

State Environmental Quality Review Act  
**NEGATIVE DECLARATION**  
 Notice of Determination of Non-Significance

Date of Adoption: \_\_\_\_\_

**Implementing Regulations:** This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

**Determination:** The Town of Wappinger Planning Board, as Lead Agency, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** CarMax Wappinger

**SEQRA Status:** Unlisted Action

**Conditioned Negative Declaration:** No

**Location:** The subject property is a 7.5-acre lot located at 1105-1115 Route 9, is designated as tax lot 6156-02-664986 on the Town of Wappinger tax maps and is located within the HB Highway Business District (the "Subject Property" or "Site").

**Description of Action:** The Applicant is proposing to redevelop an existing 10,200 SF retail space and an existing 1,400 SF interior greenhouse into an auto sales establishment with a 9,040 retail component and associated car storage lots (the "Project" or "Proposed Action").

**Reasons Supporting This Determination:**

Specifically, with respect to the Proposed Action:

1. **The Proposed Action will not have a significant adverse environmental impact with respect to the construction on, or physical alteration of, the land surface of any properties.**

The Proposed Action involves approximately 6.5 acres of ground disturbance proposed to accommodate the redevelopment. The Applicant has provided a detailed Soil Erosion and Sediment Control Plan to minimize and control erosion at the time of construction.

2. **The Proposed Action will not have a significant adverse environmental impact with respect to any unique or unusual landforms.**

There are no unique or unusual landforms present in the area of the Proposed Action, and the area of the Proposed Action is not adjacent to any geological feature listed as a registered National Natural Landmark.

3. **The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies.**

The Site does contain wetlands and borders surface waters but the Proposed Action does not propose construction that would have a significant adverse environmental impact on nearby wetlands or water bodies. All development is proposed more than 100' away from the neighboring wetlands.

4. **The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or an aquifer.**

The Proposed Action would create a commercial use that has a relatively low water demand. The Site is proposed to be served by a well with a water tank reserve for fire suppression and an in-ground septic system. The septic system and well are subject to approval by the Dutchess County Department of Health.

5. **The Proposed Action will not have a significant adverse environmental impact with respect to the development of lands subject to flooding.**

Project Site does contain a 100-year flood plain on Site. However, the Proposed Action does not propose development in this area and the Project is not anticipated to have significant adverse environmental impacts regarding flooding. The Project includes a Storm Water Pollution Prevention Plan which includes a Storm Water Management Plan subject to review and approval by the Town Engineer.

6. **The Proposed Action will not have a significant adverse environmental impact on any State regulated air emission source.**

There is no State-regulated air emission source associated with the Proposed Action. The Project does not require Federal or State air emission permits and will not emit one or more greenhouse gases at or above the following levels:

- a. More than 1,000 tons/year of carbon dioxide (CO<sub>2</sub>)

- b. More than 3.5 tons/year of nitrous oxide (N<sub>2</sub>O)
- c. More than 1,000 tons/year of carbon equivalent of perfluorocarbons (PFCs)
- d. More than 0.045 tons/year of sulfur hexafluoride (SF<sub>6</sub>)
- e. More than 1,000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions
- f. More than 43 tons/year or more of methane (CH<sub>4</sub>)

The Proposed Action will not generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants or reach 50% of any of these thresholds.

The Proposed Action will not require a State air registration, or produce an emissions rate of total contaminants that exceed 5 lbs. per hour, or include a heat source capable of producing more than 10 million BTUs per hour, or reach 50% of any of these thresholds. Also, the Proposed Action will not result in the combustion or thermal treatment of more than one ton of refuse per hour.

**7. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna.**

According to the New York State Department of Environmental Conservation Environmental Resource Mapper, the project site may provide habitat for Endangered or Threatened Species, specifically the Indiana Bat and the Blanding's Turtle. Winter tree clearing between November 1 to March 31 would mitigate potential negative effects to the Bat species and the New York State Department of Conservation does not believe the Project would have an impact on the Blanding's Turtle.

