

**DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
DRAFT SCOPING DOCUMENT**

Name of Project:

**Town of Wappinger
Downey Energy Special Use Permit, Amended Site Development Plan and Zoning Text
Amendment for Liquid Propane Storage Facility**

Project Location:

199 OLD ROUTE 9, TOWN OF WAPPINGER, DUTCHESS COUNTY, NY

Project Sponsor:

**DOWNEY ENERGY
Cary Downey, President
P.O Box 306
Cold Spring, NY 10516
CJD924@aol.com**

Lead Agency:

**TOWN OF WAPPINGER PLANNING BOARD
Town Hall, 20 Middlebush Road
Wappingers Falls, NY 12590**

DATE OF ADOPTION OF FINAL SCOPING DOCUMENT: _____

Project Sponsor Contact:	Alfred Cappelli, Jr. Project Architect 1136 Route 9 Wappingers Falls, NY 12590 Phone: (845) 632-6500 acappe2102@aol.com	Jaclyn Hakes, AICP MJ Engineering and Land Surveying, P.C. 1533 Crescent Road Clifton Park, NY 12065 jhakes@mjels.com
Lead Agency Contact:	Bruce M. Flower, Chairman Town of Wappinger Planning Board Town Hall, 20 Middlebush Road Wappingers Falls, NY 12590 Phone: (845) 297-6256 x122	

Table of Contents

1.0	Overview and Purpose.....	3
2.0	Description of the Proposed Action	3
3.0	Format/ Contents of DEIS	4
4.0	Procedural History	4
5.0	Input Obtained & Considered in Preparing this Scope	5
6.0	Existing Conditions, Potential Impacts & Mitigation.....	5
6.1	Ground Water	6
6.2	Habitat, Flora and Fauna.....	6
6.3	Surface Water.....	6
6.4	Community Character.....	7
6.5	Community Plans.....	7
6.6	Transportation Systems	7
6.7	Human Health	7
7.0	Alternatives.....	7
7.1	No Action	8
7.2	Above Ground Storage Facility.....	8
8.0	Summary of Impacts & Mitigation	8
8.1	Growth Inducing Impacts.....	8
8.2	Cumulative Impacts	8
8.3	Irreversible & Irretrievable Commitment of Resources	8
8.4	Identified Unavoidable Adverse Impacts.....	8
8.5	Summary of Impacts and Mitigation	8
9.0	DEIS Appendices	9

Attachments:

- 1) Draft Site Plan
- 2) List of Involved & Interested Entities

1.0 Overview and Purpose

This Draft Scoping Document outlines how the project sponsor and designated Lead Agency, the Town of Wappinger Planning Board, will prepare a Draft Environmental Impact Statement (DEIS) in order to evaluate potential impacts related to the proposed Downey Energy Liquid Propane Storage Facility. The SEQR action includes a special use permit, amended site development plan and zoning text amendment. This is a Type 1 SEQR action. This Draft Scoping Document is submitted with all rights reserved to the Project Sponsor regarding pending and any future litigation filed concerning the issues in this Draft Scoping Document or otherwise.

This Scoping Document describes the environmental topics that will be analyzed; defines the organization and level of analysis that will be presented in the DEIS; and identifies associated source information and methods for analysis. This Scoping Document has been prepared pursuant to the New York State Environmental Quality Review (SEQR) Act regulations, and includes the following required components in accordance with 617.8(e):

1. A brief description of the proposed action;
2. The potentially significant adverse impacts identified both in Part 3 of the environmental assessment form and as a result of consultation with the other Involved agencies and the public, including an identification of those particular aspect(s) of the environmental setting that may be impacted;
3. The extent and quality of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required methodology(ies) for obtaining new information;
4. An initial identification of mitigation measures;
5. The reasonable alternatives to be considered;
6. An identification of the information or data that should be included in an appendix rather than the body of the draft EIS; and
7. A brief description of the prominent issues that were considered in the review of the environmental assessment form or raised during scoping, or both, and determined to be neither relevant nor environmentally significant or that have been adequately addressed in a prior environmental review and the reasons why those issues were not included in the final scope.

