

Supplemental Addendum in Support of the Application/Variance Request for 2 Lakeside Rd.

Project Description:

The Property is located at the intersection of Lakeside Rd., 17K, and the 84 off-ramp, making it an ideal location for the proposed development. It is a vacant lot within the IB Interchange Business District, and contains 5.56 acres (where 0.92 acres is required) of which a significant portion of the Property is designated we wetlands and cannot be fully developed due to requiring a significant 100 ft. buffer area. The Applicant proposes to develop the Property with a 6,730 sq. ft. Quick Chek convenience store and fueling center. The Applicant appeared at the June meeting of the Zoning Board of Appeals (“ZBA”) and presented its application for a number of variances sought. Specifically, the Applicant required four (4) variances in connection with its proposed development of the Property. Since the June meeting, Applicant has had the opportunity to revise its plan and has resubmitted to the ZBA a new plan that has eliminated three (3) out of the four (4) variances requested. A summary of what was revised is as follows:

1. Front yard landscaping buffer variance – **This variance has been eliminated.** The original buffer of 23.1 ft. has been increased to 51.7 ft., which now exceeds the 45 ft. requirement.
2. Number of signs – **This variance has been eliminated.** Applicant had previously sought two freestanding signs. One of the freestanding signs has been eliminated.
3. Sign size greater than permitted – **This variance has been eliminated.** Since the second freestanding sign was removed, the project now complies with the 75 sq. ft. requirement for sign area.
4. Gasoline station within 1,00 ft of an existing gasoline station. This variance remains.

Below is a supplemental analysis of the justifications for the variance relief sought based on additional submissions made by the Applicant. Applicant will also supplement these justifications at the public hearing.

5 Part Test and Analysis:

1. Will an undesirable change be produced to the detriment of nearby properties by granting the variances sought:

The proposal will not produce an undesirable change to the nearby properties. First, the project will provide service (convenience store with fuel station) that all members of the community can benefit from. Quick Chek is a proven retailer in the industry, in Newburgh and the Hudson Valley as a retailer that provides quality service to its customers. The site will be established with an aesthetically pleasing building, substantial landscaping and other related site improvements that will be beneficial to nearby properties. In addition, from a traffic perspective, the Applicant is making substantial improvements to the area. To name several (all are noted in the documents prepared by Stonefield Engineering and Design):

- A. Improvements will be made to the signal at NYS Route 17K/Lakeside Road. This modification, along with other off-site improvements, will allow the signal to process approximately 2 times more vehicles each green light on Lakeside Road.
- B. Modify the northbound PILOT Center driveway to provide an exclusive right-turn lane and a shared left-turn/through lane.
- C. Restripe eastbound NYS Route 17K to extend the existing left-turn bay and provide an additional 120 ft of storage for vehicles traveling to Lakeside Road and the Quick Chek.
- D. Reconstruct northeast corner of Route 17k and Lakeside Road.
- E. Upgrade the vehicle detection equipment with the existing signal.
- F. Further, as analyzed by Stonefield Engineering & Design, the proposed Quick Chek driveway is located over 500 ft from the Ice Time Sports Complex and the proper site distance of 390 ft. is exceeded. Moreover, per the traffic impact study over 97% of the traffic related to the Quick Chek will enter from NYS Route 17K and return to NYS Route 17K. This will have little impact on in the Ice Time Sports Complex.
- G. The traffic impact study also shows that the intersection and surrounding roadways will not be impacted in a substantial manner.

In addition, Applicant has also submitted to the ZBA Quick Chek's environmental protocols and compliance measures. Quick Chek is in full conformance with EPA and DEC regulations.

As such, Applicant contends that the variance will not produce an undesirable change to the detriment of the nearby properties.

2. Whether the benefit sought by the Applicant can be achieved by other means besides the variances:

The Property cannot be developed as proposed without the variance (gas station within 1,000 ft. of existing), as it is an all or nothing proposition.

3. Whether the requested variances are substantial:

The Property is situated along two major thoroughfares, it can support an additional gasoline station without substantial impact to the area or surrounding properties. The traffic analysis also shows the intersection will continue to operate at similar levels with this proposed development. The proposal will enhance the area from an aesthetic standpoint and provide many off-site improvements that will not only benefit the project but the surrounding area and roadway network.

4. Whether the requested variances will have an adverse impact on the physical or environmental conditions of the district:

The proposed development is designed to limit any disturbance to the wetlands on the Property as well as address any stormwater runoff or drainage from the proposed development. As indicated in the submission, all environmental regulations will be met by the project. As such, this prong of the variance criteria is met.

5. Whether the alleged difficult was self-created:

The Applicant is aware of the regulation prohibiting gas stations within a certain proximity. However, on balance the factors weigh in granting the variance for the reasons noted and explained to the ZBA at the public hearing.

Conclusion:

Based upon the foregoing, the Applicant's requested variance can be granted. These arguments may be supplemented with additional testimony/proofs at the public hearing in support of the Application.

Quick Check is fully compliant with Federal and State regulations as far as EPA / DEC rules for underground storage tanks. QuickChek equipment and designs meet all EPA regulations in reference to gasoline and diesel fueling systems.

