

The Deerpark Planning Board met for a public hearing for the application of Deerpark Oil. on Wednesday, May 27, 2009 at 7:00 p.m. at Deerpark Town Hall, Route 209, Huguenot, N.Y. The following were present:

BOARD MEMBERS

Willard I. (Skip) Wilson- Chairman
Theresa Santiago

Dan Loeb
Derek Wilson

Dave Dean
Noel Malsberg

OTHERS

Mr. Glen A. Plotsky, Town Attorney
Mr. Alfred A. Fusco, Jr., Town Engineer
Mr. John Fuller, Civil Engineer
Mrs. Viola Sinsibaugh, Town Board Liaison
Mr. Charles Zeno, East Coast Utilities
Mrs. Jennifer Clune, Applicant
Mrs. Shelley Whitley, Adjoiner
Mrs. Jennifer Clark, Adjoiner

The secretary read the public hearing notice: "Notice is hereby given of a public hearing to be held by the Town of Deerpark, Orange County, New York, pursuant to Article 7 of the Town of Deerpark Zoning Law on the application of Deerpark Oil for a site plan to install three propane tanks.

The application effects the following premises: Record Owner: Jeff & Jennifer Clune; Tax Map Designation: Section 44, Block 2, Lot 1.2;

Zone Designation HMU. Located at Darraugh Road, Sparrowbush, Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:00 o'clock P.M. on the 27th day of May, 2009 at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time."

Skip Wilson: Okay, Mr. Fuller, you're up sir. Please explain to the public what you wish to do.

John Fuller: All notices have been mailed, certified, the list is attached (Mr. Fuller handed the notices to the secretary). Good evening, my name is John Fuller, I'm a civil engineer representing the project proposed tonight. The proposal is an amended site plan for the previously approved site plan for Deerpark Oil, which is located on Darraugh Lane in Sparrowbush. It's an existing 8.5 +/- acre parcel, that is sandwiched between Route 42/97 and Darraugh Lane on the southwest side. Currently on the property is oil storage tanks and a metal building structure which houses vehicles and equipment. The proposal for the amended site plan is to allow for the installation for three 30,000 gallon propane tanks, and what we will call a bulk storage facility. And that portion, the existing building is highlighted here, the existing storage facility is located to the south of that, the new three 30,000 gallon bulk storage facility will be to the south and east of the metal building, toward an area that is currently wetlands and away from the residences portion of Darraugh Lane. We have been before the Board for several months now in regard to this application, and the Board requested a fire safety analysis regarding the propane installation. The results came back favorable in consultation with professionals, as well as the Sparrowbush Fire Department. There is a gentleman here tonight from East Cost Utilities, they are installer and designer of propane bulk facilities, Mr. Charles Zeno, and I'll allow him a chance to introduce himself and answer any questions that the Board and the public may have tonight. Charlie?

Charles Zeno: My name is Charles Zeno, East Coast Utilities. We're based out of Pembroke, New Hampshire and we cover the whole northeast from Maine down to Maryland out to Ohio. We've been

installing propane bulk plants, industrial commercial installations for over thirty years now. So, if you have any questions with regard to the installation, I'd be glad to answer.

John Fuller: Just so the public knows, the full site plan and the shop drawings for the installation are on the table here, along with the fire safety analysis that was created for the site plan. And with that, I'll open it back up to the Board.

Shelley Whitley: Shelley Whitley, Darraugh Whitley, I was just wondering how tall they're going to be?

John Fuller: They'll be no more than 15'. Actually on the shop drawings, they're stored horizontally, not vertically, and are on concrete foundations. I would expect, even with grading, they will not be visible from other properties.

Skip Wilson: Ma'am, your name please?

Jennifer Clark: My name is Jennifer Clark, 5 Darraugh Lane. And my concern is with preserving the vegetative buffer that lies between this existing business and the residences.

John Fuller: I'll add that this proposal is on the other side of the property, away from the residential area. The measures that will be taken for the landscape buffer will remain, and will be enhanced in the future. I believe that he has most of the trees planted, and will have some more that might have to be planted, and it will not be affecting that buffer at all.

Skip Wilson: Also, the paintball field is gone now also.

