

# The Millbrook Independent

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## Rasco decision delayed; More evidence weighed

By Antonia Shoumatoff

The Dover Zoning Board of Appeals (ZBA) listened to Michael Liguori, the ZBA's attorney, describe and read from 100 new documents about previous uses on the Mid-Hudson Recycling Industrial Park at the October 20 meeting which had been thought to be the date of a final decision. He painstakingly read the documents that had been discovered on microfiche over the course of three hours, getting through less than half of them.

The issue the ZBA was to decide is whether Rasco is entitled to be grandfathered-in as a successor user. The new documents show that there were many toxic waste operations on the site, uses that the Rasco operation would like to continue.

What the old documents were intended to prove is not clear since the only source of grandfathering could be the last prior use, not prior uses going back 20 years. The last prior use was TT Materials and that company appeared to have had no C of O and no formal approval despite the hazardous materials that were stored and processed on the site. TT's use terminated when the DEC revoked a permit and issued a stop work order.

Town Councilwoman, Lorraine O'Neil, who attended the meeting, made the following statement to the Millbrook Independent: "I am very displeased that the public, the ZBA and the Town Board have not had access to these records, nor were they even notified that these records existed."

In reading the litany of one toxic waste operation after another there was concern among members of the public that the public hearing had been closed and yet the town's attorney was submitting new materials that the public would not have a chance to respond to. By the end of the meeting the Board voted to re-open the Public Hearing on November 3<sup>rd</sup>.

At one point, Mr. Liguori, read a classified newspaper advertisement from 1992 which read:

"200,000 square-foot industrial site for sale. Interested? Call the Town of Dover Building Inspector, Terry Binotto."

He then read another document listing the site as being investigated by the NYS DEC as a hazardous waste site: "The building still contains hazardous remnants of past occupants." The building inspector's efforts to find new markets and buyers failed initially but he was able to bring in many subsequent applications for waste operations. The position of the Planning Board in 1992 was that there was an existing site plan for the building and that therefore no site plan review was necessary.

One operation, Allied Cold Mix Corporation, which applied to use the site prior to TT Materials stated: "We would like to encapsulate soils with Type 2 Fuel Oil from spills in New Milford, Stamford and Danbury. We believe this is an economic way of recycling toxic materials into useful products and not taking up space in a landfill." They were also planning on incorporating materials from the existing shredded tire operation and combining it with their materials. One of the documents read by Mr. Liguori was a letter from Building Inspector, Terry Binotto saying he was not against these uses and thought they were beneficial as long as they were in compliance with the DEC.

Chris Wood of the Oblong Land Conservancy commented, leaving before the end of the lengthy readings: "There appears to be no documentation provided for the specific TT materials cold-mix asphalt operation.

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Did they actually have a C.O. (Certificate of Occupancy) for that particular use? If so, it has not been produced. C.O.'s were issued for other uses but not that one. No one doubts whether TT's operation existed, just whether or not they were approved. An unapproved use is an illegal use and should not be grandfathered."

Elaine LaBella, Director of Land Use for the Housatonic Valley Association made a further point: "I am surprised that the applicant (Rasco) has not been able to produce the C.O. from TT Materials records. There should have been something on file since he took over the business from them."

Evelyn Chiarito, a Dover resident and former Chair of the Conservation Advisory Council stated: "The new zoning that Jill Way painstakingly put in place in 1994 was specifically designed to prevent the onslaught of all these toxic waste facilities and here we are again back to square one, trying to fend them off."