

ZB# 86-40

Michael Babcock

45-1-41

Prelim.

10/27/86

Request for
Interpretation
by T.B.

Public Hearing -

11/24/86.

No Fee \$50.00

Interpretation

Rendered

on 11/24/86.

file

86-40-

Babcock, Michael

Oxygen Tank -

32 net. acc.
1 incl.

Fee for
Interpretation

\$ 75.00

Oxford[®]

⊗ ESSELTE

MADE IN U.S.A.

NO. 753 1/5

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ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

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In the Matter of the Application for
an Interpretation as Requested by

MICHAEL BABCOCK, Building Inspector
Town of New Windsor

DECISION INTERPRETING
Section 48-12

Table of
Bulk Regs. Col. M

#86-40.

-----x

WHEREAS, the applicant, MICHAEL BABCOCK, Building Inspector for the TOWN OF NEW WINDSOR, 555 Union Avenue, New Windsor, New York, owners, has made application before the Zoning Board of Appeals for an Interpretation of Section 48-12 - Table of Bulk Regs. Col. M of the Zoning Code of the Town of New Windsor as it effects a certain oxygen tank located on the premises located at 317 Windsor Highway, New Windsor, N. Y. 12550, known and designated as Tax Map Section 45-Block 1 - Lot 41, owned by Canzoneri and leased by Linde Homecare, to determine whether the said oxygen tank falls within the category of "Permitted Accessory Uses" in a C zone as designated in the use/bulk tables referred to above; and

WHEREAS, a public hearing was held on the 24th day of November, 1986 at the Town Hall, 555 Union Avenue, New Windsor, N. Y.; and

WHEREAS, the applicant, MICHAEL BABCOCK, Building Inspector for the Town of New Windsor was present along with Robert F. Rodgers, Fire Inspector for the Town of New Windsor; and

WHEREAS, the application was opposed by several area residents, including one Roberta Cimorelli, residing at 34 Continental Drive, New Windsor, N. Y.; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that the tank is proposed to be utilized as an accessory storage tank for the storage of oxygen in a C zone.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. That the liquid oxygen storage tank located on the subject premises being known as 317 Windsor Highway, New Windsor, N. Y. is a permitted accessory use in a C zone pursuant to the Bulk Tables for that zone under Column M - #10 as an accessory storage structure.

However, as with all material changes or additions to commercial sites, prior site plan approval from the Planning Board is required.

NOW, THEREFORE, BE IT

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and the applicant.

Dated: January 12, 1987.

Chairman

MASONRY
STRUCTURE

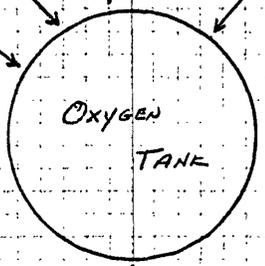
OVERHEAD DOOR

Windows
(TYP)

Door
(TYP)

DRIVEWAY

GARAGE
WOOD FRAME



55'-8"
64'-0"

90'-5"

51'-2"

26'-0"

Wood
FENCE

LINDE Homecare
317 Windsor Highway
New Windsor, N.Y. 12550

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. 40

Request of MICHAEL BABCOCK, BUILDING INSPECTOR

for a INTERPRETATION of

the regulations of the Zoning Local Law to

permit BULK OXYGEN STORAGE TANK

TO EXIST AT PRESENT LOCATION

being a INTERPRETATION of

Section 48-12 TABLE OF USE/BULK REGULATIONS COLUMN M

for property situated as follows:

EAST SIDE OF RT. 32 - NEW WINDSOR, NEW YORK 12550

1,000' FROM INTERSECTION OF FORGE HILL RD.

AND RT. 32

SAID HEARING will take place on the 24th day of
November, 1986, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

JACK BABCOCK
Chairman

X. AFFIDAVIT

Date 11/13/86

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Michael Lubach
(Applicant)

Sworn to before me this
13th day of November, 1986.

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
Special Permit is _____.
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

- (b) The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

Requirements	Proposed or Available	Variance Request
Min. Lot Area	_____	_____
Min. Lot Width	_____	_____
Reqd. Front Yd.	_____	_____
Reqd. Side Yd.	_____	_____
Reqd. Rear Yd.	_____	_____
Reqd. Street Frontage*	_____	_____
Max. Bldg. Hgt.	_____	_____
Min. Floor Area*	_____	_____
Dev. Coverage*	_____%	_____%
Floor Area Ratio**	_____	_____

* Residential Districts only

** Non-residential districts only

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

VI. Sign Variance:

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	Requirements	Proposed or Available	Variance Request
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

- (a) Special Permit requested under New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.
- (b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- _____ Copy of letter of referral from Bldg./Zoning Inspector.
- _____ Copy of tax map showing adjacent properties.
- _____ Copy of contract of sale, lease or franchise agreement.
- _____ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- _____ Copy(ies) of sign(s) with dimensions.
- _____ Check in the amount of \$ _____ payable to TOWN OF NEW WINDSOR.
- _____ Photos of existing premises which show all present signs and landscaping.

X. AFFIDAVIT

Date 11/13/86

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Michael Lubron
(Applicant)

Sworn to before me this
13th day of November, 1986.

PATRICIA DELIO
NOTARY PUBLIC, State of New York
No. 5970775
Qualified in Orange County
Commission Expires March 30, 1987.

XI. ZBA Action:

- (a) Public Hearing date _____.
 - (b) Variance is _____.
 - Special Permit is _____.
 - (c) Conditions and safeguards: _____
- _____
- _____
- _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

Oxygen Tank -
86-40-

(182) *Structural damage*. Loosening, twisting, warping, cracking, distortion or breaking of any piece, or of any fastening or joint, in a structural assembly, with loss of sustaining capacity of the assembly. The following shall not be deemed to constitute structural damage: small cracks in reinforced concrete, perpendicular to the reinforcing bars; deformation of sheet material when structural assembly is under applied load, which increases as such load increases but which disappears when such load is removed.

(183) *Structural failure*. Rupture; loss of sustaining capacity or stability; marked increase in strain without increase in load; deformation increasing more rapidly than the increase in imposed load.

(184) *Structure*. An assembly of materials, forming a construction framed or component structural parts for occupancy or use, including buildings.

(185) *Subsoil drain*. A drain installed underground for the purpose of draining and conveying subsurface or seepage water to an approved point of disposal.

(186) *Thermal barrier*. A noncombustible protective shield which when applied on the interior of a building to cover foam plastic insulation shall remain in place and provide fire protection for at least 15 minutes.

(187) *Tier*. Main floor, mezzanine, loge, balcony, gallery or other similar level, on which seats are provided.

