

Town of Washington  
Planning Board  
March 2, 2010

The monthly meeting and public hearing of the Town of Washington Planning Board was held on March 2, 2010 at the Town Hall, 10 Reservoir Drive, Millbrook, New York.

Members Present: Chairman, Josh Mackey, Robert Alley, Thomas Beaumont, Donald Hanson, James Shequine, Matthew Rochfort, consultant Neil Wilson.

Chairman Mackey opened the meeting at 7:30 P.M. with the Pledge of Allegiance, next read the meeting's agenda.

The application of Murray Boundary Line Change (Tracy Murray) west side of Chestnut Ridge Road is for two adjacent parcels presently owned by Murray containing 5.25 and 171.30 acres taking twenty (20) acres of land from the large parcel and merge it with the small parcel. The change would result in the west line of the small parcel moving to a stream, with said stream being the new line. The property is zoned RR 10.

Kevin Cunningham, L.S. appeared before the board representing the applicant.

**Chairman, Mackey called for a motion to open the Murray Boundary Line Change public hearing that was made by board member Beaumont, and seconded by board member Shequine. All ayes.**

Mr. Cunningham submitted a revised map showing the well and septic location as requested by the board at the February 2, 2010 meeting, was reviewed by the board. Mr. Cunningham said he added the tie cord from the northwest corner to the southwest corner, shown as point A to point B, a mathematical closure.

Dr. Paul Schwartz, adjoining neighbor, Chestnut Ridge Road, questioned if there is a negative grade from the edge of the road to the end of the driveway? Chairman, Mackey questioned if this is shown on the map? Mr. Cunningham said the culvert is shown on the map. Dr. Schwartz viewed the map with the board, said, he is under the impression that there is a negative grade between the edge of the right-of-way and the driveway that concerns a driveway permit. The location was pointed out on the map by Dr. Schwartz. Consultant Wilson said that he didn't do an independent investigation so he can't tell. What is being viewed are ten foot contours in the grading area that he is talking about. Said, the road is a County road that the County had to approve this curb cut and design. Dr. Schwartz is correct that a certain distance from the edge of the travel way where the driveway is coming down there, has a requirement. Said, the County had to approve the driveway. Dr. Schwartz said the property sits with a very significant pitch down to the driveway all through the area. Board member Beaumont remarked this was originally a fifteen percent driveway grade. Dr. Schwartz commented that it grades/pitches downward from

both sides, the stream will end up running into the road. Consultant Wilson questioned if Dr. Schwartz has noticed any erosion? Dr. Schwartz said he has only noticed the water running into the road. Consultant Wilson questioned Dr. Schwartz if what he is describing is water coming down the driveway in some confined area within the width of the driveway? Board member Beaumont remarked that it is not being dissipated off the edge of the driveway. Dr. Schwartz responded affirmatively. Consultant Wilson questioned if Dr. Schwartz has observed erosion along the edge of the driveway? Dr. Schwartz said he hasn't noticed, when you come down you see the wetness at the edge of the driveway. Consultant Wilson questioned if Dr. Schwartz has seen gravel piles? Dr. Schwartz responded negatively. Mr. Cunningham remarked that the County inspects the driveway, culverts, when they are in place before a driveway permit can be obtained. No further comments were made.

**A motion to close the Murray Boundary Line Change public hearing was made by board member Hanson, and seconded by board member Alley. All ayes.**

**A motion to issue the Murray Boundary Line Change A Negative Declaration Notice of Determination of No Significance was made by board member Hanson, and seconded by board member Rochfort. All ayes.**

**A motion to grant the Murray Boundary Line Change Preliminary Approval was made by board member Beaumont, and seconded by board member Alley. All ayes.**

**A motion to grant the Murray Boundary Line Change Final Approval and waive a public hearing was made by board member Beaumont, and seconded by board member Rochfort. All ayes.**

Chairman, Mackey signed two (2) maps for the file and Mylar for the applicant.

