

**TOWN OF MARCY
COUNTY OF ONEIDA
STATE OF NEW YORK
REVIEW PANEL
APRIL 6, 2020**

The Town of Marcy Review Panel held a Regular Meeting on Monday, April 6, 2020 at 6:00PM at the Marcy Municipal Building, 8801 Paul Becker Road, Marcy, New York.

THOSE PRESENT: Planning Board Chairman Robert Lambe
Zoning Board of Appeals Chairman Carl A. Annese
Codes Enforcement Officer Daniel Berkhoudt

Planning Board Chairman Robert Lambe called the Meeting to order at 6:00PM with the Pledge of Allegiance.

JEREMY INMAN, 9669 River Road

Zoning Interpretation

Tax Map Number 306.000-2-21

Zoned MU-G/Mixed Use General

Jeremy Inman introduced Alan Baird from Adirondack Compressed Gas, Inc. who would like to lease space and have a 6,000 gallon tank placed on his property located on the corner of Maynard Drive and River Road.

Mr. Baird is proposing to sell gas to area medical facilities. Mr. Baird continued that he is the only facility in this area that fills gas.

A 6,000 gallon cryogenic tank is being proposed and would be 64' from the front yard property line, where 75' would be required. It was explained to Mr. Baird and Mr. Inman that a corner lot actually has two (2) front yards.

Planning Board Chairman Robert Lambe questioned what the current use of the property is. Mr. Inman stated that he currently uses the property for storage for Unique Car Storage.

Adirondack Compressed Gas currently has no activity on this property but would like to use 3,000 square feet of warehouse space in the existing building and install a 6,000 tank.

Zoning Board of Appeals Chairman Carl A. Annese asked if all cylinders would be filled outside. Mr. Baird stated yes, he fills for the Mohawk Valley Health System as well as for businesses in Utica and Rome.

This would be a bulk liquid oxygen storage tank used to fill cylinders. The oxygen would pump through the vaporizer which warms it from a liquid to a gas. The oxygen is not flammable in either form.

Zoning Board of Appeals Chairman Carl A. Annese stated that the information states that it cannot be by an open flame. Mr. Baird stated that it is not flammable but it is combustible.

Planning Board Chairman Robert Lambe asked if Mr. Baird has verified that he meets all of the tank requirements. Mr. Baird stated yes.

Zoning Board of Appeals Chairman Carl A. Annese asked if there was no tank, there would be no business, correct. Mr. Baird stated that is correct.

Zoning Board of Appeals Chairman Carl A. Annese stated that the warehousing is accessory to the tank.

Zoning Board of Appeals Chairman Carl A. Annese stated that he believes that a Use Variance will be required for this type of business.

Codes Enforcement Officer Daniel Berkhoudt stated that warehousing is allowed and this proposal complies with the Building Code.

Mr. Inman stated that there are tanks down the road. Zoning Board of Appeals Chairman Carl A. Annese noted that the southside of River Road is zoned Industrial and that tanks are allowed.

Zoning Board of Appeals Chairman Carl A. Annese stated that an Area Variance for the 64' front yard setback would be required as well as a Use Variance from the storage tank since it would not be allowed in this district.

Codes Enforcement Officer Daniel Berkhoudt asked how the business takes orders. Mr. Baird stated that he has very few visitors, most business is done of the phone by salesmen.

Mr. Baird stated that most cylinders are filled the night before and delivered in the morning. All cylinders are stored inside the warehouse.

Planning Board Chairman Robert Lambe stated that Mr. Inman will need to apply for an Interpretation from the Zoning Board of Appeals.

Zoning Board of Appeals Chairman Carl A. Annese stated that once the Zoning Board of Appeals make an Interpretation, this application would then go to the Planning Board for a Site Plan Review.

It was noted that the accessory use should not be higher than the main structure.

Codes Enforcement Officer Daniel Berkhoudt stated that the accessory buildings at Erie Materials are taller than the main structure.

Mr. Baird stated that this tank is not a permanent structure and that it can be moved with a crane.

Zoning Board of Appeals Chairman Carl A. Annese asked if Mr. Baird is looking for a 6' fence with barbed wire. Codes Enforcement Officer Daniel Berkhoudt stated that if the barbed wire is for public safety purposes it would be allowed. Mr. Inman stated that he is not proposing barbed wire.

Zoning Board of Appeals Chairman Carl A. Annese stated that he believes that the tank would be the main use, therefore a Use Variance will be required.

Planning Board Chairman Robert Lambe stated that he does not see a Site Plan issue if it is determined that this is an allowed use.

Mr. Inman stated that he is requesting a 6' fence for safety reasons.

Codes Enforcement Officer Daniel Berkhoudt stated that the Review Panel can make an exception for the fencing.

Zoning Board of Appeals Chairman Carl A. Annese asked if there were any manholes on the property. Mr. Inman stated no.

Mr. Inman stated that he would like to put the pad in since it will take twenty-eight (28) days to cure.

It was noted that the next Zoning Board of Appeals Meeting is scheduled for May 4, 2020.

Zoning Board of Appeals Chairman Carl A. Annese stated that he would not construct anything until this proposal is reviewed by the Zoning Board of Appeals.

Codes Enforcement Officer Daniel Berkhoudt noted that this would be a structural pad.

Review Panel Members noted that there is no new construction allowed during the NY PAUSE.

Mr. Baird stated that he is considered essential and that he could apply for a waiver.

Zoning Board of Appeals Chairman Carl A. Annese stated that there is not a need to move, just a want, and that Mr. Baird has a current business location.

Zoning Board of Appeals Chairman Carl A. Annese noted that if this application was approved, it would not be likely to happen until July 2020.

It was also noted that it will be up to the Zoning Board of Appeals if a Use Variance will be required.

Mr. Baird stated that would make it tough for his business.

Zoning Board of Appeals Chairman Carl A. Annese stated that the Town has to be sure to put the right things in the right places and that without the tank, there would be no business, so the tank would not be considered accessory.

Mr. Inman will attend the May 4, 2020 Zoning Board of Appeals Meeting.

Having no further business, Planning Board Chairman Robert Lambe made a motion to adjourn the meeting at 7:00PM; seconded by Zoning Board of Appeals Chairman Carl A. Annese.

All Members Voting: Aye

Respectfully submitted,

Lori A. Wrobel
Review Panel Secretary
April 15, 2020