

APPROVED

CRAIG PAEPER
Chairman

ANTHONY GIANNICO
Vice Chairman

BOARD MEMBERS

RAYMOND COTE
ROBERT FRENKEL
VICTORIA CAUSA
JOHN NUCULOVIC

TOWN OF CARMEL **PLANNING BOARD**



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 – Ext.190
www.ci.carmel.ny.us

MICHAEL CARNAZZA
*Director of Code
Enforcement*

RICHARD FRANZETTI, P.E.,BCEE
Town Engineer

PATRICK CLEARY
AICP,CEP,PP,LEED AP
Town Planner

PLANNING BOARD MINUTES **APRIL 13, 2023**

PRESENT: CHAIRMAN, CRAIG PAEPER, VICE CHAIRMAN, ANTHONY GIANNICO,
ROBERT FRENKEL, VICTORIA CAUSA, JOHN NUCULOVIC

ABSENT: RAYMOND COTE

<u>APPLICANT</u>	<u>TAX MAP #</u>	<u>TYPE</u>	<u>PAGE</u>	<u>ACTION OF THE BOARD</u>
Glenacom Lake Cell Tower	87.5-1-90	Resolution	1	Denial Resolution Adopted.
Gateway Summit Multi – Family – Lot 6	55.-2-24.6-1, 55.-2-24.6-2	Corrected Reso.	1	Resolution Adopted.
The Fairways Multi – Family – Lot 7	55.-2-24.8-1, 55.-2-24.8-2	Corrected Reso.	1	Resolution Adopted.
Platinum Propane	65.10-2-11	Public Hearing	1-7	Public Hearing Closed – Written Comments – 10 Days.
NYCDEP West Branch Auxiliary Dam	65.-1-5	Site Plan	7-8	Public Hearing Scheduled.
Minutes – 02/09/23			8	Approved.

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Rose Trombetta

GLENACOM LAKE CELL TOWER – WALTON DRIVE – TM – 87.5-1-90 – RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary stated you have a resolution before you to be voted on this evening.

*Mr. Frenkel moved to adopt Resolution #23-06, dated April 13, 2023; Tax Map #87.5-1-90; entitled Homeland Towers LLC & Verizon Wireless Site Plan and Special Permit **Denial**. The motion was seconded by Mrs. Causa with all in favor.*

GATEWAY SUMMIT MULTI-FAMILY – LOT 6 – GATEWAY DRIVE – 55.-2-24.6-1 & 6-2 – CORRECTED RESOLUTION

Mr. Carnazza had no comments.

Mr. Franzetti had no comments.

Mr. Cleary stated the number of units remain the same, the number of bedrooms in the townhouses have shifted slightly, but the units remain the same.

Chairman Paeprer stated there are 150 units, and there is a mix from 2 bedrooms to 3 bedrooms. It's a clarification of the resolution.

Mr. Frenkel moved to adopt Resolution #23-07, dated April 13, 2023; Tax Map #55.-2-24.6-1, 55.-2-24.6-2 entitled Gateway Summit Multi-Family Housing Lot 6 Amended Final Site Plan. The motion was seconded by Mr. Nuculovic with all in favor.

THE FAIRWAYS MULTI-FAMILY – LOT 7 – 2054 ROUTE 6 – TM – 55.-2-24.8-1 & 8-2 – EXTENSION OF SITE PLAN APPROVAL

Chairman Paeprer stated The Fairways is the same as lot 6.

Mr. Frenkel moved to adopt Resolution #23-08, dated April 13, 2023; Tax Map #55.-2-24.8-1, 55.-2-24.8-2 entitled The Fairways Multi-Family Housing Lot 7 Amended Final Site Plan. The motion was seconded by Mr. Nuculovic with all in favor.

PLATINUM PROPANE – 1035 ROUTE 6 – TM – 65.10-2-11 – PUBLIC HEARING

Mr. Carnazza said they got their variances from the ZBA.

