



April 15, 2024

Hon. Alan Bell, Supervisor  
Town of LaGrange  
120 Stringham Road  
LaGrangeville, NY 12540

Supervisor Bell and Members of the LaGrange Town Board,

As you are aware Stewart's Shops has submitted a request for a Comprehensive Plan amendment and subsequent zoning amendment to enable the construction of a new Stewart's Shop at the northeast corner of Routes 55 and 82. In March, a series of public hearings were established for review and consideration of these potential amendments. Since the establishment of the hearings, there has been a group – seemingly organized by an adjacent gas station – attempting to provide disinformation about the potential amendments, their process and ultimately the construction of the new Stewart's. Having just found out about this, our offering below is an introduction of material that will follow.

### **The Rezoning**

Spot Zoning is often a term used by detractors during a rezoning process to conjure doubt or concern about an effort. As outlined in our January 30, 2024 correspondence on the rezoning, historically, the Stewart's Parcel had been zoned Commercial 1 (C-1), which permitted gas stations. In 2005 as part of the comprehensive plan and zoning updates, the Town rezoned the Stewart's parcel to GB which does not permit gas stations. Rezoning the Stewart's parcel to GB in 2005 has not, however, successfully revitalized this area given the more limited extent of the uses allowed and the present, as evidenced by the inactive day care center located at the Site. Accordingly, Stewart's seeks the return of this site's historic zoning designation to Commercial to permit the proposed Stewart's Shops Corp. gas mart.

In addition, the proposed rezoning is compatible with surrounding uses. The intersection of NYS Route 55 and 82, known as the hamlet of Billings, is just over a mile from the Taconic State Parkway and is defined by its nonresidential zoning destination and the commercial nature of the area which includes several other automobile-oriented uses such as the County Commons strip mall, Mid-Hudson bank, multiple self-storage facilities and existing gas station. There are limited nearby single-family residences and the proposed Stewart's gas mart will not pose a detriment to the abutting Red Wing Sand and Gravel plant or the other nearby businesses. Indeed, the 2005 comprehensive plan encourages development in established nodes and hamlets in the Town's nonresidential districts and Stewart's proposal is consistent with the current comprehensive plan's vision. Moreover, the Town's undertaking of the Comprehensive Plan amendments and length of deliberation effort exhibit there is a concerted effort to ensure consistency with the Comprehensive Plan.

At present gas stations/gas marts are only permitted in two zoning districts, the Commercial (C) and Industrial (I) districts. Moreover, a limited number of properties are zoned C or I, most of which are developed and located in the westernmost portion of Town near the Town of Poughkeepsie border. There is not a single C or I zoned parcel east of the Taconic State Parkway which would permit the development of a gas station. In a rural community such as Lagrange where transportation by car or other automobile is the only option, providing access to this necessary business at convenient locations near citizens'



## **Petroleum Storage Equipment – Design, Installation & Maintenance**

As a family- and employee-owned business that owns its real estate, Stewart's puts a tremendous investment into our high standards for petroleum storage equipment and its maintenance. We live in the communities we serve, and keep a steady focus on compliance excellence to protect the environment and our drinking water sources.

All of our newly installed gasoline facilities meet and/or well exceed all relevant codes and regulations including NYS DEC codes 6NYCRR part 613, NFPA (National Fire Protection Association) codes, and the New York State Uniform Fire Prevention and Building Code. We are proud to lead the industry in New York State for petroleum storage compliance.

### **Tanks:**

To protect our shared natural resources, our new systems utilize the latest in double-walled Fiberglass-Reinforced Plastic (FRP) tank design, system-wide secondary containment, 24/7 electronic monitoring, leak detection, overfill protection, spill prevention, and remote alarm reporting. We have not experienced a release to the environment from similar FRP systems in the 16 years we've been installing them.

Our FRP tanks by their very nature are corrosion-proof, and thereby do not experience degradation from contact with soil or groundwater. This ensures a long-lasting tank with walls that retain their structure and tightness for decades. Our tanks are also double-walled, or in other words are constructed as a "tank within a tank", with an interstitial space that is brine-filled and monitored electronically for any change 24 hours a day, 7 days a week. In the rare event of a leak in either the inner (primary) or outer (secondary) wall, the change in brine level will instantly alert us of an issue. Any alarms triggered by our system are visible and audible at the shop, and are also visible at our headquarters via web console and email/mobile phone for the fastest possible response. And the double-walled construction ensures that the product stored never reaches the environment, allowing time to empty the vessel and make a lasting, quality repair.

