

Testimony of a Public Hearing of the Town of Union Planning Board held relative to an Aquifer Permit at 3100 Watson Boulevard on April 12, 2022, at 7:12 p.m.

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PRESENT: Members present: L. Miller
S. McLain
T. Crowley
K. Rose
C. Curtin, Alternate

Others present: Marina Lane
Rick Materese
Erin Brown
Christian Brunelle
Anthony Lorefice
Jon Stone
Scott Winner
Peter Stanko
Barbara Stanko
Matt Leach
Nick Schupp
Kasey Krause
Alan Moyle
Mark Gaskill
Dan Loiselle
Mike Dwyer
Sue Dwyer
Ti-Shawn Williams
Arianna King
Francesco Carpentieri

MS. MILLER: We will open the Public Hearing, and I will read the public notice.

The Town of Union Planning Board will conduct two public hearings relative to an application by Sonbyrne Sales, Inc. plans to construct and operate a new Byrne Dairy Retail Store and Fueling Facility at 3100 Watson Boulevard. (Tax Map # 141.20-4-26). The property is zoned Neighborhood Commercial and a gas station requires a special use permit. In addition, an aquifer permit is required for the underground storage of one 20,000-gallon tank for regular gasoline, and one 10,000-gallon tank split between 5,000 gallons premium fuel and 5,000 gallons diesel fuel.

The public hearings will take place on Tuesday, April 12, 2022, at 7:00 PM or thereafter in the Town Board Meeting Room on the second floor of the Town of Union Office Building located at 3111 East Main Street, Endwell, New York. The application is available for review in the Town of Union Planning Department during normal business hours.

Individuals with special needs requiring accommodations may contact the Planning Department at (607) 786-2926 at least 24 hours prior to the scheduled public hearing. Lisa B. Miller, Chairperson.

MS. LANE: I am going to read an abbreviated version of my report for the Aquifer Permit. I am going to try to not repeat what has already been said.

During the meeting on March 10, 2022, the Planning Board did the Negative Declaration required under the State Environmental Quality Review Act. As Lisa just read, because of the storage of greater than 25-gallons or 220-pounds per month of the fuel or any hazardous substance it requires an Aquifer Permit. This property is located in Zone 2 of the Aquifer District. The entire town is in an aquifer district, meaning that the water coming down, to go recharge the wells that give us water, flows through this area.

The underground fuel tanks will be located 26-feet from the right-of-way along N. Kelly Avenue, per Town Code. The fuel tanks will meet EPA and NYS DEC standards. The tanks are registered with the DEC, with renewals issued every five (5) years, and fuel lines inspected annually by the same. Over twenty electronic monitors on the tanks operate 24 hours per day/365 days per year. The home office will be aware of any malfunction of the tanks or pumps, and Byrne Dairy has their own maintenance department that handles any malfunction of the fuel pumps.

On March 10, 2022, the Wellhead Advisory Committee met to review the specific chemicals to be stored on site, and by a vote of 5-0, made recommendations for their safe storage. The Wellhead Advisory Committee and the Planning Department recommend approval of the Aquifer Permit for the underground storage of 20,000-gallons of regular gasoline, 5,000-gallons of premium fuel and 5,000-gallons of diesel fuel, with the following stipulations to prevent contamination of the Primary Aquifer and ground:

- 1) The storage of fuel shall be contingent on issuance of DEC approvals and compliance with EPA requirements.
- 2) The operator of the fuel refilling truck shall be DEC certified.
- 3) Prior to the issuance of any building permit, the building plans shall be submitted to the Endwell Fire Chief for review of the fire alarm systems and fire truck access to the building. Contact the Endwell Fire Chief at (607) 321-8232.
- 4) An emergency response plan shall be filed with the Endwell Fire Chief and Code Enforcement Official.
- 5) No chemicals or materials subject to the Aquifer Permit shall be stored on site until

proper storage has been approved by the Building Official.

