

## **Public Hearing on Wood Burning Stoves and Town Board Meeting January 20, 2011 7:15p.m**

**Present:** Kitty Brown, Jane Ann Williams, David Lewis, Jeff Logan, Toni Hokanson

At 7:22 p.m. Supervisor opened the Public Hearing on outdoor wood burning boilers. Seconded by Councilman Logan, all aye votes cast, motion carried.

**Public Comment:** Steve Takacs, Town resident, asked how many different people had complaints about stoves? Board can't respond to public comment. He feels it is unfair for a law that doesn't impact many-

He uses stove, no need for oil truck, environmental way to heat his home. No processing necessary- more efficient than to use any other type of fuel. It's economical for him. Couldn't afford oil- cost of living high here- taxes; law prohibits him for additional structures with boilers. Summer months can't heat hot water- affects no one around him. Doesn't understand why he can't use wood to heat water

Councilman Logan: (NYS) DEC working on more restrictive law- want to add buildings and boilers, federal regulations exist. Rosendale outlawed the stoves- this is a draft

People living in different zones should be taken into consideration- 1 law covers all.

Mary Beth Lunati- internet states the DEC is working on a law- why does the Town have to spend money and duplicate the DEC law? If stoves burn- how do you regulate outdoor road dust, emissions- so many laws created to do everything redundantly

Councilwoman Brown: this came over the Town board over a year ago before DEC started this. DEC stated acreage and stipulated how far you have to be from neighbors.

Everette Payne, Town resident: about outdoor furnace and some people burn the wrong stuff- cost of oil high- should allow people to burn outdoors

Eric Irwin- read the law- questioned "abandonment of use" clause-removable- how does that help anybody in town?

Ridiculous.

Bob Gabrielli- the Constitution doesn't exist to protect minorities- it exists to protect all from government concerns- against government on a hunch

SEQR is single most important environmental law we have

We don't grow weary of defending our homes- doesn't think your complying with SEQR- would like to see reverse of what happens at a Public Hearing. We say how we feel and it falls on deaf

ears. He would like to see the Board tell the public what you're doing. Justify your actions. Why do you say you have a Public Hearing when you listen to the public when you don't listen to them? Councilwoman Brown asked him if he thought passing this law would have a harmful effect on the environment? He said that that's a value judgment which can only be arrived at once you've done the investigation and you haven't done the investigation. You've got a hunch that it won't.

Councilman Logan: responded we did have power-point presentation- on wood-burning stoves showing the environmental effects of it. Chris Ullrich –presentation done by a non-professional.

Councilwoman Brown: The point of a Public Hearing is to challenge information that has been presented to us. If you think this information is flawed- share that info with us

Bob G- if you can defend your actions. If your judgments were logical you would have no problem telling us how you arrived at your decisions. Supervisor Hokanson responded we have a local law before us that is the subject of this Public Hearing and it has a purpose and intent and it states what the purpose and intent of it is. And the purpose of this Public Hearing is for you to say you agree or don't agree. He responded a purpose and intent is a conclusion. You're making a conclusion. I would like to see the fact finding that goes into how you arrive at that conclusion. What investigation did you make? How many people have complained? That's really an important factor. We should really know how many people feel impacted. How many people don't feel impacted? How many people in this town do have wood burning stoves? Supervisor Hokanson asked? Legally? She answered, about 6. He asked how would we know legally? She responded because you need a permit for them.

Ray Lunati- Supervisor Hokanson: permit needed- supplier should know a permit is needed (?)

Bob G- if state is going to regulate and you really feel it's a necessity, we ask you as Community residents to work with the State. If you think someone is doing something wrong, rat them out; tell the State we got a guy who has wood burning stoves why don't you send a DEC officer? The DEC has trained professionals. We have none. We are looking to save money.

Chris Ullrich- thanks the Board for engaging the audience. Against certain parts- 12 month issue- 1047- paragraph B+C, 1044 C – emissions of air borne contaminants- too vague- too open-ended – smoke is injurious to plants, animals and people. 104-5- limit of 1- tubing for connecting multiple structures, cheaper to buy 2<sup>nd</sup> burner. Burning seasoned wood is okay- how do you enforce- useless clause. Has done wind studies on his property- it's over-burdening for average burner.

Heating hot water; sole source of heat possible that an electric grid not be used

David Ackert, Burleigh Road- in compliance with current law to have one. Raised stack height of his furnace- it changed the operation of the stove- water boiled up stove- over efficient. We're not the engineers – should be drafted by engineers.

Believes in grandfathered-in laws. Distance from residence- 20 feet- stack height is the stack height- disagrees with changing it. Depends on wind directions and weather conditions. Abandonment of use- unfair- absurd to have to remove something legally installed.