Shelley Whitley: I'm adjacent to the land there, and I might've misread the plans for Deerpark Oil, but I thought they were instructed to place evergreen trees between their property and mine. I know that I have a wooded piece of land there, that from May until October, I don't really see them. But as soon as October passes, there's this large view of oil tanks in my back yard, and they have those great big lights on, and those big trucks are driving in to fuel up, and I know they aren't doing it on purpose to bother me. They probably look through and see my house, but it looks far away, but when I look through my window they don't look so far away, because the facility is so big. I thought they were going to put up some kind of privacy fence, or a couple of rows of evergreen trees or something.

Jennifer Clune: The trees are to be planted up that side, just like across the front, that's on the plan.

Shelley Whitley: The thing is, when you buy a piece of wooded property, you're hoping that it will be beautiful all year around, and it really is for me for 6 months, and then the other 6 months are difficult.

Jennifer Clune: There are another 20 trees to be planted on that side.

Shelley Whitley: Do you think that that will be sufficient?

Jennifer Clune: That's what is on the plan to be done, that's what is being required by the town. The nursery said that they need to be planted with an 1 1/2 inch caliber, which make them like the front trees.

Jennifer Clark: We were wondering what kind of fire safety measures are being put in place, because of those tanks?

Charles Zeno: As a result of this fire safety analysis, which was done by another independent company, their result is that the system is with internal valves, which are an emergency shut-off valves, which are remotely activated, also thermally actuated. And the fire suppression extinguishing system are twenty pound actuated fire extinguishers, which are adequate.

Jennifer Clark: Now, are they automatic, or does someone have to come onto the site?

Charles Zeno: No, that's if there is a small release of the product, and anything large, of course, you'd have fire department responding.

John Fuller: Charlie, maybe you can elaborate a little bit on the scope of the fire safety analysis and what they look at, and why they feel this installation is the way it is in the report.

Charles Zeno: Well, they basically look at...the new systems today in propane have what are called, internal or emergency shut-off valves, which years ago, were not required on propane systems. All new propane installations are now required to have them. Those are the first valves installed in the tanks, and are designed for any sheering motion, the internal valves are in the depth of the tank, and there's a spring activated shut off. So, the incidence rate of propane accidents have been reduced drastically, since the institution of the emergency shut off valve and the internal shut off valve. They're also tied in with the nitrogen system, so you can locate the emergency shut off stations, throughout the plant. And those are at the areas of egress, in the event there's a product release, and you have persons egressing from the plant, and in an emergency it automatically shuts down all the valves of the plant.

Jennifer Clark: And will this site have those emergency shut off valves...are they like those mushroom panic buttons?

Charles Zeno: Right.

Skip Wilson: And the fire chief, he also has looked at it, and is happy with it, just so you know that he's not been left out of this process.

John Fuller: The only thing I would add, is that the fire department has looked at part of the fire safety analysis, the response time of the fire department, the proximity of the site to the fire department, the amount of gallons available when they respond, and all of that is weighed into the fire safety analysis. It's found that, the installation as proposed, that is the three 30,000 gallon tanks, don't need anything above and beyond what is proposed.

Jennifer Clark: And the access, is it still going to be from the Eddy Farm Road?

Skip Wilson: Yes, nothing down Darraugh Lane, except fire trucks, I can't guarantee that. Any other questions?

Derek Wilson: You didn't prepare this document, but can you explain this flow chart?

Charles Zeno: Yeah, I was looking at this myself, and basically they go through asking the questions that NFPA has asked, and the way they arrive at the conclusions, that no other fire protection, other than the fire extinguishers, is required.

Derek Wilson: The one where they say no other fire protection required, will fire department, or plant personnel be able to apply sufficient cooling water in time to prevent container failure. At our last meeting, they were talking about how they will supply water from the (Delaware) river, and I could've

sworn that they said they could get the water from the river in 8 minutes, but I must've misunderstood. But in this document here, they're talking about a response time of 3 to 8 minutes, depending upon the fire department personnel, and I spoke to one of the firemen who was actually on site, on a site visit, and he was saying that their plan, now this was from the fire chief, he was saying that their plan, if there were an incident there with the tanks, that their plan would probably be evacuation, because they don't have enough hose in Sparrowbush to reach the hill, or whatever. So, there was some discussion about using the water supply in the canal, and we need to have some idea about the volume of water.

Charles Zeno: There is some discussion in this analysis, about the quantity that would be required.

Dan Loeb: There's a flaw in that report, what's needed would be three times that. You have the engineer check it, because here on page 50, and I claim no expertise on this, but if you go to page 50 in your document...

Charles Zeno: This is not my document, it was done by an independent company.

