

# **APPROVED**

**CRAIG PAEPRER**  
*Chairman*

**ANTHONY GIANNICO**  
*Vice Chairman*

**BOARD MEMBERS**  
**DAVE FURFARO**  
**CARL STONE**  
**KIM KUGLER**  
**RAYMOND COTE**  
**ADAM BASULJEVIC**

## **TOWN OF CARMEL PLANNING BOARD**



60 McAlpin Avenue  
Mahopac, New York 10541  
Tel. (845) 628-1500 – Ext.190  
[www.ci.carmelny.ny.us](http://www.ci.carmelny.ny.us)

**MICHAEL CARNAZZA**  
*Director of Code  
Enforcement*

**RICHARD FRANZETTI, P.E.**  
*Town Engineer*

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

### **PLANNING BOARD MINUTES**

**MARCH 27, 2019**

**PRESENT:** CHAIRMAN, CRAIG PAEPRER, VICE CHAIRMAN, ANTHONY GIANNICO,  
DAVE FURFARO, CARL STONE, RAYMOND COTE

**ABSENT:** KIM KUGLER, ADAM BASULJEVIC

<b><u>APPLICANT</u></b>	<b><u>TAX MAP #</u></b>	<b><u>PAGE</u></b>	<b><u>TYPE</u></b>	<b><u>ACTION OF THE BOARD</u></b>
Action Fuel Propane Facility	16 Route 6N	1-5	Site Plan	No Board Action.
Minutes – 02/13/19 & 02/27/19		6		Approved.

The meeting was adjourned at 7:31 p.m.

Respectfully submitted,

Rose Trombetta

## **ACTION FUEL PROPANE FACILITY – 16 ROUTE 6N – TM – 85.16-1-20 – SITE PLAN**

Mr. Carnazza read his memo which stated the applicant wishes to add a Propane Distribution Facility to an existing yard. Per letter of Marge Agor, Zoning Inspector, dated 3/22/1982, the previous site plan approval from 11/12/1967 was granted to construct a garage and to store construction equipment and materials on the site per section 63-9.13(A) (36) which reads “Exterior storage and sales yard (lumberyard, storage of building material, equipment or fuel) \*(Section 63-11(B)(12)). Section 63-11(B)(12) refers to additional standards which the Planning Board considered before approving the site plan. (MARGE MEANT TO SAY 63-11(b)(7) WHICH REFERS TO ADDITIPONAL STANDARDS...) When they referred to fuel, they meant incidental amounts of fuel the contractor had on the yard for equipment and vehicles, not propane storage tanks. This property is in the R-Residential Zoning District, a use variance is required for the additional use. At the time they went for the previous site plan approval, the property was in the M-Planned Light Industry zoning district. Provide a copy of NFPA 58 and any other New York State laws that govern the storage of Propane.

Mr. Franzetti read his memo which stated the proposal involves reusing a residentially zoned parcel located on Route 6N, near the Westchester County boarder, that currently supports several nonconforming commercial uses (Valley Towing, JLJ Auto Repair, Mohegan Volkswagen vehicle storage, Chief Masonry, Michaels Paving and Fitz Landscaping, to support a new propane storage a fuel distribution center. The facility includes the installation of two 30,000 gallon above ground liquid propane storage tanks, the installation of two “Bobtail” fill stations, including all associated piping, valves and pumps and the installation of one transport unload stanchion, including all associated piping, valves and pumps. Based upon our review of this submittal, the Engineering Department offers the following **preliminary** comments:

### **I. General Comments**

1. The following referrals would appear to be warranted:
  - a. Mahopac Falls Fire Department
  - b. NYSDOT
2. Permits from the following would appear necessary:
  - a. New York State Department of Transportation – depending on improvements to the ingress/egress along Route 6N
  - b. NYSDOT – work within right of way.
  - c. New York State Department of Environmental Conservation(NYSDEC) – Coverage under General Permit GP-0-15-002
  - d. Town of Carmel Environmental Conservation Board
3. The area of disturbance for the work has been provided, however it does not account for work that has been performed along the entry driveway. Therefore it is unclear if coverage under the NYSDEC general stormwater permit is required. The applicant will need to provide the following:

