

# Town of Dover Planning Board

Town of Dover  
Historic Tabor Wing House  
3128 Rt 22  
Dover Plains, NY 12522



(845) 877 4271  
(845) 877-4273 fax

## LAND USE APPLICATION

Type of Application: Check all that apply

Site Plan     Special Permit/Site Plan     Erosion and Sediment Control Permit

**SEE STIPULATION OF AGREEMENT**

Grid Number(s):

580190, 585063

Name of Project: RASCO Cold-Mix Asphalt Plant

Property Address:

Wingdale Industrial Park, Town of Dover

2241 NYS Route 22, Wingdale, NY 12594

Primary Contact Person:

John Nelson

Address: 200 Bulls Bridge Road

South Kent, CT 06785-1103

Telephone Number: (860) 927-3507

Email: jacknelson@concordenviro.com

Name of Property Owner:

Howland Lake Partners LP

Address: PO Box 285

MT Kisco, NY 10549

Telephone Number:

212.666.2144

Name of Applicant (if different):

RASCO Materials LLC

Address: P.O. Box 566

Wingdale, NY 12549-0566

Telephone Number: 203.648.1378

Email: jacknelson@concordenviro.com

Relationship of Applicant to Owner (e.g. contract vendee, option holder, lessee): Lessee

Plans Prepared By:

Name: Frank Peduto, P.E., Spectra Engineering, P.C.

Address: 19 British American Blvd.

Latham, NY 12110

Telephone Number: (518) 782-0882

E-mail: fpeduto@spectraenv.com

Zoning District(s): RU  RC  HM  HR  SR  HC   
CO  M

Overlay District(s) (if any): Floodplain  Stream Corridor

Aquifer  Mixed-Use Institutional  Soil Mining

Current Use(s): Industrial

Proposed Use(s): Industrial

Parcel Size: 3.0 Acres

Type of Activity: New structure , Alteration of existing structure , Expansion of use or structure ,

Change of use in existing structure

Total Square Footage of Structures:

Current 28,200

Proposed 28,200

Footprint of Structures:

Current 28,200

Proposed 28,200

Does the property contain a farm operation located within an agricultural district or is the property boundary within 500 feet of a farm operation located in an agricultural district:

yes     no

If yes, submit an Agricultural Date Statement, available from the Planning Office.

Will the development be phased? Yes  No

Is there an existing Special Permit and/or Site Plan approval for the property? Yes  No

RECEIVED  
12/19/09

FILE COPY

**TOWN OF DOVER**

<b>SPECIAL PERMIT/SITE PLAN DISCUSSION SUBMISSION CHECKLIST</b>			
<b>Applicant/Site Plan Name</b> RASCO Materials LLC			
	<b>Yes</b>	<b>Inc.*</b>	<b>NA/W**</b>
<b>HAVE YOU SUBMITTED:</b>			
A Land Use Application form? (Grid Numbers MUST be included)	✓		
The application fees?	✓		
The Letter of Intent?	✓		
The Letter of Agent, if needed?	✓		
A short narrative of the project?	✓		
An Ag Data Statement?	✓		
The Disclosure Statement?	✓		
A Long form EAF?			✓
A copy of this checklist?	✓		
A written request for waivers to submission requirement, if needed?			✓
<b>Does your site plan contain:</b>			
The words, "Town of Dover, Dutchess County, New York"?	✓		
The date of the site plan being submitted?	✓		
The name and address of the record owner?	✓		
The parcel grid number?	✓		
The name of the project?	✓		
The name, address, signature, and seal of the licensed engineer or architect?	✓		
A vicinity map (1" = 2,000"), showing all properties and easements within 500' of the property?	✓		
Approximate true North point?	✓		
A graphic scale?	✓		
The location, bearings and distances of the tract boundary?	✓		
The names and addresses of all adjoining property owners?	✓		
The Zoning District?	✓		