(188) *Toilet room*. Enclosed space, containing one or more water closets, which may also contain one or more lavatories, urinals and other plumbing fixtures. (See definition of bathroom.)

(189) *Trap, fixture*. A fitting or device designed and constructed so as to provide, when properly vented, a liquid seal which will prevent the back passage of air from the drainage system without materially affecting the flow of sewage or wastewater through it.

(190) *Trap seal*. The vertical distance between the crown weir and the dip of a trap.

(191) *Ventilation*. Supply and removal of air to and from any space by natural or mechanical means.

(192) *Ventilation, mechanical*. Ventilation by power-driven devices.

(193) *Ventilation, natural*. Ventilation by opening to outer air through windows, skylights, doors, louvers, or stacks with or without wind-driven devices.

(194) *Vent system*. That part of a plumbing system, consisting of piping installed to permit adequate circulation of air in all parts of the sanitary drainage system and to prevent trap siphonage and back pressure. (See definition of plumbing system.)

(195) *Vestibule*. An enclosed space, with doors or opening protectives, to provide protected passage between the exterior and interior of a building, or between spaces within a building.

(196) *Volatile*. Capable of emitting flammable vapor at a temperature below 77° Fahrenheit (23.9° Celsius).

(197) *Waste pipe*. A pipe which conveys only liquid wastes free of fecal matter.

(198) *Watchman's system*. An approved installation of equipment for the purpose of recording the rounds of a watchman.

(199) *Water distributing pipe*. A pipe, in a building or premises, which conveys water from the water service pipe to plumbing fixtures or other water outlets.

(200) *Water main (street main)*. A water supply pipe provided for public use.

(201) *Water outlet*. A discharge opening through which water is supplied: to a fixture, into the atmosphere (except into an open tank which is part of the water supply system), to a building heating system, or to devices or equipment requiring water to operate but which are not part of the plumbing system.

TABLE OF USE REGULATIONS¹

District	A Uses Permitted by Right	B Uses by Special Permit of Board of Appeals	C Permitted Accessory Uses	D Permitted Accessory Signs	E Minimum Off-Street Parking	F Minimum Off-Street Loading Berths	G Additional Use Regulations Applying in All Districts ²
NC Neighborhood Commercial	<ol style="list-style-type: none"> Same as FP, Nos. 2, 3, 5. Same as R-1, Nos. 4, 5. Retail stores and banks. Personal service stores, such as but not limited to barbershops, beauty parlors and tailor shops. Eating and drinking places. Business, professional or governmental offices. Service establishments furnishing services other than of a personal nature, but excluding gasoline filling stations and motor vehicle storage, repair or service. Theaters (except drive-in theaters). Clubs, such as fraternal, social, political, etc. Mortuaries and funeral parlors. Newstands. Medical and dental clinics. Bicycle and specialty shops. 	<ol style="list-style-type: none"> Same as FP, Nos. 4, 9. Same as R-1, Nos. 2, 6. Living quarters for not more than 1 family located within each permitted commercial building on each lot for the use of the owner or caretaker of such building, or of the owner or caretaker of the permitted use or uses housed in such buildings. Gasoline filling stations and service repair garages. Dry-cleaning establishments for pickup and delivery only. Laundromats not exceeding 30 machines' capacity. Trailers for business, office and commercial purposes not exceeding 6 months' duration. Local office, including but not limited to realtor, notary public, bondsman, attorney and insurance. Eating and drinking places. 	<ol style="list-style-type: none"> Same as R-5. Accessory storage within a wholly enclosed permanent structure of materials, goods or supplies intended for sale, processing or consumption on the premises. 	<ol style="list-style-type: none"> Same as R-5. Business signs with a total sign area per establishment not to exceed 10% of sign wall area and in no event more than 50 square feet total sign face, subject to § 48-18. Temporary promotional signs not exceeding 25 square feet total sign area and displayed for no more than 10 days in any one-month period. 	<ol style="list-style-type: none"> Same as R-5. Retail stores and shops: 1 space per 200 square feet of floor area in sales use. Banks: 1 space per 300 square feet of floor area. Business and professional offices: 1 space per 200 square feet of floor area. Medical and dental clinics or offices: 4 spaces for each doctor or dentist, plus 1 space for each examining or treatment room. Restaurants: 1 space for each 3 seats. Gasoline service station: 4 spaces for each service bay, plus 1 space per 300 square feet of floor area outside of service areas. Undertaking establishments and funeral houses: 10 spaces per parlor or chapel. Laundromats: 1 space per 4 machines installed. Theaters: 1 space per 4 seats. 	<ol style="list-style-type: none"> Same as R-5. 	<ol style="list-style-type: none"> Off-street loading berths. Where required by these regulations, off-street loading berths shall be provided consisting of 12 feet by 44 feet of loading space, 12 feet in height, with sufficient turning and backing areas. Berths shall be provided with a dustless surface and shall be screened in a manner precluding view from any public street or residential area. ("Residential areas" shall mean land zoned for residential use or actually in residential use.) No berth shall occupy any required yard. Storage and disposal of solid waste. All uses listed herein shall be provided with facilities for storage and disposal of solid wastes. Storage areas shall be enclosed on a minimum of 3 sides and shall be screened in a manner precluding view from any public street or residential area. Exemption: solid waste receptacles for single-family dwellings, two-family dwellings and townhouses may be placed at the roadside during periods of solid waste pickup authorized by the Town Board. Nonresidential performance standards. All uses listed herein shall be subject to performance standards set forth in § 48-17. Prohibited uses in all districts. The uses which are listed in this section are prohibited in the town: <ol style="list-style-type: none"> Manufacturing uses involving primary production of the following products from raw materials: <ol style="list-style-type: none"> Asphalt, cement, charcoal and fuel briquettes. Chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen, oxygen, industrial alcohol nitrates, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric and sulfuric acids. Coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and size, animal. Linoleum and oilcloth; matches; paints, varnishes and turpentine. Rubber (natural and synthetic); soaps, including fat rendering; starch.
C Design Shopping	<ol style="list-style-type: none"> Same as NC. Outdoor amusement establishments, such as amusement parks, drive-in theaters, game farms, museum villages, kiddylands, golf driving ranges, swimming pools, beaches, skating rinks, racetracks and similar commercial amusement establishments, where the principal use is not carried on in enclosed buildings with floor areas greater than 1,500 square feet. Hotels or motels. Recreational motor vehicle and mobile home sales and accessory uses subject to the regulations of the Mobile Home Local Law. Used car sales. Wholesale sales and incidental storage, provided that all goods shall be stored in fully enclosed structures in conformance with the bulk regulations for buildings. Newspaper and job printing. Places of public assembly. Bowling alleys. Eating and drinking places. Any process of manufacture, assembly or treatment which is clearly incidental to a retail business or service conducted on the premises. Motor vehicle sales establishments for new motor vehicles. Used motor vehicle sales and repair and service garages shall be permitted only as accessory uses to new motor vehicle sales establishments located on the same lot. 	<ol style="list-style-type: none"> Same as NC. Lumber and building material and equipment sales and service. Schools of special instruction, such as secretarial schools, equipment operation schools, beautician schools and drafting schools. 	<ol style="list-style-type: none"> Same as NC. 	<ol style="list-style-type: none"> For uses in Col. A, No. 1: same as NC. For uses in Col. B, No. 1: same as NC. All other uses in Cols. A and B: business signs with a total sign area per establishment not to exceed 5% of sign wall area and in no event more than 50 square feet total sign face, subject to § 48-18. 	<ol style="list-style-type: none"> Same as NC. Retail stores and shops in centers comprising more than 50,000 square feet: 5.5 spaces per 1,000 square feet of gross floor area. Hotels and motels: 1 space per room plus 1 space for each 2 employees in the maximum work shift. Bowling alleys: 2 spaces per lane. Motor vehicle sales: 1 space per 1,000 square feet of floor area. Schools of special instruction: 1 space for each student or 1 space per 50 square feet of area in instructional use. Wholesale establishments or warehouses: 1 space for each 2 employees in the maximum work shift or every 1,000 square feet of floor area, whichever is greater. 	<ol style="list-style-type: none"> Uses in Col. A and Col. B, No. 1: same as NC. For all other uses in Cols. A and B: 1 loading berth for 10,000 square feet of floor space or major fraction thereof. 	