- a. The threshold criteria of disturbances for the NYSDEC stormwater regulation are between 5,000 square feet and one (1) acre and over one (1) acre. The project will require coverage under the NYSEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and the development of Stormwater Pollution Prevention Plan (SWPPP) depending on the area of disturbance.
4. All re-grading required to accomplish the intended development should be provided. It is unclear from the drawings provide the extent of cut and fill proposed for the site.
5. The location of the following, for both existing and proposed conditions, are needed:
  - a. Drinking water well;
  - b. Subsurface septic treatment systems (SSTS);
  - c. Stormwater management;
  - d. Drainage features;
  - e. Utilities;
  - f. Pavement markings;
  - g. Signs; and
  - h. Lighting and associated light spill plan,
6. Traffic and Vehicle Movement Plans should be provided which provide the following:
  - a. Graphic representation of vehicle movements through the site should be provided to illustrate that sufficient space exists to maneuver vehicles on the site.
  - b. All turning radii for the site should be graphically provided. Provide all sight distance calculations.
  - c. Slopes at the entrance way need to be defined. It is suggested that slopes of less than 6% be used for the first 20 feet of entry and that slopes of no greater than 8% be used entering the site. Please refer to AASHTO guidelines for commercial properties.
  - d. NYSDOT highway right of way
  - e. Available sight distances at each driveway location should be specified on plan. Any clearing along the edge of the roadway R.O.W. that may be necessary to assure appropriate sight distances are provided, should be identified. All calculations should be provided
  - f. Depending on the amount of vehicle traffic expected a Traffic Study may be warranted.
7. The wetland buffer zone should be provided on the drawings. Work being performed in these areas may require mitigation.
8. All erosion and sediment control measures should be provided on the drawings.
  - a. The stormwater flow patterns should be provided.

9. A landscaping Plan should be provided to buffer neighboring properties from noise/light.
  - a. All planting should be verified by the Town of Carmel Wetlands Inspector. Note should be added to drawing.
  - b. All plantings shall be installed per §142 of the Town of Carmel Town Code. Note should be added to drawing
10. The applicant may be required to supply a stormwater maintenance agreement and maintenance guarantee per Town Code (§156-85 and §156-87 B respectively).
11. Should any public improvements be deemed necessary as part of the development of the tract, a Performance Bond and associated Engineering Fee must eventually be established for the work.

Mr. Carnazza asked if they were still towing at the site.

Mr. Staten, applicant replied yes.

Mr. Carnazza said that may require an additional variance.

Mr. Cleary addressed the board and stated this is a prohibited use, a use variance is required. He said since the original approval that Mr. Carnazza referenced from 1982, the site is obviously supporting a number of non-conforming commercial uses. He said we need to know the status of those uses, the legality of those uses and more importantly, whether or not any of those will remain on the site, if the propane facility is approved. We need to understand the operation of the propane facility is it just distribution, is it retail sales, how many employees will be on the trucks, will the trucks be stored there, etc.... He said because of all those prior non-conforming uses on the site, many of which were automotive related, we would want to review NYSDEC's records with respect with spills and possible contaminations on the site. He said the property is in a wetland area, the mapping is unclear on the map. The line of the wetland boundaries stops and starts. We need to understand where the boundary is. Will you be adding lighting to support the use of the propane?

Mr. Tom Hevner, Engineer with Alliance Environmental Group, representing the applicant appeared before the board and stated we are seeking permission for the construction of a new propane distribution facility. The site is located at 16 Route 6N, at the intersection of Pine tree lane. It is owned by Jennick Property Management Company since December of 2017. Wayne Staten is present here tonight, who is the owner of Jennick Property Management. The site currently functions as Valley Towing and JLJ Repair. Between those two companies approximately 5 to 6 people work there every day. The site also serves as vehicle storage for Mohegan Volkswagen and equipment storage for Chief Masonry, Michael's Paving and Fitz Landscaping. The proposed use, Action Fuel would be an additional use of the property to what is existing there now. He said it will be a propane storage and distribution. We will install two 30,000 gallon above ground storage tanks for propane storage and they will be situated on pre-cast concrete pads. There will be a transport unload stanchion installed for bulk

deliveries and the facility will have crash protection, fencing and emergency shutdowns. The propane loading and unloading processes is essentially the transfer of propane from the transport trucks to the two 30,000 gallon above ground storage tanks by hose and pump truck. These are intended to be low emission transfers; there will be no emptying of the hose. Any remaining product is recycled back into the tank. He said there will be minimal impact from the traffic. The bulk deliveries occur every week to two weeks in 9,000 gallon tractor trailers. They basically bring the propane in to fill up two 30,000 gallon AST's.