**A motion to approve the February 2, 2010 meeting minutes with the following corrections was made by board member Beaumont, and seconded by board member Hanson. All ayes. Page 1, last paragraph line 3, change the word "probability" to "possibility" to read, "the board's concern about the possibility of bringing the parcel to ten (10) acres, page 2, paragraph 2 line 7, insert the word "it" before the word probably, correct the word "wont" to "won't", to read, "which it probably won't, the boundary line would move with the stream."**

Chairman, Mackey spoke to the site visit to Taylor Oil, 28 Tinkertown Road, Dover Plains, Town of Washington, on Saturday morning, with consultant Wilson, ZBA Chairman, Jerry Baker, board member, Peter Audia and Brian Coons, propane expert and Planning Board member of Pine Plains. Said, the site visit was to get an idea of the location for the proposed propane tanks installation, observe the property for the distance between the nearby residences that are on the same parcel of land, and observe the roadway for possible traffic increase. Said, consultant Wilson and Brian Coons are to draft a letter on what details need to be added to the topographical map that was submitted by Mr. Taylor. Consultant Wilson pointed out details that are missing.

The planning board has already communicated to Mr. Taylor and the ZBA concerns about the Fire Department involvement and some type of certification from the insurance underwriters approving insurance coverage, providing the ZBA with a letter from the Taylor's agency. That information is still outstanding. Chairman, Mackey said they met with Tom Taylor's grandson, who gave them a tour of the facility.

Consultant, Wilson expressed that the field visit was very helpful in understanding the information that is shown on the drawing. Said, when he first looked at the drawing there seemed to be a lot of details that were missing. Going out to the site, observing the lay of land, helped to sharpen the focus on the details that need to be provided on the plan. Brian Coons, is a consultant planner that he brought in, whose family ran an oil and gas operation in Pine Plains approximately ten years ago. Brian ran the operation on behalf of his parents, has quite a bit of experience with these types of facilities, is familiar with the NFPA Standards that have to be applied. One of the things that is shown on the drawing is fencing, the tanks will be underground, parts of fill port will be exposed, but they will be fenced in. Looking at the drawing, the location of the two underground tanks, in relationship to where the large trucks will be coming in and out, as well as the Bobtail, smaller trucks, the ones that actually make the trips to individual houses, is concerned about not just the potential for a collision with some of the exposed surface piping, but a large truck potentially running over the end of a buried tank. Some surface testing may have been done, the ground water is not a problem, but when you have vehicles driving over buried lines, tanks, particularly in this case, where you have two double tanks that are going to be perpendicular to the access road, if you have a large truck that is running over one end of them you get this potential. The plans that were submitted called for twelve inches of cover to go over the top of the tanks which is not sufficient. Consultant Wilson said he will be providing commentary on that, said he would like to see a few more bollards, (4" steel posts/pillars filled with concrete.)

In terms of location for the proposed tanks, it is probably the best place on the site, it is a low area. Shown on the drawing is a residence that has three or four units and a number of houses that are actually on the property owned by Mr. Taylor. Placing the tanks underground substantially reduces concern for a catastrophic failure, sudden explosion. The tanks still need to be protected. The details in the plan need to be "beefed up".

Consultant Wilson said that he will provide a letter to the Zoning Board of Appeals next week for their meeting on March 16<sup>th</sup>, will copy to the planning board. Said, he is not clear on the issue of the Dover Fire Department who is the first responder; as of Saturday, they had not replied to whatever information the ZBA requested. Chairman, Mackey said to his knowledge, it is Mr. Taylor that is reaching out to the fire department, it is preferable that the ZBA request the information from the Dover Fire Department. Consultant Wilson remarked that either the Zoning Board of Appeals or the Planning Board needs to reach out, specifically request a report.

Chairman, Mackey referred to the back fill around the tanks that Chairman, Baker and consultant Wilson discussed. Said, he did more research on that Monday, what is recommended, is not just clean fill, sand is the most preferred form. There is a risk of puncture with rocky soil or dirty fill.