¹ Editor's Note: This table is a part of § 45-9 of Ch. 48, Zoning, of the Code of the Town of Windsor.
² Editor's Note: Column G is continuous throughout the entire Table of Use Regulations. Consult Column G on the other pages of this table for additional use regulations applying in all districts.
³ Editor's Note: For items marked with an asterisk, see Column G, No. 2.

NFPA 50
Standard for
Bulk Oxygen Systems at Consumer Sites
1985 Edition

Chapter 1 General

NOTICE: An asterisk (*) following the number or letter designating a paragraph indicates explanatory material on that paragraph in Appendix A.

Information on referenced publications can be found in Chapter 5 and Appendix B.

1-1 Introduction.

1-1.1 Oxygen gas is colorless, odorless, tasteless and nontoxic. It comprises about 21 percent of normal air and is about 10 percent heavier than air. At atmospheric pressure and temperatures below -297°F (-182.5°C) oxygen is a liquid. Oxygen is stable in both gas and liquid phases. In the absence of moisture, oxygen in the gaseous or liquid form is noncorrosive.

1-1.2 Oxygen is nonflammable. Ignition of combustible materials may occur more readily in an oxygen-rich atmosphere than in air, and combustion proceeds at a faster rate although no more total heat is released. This standard therefore provides primarily for protection of the bulk oxygen system from involvement by fire from sources apart from the system itself. It is important to locate bulk oxygen systems in well-ventilated locations since oxygen-rich atmospheres may collect temporarily in confined areas in the event of functioning of a safety relief device or leakage from the system.

1-1.3* Oxygen system components, including, but not limited to, containers, valves, valve seats, lubricants, fittings, gaskets and interconnecting equipment including hoses, shall have adequate compatibility with oxygen under the conditions of temperature and pressure to which the components may be exposed in the containment and use of oxygen. Easily ignitable materials shall be avoided unless they are parts of equipment or systems that are approved, listed, or proved suitable by tests or by past experience.

1-2 Application.

1-2.1 This standard covers the general principles recommended for the installation of bulk oxygen systems on consumer premises where the supply to the consumer premises originates outside the consumer premises and is delivered by mobile equipment.

1-2.2 An existing system which is not in strict compliance with the provisions of this standard may be continued in use when such use does not constitute a distinct hazard to life or adjoining property.

1-2.3 This standard does not apply to oxygen manufacturing plants or other establishments operated by the oxygen supplier or his agent for the purpose of storing oxygen and refilling portable containers, trailers, mobile supply trucks or tank cars.

1-2.4 This standard does not apply to oxygen storage systems having capacities less than those stated in the definition of Bulk Oxygen System in Section 1-3 since those systems are covered by NFPA 51, *Standard for the Design and Installation of Oxygen Fuel Gas Systems for Welding, Cutting, and Allied Processes*, and NFPA 56F, *Standard for Nonflammable Medical Gas Systems*.

1-2.5 When a bulk oxygen system is intended for medical gas applications, additional provisions are included in NFPA 56F, *Standard for Nonflammable Medical Gas Systems*.

1-3 Definitions. For the purpose of the standard, the following terms are defined:

Approved. Acceptable to the "authority having jurisdiction."

NOTE: The National Fire Protection Association does not approve, inspect or certify any installations, procedures, equipment, or materials nor does it approve or evaluate testing laboratories. In determining the acceptability of installations or procedures, equipment or materials, the authority having jurisdiction may base acceptance on compliance with NFPA or other appropriate standards. In the absence of such standards, said authority may require evidence of proper installation, procedure or use. The authority having jurisdiction may also refer to the listings or labeling practices of an organization concerned with product evaluations which is in a position to determine compliance with appropriate standards for the current production of listed items.

Authority Having Jurisdiction. The "authority having jurisdiction" is the organization, office or individual responsible for "approving" equipment, an installation or a procedure.

NOTE: The phrase "authority having jurisdiction" is used in NFPA documents in a broad manner since jurisdictions and approval agencies vary as do their responsibilities. Where public safety is primary, the "authority having jurisdiction" may be a federal, state, local or other regional department or individual such as a fire chief, fire marshal, chief of a fire prevention bureau, labor department, health department, building official, electrical inspector, or others having statutory authority. For insurance purposes, an insurance inspection department, rating bureau, or other insurance company representative may be the "authority having jurisdiction." In many circumstances the property owner or his designated agent assumes the role of the "authority having jurisdiction"; at government installations, the commanding officer or departmental official may be the "authority having jurisdiction."

Bulk Oxygen System. A bulk oxygen system is an assembly of equipment, such as oxygen storage containers, pressure regulators, safety devices, vaporizers, manifolds, and interconnecting piping; which has a storage capacity of more than 20,000 cu ft (566 m³) of oxygen (NTP) including unconnected reserves on hand at the site. The bulk oxygen system terminates at the point where oxygen at service pressure first enters the supply line. The oxygen containers may be stationary or movable, and the oxygen may be stored as gas or liquid.

