

MINUTES OF THE PLANNING BOARD 3-27-13 PUBLIC HEARING ON MIRABITO APPLICATION

The Public Hearing opened at 6:35 PM. with the Pledge of Allegiance. Present: Rick Fritz, code officer, James Harris, Timothy Coyne, James Seamon, Barbara Albro, Maureen Knapp, James Doring and Town Attorney Donald Armstrong. Wayne Davis of Mirabito arrived at 6:50 PM. Community Members present for the hearing: Al Socha, Judy Griffen, Tony George, Joe and Tarki Heath. Chairman Harris stated the purpose of the hearing was the Mirabito application for installation of a 30,000 gallon propane tank, and opened the floor to public comment.

Joe Heath asked what specifically the board was reviewing and asked if it was for an area variance. He was advised by Don Armstrong that the ZBA had previously made the determination no variance was needed. This is a site plan application. He was further informed that the proposed location falls in the light industrial zone. Mr. Heath urged the board to not rush through the process and stated that propane is not an innocuous gas. He believes it has potential for harm, particularly for members of the Fire Department who would deal with any spill. He further stated he thinks the board should undertake a full SEQR review. Maureen Knapp pointed out the proposed location in the application materials. Mr. Heath is concerned with the proximity of the gas station and Route 81 and questioned whether set backs were being met. He further inquired about an aquifer permit and was advised that was before the Town Board, to determine if it is necessary. He further believes the Fire Department should have input. Maureen Knapp asked what County Planning reviews and was advised by attorney Armstrong they look at the application to determine any area-wide impact. The Board has received a letter from County Planning and a copy of a Resolution recommending approval of the application contingent upon the applicant obtaining a driveway permit and subject to compliance with SEQR requirements. Further discussion was had regarding the set-back requirements and the applicant believes they are in compliance. Tarki Heath asked if a risk assessment had been done and was advised, no. She submitted a letter to the Board outlining her concerns, including whether an assessment has been done regarding magnitude, cumulative impact and the potential for a catastrophic event, as well the volume of truck traffic. Barb Albro offered that the applicant has stated it would be approximately (2) trucks per day. Rick Fritz was asked if he had anything to add. He explained the intake process and the referral to ZBA and stated that the application meets the required set-backs. Mr. Fritz invited Fire Chief Mike Compton to attend and offer comments. He further stated that if a leak occurred, it flows to low areas. As this is a high density area, he has concerns. Further, since it is a leased property, who is ultimately responsible in the event of a problem. Maureen Knapp asked how long it would take to dissipate. Wayne Davis from Mirabito stated that the chances of anything happening are remote. Further discussion was had concerning the use of a nitrogen valve and the requirements of NYS fire code. Mr. Davis said any leak could be controlled with a fog nozzle on a water hose and Mirabito will work with the local fire departments to provide training. Mike Compton from the FD indicated he had just found out about the application (10) days ago. He said his department is trained to handle any such leak and has trained at North East Transformers. He would want to be able to reach someone local quickly in the event of a leak and asked about security measures. Tony George stated his concern that the FD was not involved from the beginning and expressed concern regarding the proximity to the gas

station and I-81. There being no further comments, **Motion to close the hearing** at 7:10 PM, made by Barb Albro, seconded by Tim Coyne, all in favor the motion carried.

Respectfully submitted, Mary Anne McCloskey, Secretary