

TOWN OF NORTHEAST
ZONING BOARD OF APPEALS

MINUTES

May 18, 2017

The regular monthly meeting of the Town of North East Zoning Board of Appeals, (ZBA), took place on Thursday, May 18, 2017 at 7:30 PM in the Town Hall, Millerton, NY. ZBA members present were Chair Julie Schroeder, Edith Greenwood, Patti Lynch-VandeBogart and Jon Arnason. Board member Carl Stahovec was absent. Also present were Ann and Rich Webster, James and Mary Hosier, Jack Murdock, Mark Taylor, Daniel Taylor and Rich Renna.

Application of Taylor Oil Inc., owner of

6073 Route 22 in the HBIII Zoning District

Public Hearing for a Dimensional Variance of 180-20 (E) 5 and 180-20 (E) 7 and a Special Permit regarding Section 180-56

Tax parcel #7171-12-980713

A Motion was made by Greenwood to reopen the Public Hearing for Taylor Oil; it was seconded by Lynch-VandeBogart.

Renna commented on the changes to the landscaping plan of additional trees shading the proposed storage area from the route 22 property line. And the additional bollards labeled on the map.

The board opened the discussion and asked if there were any questions from the public.

Ann Webster commented that she was worried about the risk of explosion from the propane tanks. Chair Schroeder commented that the board had the article from the Historical Society regarding the Suburban Propane fire. Webster also asked about the smell during operation of the site. Webster also questioned that if a spill occurred, would the homes nearest the site need to be evacuated? Chair Schroeder explained that the tanks were diked to contain spills. Webster also questioned possibility of light pollution. Chair Schroeder replied that that would be considered by the Planning board. Webster asked if the board had considered that home owners insurance would go up due to proximity and asked if the town would re-appraise the houses due to a belief that the houses would depreciate in value due to the site. Chair Schroeder replied that these were all good points.

Greenwood asked, in reference to the Texaco sign still used on the property, if there had been soil tests and if the tanks, from the previous use as a gas station, had been removed. Dan Taylor stated that he was sure the previous owner Gary Funk had taken care of that. Greenwood commented that she didn't believe there was any documentation of that. Renna said that he would look into it.

Schroeder asked about the multiple uses currently occurring on the site. Renna commented that there were multiple spaces being leased for use. There is a welding shop being operated in one of the bays, for

which the lease expires in June. There is a bay being rented by Crop Production Services for the storage of seed and fertilizer, for which the lease also expires in June. Chair Schroeder asked for the maps to reflect the uses of the bays as well. Renna stated that these bays had been rented out during the time that the site was owned by Dutchess County Diesels. Chair Schroeder stated that despite these being existing uses they were never approved by the town and that documentation of the uses would have to be re-referred to the Planning Board. Chair Schroeder also commented that the board would have to review the records for the parcel in an attempt to find documentation for the multiple uses on the parcel. Renna commented that he would revise the application to reflect the existing uses.

Greenwood asked about the intended use for the building for when it was constructed. Renna commented that the previous owner had rented the spaces due to keeping his business on the abutting parcel.

Chair Schroeder asked for an overview of the article from the Historical Society regarding the accident at the Suburban Propane site. Greenwood read the article for the record, it was explained in the article that brake failure had led to a truck running into access pipes for tanks on the storage yard. It was further cited that despite being a two day long fire, no one was injured. The highway and the railway on either side of the site were closed during that time. The safety valves on the large propane tanks kept these tanks from exploding. The fire occurred from the smaller twenty pound tanks that were stored on the yard.

Chair Schroeder explained that to continue with the SEQR discussion, the board had to wait thirty days from the time that the requests were sent to the NYSDEC and NYSDOT.

Dan Taylor commented that he had an expert on propane safety, Jack Murdock, with him in order to clear up any safety questions the board had. Chair Schroeder asked for an overview of the safety features used by sites similar to the proposed site. Murdock explained that following the national code NFPA 58, the fire marshal would be trained to respond to possible emergencies. Murdock also explained that there is not even grass allowed within 25 feet of the site to ensure that there is no combustible material. Murdock also explained that there is an emergency button to shut all the valves, that even if there was an accident that took out any pipes the safety valves would still snap shut immediately.

Arnason asked about the training the local fire department would have to undergo. Murdock explained that there would be live burn training and that they would go through all the safety features that would be on the site to ensure that the fire department would be familiar with any possible issues. Murdock also explained that the amount of gas that escapes during the filling of trucks or the tanks themselves is less than 4 ccs of gas, therefore any odor would not be an issue beyond 200 feet of the site.

The board and the applicants reviewed the memorandum submitted by Matthew D. Rudikoff Associates, Inc. Chair Schroeder asked about the hundred year flood plan. Renna explained that the plan did not actually involve the parcel, with the line just abutting Route 22; he further commented that he would include them anyway. Chair Schroeder asked for the plans to be revised to inventory the bays that are currently being leased for use. Arnason asked for the submitted project narrative to be amended to better explain the need for the special permit. Chair Schroeder asked about fencing. Dan Taylor mentioned the fencing on the State Line Road Site, and explained how that could be a possibility. Dan Taylor also commented that there could be a berm to soften the view of the site, and that it would also buffer the possibility of a traffic accident interfering with the site. Arnason asked if Renna had any other questions regarding the memorandum. Renna commented that it seemed fairly self-explanatory and that he would augment the plans to reflect these suggestions.

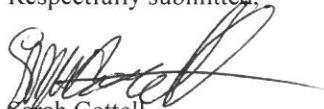
A Motion was made by Lynch-VandeBogart to recess the public hearing until June 15th at 7:45pm, it was seconded by Arnason.

The meeting was called to order by Chair Schroeder.

The board reviewed the minutes from April 20th; a motion was made by Arnason and seconded by Greenwood to accept the minutes as presented.

A motion was made to adjourn the meeting by Greenwood, and seconded by Arnason.

Respectfully submitted,



Sarah Cottell

ZBA Secretary

Approved: July 20 2017