Combustible Liquid. Combustible liquid shall mean a liquid having a closed cup flash point at or above 100°F (37.8°C) and shall be subdivided as follows: Class II liquids shall include those having a flash point at or above 100°F (37.8°C) and below 140°F (60°C). Class IIIA liquids shall include those having a flash point at or above 140°F (60°C) and below 200°F (93.4°C). Class IIIB liquids shall include those having flash points at or above 200°F (93.4°C).

Cubic Feet NTP. Cubic feet measured at normal atmospheric temperature and pressure.

Fire-Resistive Construction. A type of building construction as defined in NFPA 220, *Standard Types of Building Construction*.

Flammable Liquid. Flammable liquid Class I shall mean any liquid having a closed cup flash point below 100°F (37.8°C) and having a vapor pressure not exceeding 40 lb/sq in. absolute (276 kPa) at 100°F (37.8°C).

Gallon. A standard U.S. gallon.

Listed. Equipment or materials included in a list published by an organization acceptable to the "authority having jurisdiction" and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

NOTE: The means for identifying listed equipment may vary for each organization concerned with product evaluation, some of which do not recognize equipment as listed unless it is also labeled. The "authority having jurisdiction" should utilize the system employed by the listing organization to identify a listed product.

Noncombustible/Limited-Combustible Construction. A type of building construction as defined in NFPA 220, *Standard on Types of Building Construction*.

Noncombustible Material (as defined in NFPA 220, *Standard on Types of Building Construction*). A material which, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors when subjected to fire or heat. Materials reported as noncombustible, when tested in accordance with ASTM E-136, *Standard Method of Test for Behavior of Materials in a Vertical Tube Furnace at 750°C*, shall be considered noncombustible materials.

Shall. Indicates a mandatory requirement.

Should. Indicates a recommendation or that which is advised but not required.

Wood Frame Construction. A type of building construction as defined in NFPA 220, *Standard Types of Building Construction*.

Chapter 2 Siting

2-1 Location of Bulk Oxygen Systems.

2-1.1 Bulk oxygen storage systems shall be located aboveground out of doors, or shall be installed in a building of fire-resistive or noncombustible/limited-combustible construction, adequately vented, and used for that purpose exclusively. The location selected shall be such that containers and associated equipment shall not be beneath or exposed by the failure of electric power lines, piping containing all classes of flammable or combustible liquids (*see Definitions*), or piping containing flammable gases.

2-1.2 The system shall be located so that it is readily accessible to mobile supply equipment at ground level and to authorized personnel. Bulk oxygen systems shall not be located on rooftops of buildings or other structures.

2-1.3 Where oxygen is stored as a liquid, surfacing of noncombustible material shall be provided at ground level under liquid delivery connections for the storage container and mobile supply equipment. This area shall be at least 3 ft (1 m) in diameter from points at ground level upon which leakage of liquid oxygen might fall during unloading and normal operation of the system. The area under the mobile supply equipment shall be at least the full width of the vehicle and at least 8 ft (2.5 m) in the direction of the vehicle axis. For purposes of this standard, asphaltic or bitumastic paving is considered to be combustible. The slope, if any, of such areas shall consider possible flow of spilled liquid oxygen to adjacent combustible material.

2-1.4* Where it is necessary to locate a bulk oxygen system on ground lower than all classes of adjacent flammable or combustible liquid storage, suitable means shall be taken (such as by diking, diversion curbs, or grading) with respect to the adjacent flammable or combustible liquid storage to prevent accumulation of liquids under the bulk oxygen system.

2-2* Distance Between Bulk Oxygen Systems and Exposures.

2-2.1 Except as provided in 2-2.1.14, the minimum distance from any bulk oxygen storage container to exposures, measured in the most direct line (except as indicated in 2-2.1.5 and 2-2.1.11), shall be as indicated in 2-2.1.1 to 2-2.1.14 inclusive.

2-2.1.1 50 ft (15 m) from buildings of wood frame construction.

2-2.1.2 Not less than 1 ft (0.3 m) (or other distance to permit system maintenance) from buildings of other than wood frame construction.

2-2.1.3 At least 10 ft (3 m) from any opening in walls of adjacent structures. This provision shall apply to all elements of a bulk oxygen system where the oxygen storage is high-pressure gas. Where the storage is as liquid, this provision shall apply to only pressure regulators, safety devices, vaporizers, manifolds, and interconnecting piping.

2-2.1.4 All Classes of Flammable and Combustible Liquid Storage Aboveground.

Distance		Capacity	
(ft)	(m)	(gal)	(L)
25*	(7.5)	1000 or less	(3785)
50*	(15)	1001 or more	(3789)

*May be reduced to 15 ft (4.6 m) for Class IIIB combustible liquids.

2-2.1.5 All Classes of Flammable and Combustible Liquid Storage Belowground.

Distance Measured Horizontally from Oxygen Storage Container to Tank		Distance from Oxygen Storage Container to Filling and Vent Connections or Openings to Tank	
(ft)	(m)	(ft)	(m)
15	(4.6)	25	(7.5)

2-2.1.6 Flammable Gases Aboveground.

Flammable Gas	Quantity	Distance	
		(ft)	(m)
Liquefied Hydrogen*	Any	75	22.5
Other Liquefied Gases	1000 gal (3785 L) or less	25	7.5
	Over 1000 gal (3785 L)	50	15
Non-liquefied or Dissolved Gases	25,000 cu ft (708 m ³)(NTP) or less	25	7.5
	Over 25,000 cu ft (708 m ³) (NTP)	50	15

*See NFPA 50B, *Standard for Liquefied Hydrogen Systems at Consumer Sites*.

2-2.1.7 50 ft (15 m) from solid materials which burn rapidly, such as excelsior or paper.

2-2.1.8 25 ft (7.5 m) from solid materials which burn slowly, such as coal and heavy timber.

2-2.1.9 75 ft (22.5 m) in one direction and 35 ft (11 m) in approximately 90° direction from confining walls [not including protective structures having a minimum fire resistance rating of 2 hours less than 12 ft (3.7 m) high] to provide adequate ventilation in courtyards and similar confining areas.

2-2.1.10 50 ft (15 m) from places of public assembly.

2-2.1.11 50 ft (15 m) in a direct line from the inner container pressure relief device discharge piping outlets and filling and vent connections from areas occupied by nonambulatory patients.

2-2.1.12 10 ft (3 m) from any public sidewalk or parked vehicles.

2-2.1.13 5 ft (1.5 m) from any line of adjoining property which may be built upon.