Ray Lunati, Town resident: with properly installed in 2006- oil heater will kick on in this absence. It's a boiler- it heats water. His boiler saves him 250 gallons of oil per month. He handed them an itemized list which featured his objections to the different parts of the law: securing public health : the outdoor boiler safer than inside system. Comfort isn't part of it. Convenience: I don't even know what the convenience part of it is. Safety: have there been any unsafe incidences reported? Welfare: the welfare of people outdoor boilers can save up to 250 gallons of oil per month which is approximately \$750. More people will be applying for heat and welfare to buy oil. Prosperity: he sees it only for the oil companies not for the residents of New Paltz . Under Section 3 Prohibitions: only seasoned wood. Is seasoned wood required in fireplaces and woodstoves and is it currently inspected? No chemicals to start fires: actually fire is a chemical reaction itself. Fire logs: Are they chemical? And if so why are they chemical? Why are they allowed in inside fires? Part C under Prohibitions: Smoke detector activations: have there been any smoke detectors activated by an outside furnace? I have one. My smoke detector has never gone off. Impairing visibility on roadways: I guess the Town should get big fans out and blow the fog off of Springtown Rd in the morning because that's impairing the visibility too. Have there been any incidents reported of smoke over roadways from outdoor furnaces? Causing visible Smoke Plume: Coming over from the Community Center I see a visible smoke plume coming from this building. There's a visible smoke plume coming right out of the College. I see about 150 smoke plumes coming out of the Village. Operation: It's a boiler. It heats hot water for showers, laundry, dishes to have a time restriction on it is ridiculous. Or if there is we'll all meet at Toni's house for showers this summer. It's also a source for heat for pools and hot tubs. The proposed law states lingering odors across property lines: Some other odor laws to consider: fabric softener sheets : they vent outside of almost every home, they contain fragrances not everyone likes. What about one story homes next to 2 story homes? Wouldn't smoke drift from the one story lower chimney to the 2 story home? What about outdoor fire pits? Barbecue grills: cooking meat when your neighbor's a vegetarian unless the prevailing winds allow. Also overcooked meat is a known carcinogen so let's get a law on that. And how about no smoking on Town property? I've seen some people outside this building smoking. Diesel cars and trucks in residential areas. Horse farms: causing odors and polluting ground water. Oil boilers emitting unburned fuel due to lack of maintenance and start up. When someone's boiler starts up I can smell it. Propose a law requiring that each one to be cleaned and certified annually. This would

help reduce fire and ambulance calls from furnace smoke back up and CO2 activation. The financial hardship that this law would cause would cause stress which is unhealthy and strain on an already overwhelmed system of families seeking help; a lack of prosperity and comfort.

He also introduced a petition to oppose the new local law on outside wood burning boilers and he pointed out if they pass a law on wood burning boilers there will be pellet burning boilers, coal burning boilers etc.

Dave Petfield: agrees with everything said. 14-5- can't modify his stove in middle of winter- use next heating cycle

Greg Symanski, Town resident: doesn't have outdoor furnace- smelled cow manure- living through fires, flooding- here to give support the people who have spoken. If passed, who would enforce? Intents and purposes- should have been examined- how many kids in hospitals have asthma- let's find out. Concerned that someone approaches Board for regulation, clarify intents and purposes. His fireplace runs on outdoor air. Never seen a problem in New Paltz to support and intent. Would like to see documentation. Who started; who formulated; who will document; who will enforce.

Joe Zaccaria: said he is the longest resident on Burleigh Road, the benefit of burning wood is to clean the environment. Never had a problem with general odor of wood burning stove. Fumes from catalytic-converters worse than wood burning stove. Cannot modify stove yourself

A motion was made by Supervisor Hokanson to close the Public Hearing. Seconded by Councilman Logan, all aye votes cast, motion carried.

**8:28pm:** Meeting opened by Supervisor with the Pledge of Allegiance.

Councilwoman Brown asked the Supervisor have we heard anything back from the Village about our Fire Contract? She said we've heard nothing. So, she'll reach out to them and put it on our next Agenda. She added, I signed it and sent it to them.

**Agenda:** add DMV MOU under new business. A motion was made by Supervisor Hokanson to accept the Agenda as amended. Seconded by Councilwoman Williams, all aye votes cast, motion carried.

**Public comment:** Everette Payne- has a problem with Dubois Road- ice tonight. Horse delivery periled – now there's a problem with the highway superintendent

Ira Margolis, Village resident: Believes in free enterprise and competition. He's bothered by corporate welfare- money given to banks- specifically Chase Manhattan- increase credit percent for credit cards. He would like Town and Village to consider giving them our tax money.

Chris Ullrich- wood furnace- forgot- 4 furnaces on Springtown Road- no comments about smoke going across the road- he never saw it. 2<sup>nd</sup>- oil and chipping of roads- should be outlawed- creates noise pollution- streams covered in oil sheens from run off- look for new ways to pave or surface roads. He would like to get this on the agenda.

Councilwoman Brown- highway forum on 2/6 or 2/7. Supervisor Hokanson spoke to the Town engineers

Councilman Logan: oil/chip vs. pavement- \$13 vs. \$65?

Ray Lunati, Town resident: wood burning boiler- if 1 person- 1 person for oil/chip change

Board should encourage Central Hudson to lower the bladder.