Board member Beaumont questioned if Brian Coons had any concerns about the 170 ft. proximity

of the 4 unit apartment? Consultant Wilson said, “no”, once the tanks are placed underground, the concern about the catastrophic or sudden explosion, goes away. Chairman, Mackey remarked about the safety valve, cut off switches. Consultant Wilson said these can be protected, are going to be reviewed. The product itself, vaporizes, it dissipates once it is released.

In facilities where you have a number of these tanks that are full, if there is a fire, the fire department douses with water to keep them cool until the flames go out. Keeping the tanks cool avoids the risk of a catastrophic explosion. Chairman, Mackey said he would like to hear that they have enough water to do that. Next questioned board member Rochfort who said if the Dover Fire Department needed more water the Millbrook Fire Department would be called for an additional truck.

Frank Genova questioned if the lack of space, surface area, is the reason for burying the tanks? Consultant Wilson said, no, it is to reduce the risk of a catastrophic tank failure where you may have a spark or something. Mr. Genova remarked that it seems like a very crowded situation, if you want traffic truck activity you need to bury something in order to gain surface. Consultant Wilson expressed that truck traffic is a concern. Mr. Genova questioned what kind of topping they are using for soil? Compaction only occurs up to a certain point, then it doesn't continue. Consultant Wilson said he feels the details that were given, are insufficient, there are twelve inches of cover.

Board member Beaumont questioned consultant Wilson if he is satisfied that this is the best, or only, location for the proposed tanks? Consultant Wilson said it is the only location given the size of the tanks that are forty-six feet long. The tanks are probably in the best location for trucks to come in, maneuver, get to the tanks and get back out. Trucks will use the main entrance to the oil facility. The other driveway is being used by the residents. Mr. Taylor has instructed his drivers to use the main entrance through the commercial facility. Said, there is plenty of room for the trucks to maneuver, back in and out. Chairman, Mackey remarked that propane is not new to the facility they have had years of experience with propane. Consultant Wilson said the building next to the proposed tanks is a metal building used for cold storage, pipes, mechanicals, burner repair equipment; there is electric in the building for light but is not heated.

Board member Beaumont questioned if Mr. Coons, aside from wanting more details, thinks it is a reasonably safe situation? Consultant Wilson remarked from the standpoint that Taylor has to install according to the NFPA Standards, is installing the tanks underground, he was satisfied.

Board member Beaumont remarked about the question of thickness of the steel of the older tanks, that are better. Chairman, Mackey said he asked Mr. Taylor's grandson about that, he did not know, said it may be the case but he has never heard that. Consultant Wilson remarked that John Hart, Energy Consultant, talked about these tanks being used, reused. Even the older tanks are now fitted with cathodic protection which is a system that is hooked up to monitoring alarms, is designed that if there is a leak from the tanks, there is like an electrical field that is generated

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around the tank, the product is pulled away from the tank. At the same time you have the electric monitoring so if there is a loss of pressure within the tank there is an alarm that goes off, someone is alerted. The problem with the old steel petroleum tanks, (speaking from consulting work done

years ago with Mobil Oil), the rated life of a steel tank coming from the manufacturer was twenty five to thirty years. That was a tank installed above ground. The tanks now being put in the ground would probably be cut by two thirds, one half, because there is ground water, soil conditions that are acting on the tank itself, that is why they have cathodic protection and the leak monitor that are part of the system. You still have underground gasoline tanks which are a potential problem, but these kinds of tanks with the kind of product that they are holding, also have the same kind of monitoring protection. Board member Beaumont remarked that it is also important to recognize that the explosion in Middletown NY two and one half weeks ago involved Methane, not LP gas. Board member Shequine said they were taking it off of the pipeline.

Chairman, Mackey requested that a draft of the letter by consultant Wilson to the ZBA be e-mailed to him. Said, included, it should be reiterated about the planning board's concern with the Dover Fire Department's involvement. Chairman, Mackey said he would be happy to write a letter to the fire company.

There being no further business, **a motion to adjourn the meeting was made by board member Alley, and seconded by board member Rochfort. All ayes.. The meeting was adjourned at 8:05 P.M.**

Respectfully submitted,

Nikki Caul, secretary