2-2.1.14 The distances in 2-2.1.1, 2-2.1.4 to 2-2.1.8 inclusive, 2-2.1.12, and 2-2.1.13 do not apply where protective structures having a minimum fire resistance of 2 hours interrupt the line-of-sight between uninsulated portions of the bulk oxygen storage installation and the exposure. In such cases, the bulk oxygen installation shall be a minimum distance of 1 ft (0.3 m) (or greater distance if required for system maintenance) from the protective structure.

The protective structure (in lieu of distance) protects uninsulated oxygen storage containers or supports, control equipment enclosures, and system piping (or parts thereof) from external fire exposure. Liquid oxygen storage containers are insulated. Such containers can provide line-of-sight protection for uninsulated system components.

Protective structure configuration and dimensions will, therefore, vary depending upon the components of a particular system and their spatial relation to each other and to the exposure.

Chapter 3 System Fabrication

3-1 Bulk Oxygen Storage Containers.

3-1.1 Foundations and Supports. Permanently installed containers shall be provided with substantial supports of noncombustible material on firm foundations of noncombustible material.

3-1.2 Liquid oxygen containers shall comply with 3-1.2.1 or 3-1.2.2.

3-1.2.1 Be fabricated from materials meeting the impact test requirements of Paragraph UG-84 of the ASME *Boiler and Pressure Vessel Code*, Section VIII - Unfired Pressure Vessels. Containers operating at pressures above 15 psig (103 kPa) shall be designed, constructed and tested in accordance with appropriate requirements of the ASME *Boiler and Pressure Vessel Code*, Section VIII - Unfired Pressure Vessels. Insulation surrounding the liquid oxygen container shall be of noncombustible material.

3-1.2.2 Be designed, constructed, tested and maintained in accordance with U.S. Department of Transportation (DOT) Specifications and Regulations for 4L containers.

3-1.3 High-pressure gaseous oxygen containers shall comply with 3-1.3.1 or 3-1.3.2.

3-1.3.1 Be designed, constructed and tested in accordance with appropriate requirements of the ASME *Boiler and Pressure Vessel Code*, Section VIII - Unfired Pressure Vessels.

3-1.3.2 Be designed, constructed, tested and maintained in accordance with U.S. Department of Transportation (DOT) Specifications and Regulations.

3-2 Piping, Tubing and Fittings.

3-2.1 Piping, tubing and fittings shall be suitable for oxygen service and for the pressures and temperatures involved.

3-2.2 Material specifications and thickness requirements for piping and tubing shall conform to ANSI/ASME B31.3, *Code for Chemical Plant and Petroleum Refinery Piping*.

3-2.3* Piping or tubing for operating temperatures below -20°F (-28.9°C) shall be fabricated from materials meeting the impact test requirements of Chapter III of ANSI/ASME B31.3, *Code for Chemical Plant and Petroleum Refinery Piping*, when tested at the minimum operating temperature to which the piping may be subjected in service.

3-3 Safety Relief Devices.

3-3.1 Bulk oxygen storage containers, regardless of design pressure, shall be equipped with safety relief devices as required by the ASME Code or the DOT Specifications and Regulations. (See Section 3-1.)

3-3.2 Bulk oxygen storage containers designed and constructed in accordance with DOT Specifications (see 3-1.3.2) shall be equipped with safety relief devices as required by the DOT.

3-3.3 Bulk oxygen storage containers designed and constructed in accordance with the ASME *Boiler and Pressure Vessel Code*, Section VIII — Unfired Pressure Vessels, shall be equipped with safety relief devices meeting the provisions of CGA Publication S-1.3, *Safety Relief Device Standards for Compressed Gas Storage Containers*.

3-3.4 Insulation casing on liquid oxygen containers shall be equipped with suitable safety relief devices.

3-3.5 All safety relief devices shall be so designed or located that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

3-4 Liquid Oxygen Vaporizers.

3-4.1 The vaporizer shall be anchored and its connecting piping be sufficiently flexible to provide for the effects of expansion and contraction due to temperature changes.

3-4.2 The vaporizer and its piping shall be adequately protected on the oxygen and heating medium sections with safety relief devices.

3-4.3 Heat used in an oxygen vaporizer shall be indirectly supplied only through mediums such as steam, air, water, or water solutions which do not react with oxygen.

3-4.4 If electric heaters are used to provide the primary source of heat, the vaporizing system shall be electrically grounded.

3-5 Equipment Assembly and Installation.

3-5.1 Equipment making up a bulk oxygen system shall be cleaned in order to remove oil, grease or other readily oxidizable materials before placing the system in service.

3-5.2 Joints in piping and tubing may be made by welding or brazing, or by use of flanged, threaded, socket, slip or compression fittings. Gaskets or thread sealants shall be suitable for oxygen service. Brazing materials shall have a melting point above 1000°F (538°C).

3-5.3 Valves, gages, regulators and other accessories shall be suitable for oxygen service.

3-5.4 Installation of bulk oxygen systems shall be supervised by personnel familiar with proper practices with reference to their construction and use.

3-5.5 After installation all field-erected piping shall be tested and proved gastight at maximum operating pressure. Any medium used for testing shall be oil-free and nonflammable.

3-5.6 Storage containers, piping, valves, regulating equipment, and other accessories shall be protected against physical damage and against tampering by the general public.

3-5.7 Any enclosure containing oxygen control or operating equipment shall be adequately vented.

3-5.8 The bulk oxygen storage location shall be permanently placarded to indicate: "OXYGEN — NO SMOKING — NO OPEN FLAMES," or an equivalent warning.

3-5.9 Bulk oxygen installations are not hazardous (classified) locations as defined and covered in Article 500 of NFPA 70, *National Electrical Code*®. Therefore, general purpose or weatherproof types of electrical wiring and equipment are acceptable depending upon whether the installation is indoors or outdoors. Such equipment shall be installed in accordance with the applicable provisions of NFPA 70, *National Electrical Code*.

Chapter 4 Operation and Maintenance

4-1 Operating Instructions. For installations which require any operation of equipment by the user, legible instructions shall be maintained at operating locations.

4-2 Maintenance.

4-2.1 Each bulk oxygen system installed on consumer premises shall be inspected annually and maintained by a qualified representative of the equipment owner.

4-2.2 Weeds and long dry grass shall be cut back within 15 ft (4.6 m) of any bulk oxygen storage container.

Chapter 5 Referenced Publications

5-1 The following documents or portions thereof are referenced within this standard and shall be considered part of the requirements of this document. The edition indicated for each reference is current as of the date of the NFPA issuance of this document. These references are listed separately to facilitate updating to the latest edition by the user.