2.0 Description of the Proposed Action

This DEIS is specifically for the proposed Downey Energy Liquid Propane Storage Facility (the 'Action'). The Action includes a special use permit and amended site development plan approvals from the Town Planning Board to allow construction of a facility consisting of two 45,000-gallon buried storage tanks along with a separate utility building. In addition, a zoning text amendment from the Town Board is proposed to allow the proposed use in the Highway Business (HB) and Airport Industrial (AI) zoning districts.

3.0 Format/ Contents of DEIS

A DEIS facilitates weighing of environmental, social, and economic factors in planning and policy-making. This DEIS will be used to assemble relevant criteria upon which the Town Planning Board's decisions will be made. The DEIS will analyze the potential significant environmental impacts identified during the scoping process.

The DEIS will contain all requisite content. The provisions of SEQRA NYCRR 617.8 through 617.10 guide formulation of the DEIS. The DEIS will assemble identified relevant and material facts and be analytic but not encyclopedic.

The DEIS will contain a required cover sheet; a table of contents; and an executive summary. There will be a concise description of the Action; its purpose, public need and benefits, and the location/ setting with a discussion of areas that may be affected. It will identify Involved and Interested agencies (see Attachment 2); required permits and approvals; and review frameworks. It will also present alternatives with sufficient detail to enable generic comparative assessments.

The DEIS will analyze the potential for significant adverse impacts. Proposed mitigation will be introduced and described in terms of possible effects within the subject-level narratives. The DEIS will also document public engagement and input used in forming and evaluating the DEIS. Sources of information will be clearly identified.

Alternatives for the Action will be summarized. Alternatives evaluated will include a no-build alternative and an above ground storage facility.

4.0 Procedural History

Prior to release of this **Final Scoping Document**, the Town Planning Board conducted the following steps per NY SEQRA regulations:

- On **INSERT DATE** the Town Planning Board:
 - Completed Part 1 of a Full Environmental Assessment Form (EAF)¹.
 - Preliminarily classified this Project as a Type 1 Action.
 - Adopted a resolution causing distribution of a Notice of Intent to be Lead Agency.
- On **April 4, 2022** Town Planning Board adopted a resolution that:
 - Confirmed Town Planning Board as Lead Agency and issued a Positive Declaration requiring the preparation of an environmental impact statement (EIS) for this Action.
- On **INSERT DATE** the Town Planning Board, consistent with 6 NYCRR Part 617.8, reviewed and posted a Draft Scoping Document for public review, along with the notice of the public scoping meeting. The notice was distributed to the identified Involved and Interested entities and it was published in the Environmental Notice Bulletin, Town Newspaper of Record, and the Town's website. The notice was posted at Town Hall with the Proposed Scoping Document available for

¹ The basis for Project/ Action Classification as Type I is addressed within the July 11, 2019 Draft Scoping Document.

review at the Town Clerk's office, the Department of Building, Planning & Zoning, and the Town's website.

- On **INSERT DATE** the Town Planning Board conducted a Public Scoping session.
 - During the Scoping Session public input was obtained on the Draft Scoping Document. A subsequent period of written public comment occurred as part of the scoping process from **INSERT DATE** to **INSERT DATE**. All public comments received will be available for public review.

This **Final Scoping Document** will be distributed to all Involved and Interested entities. It is now the responsibility of the Lead Agency to oversee EIS completion. While no agency other than the Town of Wappinger Planning Board is able to approve or directly undertake this Action, through the coordinated review process multiple parties will have an opportunity to comment on the Action. This includes Dutchess County Planning which, per NY State General Municipal Law §239-m, will be formally referred a submission on the EIS.

Prior to the release of this Scoping Document, the Town Board reviewed this Project and took certain actions as a matter of public record.

5.0 Input Obtained & Considered in Preparing this Scope

The DEIS will address the potential for significant adverse environmental impacts that are reasonably anticipated and identified. Scoping focused the DEIS through identification of the potentially significant adverse impacts which the DEIS will analyze. Comments received at the scoping session and during the public comment period were directly considered.

