

Letter sent to Dover Town Supervisor Courtien and Dover Planning Board Chair David Wylock
Monday, March 29, 2010

Hi Ryan and David,

It has been brought to my attention by an Interested Party that by signing the Rasco Stipulation you have helped clear the way for a Petroleum Contaminated Soil (PCS) Recycling business to be considered in the Town of Dover, based in or adjacent to the Great Swamp and Swamp River, and above the Harlem Valley Aquifer.

As you know, solid waste projects are not allowed in Dover, and I am sure you did everything you thought you could do to prevent a project which otherwise would have been denied under our municipal code. Residents of Dover have made it clear that we will go out of our way to exclude any solid waste projects and as such have written it into our code to exclude such projects. I have read the FOIL'ed dox of the Dover Planning Board Meetings and Public Hearings, and have questions for you, and for DEC as well. I was dismayed to find that on a project with potentially quite serious environmental consequences, the Applicant has not approached the process with the professionalism, transparency and seriousness with which CVE has conducted itself, and CVE is not handling PCS.

Compared with CVE, the relative lack of transparency on the part of Rasco is problematic, especially when combined with the lack of a coordinated review between DEC and the Town of Dover before a DEC permit was issued. Did Rasco disclose to DEC that a Stop Work Order was issued by the Town? Did the Town? Did DEC inform Dover that the Applicant applied for a permit? Then again, DEC is understaffed and it may have been a mistake to issue the Permit in the first place if the adjacent wetlands weren't clearly delineated and considered as part of a coordinated review at DEC. And as far as the Board of Health goes, I have approached Joe Napoli to request that in fact he does put something in writing on the water and wastewater facilities as part of the review process.

That Rasco was shut down 5 years ago naturally raises a lot of questions over your decision to grandfather the business, and I trust you will be able to shed some light on the steps you took to arrive at that decision. Are you available for a conference call walk me thru the process, ie did you have full blown Town and Planning Board meetings at the end of which you were empowered by a majority of our elected and appointed officials to sign on behalf of Dover, or did you exercise something like Executive Privilege? I am led to believe the Code Enforcement Officer's signature is not legally binding, as the Applicant maintains, so I don't need to include George Hearn unless you'd like to.

It would appear that the alternative method of determining whether the project is grandfathered is to take it thru the courts. That route would necessarily involve legal fees, and I am curious to know the amount of the legal fees our Town Attys estimated it would cost to argue that the project was not grandfathered, and moreover should not be located above our water supply.

If a conference call is untenable given the situation, I understand and am comfortable asking these questions in a public forum, at both a Planning Board and Town Board meeting. Some of these questions have been raised in my discussions with interested parties, and I think residents would like to understand the process better as well.

I have read HVA and OLC's comments on Rasco to the Planning Board -- the community is fortunate that OLC is a contiguous property holder, was given notice and commented, and circulated its comments.

For the Applicant to state that the public has had plenty of time to comment since the application was published in local newspapers is just one indication of its lack of transparency; we have no local newspapers and a statistically insignificant percentage of approximately 9500 residents actually go to Town or Planning Board meetings. CVE had no problem communicating directly with the residents of Dover. Additionally, this is the kind of information that could be sent by the Town Board to residents via the Town of Dover website.

I realize I have raised many questions and concerns, and I appreciate your willingness to respond, even if it is to direct me to raise these issues in a public forum. At a minimum I would expect that a long form EAF be completed by the Applicant, and that the project be subjected to a full blown SEQRA review. Of course actually approving the product for use at Dover Knolls or CVE, given their locations in the Great Swamp CEA and over the Harlem Valley Aquifer, would require further research. Or not: It may be that the product has not been around long enough to make an informed decision: Cement breaks down after 100 years and, simply put, I would not use contaminated cement above or in the vicinity of the water supply of our children's children.

Thanks very much for your consideration of this matter.

Respectfully,
Stancy DuHamel
Wingdale, NY