The FRP tanks deliver stored fuel via submersible turbine pumps (STPs) to our dispensers under pressure. The STPs and ancillary tank-top equipment are enclosed within secondary containment sumps sealed to the top of the tanks. If a leak were to occur in this equipment, it would be fully contained by the sump and would not reach the environment. All STP sumps are monitored 24/7 by liquid sensors, which instantly trigger an alarm at the shop and our headquarters as above in the presence of liquid (even water).

Our FRP tanks are also specially equipped to prevent overfilling during a fuel delivery via an automatic shut-off mechanism which stops the flow of fuel into the tank when it reaches 95% capacity (but does allow the deliverer to safely empty the delivery hose into the tank before disconnecting). A 15-gallon spill bucket surrounds the fill port so that, in the event of a mishap during hose handling, any spilled fuel is immediately contained and will not reach the environment. Venting of the tanks includes Stage I Vapor Recovery, which returns any gasoline vapors from our tanks to the truck during delivery to prevent the unwanted release of petroleum vapors to the air.

### **Piping:**

Flexible double-walled piping is used on all of our underground systems. The flexible design not only avoids the stress failures that befall rigid piping, but also gives the piping layout a seamless design from the tanks all the way to the dispensers. Fewer fittings means fewer opportunities for a leak. The interstitial space between the two piping walls is monitored electronically 24/7 and would allow a leak to drain safely back to the tank sump without ever reaching the environment. The piping is also installed in a 4" diameter conduit, giving a de-facto

triple containment construction and providing greater physical protection to the outer wall. The pressurized inner wall which carries the petroleum to the dispensers is also monitored 24/7 by an electronic line leak detector, which in the event of a pressure loss not only triggers alarms at the shop and our headquarters, but also shuts down the flow of fuel from the associated tanks to stop product loss.

#### Dispensers:

Our dispensers also contain spill prevention designs. Beneath every dispenser is a secondary containment sump which catches and contains any leaks or drips that might occur inside the dispenser cabinet, thus preventing the release of petroleum to the environment. Liquid within this sump is allowed to communicate through the interstitial space of the piping back to the tank's STP sump, there triggering the liquid sensor alarm at the shop and our headquarters for a rapid response and repair.

Breakaway fittings are installed on the dispenser hoses which allow all hoses to safely release from the dispenser and stop the flow of fuel in the event of a drive-off where the nozzle is still in a customer's tank. Nozzles are all equipped with an automatic shutoff feature to alert the customer that their tank is almost full, thereby reducing the likelihood of an overfill. Shear (or "impact") valves are installed in piping beneath the dispensers and are designed to break or shear at a controlled point in the event of a car-dispenser accident, automatically shut off the flow of fuel from the tanks, and prevent backflow from within the affected dispenser.

#### Electronic Safeguards:

Besides the line leak detectors, sump liquid sensors, and interstitial liquid sensors mentioned above, our system operation is monitored continuously by an automatic tank gauge (ATG) which acts as the "brain". It receives and relays input 24/7 from the various sensors and probes, monitors inventory levels, measures deliveries, senses for water, and alerts Stewart's of any unusual operating conditions or alarms. Our systems are also equipped with one-touch "E-Stop" buttons that allow a user to instantly stop the flow of fuel and disconnect all power and communication circuits to the dispensers in the event of an emergency.

