

The Deerpark Planning Board met for a continued public hearing for the application of Deerpark Oil. on Wednesday, June 10, 2009 at 7:18 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  
Mrs. Viola Sinsibaugh, Town Board Liaison  
Mr. Jeff Clune, Applicant

Mr. Alfred A. Fusco, Jr., Town Engineer  
Mr. John Fuller, Civil Engineer

The secretary read the public hearing notice: "Notice is hereby given of a continuation 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 to install three propane tanks. The application effects the following premises: Record Owner: Jeff & Jennifer Clune; Tax Map Designation: Section 43 , Block 2, Lot 1.2; Zone Designation HMU. Located off of Darraugh Lane, 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 10th day of June, 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: Does anybody from the public have any concerns or comments? Okay, so we don't have to go over this again. I think we got something from Orange County...what is note #5 on there?

John Fuller: It says that there shall be no idling of commercial vehicles, except what is permitted by NYSDOT regulations.

David Dean: There's a comment about traffic.

Al Fusco: There was a DOT comment, dated May 28, 2009. There's an explanation on note #7.

John Fuller: It says that "all WB50 type delivery vehicles shall only make left turns from Route 42/97 onto Eddy Farm Road, when approaching the site." They asked me verbally about that, and they don't understand why right hand turns can't be made from the highway. So they're trying to inquire if something else is being required, other than what they are aware of.

Skip Wilson: The only thing that we required, is that they come out that road, and not Darraugh Lane.

Jeff Clune: There was something funky about that, I have to look at the minutes, there's something weird about it. We only come from Newburgh anyway, which we're going to be going west on 97, or north on 42

Derek Wilson: If they're going to be pulling in there coming from Port Jervis, and out of there, going toward Port Jervis.

Dave Dean: Well, they're concerned about pulling in, not pulling out.

Jeff Clune: They're talking about coming in from Coda's, coming from the Hawks Nest there, and

making a right. It's a state highway, like I said, coming down from the Hawks Nest with a tanker, I can do it with a truck with an excavator on it, and make it, but with a tanker you do have to cut out, you're actually in the other lane.

Dave Dean: So, does the DOT require an answer AI?

AI Fusco: Yes, they deserve an answer.

John Fuller: Kim Hankin is the permit engineer, and she responded to my most recent submittal, back in May, and there are several other issues about sight distance. It goes back to the issue that I raised a couple of meetings ago, that the DOT was frustrated because they hadn't seen the project previously from prior approvals.

Dave Dean: So, did you calm them down?

John Fuller: They're just trying to extract some information from us. Initially Kim's response was, why are we looking at this, well you're contiguous to a State highway, and when she got more into it, she understands that it's an impact of large vehicles making a turn from a state highway onto a town road, that's their only concern. Relative to any site developing on the property, they don't care.

AI Fusco: It's off site transportation.

John Fuller: So, she's asking for some more information on the intersection of 42 and 97 onto Eddy Farm Road. So, I'm going to have to put a plan together, addressing sight distances, and turning templates. This was addressed from Jeff's notes several years ago, but this particular permit engineer didn't have the benefit of reviewing it. I don't know why. Basically, she said was, you being the town are asked to comment on it, and if they're forced to comment on it, then they want this.

Glen Plotsky: They want to be able to comment intelligently.

John Fuller: Correct. And again, they don't care about the propane development or anything, it's just about the intersection.

AI Fusco: There was a couple of other things that you were going to get us.

John Fuller: Well, I think the big issue that came out of the public hearing two weeks ago, was regarding water supply and comments from the fire department. Jeff and I had a joint meeting with the fire department and a conference call with the company who developed the fire safety analysis. There were two issues. Number one, was the Board wanted legitimate comment from the fire department, that they are satisfied that they can respond to a fire. That was one of the purposes why we had a meeting and a conference call with the fire safety analysis people. Two, is clarification of the water available, which there appeared to be misunderstandings and discrepancies with the flow chart and the chart on page 50, which is the water analysis. I'll jump right to the water analysis. What came out of the flow chart...the flow chart is based on NFPA58, which is the regulation for propane installations. So, what's been highlighted in yellow in there, is the proper way to read the regulations regarding NFPA and propane installations. The issue that rises is, the flow chart assumes that the water is available. So, the analysis on page 25... the flow chart goes through a pattern to determine if there are other measures, other than fire department response, required for the propane installation. The flow chart says that the answer is no, it's not, because it assumes that the fire department can respond. In order to respond, we have to go to table #1, on page 50. and what I handed you today, is an updated one. The original table in the book, in the analysis, was based on one tank. Because initially when the fire safety people were