Mr. Franzetti stated this is on for a public hearing. There are still some ministerial comments that need to be addressed and ultimately, they will need approvals from regulatory agencies.

Mr. Cleary had no comments.

Mr. Frenkel moved to open the public hearing. The motion was seconded by Mr. Nuculovic with all in favor.

Chairman Paeprer asked if anyone in the audience wished to be heard on this application.

- Ms. Robin Webb Lopez of 24 Baldwin Lane and representing the neighbors appeared before the board.

Ms. Lopez addressed the board and stated we are here in response to the notice of the public hearing we received regarding the plans submitted by Platinum Propane. I have been asked to express the concerns of the residents and community members located within 500 feet of the proposed location, many of whom are unable to attend due to family and work commitments. We have many concerns about the location of this facility, not necessarily the facility itself, but the location, which will essentially be in our backyards. The first concern is safety. According the plan, nearly 60,000 gallons of a highly volatile substance would be stored and transported at this location. According to NYS Inspection and Violations Report, Platinum Propane has a history of inspection violations. Given the high stakes of this type of business, there is no room for error. The proposed location is densely populated and an accident at this location would result in a significant loss of life and property. Last year there was leak from a propane truck at Barton Orchards which ignited and exploded resulting in substantial loss of property and revenue. Thankfully, no was injured. In a more densely populated area, such as our neighborhood, loss of life and property would be devastating should there be a leak causing an explosion. There is a pre-school two doors down and many homes and businesses within the 500 feet perimeter. All would be put at risk should this project move forward in this specific location. If I was looking to purchase a home, I would be deterred by a propane facility housing nearly 60,000 gallons of propane within 500 feet of my home. If I was looking for a school for my children, I would not enroll them in a school within 500 feet of a propane facility. In all fairness, we were there first, we purchased our homes as an investment as well as a place of safety and solace for our families. For most of us, our homes are our greatest financial investment. The propane facility would be in our backyards, posing safety risks and devalued properties. For these reasons, we respectfully request that you not allow this project to move forward in this location due to the close proximity to homes, schools, places of worship and businesses. Safety and piece of mind in our existing neighborhood must take precedence in this case.

At which time, Ms. Lopez distributed opposition letters from the neighbors to the board members.

Chairman Paeprer asked if anyone else in the audience wished to be heard on this application.

Mr. Adam Thyberg of Insite Engineering, addressed the board and stated this is a 12 acre site. The entirety of the development (project) is a little over an acre that's against Route 6 and centrally located along the frontage of the property. He said from the church the tanks are 340 feet from the southern property line where there is a multi-family residential building to the south and to the nearest other residential property the tanks are a minimum of 450 feet away. There is a significant wooded distance from the neighbors backyards. There is a wetland between us and the properties to the south.

Chairman Paeprer said there are about a half a dozen homes and businesses within 500 feet?

Mr. Thyberg replied yes. There are other properties around the outer property line, but this is a 12 acre site. Apart from the church that's directly to the north and one residential property that is directly to the south that are well over 300 feet away. The nearest residential property other then those two properties are a minimum of 450 feet away and some of them are greater then 500 feet away. Our initial application showed the tanks to be

in this area up here (points to map) and because of NFPA specified setbacks they were moved to this location here (points to map) which is much further from the church property that is to the north that contains the pre-school.

Mrs. Causa asked where is the closest residential property showing on the map.

Mr. Thyberg said the closest residential property you can't see on the map, but it is 360 feet down on the other side of the wetland (points to map).

Mr. Frenkel asked the distances that you're quoting, are they from the tanks or the property lines.

Mr. Thyberg replied from the tanks to the adjacent property lines. This is going to be a state-of-the-art facility and it's going to meet all of NFPA safety requirements.

Chairman Paeprer asked why not do two 15,000 gallon tanks. Why do you need 60,000 compared to 30,000 gallons?

Mr. Thyberg replied it's based on the market that Platinum Propane is looking to move into and their anticipated demand and what they need to operate their business profitably, that was the volume that they came too.

