

Beatrice Ogunti

From: Malcolm Simpson <msimpson@hardestyhanover.com>
Sent: Monday, July 26, 2021 10:56 AM
To: Beatrice Ogunti
Subject: Amended Gasland Resolution and Neg Dec
Attachments: Final Amended Gasland Route 9d Site Plan and Special Permit and Lot Line Consolidation prn.mms.pdf; **Final Neg Dec Gasland Route 9D.pdf**



ORIGINAL

Hello Bea,

Attached you will find the amended neg dec and amended resolution for the Gasland project. Let me know if there are any questions or issues.

Malcolm

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

SEQRA

Date of Adoption: July 19, 2021

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: Based upon a review of Parts 1 and 2 of the Long Environmental Assessment Form (EAF) and all other application materials that were submitted in support of the Proposed Action, along with reports from Planning Board staff and consultants, information from involved and interested agencies, and information from the public, 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: Gas Land Petroleum Rt. 9D

SEQRA Status: Unlisted Action

Conditioned Negative Declaration: No

Location: The subject properties are located at 123-125 New Hamburg Road and 2357 and 2361-2365 NYS Route 9D, are designated as tax lots 6157-01-048643, 057642, 057654, 059643, and 040637 on the Town of Wappinger tax maps and are located within the HM Hamlet Mixed Use Zoning District (the "Subject Property" or "Site").

Description of Action: The Applicant is proposing to develop the 1.79-acre site with a gasoline filling station with four (4) pumps and eight (8) fueling dispensaries, and a 3,630 square foot convenience store and three (3), one-bedroom apartments on the second floor in a single 7,260 square foot building, with 32 parking spaces (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 1.79 acres of ground disturbance proposed to accommodate the proposed two-story building, parking area, four gas pumps, and the associated underground tanks for petroleum storage. The Applicant has provided a detailed Stormwater Pollution Prevention Plan, and Soil Erosion and Sediment Control Plan that will manage all the stormwater on the project site, and the soil and erosion control plan will minimize and control erosion at the time of construction. The project site does not include infiltration of any stormwater hotspot. The roof runoff, canopy runoff and grass area being the building are being collected separate from any "hotspot" area to be infiltrated using underground infiltration. The pavement area that is considered the stormwater "hotspot", is being treated with a hydrodynamic separator or lined bioretention area.

A large portion of the site currently contains existing impervious surfaces including existing structures and paved parking areas. The proposed action does not include any mining or dredging during construction. The project will include general site preparation, grading and installation of utilities and foundations.

For these reasons, the Proposed Action will not have a significant adverse environmental impact to the land surface of any properties.

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 Project Site does not contain any NYSDEC streams, wetlands, wetland adjacent areas, or National Wetland Inventory (NWI) wetlands. Therefore, the project is not anticipated to have any significant adverse environmental impact with regards to wetlands or other surface water bodies.

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 use municipal water, subject to approval by the Town Board to expand the United Wappinger Water District or provide for a tenancy agreement. The Applicant will extend the Town water infrastructure, via an 8-inch ductile iron waterline, from

New Hamburg Road through the project site to the rear of the property. This water line would be dedicated to the Town. The Applicant will grant the Town a 20-foot easement for the watermain. The Applicant has agreed to extend the 8-inch ductile iron watermain from the project site to Marloville Road, subject to the Town securing an easement on the adjoining property to the north identified as tax parcel 6157-01-069663. This would allow for future extension. Additionally, the Applicant has offered to provide two separate water services terminating at the exterior of the residences located at 119 and 121 New Hamburg Road (subject to an agreement with each neighbor) for potential future connection. The extension of the water line and providing of the ability for future connections and further extension of the water line is consistent with the Town's Comprehensive Plan. As a result, the project is not anticipated to have a significant environmental impact associated with additional use of ground water.

The Proposed Action would use a subsurface sewage disposal system (SSDS) that would be subject to review and approval by the Dutchess County Department of Behavioral and Community Health (DCDBCH). An SSDS approved by the DCDBCH is not anticipated to have a significant environmental impact associated with the introduction of contaminants to the ground water or aquifer.

