

MEMORANDUM

To: Bruce M. Flower, Chairman,
and the Town of Wappinger Planning Board

Date: April 14, 2021

Subject: **Downey Energy – 199 Old Route 9 – Site Development Plan and Special Permit Review**
Tax Lot 6156-02-763656

As requested, we have reviewed the applications from Downey Energy (the “Applicant” and “Owner”) for Site Development Plan and Special Permit Approvals to construct a liquid propane storage facility consisting of two 45,000 gallon above-ground storage tanks along with a separate utility building. The Applicant is also seeking a zoning text amendment from the Town Board to allow the use of property in the Highway Business (HB) zoning district for the establishment of a liquid propane storage facility.

The Property

The property is located at 199 Old Route 9 in the southerly part of the Town, is designated 6156-02-763656 on the Town tax maps, and is zoned HB. The property is approximately 5.4 acres in size and has frontage on both Old Route 9 and Route 9 (the “Subject Property” or “Site”).

The Proposal

The Applicant is seeking Site Development Plan and Special Permit Approvals to construct a liquid propane storage facility consisting of two 45,000 gallon above-ground storage tanks along with a separate utility building. Access into the site to the propane tanks would be from Old Route 9. The use of this property as proposed would not be visible from Route 9 (the “Project” or “Proposed Action”).

Submission

The Applicant has submitted an Application for Site Plan Approval form dated 2/24/20; an Application for Special Permit Approval form dated 2/24/20; a Full Environmental Assessment Form (FEAF) dated 2/24/20; a project narrative prepared by Alfred A. Cappelli, Jr. dated 6/21/19; a report entitled, “Operational Procedures, Safety Features & Training Practices for Downey Energy Liquid Propane Bulk Facility,” prepared by Jody Pratt Amenden Energy Consulting, LLC dated 6/10/19; a report entitled, “Threatened and Endangered Species Habitat Suitability Assessment Report, Downey Energy,” prepared by Ecological Solutions, LLC, dated 7/29/19; a comment response memo prepared by Alfred Cappelli Jr. dated 3/29/21; and the following plans generally entitled, “Proposed Liquid Propane Storage Facility Downey Energy,” prepared by Alfred A. Cappelli, Jr.:

1. Sheet G-1, "Cover Sheet," dated 11/30/20, revised 3/24/21;
2. Sheet S-1, "Existing Conditions Plan," dated 11/30/20, revised 3/24/21;
3. Sheet S-2, "Site Plan," dated 11/30/20, revised 3/24/21;
4. Sheet S-3, "Detailed Site Plan," dated 11/30/20, revised 3/24/21;
5. Sheet S-4, "Grading & Drainage Plan," dated 11/30/20, revised 3/24/21;
6. Sheet S-5, "Erosion Control Plan," dated 11/30/20, revised 3/24/21;
7. Sheet S-6, "Utility Plan," dated 11/30/20, revised 2/25/21;
8. Sheet S-7, "Landscaping Plan & Notes," dated 11/30/20, revised 3/24/21;
9. Sheet S-9, "Vehicle Movement Plan," dated 11/30/20, revised 3/24/21;
10. Sheet S-10, "Site Details," dated 11/30/20, revised 3/24/21;
11. Sheet S-11, "Site Details," dated 11/30/20, revised 3/24/21;
12. Sheet S-12, "Site Details," dated 11/30/20, revised 3/24/21;
13. Sheet S-13, "Site Details," dated 11/30/20, revised 3/24/21;
14. Sheet S-14, "Site Details," dated 11/30/20, revised 3/24/21;
15. Sheet S-15, "Site Details," dated 11/30/20, revised 2/15/21;
16. Sheet S-16, "Sanitary Sewer Disposal System Plan," dated 11/30/20, revised 3/24/21.

Also submitted, a Photometric Analysis (1 Sheet) prepared by Visual dated 2/17/21.

We offer the following comments for your consideration.

REVIEW COMMENTS

1. SEQRA.
 - a. The Proposed Action is a Type I Action with regard to SEQRA.
 - b. The Town Board and the Planning Board are both Involved Agencies. The Town Board has indicated that it would prefer the Planning Board to serve as Lead Agency. The Planning Board then circulated the Notice of Intent to Be Lead Agency on 3/31/20.
2. Lighting. The photometric plan was revised and has reduced the light trespass but there still appears to be minor light trespass in excess of what is permitted by §240-33 of the Town Zoning Code along the southern and northern property line.
3. Sight Distance. We defer to the Town Superintendent of Highways and the Town Engineer with respect to sight distance measurements at the driveway.

If you have any questions with respect to the above, please let us know.

David H. Stolman, AICP, PP
Practice Lead - Planning

Malcolm Simpson
Planner

cc: Paul Ackermann, Esq.
Barbara Roberti
Peter D. Setaro, PE
Michael Sheehan
Alfred A. Cappelli, Jr., AIA (acappe2102@aol.com)

Y:\Shared\Offices\NYR\Data\Documents\DOCS2\500\Wappinger\Downey Energy Site Plan and SP review pme2.mms.docx