

The Town of Marcellus Zoning Board of Appeals
24 East Main Street
Marcellus, New York 13108

December 4, 2017

Present: Chairperson Michelle Bingham, Jerry Wickett,
Ron Schneider, Kathy Carroll, Chris Christensen

Absent:

Town Counsel: James Gascon of Costello, Cooney, and Fearon

Town Engineer: Jason Kantak of TDK Engineering (absent)

Codes Officer: John Houser

The Zoning Board of Appeals of the Town of Marcellus met in regular session in the Town Hall for the Town of Marcellus, located at 24 E. Main Street, Marcellus, New York, on December 4, 2017 at 7:00pm.

Due to the New Year's Day holiday the Chair, Michelle Bingham, made a motion to change the date of the next Zoning Board of Appeals meeting to Thursday, January 4, 2018. Chris Christensen seconded and the motion carried with the following vote:

Jerry Wickett - aye

Michele Bingham – aye

Chris Christensen - aye

Ron Schneider - aye

Kathy Carroll - aye

Glider Oil, Lee Mulroy Road – special permit

A continuation of a public hearing was held to allow a 30,000 gallon propane tank on site. Hearing no questions from the Board, Chris Christensen made a motion to close the public hearing and Kathy Carroll seconded.

The motion carried with the following vote:

Jerry Wickett - aye
Michele Bingham – aye
Chris Christensen - aye
Ron Schneider - aye
Kathy Carroll - aye

Chris Christensen made a motion to approve the special permit resolution presented by the Town Attorney, James Gascon, and to include the regulations required by the NFPA 58 code; a subdivision and site plan were approved during the December Planning Board meeting; the applicants agree to the necessary inspections; agree to submit updates of the NFP58 handbook to our office; and provide an emergency evacuation plan to our office. Kathy Carroll seconded and the motion carried with the following vote:

**TOWN OF MARCELLUS
ZONING BOARD OF APPEALS
RESOLUTION
RE: GLIDER OIL CO. SPECIAL PERMIT**

DECEMBER 4, 2017

At a regularly scheduled meeting of the Zoning Board of Appeals (ZBA) for the Town of Marcellus, Board Member Chris Christensen made the following resolution which was seconded by Kathy Carroll.

WHEREAS, Glider Oil Company has applied for a special use permit for a project that consists of the installation of a 30,000 gallon liquid propane tank with foundation and appropriate appurtenances for the bulk distribution of propane pursuant to an application dated July 24, 2017; and

WHEREAS, this special use permit was accompanied by/with an application for site plan approval submitted to the Town of Marcellus Planning Board also dated July 24, 2017; and

WHEREAS, this matter came before this Board and was heard at several meetings; and

WHEREAS, public hearings were held on September 7, 2017, October 2, 2017, November 6, 2017 and December 4, 2017 wherein members of the Fire Department, which will be leasing the land to the applicant, appeared and spoke in favor of the project and a number of

Town residents appeared and spoke in opposition to the project citing various and numerous safety concerns; and

WHEREAS, the Board conducted an Environmental Assessment pursuant to SEQR on September 7, 2017 and found the project will not result in any significant adverse environmental impacts.

NOW, THEREFORE, be it resolved as follows:

RESOLVED, that the application for special permit is approved subject to the following limitations of use, operations and requirements:

The installation and use of the 30,000 gallon LPG tank will be in compliance with the NFPA 58 regulations and shall be approved by the Town Engineers before filing and operation are completed on behalf of the Town of Marcellus Codes Office acting as the Authority Having Jurisdiction (AHJ).

The property and its operation by Glider Oil at 014.-09-02 on Slate Hill Road must obtain a 4-digit numeric 911 address from Onondaga County and display the address prominently with 4" numbers before filing and operation begin and a Certificate of Compliance is issued for operation and use.

Upon an issuance of a Certificate of Compliance by the AHJ the property and its use will be subject to a fire inspection by the AHJ every three years in which safety components relating to the use and operation along with operation and maintenance manuals and inspections will be inspected for compliance as relates to NFPA 58.

Every 5 years the AHJ will require as part of the special permit requirement a visual inspection of the LPG tank and its devices as in accordance with NFPA 58 5.2.3.2-5.2.3.4 and a record of the inspection shall be provided to the AHJ.

The applicant will provide the Town with a current copy of NFPA 58 and any modifications thereafter.

The AHJ can request any documentation or records or cause to have equipment inspections performed by Glider Oil at any time the AHJ feels it is necessary for safety purposes.

Access gates to storage area must be locked at all times to prevent unauthorized entry. Marcellus Fire Department to be given a key or code in the event of an emergency.

Vehicle impact protection to be provided per IFC Section 312.

The tank must be set back at least 75 feet from the property line.

The tank and all appurtenances, fencing, light and structures must comply with the approved site plan drawings and schematics filed by applicant.

Site access is limited to Lee Mulroy Road.

Hours of operation are limited to 6am – 6pm, 6 days per week with transport trucks delivering supply on off hours.

The facility is not open to the public. No retail sales are authorized on the site.

The sign on the tank must comply with Town sign regulations and the colored stripe outside the standard sign dimension will be removed.

No additional signage is permitted beyond that which is indicated on the approved site plan as required by law or regulation.

The entire area will be fenced off around the tank and apparatus.

The applicant must contact the New York State Department of Transportation to coordinate requirements for the existing driveway on Lee Mulroy Road, in order to satisfy commercial driveway standards, which may include providing a heavy-duty shoulder to support the intended truck access.

The New York State Department of Transportation has determined that the applicant must provide the Department with ITE Trip Generation traffic figures.

The applicant must submit a lighting plan to be approved by the New York State Department of Transportation to ensure there is no glare or spillover onto adjacent properties or the State right-of-way, and that complies with Section 24(I) of the Marcellus Zoning Law, to the satisfaction of the AHJ.

The Town and applicant must contact the New York State Department of Environmental Conservation Environmental Permits office to ensure that all bulk storage requirements are met and applicable permits are obtained.

State Highway Access and/or Work Permit – Any new or modified driveways and work within the state right-of-way, including utility work, require a highway access and/or work permit from the New York State Department of

Transportation. Highway work permits for utility work have their own application process.

In the event the facility is no longer used for the applicant's intended purpose, applicant agrees to decommission the facility as per its contractual obligations to the Marcellus Fire Department.

The applicant will provide a copy of the Agreed Upon Emergency Response Plan as developed in conjunction with the Marcellus Fire Department.

The applicant agrees to have installed at its expense an additional fire hydrant as indicated on the approved site plan; and it is further

RESOLVED, that this special permit is granted subject to the applicant's full compliance with all of the terms and conditions as set forth by the Planning Board in its Resolution approving the site plan application on December 4, 2017, which approval Resolution is made a part hereof and is annexed hereto in its entirety.

This matter having been put to a vote, the ZBA members voted as follows:

Michele A. Bingham	Chairperson	Voted <input checked="" type="radio"/> Yes/No
Kathy Carroll	Member	Voted <input checked="" type="radio"/> Yes/No
Chris Christensen	Member	Voted <input checked="" type="radio"/> Yes/No
Ronald Schneider	Member	Voted <input checked="" type="radio"/> Yes/No
Gerard E. Wickett	Member	Voted <input checked="" type="radio"/> Yes/No

Whereupon the Resolution was declared adopted.

The minutes of the November meeting stand as distributed.

The meeting was adjourned at 9:00 PM

Respectfully submitted,

Karen Cotter
Secretary