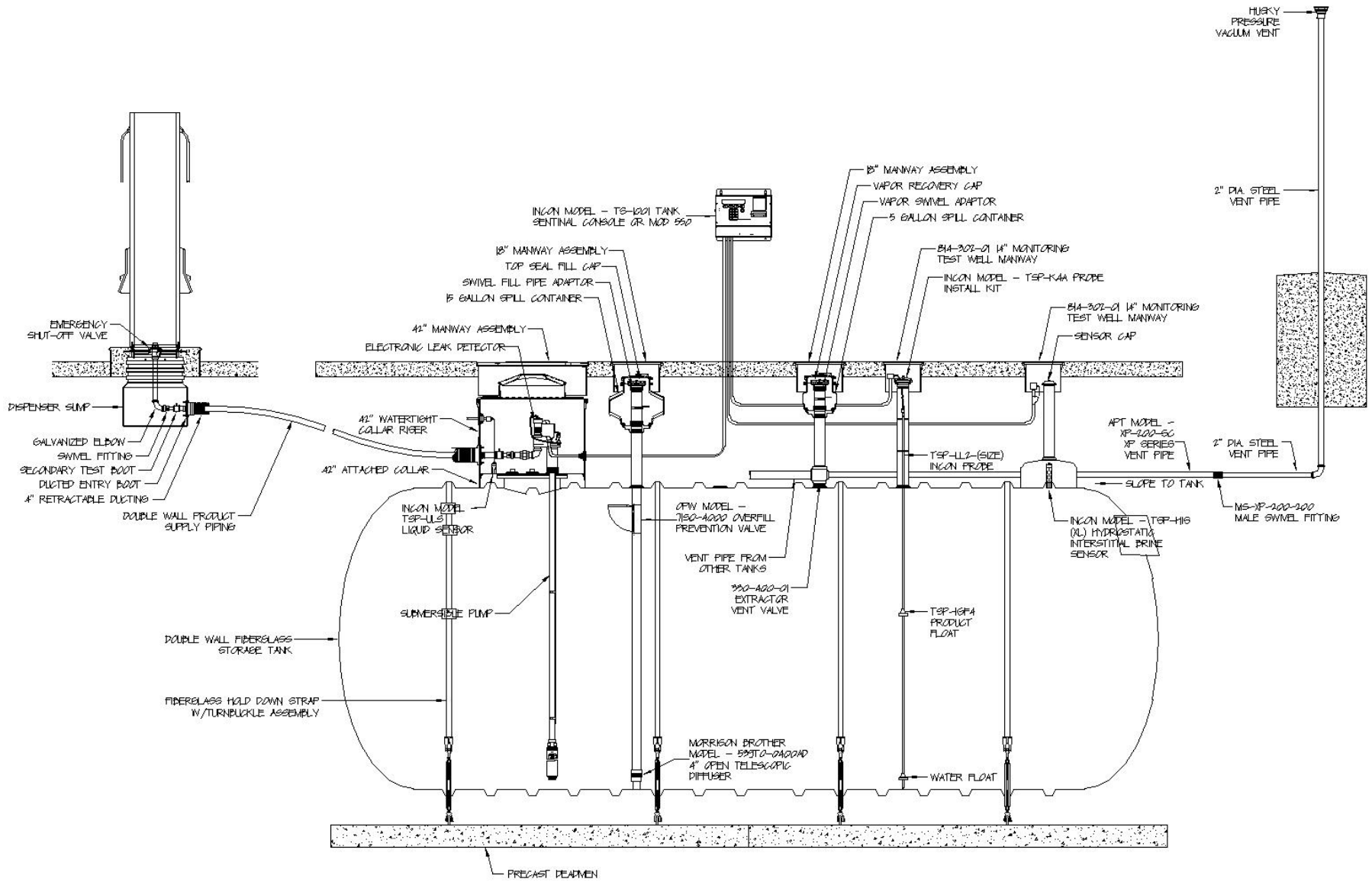
#### Maintenance, Training & Inspection:

Once a facility is in operation, multiple measures are taken to maintain a safe facility. Our procedures include constant automatic gauging of fuel storage tanks to reconcile inventory daily. We know every day if our physical inventory of fuel matches what our records show we should have, and any deviations are vigorously investigated. Fuel dispensers are calibrated regularly, and the Department of Weights and Measures checks the calibration of the pumps on a routine basis. This ensures that an accurate inventory reconciliation is possible.

