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MEMORANDUM

<i>To:</i>	Bruce M. Flower, Chairman And the Town of Wappinger Planning Board	<i>Date:</i>	2/3/2023
<i>From:</i>	Malcolm M. Simpson	<i>Project:</i>	Downey Energy
<i>cc:</i>	James Horan, Barbara Roberti, Bea Ogunti		
<i>Subject:</i>	Final Scoping Document for the Downey Energy Draft Environmental Impact Statement		

As requested, we reviewed the Draft Scoping Document submitted by Jaclyn Hakes of MJ Engineering, (Planner for the Applicant” and we have made modifications to incorporate the comments made by the public at the 1/18/23 Public Scoping Session held at Wappinger Town Hall. The following is a draft of the Final Scoping Document for your consideration.

Introduction

The Town of Wappinger Planning Board has received an application from Downey Energy (the “Applicant”) for Special Use Permit and Amended Site Development Plan Approvals to construct a liquid propane storage facility consisting of two 45,000-gallon buried storage tanks along with a separate utility building. The Applicant is also seeking a zoning text amendment from the Town Board to introduce the proposed use in the Highway Business (HB) and Airport Industrial (AI) zoning districts for the establishment of a liquid propane storage facility (the “Proposed Action” or “Project”). The Proposed Action would be located at 199 Old Route 9, Town of Wappinger, Dutchess County, and designated on the Town tax maps as 6156-02-763656 (the “Site” or “Subject Property”).

Pursuant to the rules and regulations of the State Environmental Quality Review Act (SEQRA, Article 8 of the Environmental Conservation Law and its implementing regulations at 6 NYCRR 617), the Town of Wappinger Planning Board (the “Planning Board”), acting as Lead Agency has determined that the Proposed Project and Proposed Zoning (together, the “Proposed Action”) have the potential to result in one or more significant environmental impacts. To identify appropriate measures to mitigate potential impacts, and allow the public the greatest opportunity to comment on the potential impacts of the Proposed Action, the Planning Board adopted a “Positive Declaration” on April 4, 2022 requiring the preparation of an Environmental Impact Statement (EIS). This Scoping Document was prepared to guide in the preparation of the Draft EIS (DEIS), and describes the Proposed Action, the approvals required for implementation of the Proposed Action and the proposed scope of analysis for the DEIS.

Description of the Proposed Action

The Proposed Action evaluated in the DEIS includes (1) the Applicant’s petition to amend the zoning text by adding ‘Liquid Propane Storage Facilities (§ 240-81.9), a new special permit and a new use under the heading ‘Warehouse and Storage’ in the Schedule of Use Regulations – Nonresidential Districts (the “Proposed Zoning”), (2) approval of a special permit for the location of a Liquid Propane Storage Facility at the Subject Property and the approval of the physical redevelopment of the Project Site in accordance with the submitted Site Plans inclusive of all state, county and local discretionary approvals necessary for the proposed development (the “Proposed Project”). Together, the Proposed Zoning and the Proposed Project constitute the “Proposed Action.” As both actions are interrelated, the potential environmental impacts of both actions will be evaluated in the DEIS pursuant to Section 617.3(g) of the SEQRA regulations.

Proposed Zoning

On April 22, 2019, the Applicant petitioned the Town Board of Wappinger for certain zoning amendments to facilitate the development of the Proposed Action. Based on comments made by the Town Board, Planning Board, Town staff, and consultants, the proposed Local Law has been revised since its original submittal (see **Attachment 1** for the Applicant’s current proposed zoning). The Proposed Zoning would amend the zoning text by adding ‘Liquid Propane Storage Facilities (§

240-81.9), a new special permit and a new use under the heading 'Warehouse and Storage' in the Schedule of Use Regulations – Nonresidential Districts with the following criteria:

- A. The minimum lot area for this use shall be 5 acres.
- B. The lot on which the facility is located shall not have vehicular access to NYS Route 9.
- C. The minimum setback between the tanks and all side and rear property lines, and between the tanks and any on-site building(s) shall be 75 feet. The minimum front yard setback for the tanks and for any on-site building(s) shall be 100 feet. The minimum distance between tanks shall be 10 feet but the distance must also comply with the National Fire Protection Association 58 Edition 2014 Code separation requirements.
- D. All tanks shall be located above ground and shall be designed to American Society of Mechanical Engineers standards. The tanks shall be surrounded by bollards which are no more than 6 feet from bollard to bollard. Further, the construction and operation of the facility shall follow the National Fire Protection Association 58 Edition 2014 Code for Liquefied Petroleum Gas or the current equivalent, as well as all other applicable state and federal requirements.
- E. All personnel at the site shall have successfully completed a Certified Employee Training Program for the propane industry.
- F. The facility shall be completely enclosed by a 6-foot high security fence with locked gates at all access points.
- G. Site lighting shall conform to the standards in this chapter and may include lower-level overnight security lighting as deemed appropriate by the Planning Board.
- H. There shall be no retail sale of product on the premises.
- I. There shall be no outdoor storage of equipment or materials on the site.
- J. The use shall be screened from adjoining streets and properties to the extent deemed appropriate by the Planning Board.