There have been adjustments provided to the level and organization of the scope of analysis based on that input. The written comments received and a Scoping Session transcript will be available to the public and also filed in the Town Clerk's Office. Feedback from prior opportunities for public comment, were also considered in formulation of the **Final** Scoping Document. Significant comments incorporated into the **Final** Scoping Document include but are not limited to:

1. TO BE INSERTED FOLLOWING PUBLIC SCOPING SESSION
2. TO BE INSERTED FOLLOWING PUBLIC SCOPING SESSION
3. TO BE INSERTED FOLLOWING PUBLIC SCOPING SESSION

6.0 Existing Conditions, Potential Impacts & Mitigation

For each subject identified within the Town Planning Board Positive Declaration and addressed in the DEIS, there will be reasonably detailed descriptions of existing (baseline) environmental conditions. This will enable presentation of depictions of the current state of the environment along with identification of associated environmental variables and the setting. Based on the proposed development strategies, there will be examination of the potential types of impacts that may arise. Finally, for each subject, there will be identification of mitigation measures that have been initially identified which can be used to reduce or eliminate the potential for adverse environmental effects from future development.

The scale and geographic area of analysis will depend upon the potential for impacts as these relate to a particular resource type. Under each subject below, there is identification of data which will be used and the conditions that will be analyzed. Readily available sources will be utilized for analysis and will be presented for data, maps, and reports.

6.1 Ground Water

This section will identify features related ground water through a discussion of how aspects of this environment may be affected by the proposed Action. This section will present existing conditions specific to the potential use of groundwater and existing water tables. Mitigation measures will examine practicable ways to reduce undesirable effects on resources.

6.2 Habitat, Flora, Fauna

This section will include an overview of the potential habitat of the endangered Blanding's Turtle. Based on consultation with NYSDEC/ NYS Natural Heritage Program and US Fish & Wildlife Service, Blanding's Turtle habitat identified as present within or adjacent to the site will be described. The DEIS will identify the associated habitats, known factors and threats that influence conservation and management and describe BMPs available for aiding the potential conservation and management of these habitats and species.

A Blanding's Turtle habitat assessment has been conducted and will be summarized within this section.

6.3 Surface Water

This section will describe watershed geography as applicable such as NYSDEC-Wetlands 12.4 acres or more and associated Buffers; the US National Wetland Inventory (NWI) Wetlands; 100-year Floodplain; NYSDEC Streams (Article 15); and County-regulated streams. The baseline will identify stream/waterbody classifications per NYSDEC standards. Information will be derived from NYSDEC's Environmental Resource Mapper, the NYS GIS Clearinghouse, Dutchess County, USGS and FEMA sources, including the Flood Insurance Study for Dutchess County, March 3, 2014. A map will depict listed wetlands, streams and floodplain. This will include a discussion of aquifers and a map, including the extent of Sole "Source Aquifers" defined per NYSDEC-spatial data, "Primary Water Supply Aquifer" as defined by NYSDEC. Wetland delineations conducted and resulting correspondence with NYSDEC will be included.

This section will summarize existing local and regional resource management laws, including a U.S. Environmental Protection Agency (EPA)-defined Environmentally Sensitive Areas (ESAs) standard. Generally, analysis will rely on generic information about the potential presence of the water resource features analyzed.

There will be presentation of proposed stormwater management strategies on site. The DEIS will examine measures proposed for managing and promoting water quality and managed storm flows. This will include a discussion of BMPs, including green infrastructure deployment consistent with

local policy, SPDES General Permit GP-0-15-002, and the latest edition of New York State Stormwater Design Manual. A focus will be on measures to ensure that post-development runoff peaks will be at or below pre-development peaks along with methods for maximizing onsite recharge.

6.4 Community Character

Existing land use and general settlement patterns will be summarized in this section to describe the existing character and the visual appearance of adjacent locations within ½ mile of the proposed site. This section will also describe the community character and appearance in the general vicinity, including notable individual land uses.