\*Incomplete information \*\* - Not Applicable, W - Waiver Requested in Writing

**RECEIVED**  
1/17/09

**FILE COPY**

**TOWN OF DOVER**

<b>SPECIAL PERMIT/SITE PLAN DISCUSSION SUBMISSION CHECKLIST</b>			
<b>Applicant/Site Plan Name</b> RASCO Materials LLC			
	<b>Yes</b>	<b>Inc.*</b>	<b>NAW**</b>
<b>A Bulk Regulations table (see §145-11), showing the required and proposed dimensions for:</b>			✓
Lot size?			✓
Road frontage?			✓
Front yard setback?			✓
Side yard setback?			✓
Rear yard setback?			✓
Impermeable surface coverage?			✓
Maximum height?			✓
Maximum footprint?			✓
<b>An existing conditions map, showing existing roads, buildings, utilities and other man-made features, as well as topography and all existing natural land features (rock outcrops, single trees 8" or more in diameter, forest cover, soils, ponds, wetlands, lakes, watercourses, aquifers, floodplains and drainage retention areas)? Note: Site datum source</b>	✓		
<b>The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations?</b>	✓		
<b>The land use district boundaries within 200' of the site's perimeter, as well as any overlay districts?</b>			
<b>Does the site plan include a table containing the following:</b>			✓
<b>Estimated area of structure intended to be used for particular uses such as retail, office, storage, etc...?</b>	✓		
<b>Estimated maximum number of employees?</b>			✓
<b>Maximum seating capacity, where applicable?</b>			✓
<b>Number of parking spaces existing and required for the intended use?</b>			✓
<b>Plans for the disposal of construction and demolition waste, either on site or at an approved disposal facility?</b>			✓

\*Incomplete information \*\* - Not Applicable, W - Waiver Requested in Writing

**TOWN OF DOVER**

<b>SPECIAL PERMIT/SITE PLAN SUBMISSION CHECKLIST</b>			
<b>Applicant/Site Plan Name</b> RASCO Materials LLC			
	<b>Yes</b>	<b>Inc.*</b>	<b>NA/W**</b>
<b>HAVE YOU SUBMITTED:</b>			
Any outstanding fees?	✓		
A Long form EAF?			✓
A copy of this checklist?	✓		
A written request for waivers to submission requirement, if needed?			✓
<b>Does your site plan contain:</b>			
The words, "Town of Dover, Dutchess County, New York"?	✓		
The date of the site plan being submitted?	✓		
The name and address of the record owner?	✓		
The parcel grid number?	✓		
The name of the project?	✓		
The name, address, signature, and seal of the licensed engineer or architect?	✓		
A vicinity map (1" = 2,000"), showing all properties and easements within 500' of the property?	✓		
Approximate true North point?	✓		
A graphic scale?	✓		
The location, bearings and distances of the tract boundary?	✓		
The names and addresses of all adjoining property owners?	✓		
The Zoning District?	✓		
A Bulk Regulations table, showing the allowed dimensions and the proposed dimensions? (See §145-11)			✓
An existing conditions map, showing existing roads, buildings, utilities and other man-made features, as well as topography and all existing natural land features (rock outcrops, single trees 8" or more in diameter, forest cover, soils, ponds, wetlands, lakes, watercourses, aquifers, floodplains and drainage retention areas)?	✓		

\*Incomplete information \*\* - Not Applicable, W - Waiver Requested in Writing

**TOWN OF DOVER**

<b>SPECIAL PERMIT/SITE PLAN SUBMISSION CHECKLIST</b>			
<b>Applicant/Site Plan Name</b> RASCO Materials LLC			
	<b>Yes</b>	<b>Inc.*</b>	<b>NA/W**</b>
The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations?	✓		
The land use district boundaries within 200' of the site's perimeter, as well as any overlay districts?	✓		
Does the site plan include a table containing the following:			✓
Estimated area of structure intended to be used for particular uses such as retail, office, storage, etc...?			✓
Estimated maximum number of employees?			✓
Maximum seating capacity, where applicable?			✓
Number of parking spaces existing and required for the intended use?			✓
Plans for the disposal of construction and demolition waste, either on site or at an approved disposal facility?			✓
The location of all present and proposed:			✓
Public and private ways?	✓		
Off-street parking areas?	✓		
Driveways?	✓		
Outdoor storage areas and screening details for waste disposal containers?			✓
Sidewalks, ramps, curbs and paths?			✓
Landscaping, walls and fences?			✓
The lighting details including: location, height, intensity and bulb type? The direction of illumination (a photometric plan)?			✓
The sign details including: location, height, size, materials and design?			✓
Have you included 5 additional copies for the ARB?			✓