- K. The owner of the facility shall be obligated to provide annual training to local emergency services personnel relative to appropriate responses by said personnel in case of an emergency at the site.

Proposed Project

The Proposed Project would include the construction of a liquid propane storage facility consisting of two 45,000 gallon buried tanks, a separate utility building, a perimeter fence, and two points of access on Old Route 9 (see **Attachment 2** for the Applicant's current proposed site plan).

Purpose and Need

The Proposed Project would create a productive use for the owner and the Site's various property taxing jurisdictions. According to the Applicant, the Proposed Project would also serve a market need.

Required Approvals

The Proposed Action requires the approvals listed below. The agencies responsible for those approvals are considered "Involved Agencies" pursuant to SEQRA.

Table 1
Required Approvals

Reviewing Agency	Approval Required
Town of Wappinger Planning Board	Site Plan Approval
	Special Permit Approval
	Wetland/ Watercourse Buffer Disturbance Permit
	MS4/ SWPPP Approval
Town of Wappinger Town Board	Adopt Local Law for Zoning Text
Town of Wappinger Highway Department	Driveway Permit
Town of Wappinger Building Department	Building Permit
New York State Department of Environmental Conservation (NYSDEC)	Wetland Permit
Dutchess County Department of Health	Water Supply and Sewage Disposal

Pursuant to General Municipal Law §239-m, the Proposed Zoning, Special Permit and Site Plan must also be referred to the Dutchess County Planning Department for comment.

Interested Agencies

Table 2

Interested Agencies
New York State Department of Transportation (NYSDOT)
Dutchess County Department of Public Works
Hughsonville Fire District
New Hackensack Fire District

Potential Environmental Impacts

The SEQRA Determination of Significance adopted by the Planning Board found that the Proposed Action, when compared to the SEQR criteria of environmental effects listed in Section 617.7 of the SEQR regulations, may have significant impacts on the environment by virtue of the following, which potential should be assessed in a DEIS.

1. Surface Water: The Proposed Action may have a significant adverse environmental impact on surface water quality or quantity.
 - a. As specified in the Full Environmental Assessment Form, a substantial wetland exists adjacent to the subject property as well as flood plains and the potential habitat of the endangered Blanding's Turtle. The Planning Board believes that the potential may exist for contamination of the water table and/or wetland due to seepage and/or stormwater runoff of the accidental spillage or leakage of propane.
2. Groundwater: The Proposed Action may have a significant adverse environmental impact on groundwater quality or quantity.

As specified in the Full Environmental Assessment Form, not only will the proposed action require additional use of ground water, but a substantial wetland exists adjacent to the subject property as well as flood plains and the potential habitat of the endangered Blanding's Turtle. The Planning Board believes that the potential may exist for contamination of the water table and/or wetland due to seepage and/or stormwater runoff of the accidental spillage or leakage of propane.

3. Vegetation: The Proposed Action may have a significant adverse impact on vegetation.
 - a. As specified in the Full Environmental Assessment Form, a substantial wetland exists adjacent to the subject property as well as flood plains and the potential habitat of the endangered Blanding's Turtle. The Planning Board believes that the potential may exist for contamination of the water table and/or wetland due to seepage and/or stormwater runoff of the accidental spillage or leakage of propane.
4. Transportation: The Proposed Action may have a significant adverse environmental impact on transportation.

- a. The Planning Board is concerned that a propane leak from the proposed site storage facility or in the transportation to or from the proposed site storage facility could cause an emergency situation that would affect the traffic on and around NYS Route 9 and require an emergency evacuation of the surrounding area. The Planning Board feels that there has not been sufficient analysis into the implications of the effects on traffic an emergency situation would cause nor has enough study been conducted to demonstrate an emergency evacuation of the surrounding area could be conducted effectively and that would thereby potentially cause a significant adverse impact to existing transportation systems.
5. Human Health: The Proposed Action may have a significant adverse environmental impact on human health.
 - a. The Planning Board believes that the potential may exist for a significant emergency requiring emergency response associated with the storage of hazardous materials. Due to limited access points, the challenging topography of the Site, the lack of a municipal water supply on Site, the adequacy of the proposed water storage facility on site for the purposes of fire suppression, and the capabilities and available equipment of emergency responders, the Planning Board is concerned that an emergency would not be able to be suitably responded to and that the proposed propane storage facility would thereby potentially cause significant adverse impairment to human health by creating a potential emergency situation that could not be adequately responded to.
6. Consistency with Community Plans: The Proposed Action may have a significant adverse environmental impact because it is inconsistent with some of the adopted community plans.
 - a. The Planning Board believes that there may be conflict between the zoning change proposed to allow the use of propane storage facility in the Highway Business (HB) and Airport Industrial (AI) zoning districts and existing land use plans. The Planning Board feels that there has not been sufficient analysis of the wide-reaching implications such a zoning change could carry and that would thereby potentially cause significant adverse impairment to the existing land use and community plans.