contacted and brought down to review the site, it was under the premise that the initial installation was going to be one tank. Although we have demonstrated through the site plan, that the expectation would be the ultimate build out of three tanks. Although, Jeff's expectation was to do one tank. So, that's a discrepancy in communication with the fire safety people. They were under the impression that it would be a single tank, not three tanks. So, as pointed out, the tank was not correct, relative to the site plan. So, with three tanks, if you go through the analysis, essentially it comes down to line item #4, in the updated chart, where 875 gallons per minute, is required, for a total of ten minutes, which is NFPA58 regulations. So, 8,750 gallons need to be available to the fire department, in order to allow them to respond adequately to a fire. Which would allow us to not supply other fire suppression mechanisms. It would be only be fire department response, which the flow chart on page 25 tried to demonstrate. In order to get 8,750 gallons, Jack Flynn who was in on the conference call, admitted that responding vehicles would only be able to supply two minutes of water. So, another mechanism of supplying water needs to be accomplished for an adequate fire department response. We considered the Delaware River, which these gentlemen said last time, would be very problematic to get water out of the river up to the site. We looked at the canal, Jack and his people have reservations about the canal freezing during the winter, and being low during drought times. We considered the line currently running through the property, feeding the Eddy Farms sprinkler system, but obviously that would involve a third party, to be able to use that water. So, the end result, which we thought would be the best result, would be to do underground storage on Jeff's property, of about 20,000 gallons. So, it would be an underground vault of 20,00 gallons, which the fire department could tap into during a fire response.

Derek Wilson: Several concrete cisterns, or one cistern?

Jeff Clune: We don't know what we're doing yet, we looked at a couple of different options, two fiber glass tanks, one fiber glass tank, two steel, one steel, or possibly a concrete vault.

Derek Wilson: When you look at the total volume of water required, they use the term monitor here, but do they talk about a dry pipe sprinkler system or a deluge system. So, what water resources you have, are directly where they're needed, they're not wasting  $\frac{3}{4}$  of the water overspraying the tank. You need a certain volume of water for the thermal mass, but if you could direct that water directly on the tank to cool it, plus the fire personal would be about 100' back. Does this take into account either reducing or making what you have more effective? Because you're talking about the cost of putting cisterns in now, the cost of the dry piping could not be substantial, compared to the cost of the whole facility.

John Fuller: Agreed, a dry deluge system, which would be just piping, is not an overly large expense. Obviously, the expense is going to be in the underground storage, needing a vault, which would hold 20,000 gallons of water, which is what Sparrowbush feels is the number that they want. Although this flow chart and table says that we need 8,750 gallons for an adequate response, they would like double that, so we picked a target number of 20,000 gallons.

Dave Dean: How long is this 8,750 gallons supposed to flow?

John Fuller: Ten minutes.

Dan Loeb: Two minutes is what it says.

John Fuller: Well, no. That's all that they can provide in an immediate response, that's all that they have, without an alternative source of water. So, in order to get 10 minutes, they need storage on site.

Derek Wilson: When you first put in that facility, the line is a well supply?

Jeff Clune: No, there's a big cistern. up on top, next to Jack's.

Derek Wilson: So, that's actually their fire suppression supply.

Jeff Clune: Yes, it goes on a sprinkler system.

Derek Wilson: But they have an easement for it, but you're not allowed to use it.

Jeff Clune: The problem is, number one, we know about where it is, we don't know where it is; number two, we don't know the age, the condition of the piping is, and if we suck that dry, we can end up doing damage to that pipe. And it may be under 42/97. It's just for the sprinkler systems down below.

Dan Loeb: The chief's recommendation of 20,000, that's fine with me. I've always deferred to their judgment. However, I've always maintained that it's important that they have the right information. And if I may be so bold, regarding our conversation about this. I have great respect for you, and the way that you present your applicants' cases. I have to say that there are gaps in our review system, we rely on experts, yet, we don't always question the experts' opinions. In this case, frankly, there was a black hole here, that we didn't address. And that's where I take issue, specifically, a gentleman presented himself here as an expert in propane installations, and by inspections of the fire protection systems thereof. When he was questioned further on that issue, it became apparent and I asked him, "well, who did the fire analysis? Someone else did it. Who did it? I don't know." And if I didn't ask him those questions, then I would've just assumed that this was an expert analysis that approached this problem, and was kosher the whole way. You're getting the point that I'm trying to make. We can't be expected to do the heavy lifting for these guys. Heavy lifting, in the sense of looking at this data, and figuring it out, and we rely very heavily on you fellows being forthright with us. And I think it was just an oversight on everybody's part there. With respect for the fire department, we're only looking out for their well-being. Because no matter how much money you're going to make out of this, it's not worth one of these guys lives. And they'll never have a better friend here, then the two of us sitting on this board. So, that's our main concern. It's never been my intention to question the chief's strategy, or his methodology. If he feels that this is the way that he wants to go with it, ...fine. I think I agree with him 100%, and I'm prepared to accept that.