Dan Loeb: Okay, but if you go to column "F" and we look at the 30,000 gallon capacity, and you'll see a figure "1" there, that's an incorrect figure. That figure should reflect the total number of tanks. So, the volume for sustaining 2,013 gallons containments, is now three times that. So, whoever did the fire safety analysis, has given us an incorrect document. Now, "total volume available for ten minutes, 17,500 gallons." I go down this column, and they're making some assumptions here that are patently incorrect, and from my limited experience, impossible to maintain. All that I ask is, that whoever prepared the fire safety analysis, would re-correct their figures or prove me wrong, and that this document, if I'm also correct, would require the input of the fire department. Now there's whole sheets, this document is 128 pages long, I got it off the internet. Basically, it kind of dovetails with my gut sense of things, really the water delivery is going to be problematic for the fire department. Be that as it may, the chief, in his wisdom, would probably elect for an evacuation, as opposed to any other. That's fine, I don't question his judgment. The matter of fact, if it were him, I'd probably do that. My problem here, is that with the water supply issues, and the capacity of the fire department is being misrepresented, to a certain extent, by a fault in the document and the calculations, which I'd like to have re-calculated. So, before we go any further, and as far as I'm concerned, those calculations need correcting, correct the document.

Charles Zeno: This is for a single tank, as far as I know.

Dan Loeb: Now, I have an example, and I just made a cursory review of it's talking 30,000 gallons, 30,000 gallons, 30,000 gallons, which is 90,000 gallons. If there were 4, they only calculate them at 3. If there were groups of them....there's different ways of looking at them. It's just a reference style. But therein lies, the problem with this. And really, what I would like to see, develop out of that fire safety analysis, is a little more input from the chief, to see how he would like to address these new water calculations, which he may not be aware of. I'm sure he's taking it at face value, and I do, but sometimes you've got to go through this stuff and make sure that everybody is giving you the right information.

Derek Wilson: And it puts you back to the flow chart, and what it does is, it basically says "no", and then "does a serious hazard exist?" I don't know exactly how they define "serious hazard," but three 30,000 gallon tanks, that would be a hazard in itself. But then it talks essentially about "select one or a combination of protection devices, this is insulation, mounding, burial, monitor nozzles."... what we have is a volunteer fire department, and nobody wants anything back to happen at this facility. But things happen. If it's a question of a piping system to assist the fire department to make the water system that they have a little bit more directed, so they can get away with less volume. The location of this facility

looks pretty good, from an aerial view, and when you look around the area and all of the exposures. My concern is that if there is an incident there, that some infrastructure be in place to assist the fire department with their limited resources.

Dan Loeb: Yeah, I don't want the applicant to bear any kind of undue expenses. But here's the problem. The least expensive method, I think, that can be applied to this, and I have no expertise on this, but just a dry hydrant system, a deluge system, that puts the firemen in a remote location. It's just a dry pipe, they hook up to it, they're 75 yards, 100 yards away, they hook up, they walk away, and then they go out and do the evacuation. They may never need it, but it's probably the most inexpensive alternative, as compared to sniffers and all of this other stuff. But the assumption that there's enough water, has to be revisited. And some people might make comparisons of this facility to Agway, and indeed if you make comparisons to them, they are similar, but the critical difference is, they're a stones throw away from the river at Agway, which is a sustainable longtime water source, and they're probably 200' from the nearest hydrant in Port Jervis. That's the difference, not to mention that it's somewhat smaller. This facility, what has it going for it, is that it's somewhat isolated and remote, and...

Charles Zeno: Yes, the safety factor is on the next page.

Dan Loeb: Right, I would like to see this fire safety analysis, I don't know who did it, but they should at least re-visit their calculations.

Derek Wilson: The other thing, when they talk about mounding, I'm assuming that when they're talking about mounding, they're talking about the mounding between the tanks, so that when you have a problem with one tank, it can't spread to another?

Charles Zeno: The mounding tank is partially buried, they'll bury the tank below grade.

Derek Wilson: With the separation distance, with these tanks, if something happens with one tank...I mean, they cluster three tanks and then another three tanks, they don't put twenty tanks in a row.

Charles Zeno: No, six is the limit, then they put a concrete re-inforcement wall between them.

Derek Wilson: It shows it as "mounding" and I didn't know if they meant the mounding between the tanks to separate them to reduce the total volume of hazard at one time. I think our engineer needs to work with the person who prepared this document, to clear up some of the problems.