7. Consistency with Community Character: The Proposed Action may have a significant adverse environmental impact because it is inconsistent with community character.
 - a. The Planning Board believes that the potential may exist for a significant impact to character and quality of existing communities associated with the zoning change proposed to allow the use of propane storage facility in the Highway Business (HB) and Airport Industrial (AI) zoning districts. The Planning Board feels that there has not been sufficient analysis of the wide-reaching implications such a zoning change could carry and that would thereby potentially cause significant adverse impairment to the character or quality of the existing community.

Required Elements of the DEIS

The DEIS shall contain all elements required by 6 NYCRR 617.9(b)(5)(i)-(viii).

Organization and Content of the DEIS

COVER SHEET AND GENERAL INFORMATION

The Cover Sheet shall identify: the name of the Proposed Action; its location; the name, address, and phone number of the Lead Agency and the name of its contact person; the names, and addresses of all preparers of the DEIS and the names of their contact persons; the document as a DEIS; the Date of Acceptance of the DEIS by the Lead Agency; the date of the Public Hearing and the opening and closing dates of the Public Comment Period.

Additional information, to be provided on pages following the Cover Sheet, shall list the name(s) and address(es) of all consultants involved in the preparation of the DEIS reports, information and analyses; their respective roles, the names and phone numbers of their contact persons.

The DEIS shall include a list of all Involved and Interested Agencies to which copies of the DEIS and supporting material will be distributed.

A Table of Contents followed by a List of Tables, a List of Figures, and a list of the contents of the appendix of attachments shall be provided.

1. EXECUTIVE SUMMARY

1.1. INTRODUCTION, PURPOSE OF DOCUMENT

1.2. SUMMARY DESCRIPTION OF THE SITE AND ITS ENVIRONMENTAL SETTING

1.3. SUMMARY DESCRIPTION OF THE PROPOSED ACTION

1.3.1. *Proposed Zoning*

Describe the existing Site zoning and the Proposed Zoning.

1.3.2. *Proposed Project*

Describe the Proposed Plans to developed for the Site.

1.4. SUMMARY STATEMENT OF PROJECT PURPOSE AND NEED

- Productive Use for Owner and Taxing Jurisdictions

1.5. SUMMARY OF ENVIRONMENTAL IMPACTS IDENTIFIED IN EACH SUBJECT AREA OF THE POSITIVE DECLARATION

1.6. SUMMARY OF MITIGATION MEASURES PROPOSED FOR SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS IDENTIFIED IN THE POSITIVE DECLARATION

1.7. SUMMARY DESCRIPTION OF ALL ALTERNATIVES ANALYZED

1.8. LIST OF ALL APPROVALS REQUIRED

2. PROJECT DESCRIPTION

2.1. PROJECT IDENTIFICATION

The introduction should identify the document as the DEIS for the Proposed Action, inclusive of the Proposed Project and Proposed Zoning, and should describe the location and main programmatic and operational elements of the Proposed Action.

2.2. PROJECT SITE

Identify and describe the current condition and environmental setting of the Project Site in text and graphics, including the Site's location, access, improvements, and relationship to adjacent zoning and land uses. This section shall also describe the main environmental setting of the Project Site, including existing vegetation, wetlands, steep slopes, soils, geology, topography, hydrology, zoning, community plans, and the surrounding transportation network. This section will include an existing conditions topographic survey of the site.

2.3. PROPOSED ZONING

Identify and describe the zoning text amendments requested, and contrast and compare the zoning requirements proposed to the details of the Site Plans proposed and to the current zoning of the Site.

2.4. PROPOSED PROJECT

2.4.1. *New Buildings and Uses*

Describe in text and graphics the Proposed Project, including all the uses and buildings proposed. Site plans, floor plans, and elevations of all buildings and Site improvements should be included in this section.

2.4.2. *Site Operation*

Describe the proposed method of ownership and control of the Site, and the operations of all components of the development in detail. Describe and quantify all staff required

for all uses, personal and transportation service of the Site, building and infrastructure maintenance, landscape and site maintenance, and describe employee shifts, hours and days of service for all operations and services employees on the site.

Provide monthly weekly, or daily schedules, as appropriate, and hourly arrival and departure times for all supply and material deliveries and removals from the site for all services and operations provided. Describe all the vehicle types and sizes expected to perform deliveries and removals at the site during operation of the facility.

2.4.3. *Parking and Circulation*

Describe the vehicular circulation and parking proposed for the Proposed Project.

2.4.4. *Proposed Landscaping Plan*

Describe and discuss the elements of the landscape plan for the Proposed Project, including plantings to improve wetland buffers affected by construction and removal of mature vegetation, plantings to protect undisturbed areas of the site for improvement of wildlife habitat/corridors adjacent to or on the site.

2.4.5. *Grading, Drainage, and Stormwater Management Plans*

Describe and discuss the elements of the conceptual grading, drainage and stormwater management plans. Describe and discuss how these plans affect the environmental resources on the site and avoid or minimize impacts.