Al Fusco: One of the things to put all of this in perspective a little bit more too, is that if you recall, the board, through myself and actions at the previous meeting, had requested that all of these documents be certified. Because we wanted to know who developed it. John was forthcoming, and said that he didn't develop it, so we said that we need somebody else to certify it. Even something so simple as the design of the concrete, it was on another map, it wasn't on John's map, so we needed that certified. And we need all of this certified, because somebody has to be responsible for the information that they submit to us. It's generally the professional engineer that's presenting it, but sometimes they go to outside consultants. So, then it's up to them to certify it to us, and we have to make sure that they have the proper credentials. And the Board did cover that, and that's what I was expecting on the final plan, is to have the piping plan certified, and now we're asking for a deluge system, that should be certified. Now we're going to have the tankage, which I do believe is a very viable solution to the water issue. And move forward in that regard, and I do believe that we're covering most of the bases.

Derek Wilson: Now I'm not trying to increase the cost here, but you talk about the dry hydrant, but there is a question of getting involved with the Army Corp of Engineers. The dry hydrant is the absolute minimal cost.

Jeff Clune: Yeah, but Sparrowbush doesn't want to pull from that.

Derek Wilson: You don't want to do that to augment the 20,000, you don't want to deal with that at all?

John Fuller: No, because of two issues; a dry hydrant and the canal would have to be permitted it's DEC wetlands. The other part of it is, the fire department doesn't want to rely on the canal. Jack made it very clear, he said that it freezes over, and there's times of the year where it has a very low flow level.

Derek Wilson: It gets muddy, and then that jams up the conductor.

Dan Loeb: So, to make this clear, you've agreed on this 20,000 gallons?

Jeff Clune: Yes.

Dan Loeb: And did you also agree to some dry deluge system?

John Fuller: We haven't agreed to it, the fire department hasn't asked us to provide that.

Dan Loeb: My rationale is this, not only would it be less expensive than 20,000, 40,000, 60,000 gallon tanks to you. I think that the chief indicated that, really what we're going to do is because a sustained water supply is problematic, we all agree on this. You either have to go across (Route) 42 and stop traffic, and whatever. What it really amounts to, is an evacuation of the area. So, my thought is, why we don't just put these guys remote, let them hook up, put the water in, to whatever water they can supply, walk away from it, start the evacuation, and that's the end of that game. Do you understand what I'm saying. It's a cost effective method. But if he sees it the other way, well, that's fine.

Derek Wilson: You understand that when they fight a gas fire like that, you don't extinguish the fire. You don't even try to extinguish the fire, then you end up with an explosion hazard. You have a controlled situation with the fire burning, unless the tank explodes.

Al Fusco: The whole idea of the water, is to keep the tank cool. I do believe that your idea of a deluge system is appropriate though, and I think we ought to discuss it.

Derek Wilson: I don't want to get involved with the fire chief, but if you needed 20,000, it makes a better use of the water resources that you have on hand. You might get three times as much time out of it, it's much safer for the personnel.

Dave Dean: Not having any firefighting experience, in the tanks Jeff, is there a hydrant then, that the fire company hooks up to, to draw, using the pumps on their trucks.

Jeff Clune: Yeah, there's a downpipe that goes down.

Dave Dean: So, the rig pulls up, hooks on and then transfers the water from the tanks, through the fire engine, and then either sprays the tanks, or hooks into this dry deluge, which becomes wet at that point.

Noel Malsberg: Do you have a location for these 20,000 gallons of water?

Jeff Clune: It's actually going to go at the tail end of the oil tanks, where I proposed a 12' X 40' shed. It's going to go somewhere in that proximity.

Dan Loeb: Let's put this in perspective, doing some quick math, okay. 8,750 gallons of water, you got to put it on for two minutes, that's the rate that you've got to apply.

John Fuller: Well, it's 875 gallons per minute.

Dan Loeb: So, two minutes, at their capacity is, 8, 750 gallon capacity, is that correct?

John Fuller: No, a ten minute supply is 10,000 gallons

Glen Plotsky: The current supply is less than two minutes.

Derek Wilson: He said that he's responding with the portable water that they basically have, is only two minutes, so it's only 1/5 of what they basically need.

Dan Loeb: Okay, you're basically putting 900 gallons of water on the fire a minute. So, what do we got here.

Dave Dean: You've got basically 20, 25 minutes.

Dan Loeb: That much time?

Jeff Clune: You're talking 36,000 gallons in an hour. You're talking 60 minutes times 9.

Derek Wilson: Well, twenty minutes also gives them time to call in mutual aid and run hoses. If there's no more public comment,,,

Skip Wilson: Is there any more public comment?

Derek Wilson: I'll make a motion that we close the public hearing.

Dave Dean: I'll second.

Skip Wilson: Vote. Theresa?

Theresa Santiago: Yes.

Noel Malsberg: Yes.

Dan Loeb: Yes.

Derek Wilson: Yes.

David Dean: Yes.

Skip Wilson: Yes.

Motion carried.

Public hearing closed at 7:42 p.m.

Respectfully submitted,

Barbara Broliier, Secretary