Mr. Furfaro asked how many delivery trucks will you have?

Mr. Hevner replied there will be two bobtailed fill trucks. They are typically 2300 gallons or 3400 gallons.

Mr. Carnazza asked how big is the truck that delivers to the tanks?

Mr. Hevner replied 9000 gallons.

Mr. Hevner continued and stated as far as site security and safety is concerned it will be constructed in accordance with 2014 version of NFPA5 8 Liquified Petroleum Gas Code and the 2015 international fire code, chapter 61 and 80. We have had discussions with the fire department office already on procedures. The tanks are going to be fenced and protected from vehicles by bollards. The system has many mechanical safety aspects to it. There will be a remote actuated shutoff system. There will be a shutoff switch 25 feet from the fueling hose setup. There will be internal valves at the storage tanks with remote actuators. He said the system is constructed of non-flammable materials; it's typically stone or concrete below the tank. He said in addition to all of the mechanical safety features, there is also general administration controls. There will be adequate training of fuel transfer of staff. There will be continuous inspections of the tanks and the fueling systems. He said this is a cut and dry system, it's proven to be safe and reliable. He said the proposed disturbance was slightly under 5,000 square feet, so we are probably not subject to DEC stormwater permits, but there might be town permits that we may have to acquire.

Mr. Franzetti stated you have to account for the work that was done on the driveway that was there. There is a whole bunch of riprap that was put in there to make that driveway wider, that needs to be accounted for. It needs to be included, because it is not showing on the drawing.

Mr. Hevner replied okay. He said the zoning is residential; it is a pre-existing, non-conforming use. He said the building was probably constructed in the 1960's and we do know that we need a special use permit from the zoning board. There are wetlands on the site and the wetlands were delineated back in October of 2018. He said the DEC verified the wetlands delineation after we did it. He said a wetland permit has been submitted to the NYSDEC.

Mr. Carnazza asked if there will be any retail sales of propane or just deliveries to.....

Mr. Hevner said it is just deliveries; it's not BJ's.

Mr. Furfaro asked if the existing retaining wall and pad will stay?

Mr. Hevner replied yes.

Mr. Wayne Staten approached the board and stated the wall and pad is staying, there will be minimal disturbance, we just have to dig up the holes (footings) for the tanks.

At which time, the board members and the applicant continued to discuss the wetlands on the property.

Chairman Paepre asked of the 4.7 acres will you be clearing anymore property?

Mr. Hevner pointed to the drawing and stated just the area of where we are putting the tanks.

Mr. Carnazza asked if there was a way to control the time of the deliveries, because of I have received numerous complaints about the backup beepers of the tractor trailers. He said if you could control the time of the deliveries that would make it better for the neighbors.

Mr. Staten replied definitely.

Vice Chairman Giannico asked if they will be developing a lighting and grounding drawing?

Mr. Hevner said we could include a grounding drawing.

Mr. Staten said there are lights at the site already.

Chairman Paepre said to provide more details of the lighting plan.

Mr. Hevner replied okay.

Chairman Paepre asked if all of the operations will remain the same.

Mr. Hevner replied yes.

Mr. Carnazza asked to have them broken down for the next meeting of where everyone is located.

Chairman Paepre stated the secretary will give you all the comments from the consultants and address them.

**MINUTES – 02/13/19 & 02/27/19**

Vice Chairman Giannico moved to accept the minutes. The motion was seconded by Mr. Cote with all in favor.

Mr. Cote moved to adjourn the meeting at 7:31 p.m. The motion was seconded by Mr. Stone with all in favor.

Respectfully submitted,

Rose Trombetta