Discuss, in detail, the changes these plans will make to the existing topography, drainage patterns and stormwater flow on the site. Discuss flood protection, drainage to adjacent sites, drainage from adjacent sites, cut and fill, disturbance to steep slopes and the creation of new steep slopes. Provide before and after steep slopes analyses plans of the site.

2.4.6. *Improvements to On-Site Water and Sewer Infrastructure*

Describe and discuss the current condition of the on-site potable water and sewer infrastructure, and the changes to these infrastructure systems included in the Proposed Project.

2.5. PURPOSE AND NEED

Describe in detail the Applicant's purpose and need for the Proposed Action.

2.6. REQUIRED APPROVALS

List the approvals required by Federal, State, County, and Town agencies.

3. LAND USE, PUBLIC POLICY, AND ZONING

3.1. INTRODUCTION

Summarize the land use, public policy, zoning issues, and potential impacts to be presented and analyzed in the section, and the zoning and land uses proposed for the site. Identify and discuss the applicable public policies to be reviewed and analyzed, including those of New York State, Dutchess County, and the Town of Wappinger.

3.2. ZONING AND LAND USE

3.2.1. *Current Conditions*

Describe the existing zoning and land uses of the Project Site and study area within 1/2-mile of the Project Site. Describe the history of land use approvals for the Project Site. Describe all existing easements, covenants and restrictions on the Project Site.

3.2.2. *Potential Impacts of the Proposed Action*

Describe the compatibility and differences of the Proposed Zoning with existing zoning on the Site and the zoning within 1/2-mile of the Project Site.

Describe the compatibility and differences of the land uses of the Proposed Plan with existing land uses within 1/2-mile of the Project Site.

Analyze the compatibility and differences of the Proposed Action (i.e., the Proposed Zoning and Proposed Project) with the legislative intent and requirements of the existing zoning districts proposed to be modified and the existing development within those districts.

Analyze the conformance and differences of the Proposed Action (Zoning and Project) with other existing Town zoning, land use and site plan requirements.

Identify other properties in the Town of Wappinger that could be developed/redeveloped under the Proposed Zoning as currently drafted.

3.3. PUBLIC POLICY

Analyze consistency and differences of the Proposed Action with the:

3.3.1. *Town's Comprehensive Plan*

3.3.2. *Applicable Policy and Planning Documents of Dutchess County*

3.4. MITIGATION

Describe the zoning and project changes that would reduce or eliminate the significant adverse impacts of the Proposed Action on zoning, public policy and land use. Describe measures that would mitigate any impacts not reduced or eliminated. Describe any amendments to the text of the proposed local law that would reduce or eliminate the significant adverse impacts of the Proposed Action.

4. GEOLOGY, SOILS, TOPOGRAPHY

4.1. INTRODUCTION

Summarize the existing conditions regarding the geology, soils and topography of the site within the context of a surrounding area of a ¼ mile. Summarize the disturbance to subsurface geology, and site soils and topography caused by the Proposed Project. Summarize the potential impacts of the Proposed Project and how the Proposed Project avoids or minimizes the impacts. Summarize proposed measures to mitigate the impacts that are not avoided or minimized.

4.2. EXISTING CONDITIONS

Identify the soil mapping units present on the Project Site using the Natural Resources Conservation Service (NRCS) Soils Survey. Identify the topographical conditions on the Project Site using a site-specific topographical survey and discuss this topography within the context of the surrounding area (1/4 mile). Categorize the steep slopes of the Site, if any. Discuss the location and elevation of the water table and the locations where the water table elevation is at 3 feet or closer to the surface of the land. Describe the methodology and results of all subsurface soil and geological investigations of the site. Map and discuss the geology and soils of the site.

4.3. POTENTIAL IMPACTS OF THE PROPOSED PROJECT

Describe and discuss how the geology, soils, topography, and the depth of the water table on the Site affect the layout, grading and construction of the Proposed Project.

Describe and discuss the estimated cut/fill required for development of the Proposed Project. Discuss how the Proposed Project avoids or minimizes the impacts of cut and fill and the loss of mature vegetation. Describe and analyze the impacts of filling and the loss of mature vegetation, on the Site.

Describe and discuss the proposed conceptual grading plan of the Proposed Project and its disturbance of existing steep slopes, and creation of new steep slopes on the site. Provide graphic analyses of the existing and proposed steep slopes if appropriate. Discuss how the Proposed Plan avoids or minimizes the impacts of disturbing and creating steep slopes.

Describe the construction of proposed subsurface structures with the subsurface conditions of the site, including blasting and rock removal, cut and filling, on-site processing of excavated materials, and dewatering. Based on the results of the subsurface investigations, the elevation of the water table, the presence of subsurface rock, and the cut and filling proposed, analyze the suitability of the Site for the Proposed Plans.

Describe and analyze the potential impacts to groundwater and soils, including whether such impact is permanent or temporary, that could be associated with construction, operation, or an emergency situation, including but not limited to, a tank leak.