**8. The Proposed Action will not have a significant adverse environmental impact on agricultural resources.**

The Site is not located within a Dutchess County Agricultural District and therefor will not have an adverse impact on agricultural resources.

**9. The Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources.**

The Proposed Action will not result in the obstruction, elimination, or significant screening of the scenic views, or be visible from any publicly accessible vantage points either seasonally nor year-around.

**10. The Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources.**

The Proposed Action is not anticipated to have a significant adverse environmental impact on historic or archaeological resources.

- 11. The Proposed Action will not have a significant adverse environmental impact with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource designated in any adopted municipal open space plan.**

The area of the Proposed Action is not designated as open space by the Town of Wappinger. The Proposed Action will not result in the loss of a current or future recreational resource, eliminate significant open space, or result in loss of an area now used informally by the community as an open space resource.

- 12. The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental Area (CEA).**

There are no Critical Environmental Areas in or adjacent to the area of the Proposed Action.

- 13. The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.**

The Proposed Action will not have a significant adverse impact on existing transportation systems. Existing traffic conditions were investigated and it was determined that the existing conditions will not be exacerbated by the Project and the design of the Project will be conducive with existing traffic conditions.

- 14. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of energy.**

It is anticipated that the existing energy infrastructure would continue to serve the Site and that enough surplus exists to meet potential demand. The Proposed Action does not require a new, or an upgrade to any existing substation.

- 15. The Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise, odors or outdoor lighting.**

Noise impacts associated with the Proposed Action will be limited to temporary impacts generated during construction. The impacts associated with noise during construction will be mitigated by limiting construction activities to the hours between 7:00 a.m. and 7:00 p.m. (Monday through Friday) and between 9:00 a.m. and 6:00 p.m. (weekends). The construction of the Proposed Action will be subject to compliance with the Town's noise regulations. There is no blasting expected with construction of the Proposed Action. Should

any blasting become necessary, it will occur in full compliance with Federal, State, County and Town laws.

The Proposed Action is not anticipated to generate any noxious odors.

The Proposed Action complies with the Town's lighting regulations with the exception of pole height. A waiver for pole height, granting an increase of height from 15 feet to 19 feet, was granted by the Planning Board on the condition that the light poles along the periphery of the Site include integral louvers to mitigate potential lighting impacts associated with glare.

**16. The Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing sources of contaminants.**

The Site does not include, or is not subject to components which could be considered impacts to public health such as site remediation, institution controls, solid waste facilities, etc.

**17. The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with adopted land use plans.**

The Proposed Action is an allowed use in the Highway Business zoning district by special permit. The conditions of the special permit have been met by the Project and the proposed use is not unique to the area. Therefore, it is not anticipated the Proposed Action would have significant adverse environmental impact as a result of being inconsistent with adopted land use plans.

**18. The Proposed Action will not have a significant adverse environmental impact as a result of being inconsistent with the existing community character.**

The Proposed Action is the same use as many other site in the immediate area. The Project was granted a waiver for certain design standards in the employee controlled lot with the understanding that the modifications to drive aisle width and parking stall width were in an employee controlled lot not accessible to the public and that the modifications to landscape island requirements were in an area of limited visibility to public view and would allow for a more efficient use of space and reduce overall disturbance and development of the Site. Therefore, it is not anticipated the Proposed Action would have significant adverse environmental impact as a result of being inconsistent with community character.

**19. The Proposed Action will not have a significant adverse environmental impact on the supply of housing in the Town.**

The Proposed Action is located in a commercial district and proposes no residential uses. It is not anticipated the Proposed Action would have significant adverse environmental impact on the supply of housing.

Based upon this information and the information in the Full Environmental Assessment Form, the Planning Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

**Lead Agency:** Town of Wappinger Planning Board  
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Wappingers Falls, New York 12590

**For Further Information:** Ms. Beatrice Ogunti, Planning Board Secretary  
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cc: Dutchess County Department of Behavioral and Community Health  
New York State Department of Environmental Conservation