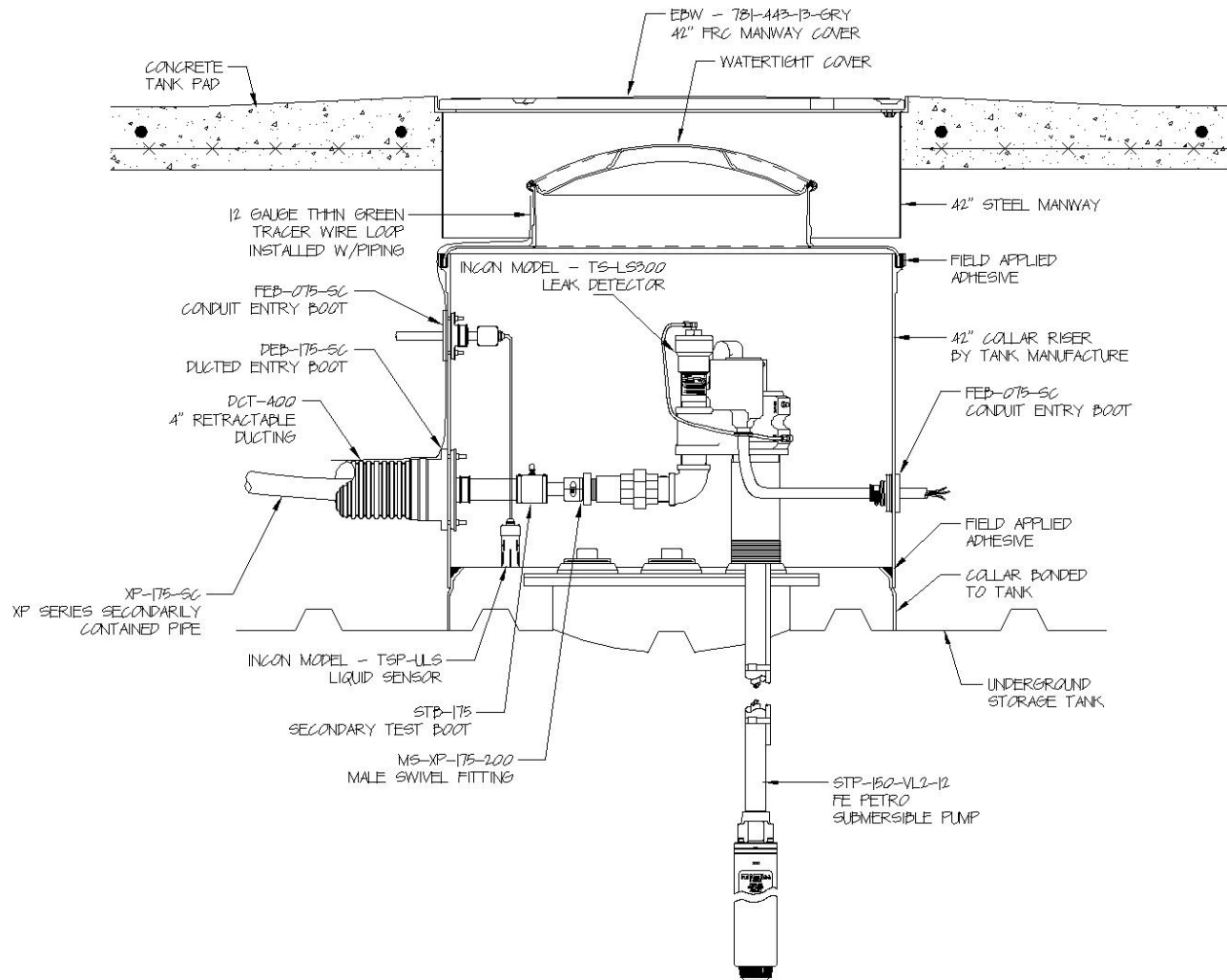
Although we are years ahead of the EPA deadline for performing this, Stewart's is currently inspecting and hydrostatically testing its secondary containment and overfill protection equipment to prove functionality in the unlikely event of a primary containment failure. Tank top sumps, under-dispenser sumps and fill port spill buckets are carefully inspected and then filled with water for a set time period to prove tightness. Overfill protection devices such as automatic shut-off are pulled, inspected, and their shutoff functionality is confirmed. This is all repeated every 3 years.

We provide initial and continuous Class C Operator training to our shop personnel and maintenance employees in order to equip them to properly operate a petroleum bulk storage facility with emphasis on protection of human health and the environment. Employees are trained to stop, contain, clean, and report all surface spills to a Corporate Spill Responder and involve emergency responders as needed. All shops stock spill clean-up materials. This training program will become mandatory in late 2016, however Stewart's Shops Corp. has been training this way since 2003. We also fully inspect our systems and inventory records on a monthly basis and then audit those inspections annually. Our inspections go far beyond the NYSDEC inspection scope, which occurs every 3 years. Abbreviated monthly inspections will be required by NYS after this year, but Stewart's has been conducting thorough monthly inspections for the past 13 years.

We simply cannot overstate our commitment to operate safe, compliant, well-maintained underground storage tank systems for the protection of our neighborhoods and local environment.