Identify the measures included in the Proposed Project (e.g., Erosion and Sediment Control Plan) to minimize or eliminate the potential for adverse impacts to geology, soils, and topography from construction of the Proposed Project.

4.4. MITIGATION MEASURES

Identify and describe measures that would mitigate any adverse impacts not minimized or eliminated.

5. WATERS AND WETLANDS

5.1. INTRODUCTION

Summarize the results of the existing conditions survey, and the wetlands delineations and functional analyses. Wetland delineations will be performed in accordance with the definition of wetlands and the delineation methodology requirements of Chapter 137 of the Wappinger Code. Summarize the disturbance to streams, flood plains, wetlands and wetland buffers caused by the Proposed Project. Summarize the potential impacts of the Proposed Project and how the Plan avoids or minimizes the impacts. Summarize proposed mitigation measures.

5.2. EXISTING CONDITIONS

Identify and describe on-Site streams, wetlands, and wetlands buffers meeting the definitions of Chapter 137 of the Town Code.

Identify and describe streams, flood plains, wetlands, and wetlands buffers meeting the definitions of Chapter 137 of the Town Code or under the jurisdiction of NYS DEC or the US Army Corps of Engineers and are within a ¼ mile of the Project Site.

Based on delineations and functional analyses, describe and discuss the existing conditions of, and existing encroachments into, the streams, wetlands, and wetland buffers on the site and near the site.

Discuss the existing drainage related to wetlands on neighboring properties.

5.3. POTENTIAL IMPACTS OF THE PROPOSED PROJECT

Based on delineations and functional analyses, describe and discuss the Proposed Plan encroachments into wetlands, streams, flood plains, and wetland and stream buffers. Discuss proposed grading, drainage and stormwater management and the effect of these on the hydrology of the wetlands and streams. Discuss and quantify the disturbance and alterations of wetlands, and wetland and stream buffers of the PUD Concept Plans, including grading, changes to vegetation, and loss of mature buffer vegetation due to grading and filling. Quantify and describe proposed impervious surface coverage and land disturbance for grading or other construction within wetlands, and wetland and stream buffers.

Discuss the proposed drainage changes related to wetlands on neighboring properties.

Describe the direct and indirect impacts of the Proposed Project, including construction, operation, and emergency situations, including but limited to, tank leaks, to the on-Site and off-site wetlands, streams, flood plains, and stream and wetland buffers.

5.4 MITIGATION MEASURES

Describe and discuss compliance of the Proposed Project with the requirements of Chapter 137 of the Wappinger Code as well as the regulations of the NYS DEC and the USACOE. Discuss how the Proposed Plan minimizes and avoids direct and indirect impacts to wetlands and wetlands buffers, including loss or disturbance of buffers, and changes to the hydrology or functionality of buffers, streams and wetlands on and off the site. Describe the proposed mitigation measures for impacts that cannot be avoided or minimized with the requirements of Chapter 137.

Describe the permit(s) required for work in wetlands and wetland buffers and analyze the consistency of the Proposed Project with the criteria for granting a wetland/buffer permit if required.

6. STORMWATER MANAGEMENT

6.1. INTRODUCTION

Summarize the existing conditions, the analysis of the potential impacts of the Proposed Project, and measures proposed to mitigate impacts resulting from the Proposed Project in regards to stormwater management.

6.2. EXISTING CONDITIONS

Identify, describe, and illustrate with one or more figures, the existing drainage patterns on the Site and within surrounding off-Site areas located within the same drainage basin(s).

6.3. POTENTIAL IMPACTS OF THE PROPOSED PROJECT

Summarize the preliminary Stormwater Pollution Prevention Plan (SWPPP) for the Site. Describe the green infrastructure included in the Proposed Project and water-quality measures to be provided.

Provide soil testing to determine the infiltration characteristics, groundwater elevations and the presence of ledge rock to determine the stormwater practices that are feasible as per the current NYSDEC Stormwater Management Design Manual

Describe the SWPPP's compliance with the Town Code.

6.4. MITIGATION MEASURES

Describe measures, if any, which will be implemented to mitigate potentially adverse impacts resulting from the Proposed Project that would not otherwise be mitigated through implementation of the SWPPP.

7. VEGETATION AND WILDLIFE

7.1. INTRODUCTION

Summarize the existing conditions, the tree survey, tree preservation plan, vegetation to be removed, and existing wildlife on the site. Summarize how the Proposed Plan minimizes and avoids removal of mature trees and vegetation from the site, preserves existing trees, and minimizes long-term effects to wildlife. Discuss short and long-term displacement of wildlife during and after construction.

Summarize the potential impacts of the Proposed Project, and measures proposed to mitigate impacts that cannot be avoided or minimized.

7.2. EXISTING CONDITIONS

Identify and characterize on-Site habitat types and typical wildlife to be found. Discuss the adjacent area habitat and its potential to be a corridor for wildlife.

Prepare a tree inventory and tree preservation plan of the Project Site that identifies the species, location, size, and condition of regulated trees as defined by the Town Code. Indicate the trees to be removed and the trees to remain that will be protected during construction.

