

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

COALITION FOR THE RESPONSIBLE GROWTH
OF DOVER, by its President, Carolyn B. Handler; and
BARBARA CLAY,

Petitioners,

For an Article 78 proceeding,

AFFIDAVIT

- against -

TOWN BOARD OF THE TOWN OF DOVER,

Respondent.

State of New York)

: ss.

State of New York)

Carolyn B. Handler, being duly sworn, deposes and says:

1. I reside in the Town of Dover with an address at 212 Duell Hollow Road, Dover, New York 12594.
2. For several years, I have closely followed the proposed Dover Knolls development project to be located on the site of the former Harlem Valley Psychiatric Center in Dover and have followed the progress of the project with both the current and former Dover Town Boards.
3. I and a number of other citizens s interested in the Dover Knolls project recently formed the Coalition for the Responsible Growth of Dover (the "Coalition"), an unincorporated association, to address a collective concern about inappropriate growth in Dover and

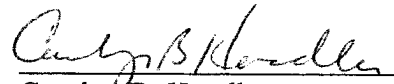
particularly with the redevelopment of the Harlem Valley Psychiatric Center proposed by the Dover Knolls Development Company II, LLC. I serve as President of the Coalition.

4. I was interested in the proposed amendment to the Dover Zoning Code wherein the Dover Town Board proposed to amend Sec. 145-16 thereof to assume all review and approval jurisdiction over projects in the Mixed-Use Institutional Conversion Overlay District (MC) and remove site plan approval from the Town of Dover Planning Board.
5. I reviewed the draft amendment to Sec. 145-16 of such Zoning Ordinance posted on the Town's website on February 26, 2008. That draft which was posted on the website only addressed the shift in jurisdiction from the Dover Planning Board to the Dover Town Board, nothing more.
6. I thereafter attended the Public Hearing on the proposed amendment on February 27, 2008. At that hearing, I learned for the first time that Sec. 145-16(C)(2) of the Town of Dover Zoning Ordinance was also proposed to be amended by allowing lands "substantially contiguous" to the MC District to be included in the MC Overlay District.
7. Copies of the proposed "new" amended local law were not made available for public review at the Public Hearing; rather Town Attorney, Michael Liguori, made a brief reference to the proposed change at the outset of the hearing.
8. During the course of the hearing, both the Town Attorney and the Town Supervisor admitted that the newly proposed change had only been made that day. Two Town Board members also stated that they were unaware of the proposed change to the noticed local law and did not see the amendment until that afternoon.
9. Amending the MC Overlay District description to include lands contiguous to the Harlem Valley Psychiatric Center is a significant and substantial change to the potential reach of

that MC Overlay District and reflects a substantive change to the elements of the MC Overlay District that was not properly noticed before the Public Hearing.

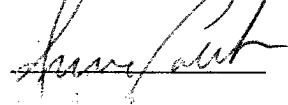
10. I believe that if people were aware of the intent to extend the boundaries of the MC Overlay District more people would have attended the Public Hearing and commented on the effect of that change.

11. By not having advance notice of the full extent of the proposed amendment to the Town of Dover Zoning Ordinance, I was deprived of my right to fully consider and meaningfully comment on the proposal.


Carolyn B. Handler

Sworn to me this 27th

day of March, 2008



Notary Public

ANNA SALEK
NOTARY PUBLIC, State of New York
No. 02SA6048920
Qualified in New York County
Commission Expires Nov. 22, 2010