- 6) Chemical containers which have been opened and only partially used shall be stored in approved secondary containment.
- 7) Liquid chemical vessels that are truck mounted and enter the property shall have secondary containment of at least 100% of the volume of the vessel.
- 8) When transferring liquid chemicals into and out of all trucks, a trained employee of the company shall monitor the transfer of the liquid chemicals.
- 9) As the methods vary, first aid, storage, clean-up and disposal measures for each chemical shall be clearly posted adjacent to each chemical. The Spill Prevention and Emergency Response Plan shall be reviewed with employees routinely and posted in a highly visible location.
- 10) The discharge or disposal of any toxic or hazardous materials, and/or petroleum products on or below the surface of the ground is prohibited.
- 11) Change in use or ownership. The applicant is responsible for amending an existing permit if petroleum products, hazardous or toxic materials not listed in the original permit are subsequently used or stored at the site or if there is a change in ownership. Any proposed changes to the chemicals used or stored on site must be reported to the Code Enforcement Office and Planning Department at least 30 days before in order to evaluate for safety precautions
- 12) From the Aquifer Code § 272-16. The owner of any development found not in compliance with the provisions of this section or any other person who commits or permits acts in violation of any of the provisions of this section or any other person who commits or permits acts in violation of any of the provisions of this section shall be deemed to have committed an offense and shall be liable for any such violation and the penalty therefore... (That was a repeat; we didn't catch that!)
- 13) The applicant shall be required to acknowledge all of the above stipulations, in writing, prior to the issuance of a building permit. The applicant agrees to maintain the site in strict accordance with the Aquifer Permit approved by the Planning Board.

That means that I will write a letter of approval for you to sign.

MS. MILLER: So are there any questions or comments from the public on the aquifer permit portion of the Public Hearing?

MR. MOYLE: Al Moyle. I own two properties, 3015 and 3017 Watson Boulevard, on the northwest corner of the proposed development. I guess I have a lot issues and maybe I should have approached you before all this; I have had a lot of unfortunate experience with the gas business. Also, down there, I am sure you are aware of the fact of Harry Wright's Sunoco on the opposite corner there, the issue we had with the old tanks leaking in that neighborhood. I know that all the tanks these days are going to be (...). As a property owner, I want to know I am going to be cared for if there was incident over there at the Byrne Dairy station. My other experience was in December 30, 1996, in Vestal, NY, with the Sun Pipeline. I unfortunately went through a lot with them; I lived

right there, so I got an awful lot of experience with spillage. But I want you to take it into careful consideration, I am not against the development, of the liability that they are carrying in the neighborhood over there, and that they are going to be responsible for any damage that may be caused by them to the area. I am requesting assurances by the Town, just in case. I want to know that I am going to be taken care of in the event that there is an issue over there. Again, I understand that the way the DEC does things these days is a lot safer than everything was; I want to make sure of all that, and it is only because of my experiences.

MS. LANE: I would just like to say that every little thing I have I asked for, or the Town or the Planning Board have asked for, they have turned on a dime and done it immediately. I think that the neighbor who is here that is even closer than your property is, probably feels the same way because they accommodated his wishes. This is the review for the aquifer permit. We are not discussing the gas station; we are discussing the aquifer permit. The review team, the Wellhead Committee, is made up of the people who are in charge of the wellheads in Johnson City, the wellheads for the Village of Endicott, and Lou Caforio. We also have the former engineer and the person in charge of the wellhead who was also involved with the sanitary sewer station on the committee, and we have a person who is a representative of the Health and Environmental Safety Department for Binghamton University. So, I think that you can rest assured that the requirements that they are making are as good as what Mirabito had to go through.

MR. MOYLE: Okay, I am going to assume that the conditions are even more involved just because of the County. I am just concerned because I already know how things have happened. I understand things have changed.

MS. MILLER: Thank-you. Does anyone else have any questions or comments specific to the Aquifer Permit? Okay, so we will close that portion of the Public Hearing at 7:24 p.m.

I, CAROL M. KRAWCZYK, do hereby certify that the foregoing transcript of a Public Hearing of the Town of Union Planning Board is a true, accurate, and complete transcript of my stenographic notes/tape taken at the above time and place.

CAROL M. KRAWCZYK