The project will involve the installation of two underground petroleum bulk storage tanks. As demonstrated, the proposed action complies with the requirements of §240-52 of the Town of Wappinger Town Code for gasoline filling stations.

A NYSDEC Petroleum Bulk Storage Permit is required for these tanks. As part of the NYSDEC permit the applicant must demonstrate the tanks will have the required regulatory safeguards and monitoring systems protect against tank leakage. Specifically, the New York State Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage (PBS) regulations effective October 11, 2015 (6 NYCRR Part 613) mandate Underground Storage Tanks (USTs) Operator Training, and to provide equipment and installation requirements including, but not limited to, the following:

- Double-walled underground storage tanks
- Double-walled underground piping for new installations
- Under Dispenser Containment (UDC) for new installations
- USTs Manufacturer's Installation Checklists
- USTs Installer's Certification
- Elimination of ball floats as a method of overfill prevention
- Requirements for As-Built diagrams
- Required training for Operators of USTs systems
- Delivery Prohibition – Red-Tag Program
- Release response and Corrective Action

All new piping installations must be of double-walled construction and include the installation of Under Dispenser Containment (UDC) which are both designed to prevent releases from underground piping and dispensers. Float vent valves (ball floats) have been eliminated as an acceptable method of overfill prevention as they have shown to be less than ideal in preventing overfills during the delivery of fuel to UST systems. All tanks installed in New York State must be double-walled and the interstitial space between the inner and out walls must be monitored for leaks regularly. The tanks will be electronically monitored continuously, 24 hours per day, 365 days per year. The monitoring system will include a Veeder-Root TLS-350 automatic tank gauge which will activate an alarm should any liquid be detected in the interstitial space of each UST, in the submersible turbine pump (STP) sump, or in the UDC beneath the dispensers. These structures are specifically designed to contain spills and alert the UST operator of a problem to prevent a release to the environment. The gasoline tanks are required to have pressure vent caps on the vent lines. The pressure vent caps are spring-loaded valves that remain sealed and keep vapors from volatile liquids from escaping the tank. Further, any deliveries of gasoline to the underground storage tanks require the use of Stage I vapor recovery equipment. During fuel deliveries, the delivery trucks are required to connect not only the gasoline lines to deliver fuel to the tanks, but they are also required to connect a vapor return line to the tanker truck. This effectively creates a sealed loop that eliminates any vapors from escaping during the delivery of gasoline to the USTs.

The Applicant is responsible for ongoing maintenance, inspections, and system testing of the USTs as outlined in the Summary of PBS Recordkeeping Requirements Subpart 2: UST Systems Regulated by DEC/EPA. Said maintenance, inspections, and system testing includes, but not limited to, the following:

- Monthly walk through inspections
- Triennial inspections by NYSDEC as required by USEPA
- Operational check of leak monitoring system
- Annual leak detector and automatic tank gauge (leak detection system) testing
- Triennial hydrostatic testing of all containment structures
- Interstitial monitoring
- 10-day inventory monitoring
- Documentation of leak detection

Furthermore, all persons charged with operating a UST system are required to take a NYSDEC exam to demonstrate proficiency in UST system basics, overfill prevention, inventory monitoring, tank leak detection, line leak detection, corrosion protection, dispensers, spill prevention, spill reporting and response, record keeping, and overall operation and maintenance of the UST system.

There are a number of existing gasoline filling stations in the Town, located near residences that have potable wells, as is common in Dutchess County and gasoline filling stations are a use permitted by the zoning Code. In addition, the Project sponsor has offered to provide baseline sampling of the adjoining neighboring properties wells before the project is operational to understand the presence of petroleum-based compounds.

For these reasons, 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.

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

The Project Site is not located within the 100-year or 500-year flood plain. Therefore, the Proposed Action will not have a significant adverse environmental impact.

