

Town of Rockland Planning Board  
June 1, 2011

Members Present: Chairman Thomas Ellison, Richard Barnhart, Carol Park, James Severing, Chris Andreola, Phil Vallone and Nancy Hobbs. Also present, Wes Illing, Engineer for the town.

At 7:00 pm Chairman Ellison opened the public hearing on the Vitale Subdivision. No one from the public wished to comment. On a motion by Jim, seconded by Carol the public hearing was closed.

The regular meeting of the planning board was opened with the pledge to the flag. On a motion by Phil, seconded by Jim the minutes of the previous meeting were accepted as presented.

Jeff Roberts presented the final plat for the Vitale Subdivision to the Board. He added the Creamery Road to the drawing. Chairman Ellison read and completed the short SEQR form. Jim made a motion to declare a negative declaration, Rick seconded and all were in favor.

Paperwork for this action had been sent to the County for their 239 Review with no response. On a motion by Jim, seconded by Carol final approval was granted pending no objections from the county. All were in favor.

James Severing approached the Board seeking their opinion on a lot improvement. Ronald Finklestein presently owns property on Beaver Lake Road and would like to acquire 3 more lots (approximately 40 acres total) to add to his holdings. There was discussion as the remaining land includes the Beaver Lake dam and access is questionable.

Rick made a motion to grant conceptual approval pending legal opinion from Ken Klein, Phil seconded and all were in favor. Jim abstained.

At 7:30 pm Phil made a motion to recess the regular meeting, Nancy seconded and all were in favor. Chairman Ellison opened the public hearing on the Special Use Permit application from Mirabito Holdings Inc. Mr. Ellison asked the representatives to give a brief overview of the project for the benefit of the public present.

Mirabito Holdings would like to add propane storage and delivery to their Rockland Road facility. This would include a large bulk storage tank and one or two delivery trucks. Their facilities meet all government regulations and they have many years experience with this commodity.

Chairman Ellison invited the public to step forward to view the site plan before discussion began. He also advised that anyone wishing to speak should sign in and review the rules of conduct.

Ms. Hubert stated her concerns and provided them in writing to the Board.

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What about flooding and tanks floating away. How will the storage tank be anchored?

- The tank will be 2' above the base flood level and will be anchored to concrete piers.

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What kind of safety and security features are proposed?

- There are internal safety valves on the storage tank and the truck connection. There will be new fence surrounding the facility with the caretaker present almost all of the time.

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What about hunters and stray bullets? There is no way to prevent such an event.

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This addition will lower the property values in the area. Is Mirabito located in other residential areas? Yes, they have other facilities in residential neighborhoods.

Spiro Manzouratos

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When the floods recently came through the area he had water 4' high near the road, this will also be the case on the Mirabito lot. He encouraged extra diligence in securing tanks.

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As a business man he would not discourage free enterprise but felt that this addition would lower property values and add risk to the neighborhood.

Brian Burke

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Security is a big issue; how will the tank be secured? Tied down to concrete piers.

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What is the distance from the back fence to the stream? Approximately 200'.

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Did Mirabito look into other locations?

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How close to residents are their other locations? Just as close in Castle Creek.

Ann Klein

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What state/federal agencies regulate this kind of operation and had the DEC been notified being this is located near a stream? Yes, DEC had been notified with no response.

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Some neighbors had not been notified and perhaps should have been.

Sheila Shultz

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What is the inspection schedule and who inspects a facility like this?

- Daily, monthly, and yearly checks are done on all the equipment, logged and reported.

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Where does the gas come from?

- 90% of the gas comes from within the US as natural gas. There is a pipe line in Oneonta that provides most of Mirabito's gas supply, as well as a pick up point in Watkins Glen.

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Whom do you answer to? What regulatory agency oversees the operation?

- There are many agencies that regulate Lp Gas: Homeland Security, State, Federal, National Fire code, DEC Weights & Measures along with the local code enforcement office.

Chris Bullis stated that he not only works for Mirabito but lives right there and has provided fuel and burner repair for customers most of his life. He was there in the recent flood and there was water up to his waist but it was slow moving (flood plain) and he moved several vehicles to safety.

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Chairman Ellison suggested a recess. Phil made a motion to recess this public hearing until the July 6<sup>th</sup> meeting, Jim seconded and all were in favor. Phil made a motion to re-open the regular meeting, Carol seconded and all were in favor.

The board continued discussion with Mirabito's representatives and reviewed the site plan. Wes Illing presented a letter of review to the board. This was discussed. Vegetation, lighting, and protection bollards had been added to the site plan.

The big issue presented by the public was safety. The job of the planning board is to address the safety and well being of the public. The Board asked Mirabito to provide a fact sheet outlining, in simple terms, all the safety features associated with the bulk storage and distribution of Lp gas. They were also asked to provide a property value analysis.

To recap: Mirabito will provide the following:

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Completed site plan showing lighting, signage, security fencing/gates, vegetation, customer & employee parking area, and water & sewer location.

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Safety fact sheet to share with the public.

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Property value analysis.

The clerk will submit documentation to the County for their 239 Review and post a notice in the paper stating the continuation of the public hearing (7pm, July 6<sup>th</sup>). The town assessor will review the mailing notification list submitted by Mirabito and advise of any omitted names.

Correspondence: training in Arkville, June 8<sup>th</sup>

There being no further business before the Board, Phil made a motion to adjourn, Jim seconded and all were in favor.