Mrs. Causa asked is the plan to deliver propane to homes for heating, not just for barbecues grills?

Mr. Thyberg replied this is for home heating deliveries on a retail basis. People are not coming to the site, it's being delivered.

Chairman Paeprer asked if there is anywhere else on the property that is further away from homes?

Mr. Thyberg stated I would have to take a look. If we're talking about shifting it a few feet, but generally speaking this is as far from the other properties as you can be. It's also located along the existing driveway which is part of the equation in terms of how the site was laid out. Again, this is pretty well centrally located along the frontage, about as far as you can be from the neighbors on either side and located all the way to the front along Route 6.

Mrs. Causa asked about the truck traffic for that area.

Mr. Thyberg replied the trucks are smaller service type vehicles that are coming in about a couple times of day and once a week there will be a larger truck that will make a bulk delivery. He said there is an application into the DOT for the driveway work and they are looking at all of those elements.

Mrs. Causa asked what are the days and hours they will be delivering?

Mr. Thyberg replied generally it will be during business hours during the week, maybe Saturdays. In an emergency situation, it could potentially be 24 hour operation.

Mrs. Causa asked if there will be people on site 24/7 to make sure there are no issues.

Mr. Thyberg replied there will be a couple of employees during regular business hours and I don't think there will be someone physically in the office 24/7. There are other safety

features that are built into the system that are automated for safety. We also provided a fire safety analysis which gives you all the details in terms of all the systems.

Ms. Lopez returned to the podium and stated she reviewed the plan and it is quite thorough and they have done a great job and I'm sure they are going to meet the NYS safety regulations. The accident that happened at Barton Orchards, happened during the transfer of propane and that's when vapors are in the air and this is where an accident could happen. Will they take every precaution, I'm sure they will, but accidents do happen. Because this is such a densely populated area, we can't afford that type of accident to happen. These are all things that need to be taken into consideration and it's not just the things that are to immediately to the left and right of the property. There are businesses and facilities across the street. She said can this facility benefit the area by providing this service, possibly? I'm not against what they are proposing, I just believe they need to find a safer location.

Ms. Stacy Silvers of Hiltz Propane Systems from Pennsylvania addressed the board and stated we were approached by the applicants to put a propane plant in this community. When someone approaches us, we do the complete fire safety analysis. We have engineers on our teams and we go through all of the requirements for the State of New York for NFPA 58, for the 2017 international fire code that's recognized by the State. We make sure that everything is good, because our name is going to be on this plant as well. We install systems in Northeastern, United States and we are well known in the industry for installing these types of plants, both above ground and below ground. In the fire safety analysis, we have to take into account any occupancies that are over 50 people. That includes the church or any other occupancies like that around. She said at this site if we had a release of propane at the tanks the number we used from the documentation is 328 feet. So, if there was a release and it did ignite that is the distance around that we would look for any occupancies. We also install these 30,000 gallon and 60,000 gallon tanks to feed communities. When they are building the houses, they will run the propane gas underground like natural gas to all the homes as they're being built. These tanks can be within 50 feet of a home and that is code for a 30,000 gallon tank. Being that the applicants are putting these tanks underground the necessary fire fighter response and water availability is greatly reduced. We reached out to Fire Chief Andrew Roberto in November to get all of the numbers for their fire fighter qualifications, response time and water availability to the site. Being that these tanks are underground, what's required is 250 gallons per minute for 10 minutes. The Chief said he could supply much more than that. She continued and stated a question came up as to 15,000 gallon tanks. When you bring in a transport load and tractor trailer load they are around 12,000 and you can't run a tank down to nothing and still have storage and maintain what you need. So, 30,000 is the standard in our industry and the most common tank that we use. As far as safety at the site, with the tanks being underground, the only thing you'll see of the tanks is the dome that comes out of the ground and some piping that would go underground and then come up where the trucks load. She said if there is a release there are a number of valves that will shut.