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

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 (CO₂)
- b. More than 3.5 tons/year of nitrous oxide (N₂O)
- c. More than 1,000 tons/year of carbon equivalent of perfluorocarbons (PFCs)
- d. More than 0.045 tons/year of sulfur hexafluoride (SF₆)
- e. More than 1,000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions
- f. More than 43 tons/year or more of methane (CH₄)

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.

As regards the potential for impact to air quality from the operation of a gasoline filling station due to the potential emission of vapors from underground storage tanks, state regulations require gasoline tanks to have pressure vent caps on the vent lines. The pressure vent caps are spring-loaded valves that remain sealed and keep vapors from volatile liquids from escaping the tank. Any deliveries of gasoline to the underground storage tanks require the use of Stage I vapor recovery equipment. During fuel deliveries, the delivery trucks are required to connect not only the gasoline lines to deliver fuel to the tanks, but they are also required to connect a vapor return line to the tanker truck. This effectively creates a sealed loop that eliminates any vapors from escaping during the delivery of gasoline to the USTs. Similarly, the fuel dispensers have hoses that collect the gasoline vapors during the transfer of gasoline from the underground storage tanks to the vehicle being fueled.

For these reasons, the Proposed Action will not have a significant adverse environmental impact on any State regulated air emission source or air quality.

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, the Northern Long-Eared Bat, and the Bald Eagle. Due to the location of the project in relation to the nearest documented Bald Eagle nest, the NYSDEC has determined that the project is not likely to impact the species. There are tree clearing restrictions proposed to mitigate the impact the Proposed Action could have on the two bat species mentioned which would restrict the clearing of the 26 trees identified by the Applicant to winter tree clearing between October 1 to March 31.

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

The Site is not located within an Agricultural District and there are no agricultural uses near the project site, with the nearest one being Obercreek Farms. The surface runoff collected on-site will be routed through hydrodynamic separators and/or lined bioretention areas providing qualitative treatment of the runoff prior to being discharged to an on-site underground detention system. Attenuated runoff is discharged to the NYSDOT drainage system along NYS Route 9D which flows to the east away from Obercreek Farms. The Proposed Action will not have a significant adverse environmental 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 scenic views, or be visible from any New York State DEC identified 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.

According to the NYS Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapping, there are no listed or eligible for listing properties on the National or State Historic Register sites on or adjacent to the project area. The site is located within a known archeologically sensitive area. In an April 14, 2020 letter, NYSOPRHP stated, "it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project." In response to changes in the Proposed Action, NYSOPRHP stated in a March 9, 2021 letter, "Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project." In addition, the proposed building complies with the architectural and landscaping standards set forth in Town Code § 240.35.D.

The Proposed Action does require the removal of a home constructed in the late 1800s, however the structure is not a designated historic structure and is not eligible for listing on the state or National Registry of Historic Places.

Upon review of the relevant information, the Planning Board agrees the Proposed Action will not 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 Applicant will be funding and constructing significant roadway, access and signal improvements as described below and with these, the Proposed Action will not have a significant adverse impact on the transportation systems with the proposed roadway improvements. With the completion of these improvements, NYS Route 9D and New Hamburg Road/Old Hopewell Road intersection will accommodate the increase in traffic expected with the Proposed Action and will result in overall reductions in vehicle delays and reduced vehicle queues. The Proposed Action will include the following improvements:

- a. Construct sidewalks along the site frontage to safely accommodate pedestrian movements
- b. Widen and realign New Hamburg Road (CR28) to ease traffic movements through the intersection and allow a signal phasing with concurrent left turn movements on the county road approaches.
- c. Upgrade and replace as necessary the existing traffic signal including revised actuation, pedestrian signals as per the requirements of NYSDOT.
- d. Reconstruct the curb line along the entire property frontage and upgrade and resurface the shoulder areas and provide a resurfacing and restriping of the improved/re-aligned intersection.
- e. Construct a right turn entry and right turn exit driveway connection to NYS Route 9D
- f. Construct a full movement driveway connection to New Hamburg Road.
- g. Widen New Hamburg Road to provide a separate left turn lane at the proposed site access and provide a three-lane approach to the Route 9D intersection.
- h. Construct a bus seating area on the property along Route 9D (out of the NYS ROW as per DOT requirements)
- i. All improvements will be constructed according to Dutchess County DPW and NYSDOT specifications.
- j. Land will be dedicated to NYSDOT and Dutchess County along the property frontage to accommodate the roadway and pedestrian improvements.

