

Testimony of a Public Hearing of the Town of Union Planning Board held relative to a Special Use Permit for a Gasoline Station at 3100 Watson Boulevard on April 12, 2022, at 7:25 p.m.

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 Loreface  
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: The Planning Department recommends approval of the special use permit for a gasoline station with the following stipulations, per the Town Code and staff recommendations: This section was taken out of the Code.

A. Per § 300-40.3G: Gasoline stations shall comply with the following regulations:

**(1)** In addition to the information required for site plan review, the plan shall also indicate the location, number, capacity, and type of fuel storage tank, the number of pumps to be installed, and the depth to the tanks.

Therefore, we will just mention that there are three fueling stations with two pumps each? Is that the right way to say it?

MR. BRUNELLE three fuel dispensers with six fueling stations.

**(2)** Gas stations may include retail sales of food, convenience items, and minor automotive supplies or liquids, provided that the sales of such items are within an enclosed structure and are an accessory use. Sales areas outside of the primary structure may be displayed on the pump islands or the building island only.

**(3)** Gasoline stations shall be under the control of an attendant at all times during the hours of operation.

**(4)** Fuel pumps shall be located no closer than 20 feet from the public right-of-way or 50 feet from any other property lines.

**(5)** All storage facilities for fuel, oil, gasoline or similar substances shall be underground and shall be at least 25 feet from any property line. Tanks shall be installed and maintained in accordance with all state and federal standards as well as the following specified standards:

**(a)** Prior to installation, the Administrative Officer shall be provided with a copy of the specifications and the date of the proposed installation. No tank shall be covered until inspected and approved.

**(b)** If at any time a leak is detected, the owner shall immediately make the necessary repairs. If, at the discretion of the Administrative Officer, the condition results in a threat to public safety, the gasoline service station may be shut down until repairs are made.

**(c)** For the purpose of required yards and setbacks, pumps and canopies

shall be considered structures and shall not be located in any required yard.

(6) In the event that a service station is abandoned, as determined by the Administrative Officer, the owner shall comply with the Fire Prevention Code, Abandonment or Removal of Underground Tanks. The owner shall also remove all signs and lighting poles and provide adequate protection against unlawful entry into buildings and onto the property and shall close all vehicular entrances to the property. A service station shall be deemed abandoned if it is not in active operation for a period of 12 consecutive months.

- B. The operator of the fuel refilling truck shall be DEC certified.
- C. § 300-66.11. Transferability.
  - a) A special use permit is not transferable except upon approval by resolution of the issuing board.
  - b) A special use permit shall authorize only one special use and shall expire if the special use ceases for more than three months for any reason.
- D. 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 comply with the stipulations of approval for the Special Use Permits. Changes to the use following approval will require resubmittal to the Planning Board.

MS. MILLER: Any questions on the Special Use Permit?

MR. MATERESE: So, if you might enlighten people here, how often are your tanks checked to make sure that they are functioning properly?

MR. BRUNELLE: Those tanks are monitored 24-hours a day. We are systems-based, double-wall spaced, there is dry space between them. There is a sensor system between them which picks up any sort of motion, which instantly sets off alarms inside the store. So, to answer that question, they are under sensors nonstop.

MR. MATERESE: Thank you.

MR. BRUNELLE: Then we do a weekly manager checklist; they have to physically go out to the dispenser sumps and open the dispenser up and look into it to make sure that there is no product in them. That is a NYS DEC requirement, which is done weekly. The DEC also visits every three years to make sure all are our books are in a row and that we are doing that weekly manager checklist. Also, a monthly checklist is required, a much more extensive checklist that is done by our own field maintenance department with our own personnel. That person goes in and opens up all the tank tops and checks all the sensors. In both these cases, they actually do a printout of the tank monitoring

system. It's a digital printout date-stamped and time and you cannot go in and change that. That proves to the New York State DEC that we did the checks on time every seven days. We are also required to do a printout every 30 days of all 24 sensors and it says sensor normal, sensor normal, so that is the backup. The printout is required to be kept on site and the New York State DEC, EPA, can go in there anytime and check those records. We've got all the requirements down; I've been doing this twenty-five years.

MR. MOYLE: It's all fine, I am not against it. If I wasn't there I guess I would be okay, but because of everything I have gone through in my life, my experience with the Sun Pipeline, I want to make sure that I will be protected.

MS. LANE: We got it. I am just moving along because we have a long agenda.

Public Hearing concluded: 7:31 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