Describe the rare, threatened, or endangered species, or species of special concern located within or adjacent to the Project Site.

7.3. POTENTIAL IMPACTS OF THE PROPOSED PROJECT

Describe changes to on-Site vegetation and habitat that would be created by the Proposed Plans, and potential short-term and long-term impacts to wildlife from the Proposed Project in construction, operation, and an emergency situation, including but not limited to, a tank leak.

Identify impacts to on-Site surveyed trees and to other vegetation on the site. Describe and discuss the long-term and short-term impacts of vegetation and tree removal.

Identify impacts to rare, threatened, or endangered species, or species of special concern located within or adjacent to the Project Site.

7.4. MITIGATION MEASURES

Describe In detail proposed mitigation measures for long and short-term impacts to wildlife and to rare, threatened, or endangered species, or species of special concern located within or adjacent to the Project Site.

Discuss the measures included in the Proposed Plans related to plantings to mitigate the removal of mature trees and other vegetation. Discuss tree sizes at planting, use of native species and species beneficial to wildlife, areas to be naturalized and areas to be restored. Discuss the number and species of trees to be planted in the Proposed Project.

Discuss how the mitigation plantings will be monitored and maintained post-construction.

Describe the protective measures to be undertaken to avoid or correct impacts to on-Site trees that are proposed to remain.

8. COMMUNITY CHARACTER

8.1. INTRODUCTION

Summarize existing conditions survey, the existing visual resources and community character of the site and the surrounding area. Summarize how the Proposed Plan and the Proposed Zoning minimizes and avoids impacts to community character of the surrounding area (1/2 mile) and areas affected by the Proposed Zoning. Summarize the potential impacts of the Proposed Project, and the measures proposed to mitigate the community character impacts of the Proposed Project that cannot be avoided or minimized.

8.2. EXISTING CONDITIONS

Describe, and document with photographs, the visual and architectural character, and scale of the buildings and properties in the immediate neighborhood within 1/2-mile of the project site. Identify and discuss building types, building heights, building scale, and provide a “figure field” graphic to show building coverage for parcels in the immediate neighborhood within 1/2-mile of the project site. Describe and characterize the mix of properties within such neighborhood (for example, single family residential, municipal, commercial, etc.), including those that are open space.

Describe with text and images the visual and architectural character other buildings and developments in the Town that correspond to the Proposed Zoning and the Proposed Plan.

8.3. POTENTIAL IMPACTS

Identify and analyze the potential impacts of the Proposed Project to the community character of the surrounding area related to the building and improvement types, scale, mass, height, and the compatibility of the use with surrounding community character. Discuss in detail how the Proposed Project minimizes and avoids impacts to the visual resources and the community character of the surrounding area.

8.4 MITIGATION MEASURES

Identify and describe the proposed measures to mitigate adverse community character impacts of the Proposed Project.

9. HUMAN HEALTH

9.1. INTRODUCTION

Summarize the existing conditions survey, the analysis of the potential impacts of the Proposed Project, and measures proposed to mitigate impacts from the Proposed Project on human health.

9.2. EXISTING CONDITIONS

Summarize the existing conditions of the surrounding area and the surrounding land uses and how they impact the context of human health in the surrounding area (1/2 mile).

9.3. POTENTIAL IMPACTS

Discuss the potential impacts of the Proposed Action on human health.

Describe potential emergency situations associated with the Proposed Action including but not limited to tank leaks and BLEVE explosions and the impacts those scenarios would have on human health.

Discuss the Fire Safety Analysis conducted for the Proposed Action.

Identify all regulatory approvals that are required by federal and state agencies for the operation of the facility, including transportation of propane to and from the site.

9.4. MITIGATION MEASURES

Describe the mitigation measures of the Proposed Action intended to reduce impact and risk on human health and what impact and risk cannot be mitigated against.

10. EMERGENCY SERVICES

10.1. INTRODUCTION

Summarize the existing conditions, the analysis of the potential impacts of the Proposed Project, and measures proposed to mitigate impacts from the Proposed Project.

10.2. EMERGENCY SERVICES RESPONSE

10.2.1. *Existing Conditions*

Generally describe the call history of Police, Fire, and EMS to the Project Site and other buildings within 1 mile of the Project Site for the last three (3) years based on information provided by the relevant service providers. Include type of call and the service provided. Describe existing staffing, budgets, equipment inventory, call volume and services provided for the Police, Fire and EMS Departments in the Town of Wappinger.

10.2.2. *Future without the Proposed Project*

Describe and analyze potential changes to the services provided, the number of calls and other relevant changes to the Town's emergency service providers that are expected

to occur in the Future without the Proposed Project based on information provided by the Town.

9.2.3. *Potential Impacts of the Proposed Project*

Through consultation with the Police, Fire, and EMS departments, determine the potential impacts of the Proposed Project to the departments as well as the ability of the departments to respond to the Proposed Project. Discuss and quantify the potential for an increased number of calls, different types of services, increased staffing, higher costs, and the need for more or different equipment and vehicles.

