** Rasco Materials LLC

---

AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

- NYSDEC Permit and cover letter, dated 01/15/09
- Stipulation of Agreement
- Chronological summary of Correspondence
- Town of Dover Application Forms, dated 12/09/2009
- Short Form EAF, dated 12/09/2009
- Survey of Lands of Howlands Lake Partners, LP, prepared by Spectra Engineering, last revised 8/31/2006
- Bulk Table
- Rasco Materials Vicinity Map, prepared by Spectra Engineering, dated 9/12/2005
- Regional Plan Map, prepared by Spectra Engineering, dated 6/26/2005
- Traffic Flow Plan, prepared by Spectra Engineering, last revised 8/31/2006
- Detail Sheet, prepared by Spectra Engineering, dated 1/25/2010
- Letter from Corbally Gartland and Rappleyea, dated 2/9/2010
- Contingency Plan, prepared by Spectra Engineering, last revised 10/2006
- Letter to Dutchess County Department of Health, dated 2/8/2010
- Noise Analysis, prepared by Spectra Engineering, last revised 2/2008
- Structural Evaluation, prepared by Spectra Engineering, dated 10/10/2006

### SITE PLAN

The Site Plan should be revised to contain the following information:

- The location of the proposed construction trailer.
- Additional detail should be provided on the proposed berm, including plantings and grading.
- Additional detail should be provided on the road widening, including any grading.

- The bulk table should be shown on the site plan.

## CONTINGENCY PLAN

The contingency plan was confirmed to contain:

- Facility description and layout;
- Emergency response coordinator and chain of command;
- Emergency response procedures and implementation of the plan;
- Internal/External communication, warning system, and an evacuation plan;
- Specific incident response procedures; and
- List of local agencies.

## COMMENTS

The spills section should identify NYSDEC notification requirements for petroleum and hazardous spills specifically describing what types of spills need to be reported, the time frame within which spills must be reported, and who has the responsibility for reporting a spill.

## NOISE ANALYSIS

AKRF, Inc. has reviewed the Noise Analysis prepared by Spectra Engineering for compliance with the Town of Dover Noise Code (Chapter 107) and the Environmental Performance Standards (§145-40). AKRF recognizes that the report was prepared as part of the NYSDEC permitting process, and as such references NYS DEC 6 NYCRR Part 360-1.14(p) for permitted noise limits (57 dBA from 7 AM to 10 PM, and 47 dBA from 10 PM to 7 AM for rural areas).

Chapter 107 of the Code says that the “creation of any unreasonably loud, disturbing and unnecessary noise is prohibited.” However, specific decibel limits are not prescribed in Chapter 107. The Environmental Performance Standards (§145-40) state the following:

*“No person, firm or corporation shall allow the emission of sound which, as measured at the property lines, has a sound level in excess of:*

*60 dBA between 7 AM and 8 PM*

*50 dBA between 8 PM and 7 AM”*

Furthermore, the Dover Environmental Performance Standards specify the maximum permitted steady-state and impact vibration displacement limits (in inches) for a proposed use. However, the Code does not state whether these limits are enforced at the property line or the source.

## COMMENTS

- The analysis procedure contained in the Spectra Report does not specifically address the Town of Dover Noise Code or the Town of Dover Environmental Performance Standards.
- The analysis procedure combines the predicted levels associated with the proposed facility and then compares them to 6 NYCRR Part 360-1.14(p). Our review assumes that the Dover Environmental Performance Standards and 6 NYCRR Part 360-1.14(p) limits apply to the source only and not the cumulative of the “source plus background.”
- For several receptors, the requirements of 6 NYCRR Part 360-1.14(p) are satisfied because “15 dBA of foliage attenuation” is assumed. The NYSDEC permit limits the operation of the site

from March 1 through December 1, provided that the ambient temperature is 45 degrees Fahrenheit or warmer. As such, the site is permitted to operate for 4-5 months in the leaf-off season. Therefore, the Applicant should verify that the assumed foliage is evergreen. It is noted that a worst case scenario noise analysis is typically in the winter months when most trees/foliage lose their leaves and the ground is frozen so there is minimal ground absorption.

- The analysis only examines compliance to the daytime limits. Since the NYSDEC permit limits the hours of operation to 7 AM to 8 PM, and these hours correspond to Dover's Environmental Performance Standards, this is acceptable.
- The Applicant should confirm whether or not the Receptors utilized in the analysis were located at property lines or if they were located at specific noise sensitive uses/buildings. Both the Dover Environmental Performance Standards and 6 NYCRR Part 360-1.14(p) state that their limits should be met at the property line.
- The Noise Analysis did not address the vibration limits specified in Town of Dover Environmental Performance Standards.