If the Board doesn't pass a law on boilers he would be very happy

**Community Announcements-** Councilwoman Brown: - Historic Preservation Commission in the Community Center - on February 16th at 7 p.m.

Councilman Logan: - On February 8<sup>th</sup> the Complete Streets is from 8:15 am to 3:30pm registration at the New Paltz Fire Station.

**Agenda items:**

**PUD-** George Rodenhausen- Councilwoman Brown thanked George for his research and findings. The Amendments that she had hoped to bring to our PUD law and despite your findings I'm not completely discouraged. My hope was that we could amend our PUD law to prohibit applicants who sought the special benefits and bonuses from PUD from simultaneously seeking tax exemptions. And you say though there is no court ruling specifically on that issue it's highly unlikely that it would stand a test if it were challenged (lawsuit) right?

George Rodenhausen: I didn't actually say that in this memo but you read it correctly.

Councilwoman Brown - If IDA intent is to encourage and assist in acquiring, reconstructing improving and furnishing industrial manufacturing and other facilities to advance job opportunities that we could make a strong case that any PUD that wants those benefits has to unequivocally meet those standards ie: manufacturing. She said the problem in our Town is we don't see any manufacturing. The 3 largest proposals that have come to us under IDA have been for profit companies that use a non profit entity to hold the land and therefore the transaction is completely tax exempt from all local sales tax and mortgage tax and recording tax so we're caught in the situation where the stated purpose is that it will meet these goals but what we are seeing in fact is that we don't have any more manufacturing and we have tax exempt commercial businesses. And it feels to me that the job of the Town Board is to encourage

economic growth that contributes to our tax base. And I feel like we're trapped in a system that the State of New York has enabled that says whether or not you like this proposal your County Industrial Development Agency can grant all of these exemptions. So she felt that the one opportunity that we had to take back a little control was through our local PUD law. Our one-on-one negotiation with the Developer. If you want the extra benefits that come with PUD in exchange for that we want you to pay your taxes. It doesn't sound like we can do that.

George Rodenhausen doesn't think it's possible. Recommends the Board meet with the IDA.

Supervisor Hokanson to Councilwoman Brown: we have a PUD set of criteria in our code right now and you have proposed some amendments and the first one was the restriction against IDA and we've heard from our attorney that he does not recommend that we make that amendment. Mr. Rodenhausen added you cannot supersede State Law that provides temporary tax exemption for these IDA projects that simply is not in the authority of the Town. So, the most important thing is to get the IDA to make the right decisions on these projects.

Affiliation with LEAD standards? Mr. Rodenhausen said he can get them what the levels of LEAD water conservation are. Supervisor Hokanson said that they may want to put it in Zoning in general and not necessarily a PUD.

Councilwoman Brown- concerned about water conservation and the problems caused by water run off. Supervisor Hokanson: water conservation like low flow toilets are already in the green building requirements for new housing. And storm water run off: there's the whole storm water prevention plan that they're required to do to make sure that they're handling the run off.

Supervisor Hokanson brought up Park Point- we should be looking at scoping document, see that they haven't missed something

End of Feb- put Park Point back on Agenda

Outdoor Woodburning furnace – Local Law: The Supervisor indicated we've closed the public hearing; we need to make amendments. Councilwoman Williams added we need technical advice. Discussion included talking to attorney regarding abandonment- clarification is needed; and regarding stack height. We attempted to comply with the NYSDEC. We can't retro fit- are there new models meeting stack height requirements?

*Speed limit on Burleigh Rd-* speed survey and road conditions report needed first (default speed limit in town?) Un-posted roads are 55 mph says Joe Zaccaria.

If there is one- just need to post speed limit sign on Burleigh Road. ask Town attorney to adopt a speed limit.

*DMV MOU*: this is the annual contract for court room use. A motion was made by Supervisor Hokanson to authorize her to sign. Seconded by Councilman Logan, all aye votes cast, motion carried.

**Appointments:** A motion was made by Supervisor Hokanson to appoint Tom O'Dowd to CWOSP, for the vacant term expiring December 31, 2012. Seconded by Councilman Lewis, all aye votes cast, motion carried.

Councilwoman Brown made a motion to reappoint John Orfitelli as chair of HPC for a five-year term to 2015, and the Commission requested he be appointed Chair. Seconded by Councilwoman Williams, all aye votes cast, motion carried.

**Warrants:** Councilman Lewis made a motion authorizing the Supervisor to pay the January warrant amount of \$638,393.72. Seconded by Councilwoman Williams, all aye votes cast, motion carried.

At 10:02 p.m. a motion was made by Councilwoman Brown to go into Executive Session to hold a legal discussion with the attorney. Seconded by Councilwoman Williams, all aye votes cast, motion carried.

At 10:31 p.m. a motion was made by Councilman Logan to come out of Executive Session. Seconded by Councilman Lewis, all aye votes cast, motion carried.

At 10: 32 p.m. a motion was made by Councilman Logan to adjourn. Seconded by Councilwoman Williams, all aye votes cast, motion carried.

Respectfully submitted,

Marian Cappillino  
Town Clerk