

October 27, 2008  
Public Hearing  
Introductory Local Law entitled  
“Moratorium on Approvals for  
Outdoor Wood-Burning Furnaces”  
Town of Tuxedo Town Board  
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Notice having been posted, and proof of publication of notice in the *Times Herald Record* having been furnished, a Public Hearing held before the Town Board of the Town of Tuxedo on Monday, October 27, 2008, at the Town Hall, One Temple Drive, Tuxedo, New York, was called to order by Supervisor Peter M. Dolan at 7:40 p.m.

Town Board Members Present:	Mr. Peter M. Dolan	Supervisor
	Mr. Daniel Castricone	Councilperson
	Mr. Gary Phelps	Councilperson
	Ms. Lisa Spivak	Councilperson
Town Board Members Absent:	Mr. Thomas Darling	Councilperson

Other Town Officials Present: Donald G. Nichol, Esq., Town Counsel; Mr. Daniel J. Carlin, Police Chief; Mr. David Maikisch, Building Inspector; Mr. Francis Peverly, Zoning Board of Appeals Chairman; and Mrs. Elaine M. Laurent, Town Clerk.

The meeting was opened by a pledge of allegiance to the flag.

The purpose of the Public Hearing was to hear comments regarding Introductory Local Law entitled “Moratorium on Approvals for Outdoor Wood-Burning Furnaces.”

Councilperson Phelps explained that the purpose of this local law is to temporarily bar approvals for permits for outdoor wood-burning furnaces while the Town considers and adopts changes to its land use regulations to address this new issue in conjunction with the comprehensive plan.

Councilperson Phelps described this type of furnace, which is basically a wood-fired boiler, as a metal structure, similar in appearance to an outdoor shed, generally around 7’ high and ranging in length from 4.25’ to 8’. A smokestack extends from the roof, usually about 12’ from the ground. Wood is burned in a firebox that is surrounded by a chamber of water called the “water jacket.” As the fire burns, the water is heated. Once the water reaches 180°F, a blower fan that is feeding air to the fire is automatically turned off and the damper is closed, starving the fire of oxygen to save wood. Without oxygen, the wood will smolder until the blower fan reengages when the water temperature drops to 160°. The heated water is pumped to the home through pipes which are buried approximately 2’ underground between the furnace and the building.

Unfortunately, discharge of soot and smoke, particularly while the wood smolders, is a drawback to these systems, which do not have to meet any safety, performance of emissions standards. Since the chimney height is lower than a typical house chimney, smoke and airborne particles more directly reach neighbors. The NYS Attorney General has released a report calling for the U.S. Environmental Protection Agency (EPA) to regulate the pollution these furnaces produce, stating that they may be among the dirtiest and least economical modes of residential heating, especially when improperly used (e.g., burning wood treated with chemicals or garbage and scrap).

In Tuxedo, there is one homeowner utilizing this type of apparatus. Although in a minimally populated area, a neighbor has complained that soot covers his home, deck and cars and is a health concern. The NYS Department of Environmental Conservation (DEC) has been called and will make inspections this week.

Councilperson Phelps advised that area towns, including Warwick, are considering strict regulations of the use and installation of these devices, while others are moving toward prohibiting them completely. In 2006, Rockland County all but banned the use of the furnaces (until standards are set by the DEC and the EPA) by limiting firebox volume to under 5 cubic feet; nearly all models have a firebox larger than that.

The Town must carefully consider how to proceed in this important matter, especially with respect to dense residential areas.

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LOCAL LAW  
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FOR OUTDOOR  
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Supervisor Dolan requested any comments.

A question-and-answer session was held with the following residents:

Michael Arone  
Andrew Berish  
Romulus Chivu

No one spoke in objection to the local law.

Supervisor Dolan requested any further comments. There were none.

**RESOLVED**, motion made by Supervisor Dolan, seconded by Councilperson Phelps, that, all persons wishing to be heard having been heard, the Public Hearing on Introductory Local Law entitled “Moratorium on Approvals for Outdoor Wood-Burning Furnaces” is hereby closed at 8:20 p.m.

<b>Adopted:</b> Councilperson Daniel Castricone	Aye
Councilperson Thomas Darling	Absent
Councilperson Gary Phelps	Aye
Councilperson Lisa Spivak	Aye
Supervisor Peter M. Dolan	Aye

The Public Hearing was closed at 8:20 p.m.

Respectfully submitted,

Elaine M. Laurent  
Town Clerk

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(Continued)**