Al Fusco: That's one of the things we asked for, the identification of the people certifying this, and also the shop drawings.

Charles Zeno: I would've expected that they met with you and the fire department.

Skip Wilson: Did you meet with the fire department?

Jennifer Clune: Yes.

Skip Wilson: So, what do you say, we also need a letter from the fire department?

Jennifer Clune: You have a letter from the fire department.

Dan Loeb: You know they're volunteer guys, and I understand, you can't require them to put their heads in a noose, that's what we're for. And all that I would respectfully request from the chief would

be, that he's aware of these new calculations, and that if his plan is indeed evacuation, in lieu of extinguishment...

Skip Wilson: So you want him to be involved after that's done...

Dan Loeb: To the extent, that he make himself available, yes, and that the new calculations are reflective in the document, and would he consider a dry deluge system, advantageous for him. You know, I'm not going to make the applicant spend a lot of money on this, but you know what, what's someone's life.

Derek Wilson: I've got one small procedural question, in the preparation of this document, In other words, you met with the fire chief down there, you met with him before the preparation of the document? So, has he seen this thing, since it's been prepared?

John Fuller: I believe that he's got a copy of it. The document was prepared, after the meeting with the fire chief. We have not received comments from him.

Charles Zeno: You haven't gotten any comments back?

John Fuller: No, not since the document was issued.

Derek Wilson: And concerning the propane tanks, if someone purposely tries to puncture the tank, with say, a high powered rifle, the gage of the steel, it can't happen right?

Charles Zeno: It can't happen.

Skip Wilson: Any other questions? Have you got anything, Al?

Al Fusco: One of the things that we talked about at the last meeting. We decided to move forward on the public hearing, just to air everything out and then give it a good look, was the water supply. We talked extensively about the water supply, some discussion was the river, it was spoken that it was a little far away. Then there was discussion about that there was plenty in the canal, and things of that nature. But even with that, you need to access that water, irregardless of where it was. I think we even saw a pipeline come across on one of the plans, if I'm not mistaken. So, the water sources need to be identified and the amount. We talked about the amount the last time, and there was a difference of 5,000 and then 17,000. Well, the 17,000 was based on 10 minutes of pumper, of 1,750 gallons, which is the usual amount of a pumper. So, I think that we need to determine that, and I've had some familiarity with propane tanks, from my experience with Middletown, of course the water supply there. They were bigger, they were tanks Orange and Rockland used to mix, you know, in the cold weather, and they would add some materials to their natural gas supplies. And we had a deluge system set up on it and we'd check it annually. I used the deluge system, same as the other Board members did, but it's the same thing, it's a spray on there. We check them once a year, and we'd check the pressure, obviously you don't have that here, because you don't have the water supply. But even more so, you're not wasting the water. If you set up any type of a hose system, even if it's an aerial coming down on it, whatever the case is, the first two minutes you're adjusting. And what the idea is, is to also identify the particular tank that is having the problem. We use it to cool the tanks down, to keep them cool, in case of incidents. So, you concentrate on the tanks that the sensors put off. So, I don't think that that's a bad idea, and it can probably be included in your report, to reduce the amount of water required. Because, if you're looking at the first 10 minutes, which is critical, with your first 2 or 3 minutes of just adjusting it, well, you've saved that amount of water. So, I think that that water issue and the application needs to be addressed. The rest of it, we're pretty well on it. We talked about it, we did mention talking to the

fire department about scheduled operating procedures, and putting together a manual of what would happen, Now, we're not going to impose that on them, like you said, that's up to them, But maybe you have a question about that, or the expert providing this equipment, as to what their standard operating procedure could or would be, and is, in other locations. Just like, you might go to call mutual aid, as soon as it rings in, you hit your mutual aid, so you've got that initial tankers coming in. Different types of operating procedures. While it's good to get everything from the public, I still think that we need to flush out the water supply.

Skip Wilson: Anything else from the public? From the Board?

Derek Wilson: I'll make a motion that we hold the public hearing open until the next meeting of June 10th.

Theresa Santiago: I'll second.

Skip Wilson: Theresa?

Theresa Santiago: Yes.

Noel Malsberg: Yes.

Dan Loeb: Yes.

Derek Wilson: Yes.

David Dean: Yes.

Skip Wilson: Yes.

Motion carried.

The hearing is left open, and will resume on June 10, 2009 at 7:00 p.m. or shortly thereafter, at Deerpark Town Hall.

Respectfully submitted,

Barbara Broliier, Secretray