Tanks:

Fiberglass (non corrosive) material with 30 year life warranty
Double walled (tank within a tank)
Brine solution interstitial with monitoring capability.
Air tested and installed according to PEI specifications

Tank and leak detection Monitoring

EVO 600 state of the art computer /console
Measures fuel height,
Alarms on fuel overfill, including horn and strobe out at tank field
Tank Interstitial sensor monitoring (between the double walls)
Internal product leak detection software
Alerts if water is present in fuel
Alerts for ethanol phase separation in the fuel.

Piping:

EVO 6000 is the pressurized pipeline leak detection computer
Can detect leaks in double and triple contained piping to low tolerance levels meeting EPA Standards.
Will positively shut down pumps when a leak is detected
Leak detection console for all sensors in pipeline collection sumps

Communications:

EVO 6000 is connected via internet to real time software at company headquarters.
24 HR QC help desk monitors these alerts and alarms

Mechanical Overfill Prevention Valves:

Vapor-tight Overfill Prevention Valves are designed to prevent the overfill of underground storage tanks by providing a positive shut-off of product delivery. The vapor-tight two-stage shut-off valve is an integral part of the drop tube used for gravity filling.

When the liquid level rises to about 95% of tank capacity, the valve mechanism is released, closing automatically with the flow. This reduces the flow rate to approximately 5 gpm through a bypass valve. The operator may then stop the filling process and disconnect and drain the delivery hose. As long as the liquid exceeds the 95% level, the valve will close automatically each time delivery is attempted.

QuickChek installs filling, venting and hanging hardware that is compliant with CARB EVR Standards:

Enhanced Vapor Recovery (EVR) is a gasoline vapor recovery system which recovers at least 98% of the emissions at gasoline dispensing facilities during bulk gasoline deliveries.

Enhanced Vapor Recovery (EVR) standards, established by California Air Resources Board (CARB), aims to improve the effectiveness of gas pump vapor recovery systems, reduce vapor leaks from underground storage tanks, reduce evaporation from hoses and nozzles between use, redesign of nozzles to reduce drips, and improve the long-term reliability of vapor recovery equipment. Pressure/Vacuum (P/V) vents regulate the pressure at which vapor is allowed to escape from the underground storage tank and the vacuum at which outside air is allowed to enter the tank.

QuickChek deploys manned monthly inspections and annual 3rd party testing of the tank and piping system.

Underground Storage Tank Act of 2005 (USTCA)

Congress passed the Energy Policy Act of 2005, including significant amendments to RCRA's UST requirements known as the Underground Storage Tank Compliance Act of 2005 (USTCA). These regulations were updated in 2015 and added new compliance requirements.

USTCA initially imposed provisions that had significant impacts on owners and operators of USTs as well as USEPA and states regulating USTs. This included:

- > Requiring that states inspect all USTs at least every 3 years;
- > Requiring that USEPA publish training guidelines for UST operators;
- > Requiring UST facilities to have tank and piping secondary containment to protect groundwater, including new USTs located near potable public water supply systems;
- > Providing evidence of manufacturer and installer financial responsibility (in each state receiving federal UST funding);
- > Requiring states to establish UST installer certification/ licensing (for certain projects);
- > Prohibiting use of MTBE in motor vehicle fuel no later than December 31, 2014 (in states electing to eliminate MTBE use);
- > Requiring the establishment of UST record keeping systems and making them available to the public.

More recent USTCA revisions and requirements include, but are not limited to:

- > Periodic operation and maintenance;
- > Piping containment;
- > Biofuel compatibility

Tanks themselves are made from a variety of materials including steel, clad steel, jacketed steel, and fiberglass. UST sizes typically range from a small 250 gallon tank up to a 20,000 gallon storage tank which can be 50 or 60 feet long. However, larger USTs are in use at some industrial facilities, but are typically field constructed tanks.

Tank features that assist in the prevention, identification, and release of tank contents include:

- > Secondary containment outside of the tank to physically contain released materials;
- > Level alarms to prevent tank overfills;
- > Interstitial monitoring between the primary tank and/or piping wall and a secondary wall;

- > Vapor recovery systems to prevent the atmospheric release of volatile emissions;
- > Piping release detection including release alarms, shutoff devices, and flow restrictors.

It is critically important that all components of the tank system be well maintained. Many tank failures occur in the piping or dispensing systems where extensive use may cause stress and wear in joints, gaskets, etc

TANK and PIPELINE LEAK DETECTION

ELD methods are used to detect changes in pressure or volume automatically.

These units

are often self-calibrating, making calculations of pressure and temperature unnecessary.

The units are connected to electronic recording devices or computers to keep track of

changes which could indicate a potential leak. ELDs are highly accurate and can detect

very small leaks.

LLD is a variation of ELD, and uses similar technology and methods applied to UST piping and lines.

MLD is a general term for a large variety of testing methods, including those conducted

externally to the UST system. Typically MLD consists of a sensor device that is located

within the interstitial space between a tank and its secondary containment, or within an

overflow area, or within the tank itself