\*Incomplete information \*\* - Not Applicable, W - Waiver Requested in Writing

**TOWN OF DOVER**

<b>SPECIAL PERMIT/SITE PLAN SUBMISSION CHECKLIST</b>			
<b>Applicant/Site Plan Name</b> RASCO Materials LLC			
	<b>Yes</b>	<b>Inc.*</b>	<b>NA/W**</b>
<b>The location of all present and proposed utility systems including:</b>			
Sewage or septic systems?			✓
Water supply system?			✓
Telephone, cable and electric systems?	✓		
Storm drainage system including drain lines, culverts, catch basins, headwalls, hydrants, manholes, and drainage swales?			✓
An Erosion and Sediment Control plan per Chapter 65, if needed?			✓
Existing and proposed topography at two-foot contour intervals?			✓
Area(s) of 100-year floodplain shown if applicable, with base flood elevations given?			✓
Areas within the proposed site, and within 50 feet of the site, where soil removal or filling is required, showing the approximate volume in cubic yards?			✓
A landscaping plan?			✓
A planting plan?			✓
A grading plan?			✓
<b>Traffic flow patterns within the site, including:</b>			
Entrances and exits?	✓		
Loading and unloading areas?	✓		
Curb cuts on the site, and within 100' of the site?	✓		
Detailed traffic study, if required by the Planning Board?			✓
<b>Elevation details such as:</b>			
Elevations at a scale of 1/4" = 1 foot for all exterior facades?			✓
Design features, including the type and colors of materials to be used?			✓

\*Incomplete information \*\* - Not Applicable, W - Waiver Requested in Writing



# Town of Dover Planning Board

Town of Dover  
Historic Tabor Wing House  
3128 Rt 22  
Dover Plains, NY 12522



(845) 877 4271  
(845) 877-4273 fax

## APPLICANT'S LETTER OF INTENT

TO: TOWN OF DOVER PLANNING BOARD

APPLICANT: RASCO Materials, LLC

DATE: December 9, 2009

GRID NUMBER: 580190, 585063

INTENT: Provide a brief narrative of your plans for the site. Please include the existing conditions of the site (examples include possible wetlands, steep slopes and environmental constraints. Include known past uses of the site such as a mining operation, junkyard, dump site, etc...).

RASCO Materials, LLC (RASCO is applying for approval to operate a receipt, storage, and handling of non-hazardous petroleum contaminated soil (PCS) to use in the production of cold-mix asphalt.

The facility is located in Wingdale (Town of Dover), Dutchess County, New York.

Please see the following page for an in-depth description of intent.

**FILE COPY**

**RECEIVED**  
12/19/09

**APPLICANT: RASCO Materials, LLC**

**INTENT: Continued**

The DEC has issued RASCO a Part 360 Solid Waste Management permit and a Beneficial Use Determination (BUD). This permit provides for the use of non-hazardous petroleum contaminated soil (PCS) to manufacture cold-mix asphalt, and to use it as a beneficial product.

Suitable uses for the processed material include transportation-related foundation material, sub-base material, or shoulder material, as well as trench backfill for piping under roads, sub-grade, road foundations, parking lots, driveways, tennis courts, bicycle paths, horse tracks/arenas, and sidewalks.

The RASCO Materials, LLC facility is located within the Wingdale Industrial Park in Wingdale, New York, Town of Dover, Dutchess County. The facility is part of certain contiguous parcels owned by Howlands Lake Partners, LP (see T/O Dover tax map). The contiguous properties total approximately 133 acres. The property and buildings leased by RASCO occupy 3 acres in the west central portion of the parcel as shown on the tax map.

The parcel is bordered to the northeast by a Consolidated Edison Right of Way, to the west by the Metropolitan Transit Authority Railroad tracks, to the east by NYS Route 22, and to the south by an undeveloped parcel also owned by Howlands Lake Partners, LP.

Past uses have included a World War II facility which processed magnesium from rock deposits in the area. More recently the site functioned as a tire recycling facility. A fire temporarily forced abandonment of the facility. Since 1993, the site has operated as a contaminated soil recycling facility under various owners.

The industrial park currently contains ten (10) buildings. It is RASCO's intention to use only four (4) on-site buildings to support its operation (see Site Plan). RASCO will upgrade and improve the immediate surrounding landscape in support of an efficient recycling process. The main facility parcel plus those parcels immediately south and west of the facility are zoned for industrial and manufacturing purposes.

The RASCO operation of recycling petroleum-contaminated soil (PCS) to create a beneficial product (cold-mix asphalt), supports the two highest end uses of the New York State Solid Waste Plan, i.e., recycling and reuse. The facility's operation to produce cold-mix asphalt using PCS creates no new solid waste.

**Environmental Setting**

On the western side of the area of operation is a natural swale that carries stormwater north and west of the property. Within or contiguous to the property are streams which carry stormwater to the Swamp River which ultimately flows 10 miles to the Housatonic River. The Great Swamp (New York State Wetland DP-22) lies to the west of the parcel and the Metropolitan Transit Authority rail track.