Information regarding the call-histories of other comparable facilities in the Town as well as Dutchess, Putnam and Orange Counties and other jurisdictions identified by the Applicant. A comparable facility will, to the extent practicable, be a local facility with similar operational services, storage capacity, vehicle trips and scale.

Describe the services required and operational response to critical failures in proposed infrastructure. This section will include discussion of worse case scenarios, the required response by emergency services as compared to the capabilities of local emergency services, and the regional response that would be required to address emergency.

Describe the availability of potable water for the purposes of fire suppression, quantities and pressures required for various emergency scenarios, and the proximity of fire suppression water access to the location of potential emergencies.

9.2.4. *Mitigation Measures*

Describe the measures required to mitigate significant adverse impacts of the Proposed Project to the ability of the Town's emergency services to respond to the Project Site in both normal operations and emergency situations. This section shall identify and quantify the potential municipal costs that may be incurred to serve the Proposed Project and compare these costs to the estimated increase in taxes and fees estimated to be generated by the Proposed Project.

9.2.5. *Emergency Services Access and Response*

Discuss and demonstrate graphically, code compliant access to all on-Site buildings and facilities for emergency service vehicles, fire department apparatus, and emergency service personnel. Include information showing the Proposed Project is capable of compliance with national standards for fire-fighting.

Graphic demonstration of compliance will superimpose the fire department apparatus manufacturers' recommended turning radii on the Site Plan. Demonstrate graphically the geographic and spatial scale of identified emergency scenarios and how those scenarios would be accessed by emergency services. In consultation with fire department, identify any specialized equipment needed to facilitate firefighting operations at the Proposed Project. Provide a list of the equipment needed that is not currently held by the department.

Analyze the feasibility and the adequacy of the secondary access to the Project Site for emergency vehicles as proposed on the Site Plans.

Demonstrate graphically and describe evacuation scenarios associated with identified emergency situations and how those evacuation would operate without conflicting with emergency service access.

Identify any accepted procedures or regulations for responding to emergency situations at the Project Site.

11. TRAFFIC AND TRANSPORTATION

11.1. INTRODUCTION

Summarize the project in terms of location, land use, size and expected build year. Summarize the existing conditions survey, the analysis of the potential impacts of the Proposed Project, and measures proposed to mitigate impacts from the Proposed Project on the traffic and transportation systems.

11.2. METHODOLOGY

Describe the methodology used to evaluate the potential impacts of the Proposed Project on Traffic and Transportation. This includes stating the steps taken in the analysis. A typical traffic study for a development includes assessing and describing the Proposed Development, level of service comparison analysis of the existing conditions, the expected no-build conditions for the design year (background traffic volumes including other approved developments) and the build conditions. Also, the traffic study typically includes an analysis of the vehicle crash data, the available sight lines and any proposed mitigation measures if needed. The methodology is described in detail in the remaining sections of this Chapter.

11.3. EXISTING CONDITIONS

- Identify the Study Area for the Proposed Development (the area that will be impacted by the Proposed Development).
- Conduct a roadway inventory to account for lane configurations, traffic control, posted speed limits, parking restrictions and sight lines within the Study Area.
- Conduct traffic volume counts for each existing and any proposed intersection within the study area by vehicle classification during a typical weekday morning and afternoon; summarize and analyze data, identify peak hour volumes, peak hour factors, the percentage of trucks.
- Conduct a minimum 3-day bi-directional speed study at the proposed exit driveway on Old Route 9 using automated traffic recorders.
- Obtain signal timing plans for any signalized intersections within the Study Area.

- Model the network for existing conditions utilizing SYNCHRO 11 software, accounting for other developments the growth rate in the area. Calibrate the model according to the filed measurements. Calibrate the model according to the filed measurements. Summarize the existing Levels of Service in tabular format and include Level of Service, Delays, Volume/Capacity ratios, and storage/queuing analysis for each peak hour analyzed.
- Obtain and summarize accident data for the Study area for the latest available continuous 36 months.
- Identify any hazardous material routes within the Study Area that have been established by federal, state or local agencies and the frequency of hazardous material deliveries on those routes on a daily basis.

11.4. FUTURE CONDITIONS WITHOUT THE PROPOSED PROJECT (NO BUILD CONDITIONS)

- Obtain information for other approved developments in the area and the expected growth rate in traffic volumes in the area up to the build year. If Traffic Impact Studies (TIS) material is not provided for these other developments, trip generation will be calculated in accordance with land use and rates suggested by latest Trip Generation Manual published by the institute of Transportation Engineers (ITE). Trip assignments will also be made based on the land use and the no-build surrounding roadway system.
- Model the network for no-build conditions (estimated time of completion or design year) accounting for general growth rate in the area and any other approved developments. The design year No-Build traffic volumes will be represented by the sum of projected traffic volumes (existing volumes grown to the design year) and volumes generated by any other approved developments grown to the design year.
- Conduct capacity analysis (Level of Service) for No Build Conditions at each of the intersections (SYNCHRO Analysis) analyzed in the existing conditions. Summarize the No Build Levels of Service in tabular format, as noted above.