5-1.1 **NFPA Publications.** National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

NFPA 70-1984, *National Electrical Code*.

NFPA 220-1979, *Standard Types of Building Construction*.

5-1.2 **ASME Publications.** American Society of Mechanical Engineers, 345 East 47th St., New York, NY 10017.

ANSI/ASME B31.3 (1980), *Code for Chemical Plant and Petroleum Refinery Piping*.

ASME Boiler and Pressure Vessel Code (1980).

5-1.3 **CGA Publication.** Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Arlington, VA 22202.

S-1.3, *Safety Relief Device Standards for Compressed Gas Storage Containers*.

5-1.4 **ASTM Publication.** American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

ASTM E-136-1981, *Standard Method of Test for Behavior of Materials in a Vertical Tube Furnace at 750°C*.

5-1.5 **U. S. Government Publication.** The following publication is available from the U. S. Government Printing Office, Washington, DC 20402.)

DOT Specifications and Regulations. Code of Federal Regulations. *Title 49, Transportation, Parts 171-190*. (Also available from the Association of American Railroads, American Railroads Bldg., 1920 L St. NW, Washington, DC 20036, and American Trucking Assn., Inc., 1916 P St. NW, Washington, DC 20036.)

Appendix A

This Appendix is not a part of the requirements of this NFPA document but is included for information purposes only.

The following notes, bearing the same number as the text of the *Standard for Bulk Oxygen Systems at Consumer Sites* to which they apply, contain useful explanatory material.

A-1-1.3 Compatibility involves both combustibility and ease of ignition. Materials that burn in air will burn violently in pure oxygen at normal pressure and explosively in pressurized oxygen. Also many materials that do not burn in air will do so in pure oxygen, particularly under pressure. Metals for containers and piping must be carefully selected, depending on service conditions. The various steels are acceptable for many applications, but some service conditions may call for other materials (usually copper or its alloys) because of their greater resistance to ignition and lower rate of combustion.

Similarly, materials that can be ignited in air have lower ignition energies in oxygen. Many such materials may be ignited by friction at a valve seat or stem packing or by adiabatic compression produced when oxygen at high pressure is rapidly introduced into a system initially at low pressure.

A-2-1.4 When locating bulk oxygen systems near all classes of aboveground flammable or combustible liquid storage which may be either indoors or outdoors, it is advisable to locate the system on ground higher than the flammable or combustible liquid storage.

A-2-2 The following diagram serves to illustrate the separation distances between bulk oxygen systems and exposures:

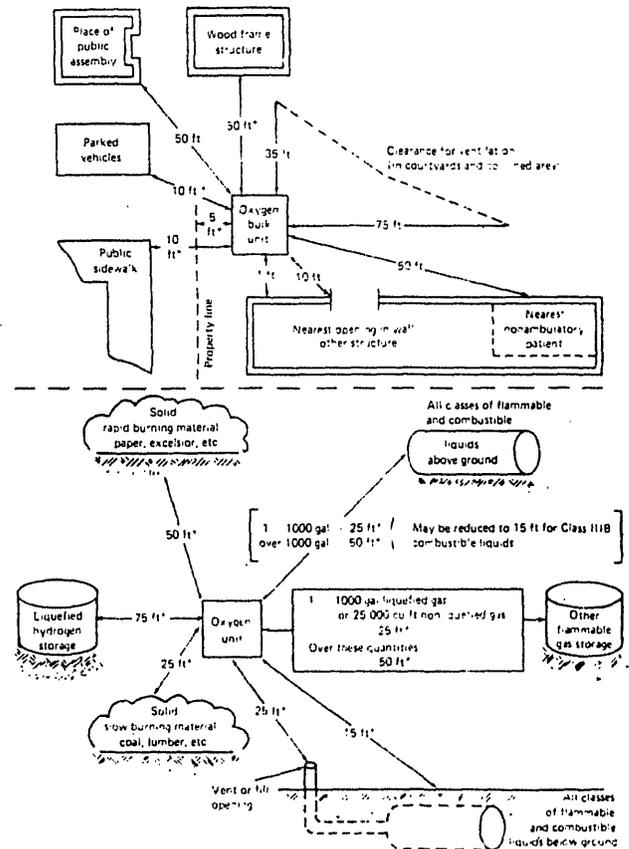


Illustration of Section 2-2, Distance Between Bulk Oxygen Systems and Exposures. (This diagram is not a part of NFPA 50 and the text shall govern.)

*NOTE: These distances do not apply where protective structures having a minimum fire resistance rating of 2 hours interrupt the line-of-sight between uninsulated portions of the bulk oxygen storage installation and the exposure. The protective structures protect uninsulated oxygen storage containers or supports, control equipment and system piping (or parts thereof) from external fire exposure. Liquid oxygen storage containers are insulated. Such containers may provide line-of-sight protection for uninsulated system components. (See 2-2.1.14.)

A-3-2.3 Some materials suitable for low-temperature piping are austenitic chromium-nickel alloy steels, copper, copper-silicon alloys, aluminum, and some brasses and bronzes.

Appendix B Referenced Publications

B-1 The following documents or portions thereof are referenced within this standard for informational purposes only and thus should not be considered part of the

requirements of this document. The edition indicated for each reference is current as of the date of the NFPA issuance of this document. These references are listed separately to facilitate updating to the latest edition by the user.

B-1.1 NFPA Publications. National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

NFPA 50B-1985, *Standard for Liquefied Hydrogen Systems at Consumer Sites.*

NFPA 51-1983, *Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes.*

NFPA 56F-1983, *Standard for Nonflammable Medical Gas Systems.*

TO: TOWN SUPERVISOR PETRO
COUNCILMAN HEFT
COUNCILMAN ROSSINI
COUNCILWOMAN FIEDELHOLTZ
BUILDING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

SUBJECT: REQUEST FOR INTERPRETATION
SEC. 48-12 - TABLE OF USE/BULK REGS.-COL M
BULK OXYGEN STORAGE TANK

DATE: November 25, 1986

Please be advised that the following interpretation was rendered at the November 24, 1986 public hearing regarding the above-entitled matter:

That the liquid oxygen storage tank at the subject premises is a permitted accessory use in a C zone pursuant to the bulk tables for that zone under Column M - #10, being an accessory storage facility. However, the permitted accessory use requires prior site plan approval from the Planning Board.