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

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.

It is not anticipated that the Proposed Action will have a significant adverse environmental impact in regards to noise, odors, or outdoor lighting.

Noise impacts associated with the Proposed Action will be largely 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 9:00 am and 6:00 pm (Saturday) and no construction proposed on Sundays and Holidays. 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.

Noise impacts associated with the Proposed Action during operations will be largely limited to the business hours of the gas station and convenience store use which is proposed to be 5:00 a.m. to 11:00 p.m. Additionally, there is no out door speaker system proposed and no visual or audio screens associated with the fueling pumps themselves.

The Proposed Action is not anticipated to generate any noxious odors given the operating procedures of the refilling of the underground petroleum storage tanks. The gasoline tanks are required to have pressure vent caps on the vent lines. The pressure vent caps are spring-loaded valves that remain sealed and keep vapors from volatile liquids from escaping the tank. Further, any deliveries of gasoline to the underground storage tanks require the use of Stage I vapor recovery equipment. During fuel deliveries, the delivery trucks are required to connect not only the gasoline lines to deliver fuel to the tanks, but they are also required to connect a vapor return line to the tanker truck. This effectively creates a sealed loop that eliminates any vapors from escaping during the delivery of gasoline to the USTs.

The Proposed Action is not anticipated to generate significant adverse environmental impact related to lighting as the Project will be subject to the Town's lighting regulations. The Applicant developed a lighting plan for the project that will minimize the impacts of outdoor lighting to the greatest extent practicable and is proposing that the portion of the Site's lighting associated with the gas station use be turned off when the commercial components of the Site are not in use.

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. Over the last 30-years, both Federal and State Regulations associated with providing more vigorous equipment, installation, maintenance, inspection, monitoring, and training requirements; as outlined in Item 4 above has increased focus on spill prevention rather than response to a spill.

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

As mentioned above, the Proposed Action is a combination of two Special Permit Uses within the HM Zoning District. The Comprehensive Plan of 2010 identifies the Hughsonville Hamlet as an area of concern and potential revival as it has operated as a community center historically but has ceased to do so in recent history due to an increase in automobile activity and a lack of housing and pedestrian amenities.

The Proposed Action has been designed to further the goals identified in the Comprehensive Plan by developing a mixed use building at the central intersection of the Hughsonville Hamlet, providing pedestrian amenities including sidewalks and outdoor seating, extending the Town's water infrastructure, adding new curbing along both NYS Route 9D and New Hamburg Rod frontage, upgrades to the signal equipment and realigning the intersection of New Hamburg Road and Route 9D to reduce traffic congestion. For the aforementioned reasons, the Proposed Action will not have a significant adverse impact as a result of being inconsistent with adopted land use plans and may instead help further the redevelopment of the Hughsonville Hamlet into a community center.

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 not expected to affect community character. The Proposed Action has been revised with the proposed building moved to the corner of New Hamburg Road and Route 9D to better establish a downtown hamlet streetscape and better obscure the parking and gasoline pumping areas in the rear of the property. This revision was initiated by the Town in an effort to mitigate impacts to community character. Additionally, the proposed building has been architecturally designed using the surrounding community as inspiration to be consistent and compatible with the existing community character. Furthermore, the commercial operations of the Site will be restricted to 5:00 am to 11:00 pm and the lighting associated with the commercial components of the Site will be turned off outside of operating hours in an effort to mitigate impacts to the surrounding 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 a mixed-use building with a gas station and convenience store on the ground floor and three 1-bedroom apartments on the second floor. It is not expected to significantly reduce the current or future supply of housing stock in the Town.

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.

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