An existing conditions overview will describe existing community character in the areas adjacent to the proposed Action and within the Highway Business (HI) and Airport Industrial (AI) zoning districts. Potential measures to mitigate identified impacts to the greatest extent practicable will be identified.

6.5 Community Plans

The section will summarize relevant planning documents and relevant portions of local planning and zoning policies, such as the adopted zoning code and the Highway Business (HI) and Airport Industrial (AI) zoning districts, to understand Town's approach to managing community and regional character within and adjacent to the proposed project site. A discussion about how the proposed Action may or may not align with community plans will occur. This will include an identification of possible mitigate measures to minimize potential impacts.

6.6 Transportation Systems

This section will evaluate existing transportation systems and identify potential impacts resulting from the proposed action related to future traffic growth, emergency vehicle access and evacuation routes in and around NYS Route 9. The site access points will be described. This section will also include a description of the facility operational procedures related to deliveries, training and hours of operation. Potential mitigation measures will be identified.

6.7 Human Health

This section will describe the operational procedures and safety features associated with the proposed Action. A Fire Safety Analysis has been conducted in June 2020 and revised in September 2021 to reflect buried tanks. A summary of this analysis will be included to examine the potential impact on an emergency response associated with the storage of hazardous materials related to emergency vehicle access (See Transportation Systems) and the adequacy of the proposed water storage facility for fire suppression. Potential mitigation will be described. Coordination with the Hughsonville Fire District will occur as part of this evaluation.

7.0 Alternatives

The DEIS will describe and evaluate alternatives for the proposed Action. Each alternative would likely cause different impacts; therefore, each Alternative will be reviewed in terms of the

potential significant adverse impacts and corresponding mitigation. The description and evaluation of each Alternative will be at a level of detail sufficient to enable comparisons and contrasts among the Alternatives.

The following Alternatives will be included in the DEIS:

7.1 No Action

This approach will analyze a scenario wherein no liquid storage facility is constructed and the site would remain unchanged from the current existing arrangement (status-quo).

7.2 Above Ground Storage Facility

This Alternative will include an evaluation of an above ground storage facility which plan was previously submitted by the Project Sponsor and later supplemented with below ground storage of material

8.0 Summary of Impacts & Mitigation

8.1 Growth Inducing Impacts

The DEIS will assess potential growth inducing impacts as a result of the proposed Action on the community and the adjacent region. These represent physical, economic, or other changes in the environment, which directly or indirectly may occur as a result of this Action. The Summary of Impacts & Mitigation in the DEIS will review the possibility of growth inducing impacts occurrence and the potential severity.

8.2 Cumulative Impacts

This section will consider cumulative impacts that could reasonably be experienced under the Alternatives due to additive or synergistic effects. It will examine how potential cumulative impacts may cause adverse effects. It will discuss ways to minimize or avoid any such impacts.

8.3 Irreversible & Irretrievable Commitment of Resources

This section will address resource commitments which will occur as a result of the Action that cannot be avoided.

8.4 Identified Unavoidable Adverse Impacts

This will address any identified unavoidable impacts. It will discuss the magnitude of these impacts in association with implementation of the Action.

8.5 Summary of Impacts and Mitigation

This part of the DEIS will summarize potentially significant impacts that may arise should the Action be implemented. This section will also summarize methods to mitigate potential significant impacts.

9.0 DEIS Appendices

This section identifies information that is planned for inclusion in an Appendix rather than in the main body of the DEIS. The DEIS appendices will contain data and information used in preparing the DEIS. The key findings arising from such data and information will be distilled in the main body of the DEIS.

Documents anticipated for inclusion in the Appendix are:

- 1) Draft Site Plans
- 2) Stormwater Pollution Prevention Plan (SWPPP)
- 3) Wetlands Delineation
- 4) Blanding's Turtle Habitat Assessment
- 5) Operational Procedures, Safety Features
- 6) Fire Safety Analysis
- 7) Agency Correspondence
- 8) Draft Scope and appurtenant information
- 9) Final Adopted Scope
- 10) Documentation of public comments including a summary of the public scoping session

Additional studies or process documentation may be included in the Appendix.