

Town of Rockland Planning Board  
July 6, 2011

Members Present: Chairman Thomas Ellison, James Severing, Chris Andreola, Phil Vallone, Carol Park and Richard Barnhart. Absent: Nancy Hobbs. Also present were the Code Enforcement Officer, Charles Irace, Engineer for the town, Wes Illing and Supervisor Edward Weitmann.

Chairman Ellison opened the public hearing on the Mirabito Special Use Permit Application at 7pm. He asked Mirabito representatives to give an overview of the project and allowed public comment.

Mr. Craig Michaels Esq., representing Ms. Jeannette Hubert addressed the Board. A letter had been submitted to the board and he offered brief comments from it:

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There seems to be many unanswered questions yet and he asked the Board to keep the public hearing open, allowing more time for submissions.

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He feels that a full SEQR should be required and a Type 1 Action declared. This should also be open for public review.

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Safety concerns needs to be addressed more thoroughly.

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Property values evaluated and addressed.

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Flood plain issue a major concern.

Mr. Michaels submitted a petition with over 100 signatures of citizens with concerns about this project and asked the Board to take that into consideration.

Board members pointed out that there were several inaccuracies in Mr. Barones letter, one of which was his reference to a previously completed SEQR short form.

Mrs. Julie Allen, a resident of Roscoe addressed the board. She stated that she didn't know much about the project and that many of her neighbors have asked her about it. She was here to listen and learn all that she could to be better informed and able to answer concerns expressed by others.

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She had done some checking with the state for information and didn't find much by way of regulatory issues.

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She also checked with the county emergency coordinator, again without gaining much information.

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There are a large number of people in the immediate area and the safety of them should come first.

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How big is the plot of land on which the company sits? Will this be an over use of the plot?

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Mr. Brian Burke, a neighbor to the property addressed the Board.

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What does the emergency preparedness plan address?

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Would training of volunteer firefighters be available to all the volunteers?

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Not every person in the area had been informed, whose responsibility was this?

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The area was in a flood plain and the water may be slow moving but how will the tank be secured?

Mr. Patrick Murtaugh, a resident of Roscoe addressed the Board with the reminder of the devastation that occurred with the last flood in Roscoe and the four lives that were lost. Extraordinary things have been happening with the weather patterns and nothing should be taken for granted. He urges greater concern for public safety when building in flood plain areas.

Mr. John Barone Esq. again requested that the Board allow more time for the public to inspect and review all the data that may be provided, especially the environmental review data.

Phil asked the public present two things: if there was a tank securement plan submitted and thorough training for emergencies done would that be satisfactory to them?

Chairman Ellison offered some answers:

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Was the lot overbuilt? No, there was room to install this storage tank. The lot meets the set back requirements all around.

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There are no clearly stated guidelines for this Board to use.

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This facility had been in existence before the new codes were adopted.

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A “special use” application requires more review and allows the Board to exercise control.

Phil made a motion to continue the public hearing at the next meeting after more information is presented, Jim seconded and all were in favor. There was discussion as to limiting the topics to be covered, such as emergency plan or security.

Chairman Ellison opened the regular meeting of the Town of Rockland Planning Board with the pledge to the flag. Phil made a motion to accept the minutes as previously distributed, Rick seconded and all were in favor.

Chairman Ellison pointed out that a response had been received from the County advising the Board to review storm water and traffic issues. This application should be referred to the DOT for review.

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Mr. Jerry Bracken, Mr. Wayne Davis and Mr. Matt Hiltz approached the Board and presented the following information for this project as requested:

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Safety information in the form of OSHA inspection sheets from other facilities.

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Mirabito employs a full time safety officer and all drivers go through a intensive training course with refresher courses.

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A 'safety' center is located in each facility - manuals, emergency phone numbers etc. This is Mirabito's policy, not a state mandate.

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There are daily, weekly and monthly safety inspections by various personnel.

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Emergency propane response training is available and Mirabito is willing to train volunteers in the community. There are two hydrants in the immediate area and water from the Beaverkill River could be utilized if needed.

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Property value information was gathered from the Castle Creek facility. A sampling of appraised values shows no adverse effects. The Board would like a summary of this information and perhaps a letter from the town assessor.

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The tank would be anchored down and buoyancy calculations would be made. Crash protection would be installed at the height of the piping

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There is a need for a specific emergency alert and evacuation plan.

There was discussion concerning property values in the area. On a motion by Phil, seconded by Rick and all being in favor this Board will hire an independent appraiser to evaluate property value data and render an opinion.

Review of the site plan followed:

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The location of well and septic needs to be noted on the maps. It was suggested that Mirabito connect to the municipal sewer and/or water service since there needs to be 100' separation of well and septic. With more employees the septic system needs to have more leach fields.

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Lighting plan needs to be shown and the possibility of purchasing an easement for the security lights located on the caretakers property.

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Parking areas must be shown - employee and customer.

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The engineer would like to see a P & ID safety presentation (showing relief valves etc) as well as the locations of the ballads (with cross section) located around the proposed tank.

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Elevations of the 100 year flood level need to be noted and the tank should be set 24" above the base flood elevation.

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What is the net change in impervious surface?

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State the safeguards for fill and dispensing operation

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Add measurement from the property line to the river at the rear.

There was discussion on whether it was necessary to do a full SEQOR or the short form. All or most of the issues have been discussed during these meetings. Chairman Ellison noted that he met with the town attorney and this does not trigger a Type 1 action but it is within the Boards

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rights to request the long form, not required. Phil made a motion to do the long form, Chris seconded and all were in favor. Chairman Ellison noted that question #12 in part 2 could be waived (historical, pre-historic archeological impact). Rick made a motion to waive this question, Phil seconded and all were in favor. Wes suggested that Mirabito complete part one and he would complete a draft of part two for review and the August meeting.

Phil amended his previous motion to re-convene the public hearing at the September meeting at 7:30 pm, seconded by Jim and all were in favor.

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