Chairman Paeprer asked how do you respond to Ms. Lopez's concern with the transfer of propane from a safety perspective.

Ms. Silvers stated there are safety mechanisms on the truck that could shut it down. They are remote and the driver would be trained. Platinum Propane does annual training with CETP (certified employee training program) which is the industry standard. It would teach their drivers on how to shut it down. She said if the hose is connected, the same thing would happen.

Mr. Joseph Covais, owner of Platinum Propane addressed the board and stated with regards to the Barton Orchards incident, I believe that may have been the driver's error. My understanding is they have cement bollards and I think they may have backed into the one of those bollards and damaged one of the valves causing the release. Our drivers are specifically trained in those situations. There are emergency shut-offs and additional valves built into the truck that would have stopped that from happening. He stated once a year on an annual basis, we'll provide CETP training for homeowners. We could put on live demonstrations. We could put that in writing for the town and we have no problem doing that.

Mr. Frenkel asked with regards to the Barton Orchards incident, did something blow up?

Mr. Covais replied I believe the valve was damaged causing propane to be leaking out of the truck. Propane is in liquid state in the truck. Once, it mixes with air it boils into a vapor cloud. I believe the vapor cloud burned and caught fire. In my opinion, that's why we do training programs on how to deal with that situation. When that situation happens, you panic, but our drivers have remotes that shut the system down should that happen and it closes all of those valves.

Mr. Frenkel asked was there loss of life in that incident?

Mr. Covais replied to my understanding no people or animals were hurt or lost. Probably some structures were damaged.

Mr. Frenkel asked whether this conceivably could have happened on a home delivery, is that correct?

Mr. Covais replied that's correct.

Mr. Frenkel asked what happens at night when management is not there with regards to safety and security?

Mr. Covais replied we'll have fencing built in all around our facility. It will be locked and gated. We have controls that shut down power, so no one can go in and hook up to it.

Mr. Frenkel asked will there be cameras with motion detectors?

Mr. Covais replied yes.

Chairman Paeprer asked about the violations.

Mr. Covais replied the only one I could think of was a DOT violation with one of our trucks. I don't remember what it was, it was many years ago.

Mrs. Causa asked how long has Platinum Propane been in business?

Mr. Covais replied about 7 years. We're based in Westchester. We have an office in Millwood and Mt. Kisco.

Ms. Lopez returned to the podium and stated with regards to what happened at Barton Orchards, it is a large farm and it's not densely populated as this area where it's proposed. I don't doubt that they are going to take every precaution, but accidents happen. If there is an explosion, there's a lot that can catch fire and fires spread. I don't have an issue with facility itself, just the location and ask they find a location that is not densely populated.

Mr. Frenkel asked Ms. Lopez how do you respond to the point that this was not the facility itself, but the delivery truck?

Ms. Lopez stated we are all human. If humans are operating these vehicles and humans are performing the transfer of liquid propane, a human could potentially make a mistake.

Mr. Frenkel stated that could happen on a routine propane delivery to a house. How is this different?

Ms. Lopez stated the significance of it is where it's located. This will be going on multiple times a day which increases the potential for something like this to happen.

Chairman Paeprer asked about the aesthetics?

Mr. Thyberg stated we have an existing building that is used residentially now. It is going to be renovated and converted into the office (points to map). He said from the road what you will see is a "lean to" building, a three-sided structure intended for cover for the service vehicles. The west side would be opened so that the vehicles could come in and out. The other three sides will look like a regular building. From the road it will look like a fully enclosed building.

Chairman Paeprer asked will you see the trucks from the road?

Mr. Thyberg replied no, you will not. The purpose of the architecture is to have what appears to be a regular building on the site and the vehicles will access it from the back. The vehicles will be stored inside.

Mr. Michael Piccirillo, applicant architect addressed the board and stated we are planning on putting what's called a T1-11 finish on the siding and we would apply a solid stain finish, gray in color (displays sample). The roof would be a black standing seam (displays sample).

Chairman Paeprer asked about the lighting.