11.5. FUTURE CONDITIONS WITH THE PROPOSED PROJECT (BUILD CONDITIONS)

- Conduct trip generation and assignment for the Proposed Development using ITE's latest Trip Generation Manual. The Site Generated Traffic Volumes will be assigned to the roadway network based on the anticipated arrival and departure distributions.
- Model the network for build conditions utilizing SYNCHRO 11 software, to include the no-build traffic volumes plus the traffic volumes generated by the Proposed Development. These volumes will represent the Build traffic volumes. Summarize the Build Levels of Service in tabular format, as noted above.

- Obtain field measurement for the intersection sight distances for the Proposed Development and analyze the results. If available sight distances are below the minimum state requirements for the 85th percentile speed and type of vehicles analyzed, project plans may need to be revised accordingly.
- Discuss public transportation near the site and the potential for expansion of the public transportation system to serve the Project, if needed.
- Discuss how the rezoning of the parcel is impacting the future conditions in the area.

Figures shall be prepared, including tabular formats, showing the Existing, Projected, No Build, Site Generated, and Build Traffic Volumes for each of the peak hours.

11.6. MITIGATION MEASURES

Based on the results of the traffic analysis, identify improvements to the roadway network, if any, necessitated by the Proposed Project.

11.7. REGULATIONS AND EMERGENCY RESPONSE

All federal, state and town regulations regarding storage and transportation of propane must be followed and described in the Proposed Development final report. It may include a risk management and an emergency action plan in accordance with the Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA).

FEDERAL REGULATION:

On the federal level, there are several key agencies involved in propane industry oversight. The U.S. Department of Transportation (DOT) establishes requirements for the transportation of propane. The primary units within DOT that regulate the propane industry are the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Motor Carrier Safety Administration (FMCSA).

The U.S. Department of Homeland Security (DHS) handles the background checks for hazardous materials drivers which includes propane truck drivers. In addition, the Occupational Safety and Health Administration (OSHA) within the U.S. Department of Labor along with the Environmental Protection Agency (EPA), set regulations for worker and workplace safety. Furthermore, the U.S. Department of Energy (DOE), through the Energy Information Administration (EIA), provides energy statistics, prices, and other public energy information.

Discuss these regulations and how the Proposed Zoning and Proposed Plans comply with them.

STATE REGULATION

On the state level, three agencies are charged with roles and responsibilities for the propane industry: New York State Energy Research and Development Authority (NYSERDA), New York State Department of Environmental Conservation (DPS) and New York State Department of Transportation (NYSDOT).

Discuss these regulations and how the Proposed Zoning and Proposed Plans comply with them.

TOWN REGULATIONS

Discuss how the Proposed Zoning complies with the state and federal regulations discussed.

12. ALTERNATIVES

SEQRA requires a description and evaluation of a range of reasonable alternatives to the Proposed Action that are feasible, considering the objectives and capabilities of the Applicant. The description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed and a comparison with the Proposed Action.

This Chapter should provide a narrative description of each alternative listed below and should include schematic development plans for each alternative. For each alternative, this Chapter should evaluate the potential environmental impacts of each impact category addressed in the DEIS. If the impacts of the alternative for a given environmental impact category are expected to be the same as the Proposed Action, a description of why should be provided. Detailed, quantitative analyses of each environmental impact category for each alternative are not required; rather, the level of analysis should be sufficient to characterize the relevant relative difference in environmental impacts from the Proposed Project and the Proposed Action.

The alternatives section should include a table that includes all the attributes of each alternative and the Proposed Action and all the relevant data analyzed, organized for ease of comparison.

12.1. NO ACTION

This alternative analyzes the environmental impacts of not approving the Proposed Action. In this case, not approving the Proposed Action would result in the Proposed Zoning not being adopted, the Proposed Project not being implemented. This alternative will consider the existing site.

12.2. ABOVE GROUND STORAGE FACILITY

This alternative analyzes the environmental impacts of the proposed plans previously submitted by the Applicant for a similar project that featured above ground storage tanks.

12.3. MULTIPLE ACCESS POINTS

This alternative analyzes the environmental impacts of the Proposed Project should the Proposed Zoning require, and the Proposed Plans feature a secondary emergency access to the Site on a separate road than the main entrance.

12.4. MUNICIPAL WATER

This alternative analyzes the environmental impacts of the Proposed Project should the Proposed Zoning require, and the Proposed Plans feature municipal water access for the purposes of fire suppression.

13. UNAVOIDABLE ADVERSE IMPACTS

Identify those adverse environmental impacts that cannot be avoided or adequately mitigated if the Proposed Action is implemented.

14. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Identify irreversible and irretrievable commitments of environmental resources that would be associated with implementation of the Proposed Action.

15. GROWTH-INDUCING IMPACTS

Identify and analyze the growth-inducing impacts of the Proposed Action.

16. 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.

17. 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.