Patricia Delio,
Secretary

/pd

cc: Town Planning Board

①

02

NAME

ADDRESS

Loretta Trujinski 309 Windsor Highway N.W.
Anna Stenglein 459 Little Britain Rd.
ERNEST NADLER 11 Musket Pl. N.W.
JAN MASCITELLI 12 Crescent Haven Dr. N.W.
Dolores DAYTON 51 PARADE PL. N.W.
Selene Mc Courtney 1 Court Dr New Windsor
Bernad J. Mc Courtney 1- Conell Dr, New Windsor
Alexander M. Mihre 27 Continental Dr. W.E. N.W.
Pat Mihre 27 Continental Dr. New Windsor
Robert J. Stipak 8 Regimental Pl. NW

(2)

62

NAME

ADDRESS

Leone Smith	29 Continental Ave	New Windsor
Edward Smith	29 Continental Ave	New Windsor
George Blabar	21 Continental St	New Windsor
Monika Brodeski	10 Musket Place	New Windsor
Carmel Brodeski	10 Musket Place	New Windsor
Carolyn Nadler	11 Musket Place	New Windsor
Nicholas Pettigrew	8 Parade Place	New Windsor
Pete Valentino	13 Musket Place	New Windsor
Bob Penney	3 Musket Place	New Windsor

③

11/24/86 - Public Hearing - Babcock, Mike #86-40

Name:	Address:
FRANK Hilton ✓	Po. Box 193 VAIS GATE, NY. 12584
RICHARD Cohen ✓	62 CONTINENTAL DR.
EDNA LAUTERBACH ✓	42 CONTINENTAL DR.
Charles Lauterbach ✓	42 Continental Dr.
Viola Stivala ✓	50 Continental Dr.
John + Franco Kucyk ✓	41 Continental Dr.
Gillian Harris ✓	32 Continental Dr.
Joseph Harris ✓	32 Continental Dr.
Michael Cimorelli ✓	34 Continental Dr. NW.
Roberta Annelli ✓	34 Continental Dr.
PETE Fates ✓	36 CONTINENTAL DR.
ROBERTA McKain ✓	38 CONTINENTAL DR.
Jinda Watch ✓	Temple Hill Rd NW
Theresa Penney ✓	3 musket Pl.
Elvira Cimorelli ✓	40 River Rd NW
Antonette J. Cimorelli ✓	40 River Rd NW.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

(1)

(33)

*Little Home Medical Supply
337 Hudson St.
Cornwall on Hudson, N.Y. 12520*

Masloski, Joseph
& Genevieve
24 Lannis Avenue
New Windsor, N.Y. 12550

~~Garcia, Javier
& Norma C.
392 Powell Ave.
Newburgh, N.Y. 12550~~

Trizinsky, Edward J.
& Loretta
309 Windsor Hwy
New Windsor, N.Y. 12550

Garcia, Javier R.
& Norma C.
40 Continental Dr
New Windsor, N.Y. 12550

Stenglein, George
& Ana
334 Windsor Hwy
New Windsor, N.Y. 12550

Lauterbach, Charles H
& Edna
42 Continental Dr
New Windsor, N.Y. 12550

Jones, Samuel L., Ruby
& Leon K.
28 Continental Dr.
New Windsor, N.Y. 12550

Harris, Benjamin
& WEnnett, Etta
PO Box 780
Cornwall, N.Y. 12518

Guillotín, Jean
& Marie Louise X
30 Continental Dr.
New Windsor, N.Y. 12550

Rottmeier Dev. Co., Inc.
C/O Newburgh Pork Store
327B Windsor Hwy
New Windsor, N.Y. 12550

Harris, Joseph m.
& Lillian D.
32 Continental Dr
New Windsor, N.Y. 12550

Kentucky Fried Chicken
of Newburgh
C/O Headlee Mgmt.
P.O. Box 2818
Newburgh, N.Y. 12550

Cimorelli, Michael J.
& Roberta J.
34 Continental Dr.
New Windsor, N.Y. 12550

Stinson's Tropical World
Ltd.
3 Brooker Drive
Newburgh, N.Y. 12550

Fotis, Peter T.
& Ellen R.
36 Continental Dr.
New Windsor, N.Y. 12550

Horowitz, William
3800 South Ocean Drive
Hollywood, Fl. 33019

McKay Robert A. X
& Amelia D.
38 Continental Dr.



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

Milne, Alexander
& Patricia
27 Continental Dr
New Windsor, N.Y. 12550

Marvel, Walter III
& Joan h.
25 Continental Dr
New Windsor, NY 12550

Hunter, Charles W Jr
& Kathy L.
15 Musket Place
New Windsor, NY 12550

Valentino, Peter A.
& Delores A.
13 Musket Place
New Windsor, NY 12550

Nadler, Ernest
& Carolyn
11 Musket Place
New Windsor, NY 12550

Donovan, Michael P.
33 Continental Dr
New Windsor, NY 12550

Kay, David
& Dianne Shannon
31 Continental Drive
New Windsor, NY 12550

Smith, Edward
& Lenore
29 Continental Drive
New Windsor, NY 12550

Blabac, George
& Margarite
21 Continental Drive
New Windsor, NY 12550

Schatz, Aloysius J.
RD2 Box 97
Route 94
New Windsor, NY 12550

Pavignano, Robert
Ridge Terrace
Central Valley, NY 10917

Craig, John A
& Mary E.
RD 4 Lannis Ave
Newburgh, NY 12550

Pironi, George
& Bonura, Joseph
306 Windsor Hwy
New Windsor, NY 12550

Henrique, Antonio
& Hawley, Terrence G.
310 Windsor Hwy
New Windsor, NY 12550

Roadway Express Co.
1077 Gorge Blvd.
Akron, Ohio 44309

Ponderosa System, Inc.
Box 578
Dayton, Ohio 45401

334 New Windsor Assoc.
161 Hillside Ave.
Cresskill, NJ 07626

33

Received & Filed 9/24/86.

November 14, 1986

Dear Fellow Homeowners:

As you know, the Linde Homecare business has erected a storage tank, 26 feet tall and 33 feet in circumference, behind the store that they rent at 317 Windsor Highway (Route 32). This was formerly known as Ernie's Men's Shop. This tank is for the purpose of storing LIQUID OXYGEN - 9,180 Gallons - and for the distribution thereof. This property is directly adjacent to our Gateway Development and particularly the homes on the northwest end of Continental Drive. This is of vital concern to all of us in two specific areas:

(1) It is a danger to our homes and our families. Liquid oxygen must be STRICTLY REGULATED to protect it from fire and explosion. We, as ordinary citizens regard this to be DANGEROUS! They plan to pump this liquid oxygen into and out of this tank on a regular basis, through the use of trucks. As you also know, this area has been used for years by youngsters as well as adults to cut through to Route 32. It has also been used at night by persons to "hang out", smoke, drink, ignite fireworks, etc. A careless person, a lit cigarette, a minor collision, and we could have a major disaster.