Mr. Thyberg replied there will be a couple of canopy lights that are shown inside the structure.

Vice Chairman Giannico asked is the lighting on the exterior or in the canopy?

Mr. Thyberg replied in the canopy.

Mr. Piccirillo said there will be lights inside the garage itself by code.

Vice Chairman Giannico asked if a fire suppression system required by code inside?

Ms. Silvers replied per NFPA 58 and the international fire code it is not required for this site, although the fire safety analysis does go through all of their required gallons per minute and what could be supplied by the fire department.

Chairman Paeprer stated we received some comments from the neighbors that have not been distributed yet and I think we would like to research the violations if we can. I would like to close the public hearing tonight, but leave it open for 10 days for written comments.

Mr. Frenkel moved to close the public hearing, but leave it open for 10 days for written comments. The motion was seconded by Mrs. Causa with all in favor.
Mr. Thyberg asked the Chairman if a draft resolution could be prepared by Mr. Cleary for the next meeting?

Chairman Paeprer replied we could have one prepared, but we won't apply it unless we're satisfied.

NYCDEP WEST BRANCH AUXILIARY DAM – 34 DREWVILLE ROAD – TM 65.-1-5 – SITE PLAN

Mr. Carnazza stated this is a road widening, straightening and repairing project, so there isn't much with regards to zoning.

Mr. Franzetti stated the applicant has noted their referrals and the permits that are required. They are waiting for their ECB permit which will be available on the 20th of this month. They need SWPPP approval.

Mr. Cleary stated they have addressed all of the planning issues.

Chairman Paeprer asked for an overview of the project.

Mr. Erik LeClair of CDM Smith Engineering, addressed the board and stated the project consists of slight widening of Route 6 to repair some issues at the very top of the slope of the dam. We are also going to be placing additional fill on the downstream slope to address a portion of the crest of the dam where the road traverses across it. The bulk of the dam itself is about a 2.4 on 1 slope. The section about 15 feet below the road is steepened up to closer towards 2 to 1 or maybe slightly steeper than that. It's just something that occurred in the past when the road was widened at some point. It didn't fill the dam at the time when they were working on the road. This project seeks to address that issue. If you drive across that area you can see that there is some longitudinal cracking in the pavement and the guardrail and utility pole is leaning away a bit. It's not a major safety issue for the dam itself, it's a very localized issue, but we do want to take care of it so it doesn't become a larger issue in the future. He said the construction of the road portion will be constructed at night. During the day-time hours both lanes will be re-opened, but at night they will be alternating one way traffic controlled by signals. They may be some interim gravel surfaces and speeds will be reduced through there. They will start at 8:00 pm and finish by 4 am and they will be off the site by 6:00 am, so the road could be re-opened for peak hour traffic. The work itself will be about a two-year construction cycle. The first year of construction will be focused on placing the fill on the dam, so the most of the work will happen down below away from the road. The second year will be the road construction and that will take a couple of months. The department will have a full-time construction manager site. The trailers will set up there along with the contractor's trailer.

Chairman Paeprer asked how do we communicate something like this to the community?

Vice Chairman Giannico said it will be done with signage.

Mr. LeClair stated the department has public information employees that provide information to the communities where they are doing projects.

Mr. Franzetti stated we had a meeting with NYCDEP very early on. They are going to provide public service announcements for us that we could post on the town website and

the public service channel. There will be signage and they have been in touch with the various agencies. We will get the message out as best as we can.
Mr. Cleary said DOT has their own requirements for signage for their permitting process.

Vice Chairman Giannico moved to schedule a public hearing. The motion was seconded by Mr. Frenkel with all in favor.

MINUTES – 02/09/23

Mr. Frenkel moved to approved the minutes as corrected. The motion was seconded by Mrs. Causa with all in favor.

Vice Chairman Giannico moved to adjourn the meeting at 7:55 p.m. The motion was seconded by Mr. Frenkel with all in favor.

Respectfully submitted,

Rose Trombetta