2009-Site Plan / Special Permit

**LETTER OF AGENT**

I, Jonathan Schachter, am a member of Howlands Lake  
Partners, LLC, the owner of the property

located at 2241 NY Route 22, Dover, New York,

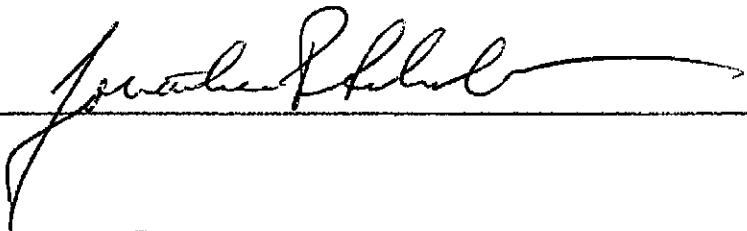
identified as Grid Number 7061-00-585063; 7061-00-580190.

I hereby authorize Rasco Materials, LLC to act as my  
agent in an application to the Town of Dover Planning Board.

For Rasco Materials, LLC  
*(Name of Project)*

Print name Howlands Lake Partners, LLC

By: Jonathan Schachter, Member

Signature 

Date November 10, 2009

**RECEIVED**  
12/9/09

**FILE COPY**

## Town of Dover Planning Board

Town of Dover  
Historic Tabor Wing House  
3128 Rt 22  
Dover Plains, NY 12522



(845) 877 4271  
(845) 877-4273 fax

---

### Disclosure of Interest

SECTION 809 OF THE GENERAL MUNICIPAL LAW provides as follows:

1. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of a municipality shall state the name, address, and the nature and extent of the interest of any state officer and any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership, or association making such application: petition, or request (hereinafter called the applicant) to the extent known to such applicant.
2. For the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them
  - (a) is the applicant, or
  - (b) is an officer, director, partner, or employee of the applicant, or
  - (c) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - (d) is a party to an agreement with such an applicant express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition, or request.
3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

RECEIVED  
12/19/09

FILE COPY

4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

*In connection with said application, petition or request, the undersigned hereby states, pursuant to the provision of Section 809 of the General Municipal Law, the name, residence, and the nature and extent of the interest of any state officer or employee of the Town of Dover and/or the County of Dutchess, in the person, partnership, or association making the application, petition, or request (hereinafter called the "Applicant"). If none, insert the word "none" NONE.*



Signature of Applicant


December 9, 2009

Date

## Appendix C

**State Environmental Quality Review  
SHORT ENVIRONMENTAL ASSESSMENT FORM  
For UNLISTED ACTIONS Only**

**PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)**

1. APPLICANT/SPONSOR RASCO Materials, LLC	2. PROJECT NAME RASCO Cold-Mix Asphalt Plant
3. PROJECT LOCATION: Municipality Hamlet of Wingdale, Town of Dover County Dutchess	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Wingdale Industrial Park - 2241 NYS Route 22, Wingdale, NY 12594	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Recycling of Petroleum Contaminated Soil to produce Cold-Mix Asphalt	
7. AMOUNT OF LAND AFFECTED: Initially <u>3.0</u> acres Ultimately <u>3.0</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: Site has been and is presently identified as an industrial park (Wingdale Industrial Park).	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: NYCRR, Part 360-Solid Waste Management Permit	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: NYSDEC-Part 360 Solid Waste Management Permit #3-1320-00144-00005	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>John Nelson, President</u> Date: <u>December 9, 2009</u> Signature: 	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

OVER  
1

**RECEIVED**  
12/9/09

**FILE COPY**

Reset

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination

<input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 100%; height: 20px;" type="text"/>
Name of Lead Agency	Date
<input style="width: 100%; height: 20px;" type="text"/>	<input style="width: 100%; height: 20px;" type="text"/>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<hr style="width: 100%;"/>	<hr style="width: 100%;"/>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

# Town of Dover Planning Board

Town of Dover  
Historic Tabor Wing House  
3128 Rt 22  
Dover Plains, NY 12522



(845) 877 4271  
(845) 877-4273 fax

The undersigned hereby makes application in accordance with all applicable laws and other requirements of the Town of Dover, Dutchess County, New York. All owners of record must sign.

Signature of Record Owner

MEMISER, HOLLANDS LAKE PARTNERS, LLC

Date: 12/7/09

Signature of Record Owner

Date:

Signature of Applicant (if different)

Date: 12/9/09

Does the project parcel cover applicant's entire holding?  
 yes  no

Deed Reference: Liber [ ] Page [ ] Date [ ]  
Filed Map Reference: Lot # [ ] Map # [ ]

Date of discussion meeting: \_\_\_\_\_  
(To be filled in by Planning Board Secretary)

Date stamp of submission