(2) Once the liquid oxygen is pumped into this tank and its storage and distribution gets underway, it could seriously affect the RESALE VALUE OF OUR HOMES! It is our understanding that there will be a great deal of uncontrolled traffic in and out of this confined area, creating an additional hazard. Who, in their right mind, would want to invest many thousands of dollars in a home in such close proximity to such a danger?

The Zoning Board of Appeals must be made aware that we are all very concerned and have no intention of letting this operation begin. There will be a PUBLIC HEARING OF THE ZONING BOARD OF APPEALS ON MONDAY, NOVEMBER 24, 1986, AT 7:30 P.M. AT THE NEW WINDSOR TOWN HALL, to decide this issue. We, the homeowners of the Gateway Development ALL must be present to let them know how we feel. THIS WILL BE OUR ONLY OPPORTUNITY!

Please see the tank for yourself behind 34 Continental Drive and contact Bobbie Cimorelli there, or call her at 561-7690, for any questions or if you cannot be present at the meeting, and must

send a signed letter instead.

We MUST STAND TOGETHER to prevent the operation of this
DANGEROUS TANK!

Very truly yours,

Mike & Bobbie Amorelli

Ed & Lenore Smith

Joe & Lil Harris

Florence M. Callaban

James W. Durkin

(14 Cannon Drive) B.C.

November 14, 1986

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send a signed letter instead.

We MUST STAND TOGETHER to prevent the operation of this
DANGEROUS TANK!

Very truly yours,

Mike & Bobbie Amorelli
Ed & Lenore Smith
Joe & Lil Harris

I AM OPPOSED TO THIS TANK
AND I AGREE THIS PROJECT
SHOULD NOT BE ABLE TO BE
COMPLETED.

Lawrence J. Cook
Mary Cooke

(5 Provoast Drive B.C.)

November 14, 1986

Dear Fellow Homeowners:

As you know, the Linde Homecare business has erected a storage tank, 26 feet tall and 33 feet in circumference, behind the store that they rent at 317 Windsor Highway (Route 32). This was formerly known as Ernie's Men's Shop. This tank is for the purpose of storing LIQUID OXYGEN - 9,180 Gallons - and for the distribution thereof. This property is directly adjacent to our Gateway Development and particularly the homes on the northwest end of Continental Drive. This is of vital concern to all of us in two specific areas:

(1) It is a danger to our homes and our families. Liquid oxygen must be STRICTLY REGULATED to protect it from fire and explosion. We, as ordinary citizens regard this to be DANGEROUS. They plan to pump this liquid oxygen into and out of this tank on a regular basis, through the use of trucks. As you also know, this area has been used for years by youngsters as well as adults to cut through to Route 32. It has also been used at night by persons to "hang out", smoke, drink, ignite fireworks, etc. A careless person, a lit cigarette, a minor collision, and we could have a major disaster.

(2) Once the liquid oxygen is pumped into this tank and its storage and distribution gets underway, it could seriously affect the RESALE VALUE OF OUR HOMES! It is our understanding that there will be a great deal of uncontrolled traffic in and out of this confined area, creating an additional hazard. Who, in their right mind, would want to invest many thousands of dollars in a home in such close proximity to such a danger?

The Zoning Board of Appeals must be made aware that we are all very concerned and have no intention of letting this operation begin. There will be a PUBLIC HEARING OF THE ZONING BOARD OF APPEALS ON MONDAY, NOVEMBER 24, 1986, AT 7:30 P.M. AT THE NEW WINDSOR TOWN HALL, to decide this issue. We, the homeowners of the Gateway Development ALL must be present to let them know how we feel. THIS WILL BE OUR ONLY OPPORTUNITY!

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send a signed letter instead.

We MUST STAND TOGETHER to prevent the operation of this
DANGEROUS TANK!

Very truly yours,

Mike & Bobbie Amorelli
Ed & Lenore Smith
Joe & Lil Harris

Both myself and my wife
are very much against the use
of a storage tank to store liquid
oxygen at No. 317 Windsor Highway,
Route 32, New Windsor, N.Y. signed,

George B. Mc Elroy ^{and}
Myrtle Mc Elroy
12 Parade Pl
New Windsor
N.Y.

Nov. 24, 1986

To Whom It May Concern:

Re. Liquid Oxygen Tank
317 Windsor Highway
Rt 32 - New Windsor

We as residents of the
New Windsor Area do not
wish to have this dangerous
tank in our area. We fear
for the safety of our lives
and those of our children.

Thank you
Aise C. McNamee
Rt McConnell

(Provost
rev.) BC

11/24/86

To Whom It May Concern,

Re: Liquid Oxygen

We as homeowners and residents residing on Continental Drive do not wish to have these dangerous materials stored so close to our homes. As I cannot attend the hearing I'm letting you know that I and my family are concerned about the danger. Please consider also that this will seriously affect the resale value of our homes.

Truly,
Mrs. Ruby Jones
28 Continental Drive
New Windsor, N.Y. 12550

23 Nov 1986

To: Zoning Board of Appeals

As homeowners living almost directly behind the Linda Homecare business we are opposed to the storage tank that has been erected for the liquid Oxygen.

We are aware of the dangers and hazards of this element and are very irate that the Town of New Windsor allowed the construction of this tank without even consulting the residents living nearby and denying them a choice.

Amelia R. McKay
Robert A. McKay

38 Continental Rd
New Windsor, N.Y.

November 24, 1986

To whom it may concern,

I am Javier Garcia, living with my family at 40 Continental Dr. New Windsor and I'm writing since I will be unable to attend the Public Hearing of the zoning Board of Appeals this evening because I'm an employee of the I. B. M Corporation in Poughkeepsie and I work the second shift.

I feel it is my concern to state my disapproval over the erection of the liquid oxygen tank located at 317 Windsor Highway. This tank is not only dangerous to my family but also to the other citizens of this neighborhood. As long as this tank remains, it will be a continual worry for us all.

Javier Garcia
Sincerely,

file

(8)

Prelim - Oct. 27th

MEMORANDUM

TO: TAD SEAMAN, TOWN ATTORNEY
FROM: MICHAEL BABCOCK, BUILDING INSPECTOR
DATE: AUGUST 19, 1986
RE: OXYGEN STORAGE TANK
ROUTE 32

The oxygen tank on Route 32 in New Windsor has been lag bolted down as per request of the Building Inspector.

No further work will be done until decision from the Zoning Board of Appeals.

Very truly yours,

Michael Babcock
sh

MICHAEL BABCOCK
Building Inspector

MB/sh

~~cc: Zoning Board of Appeals~~ ✓