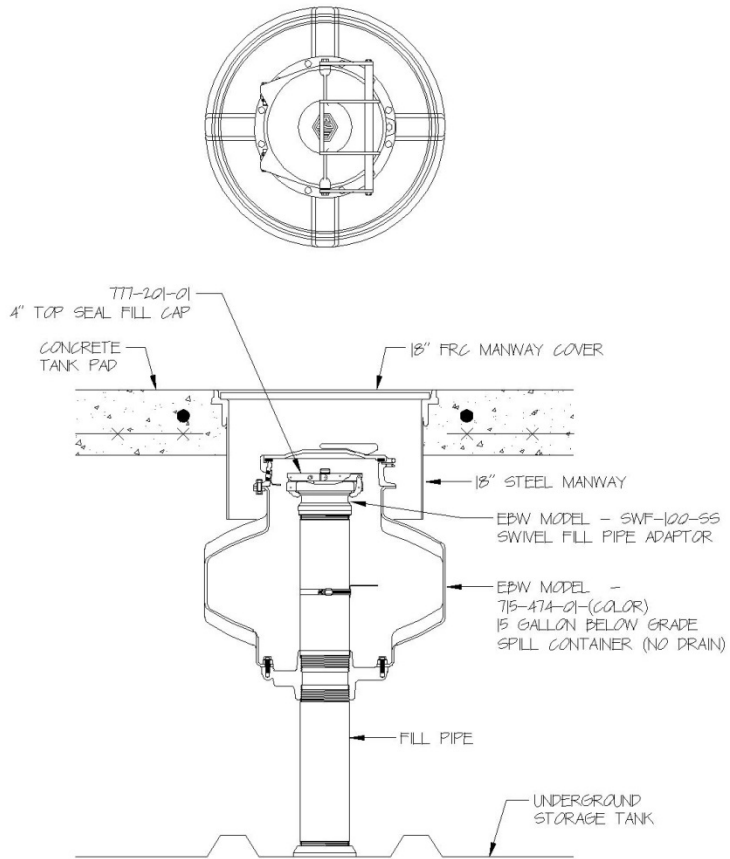
5 TYPICAL ILLUSTRATIVE APPLICATION DETAIL  
 SCALE: 3/8"=1'-0"  
 CROSS REFERENCE NOTE



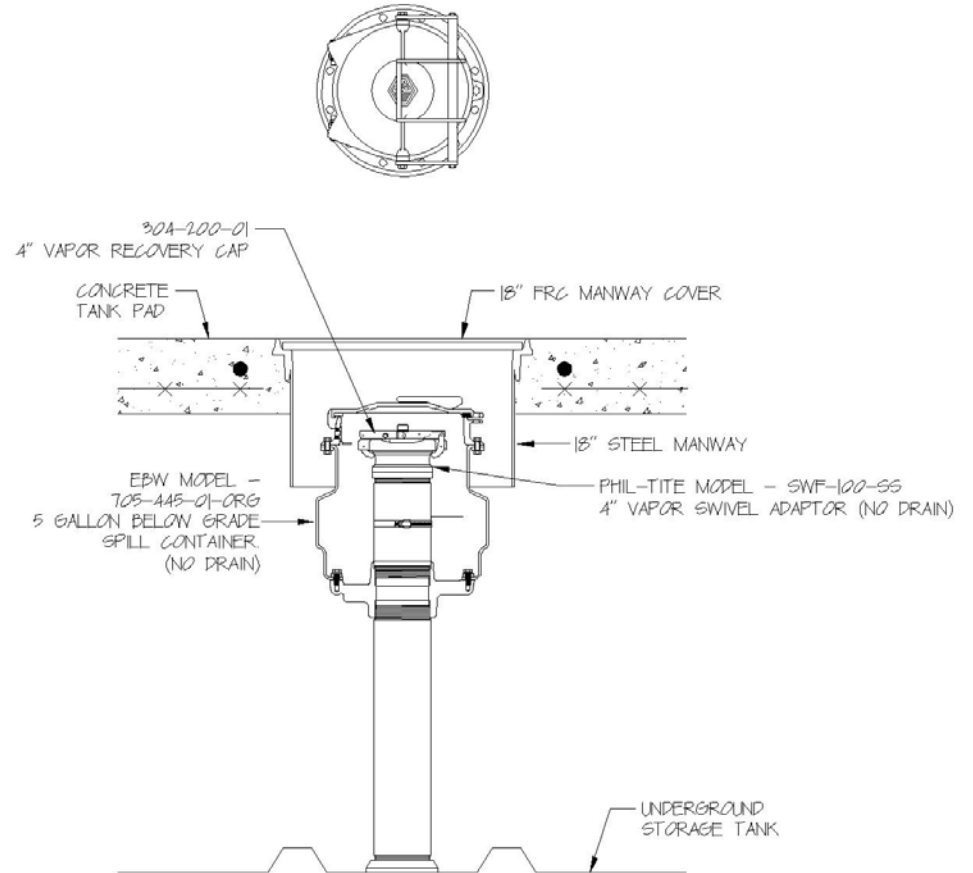
3  
6-2

**SUBMERSIBLE PUMP / MANHOLE DETAIL**

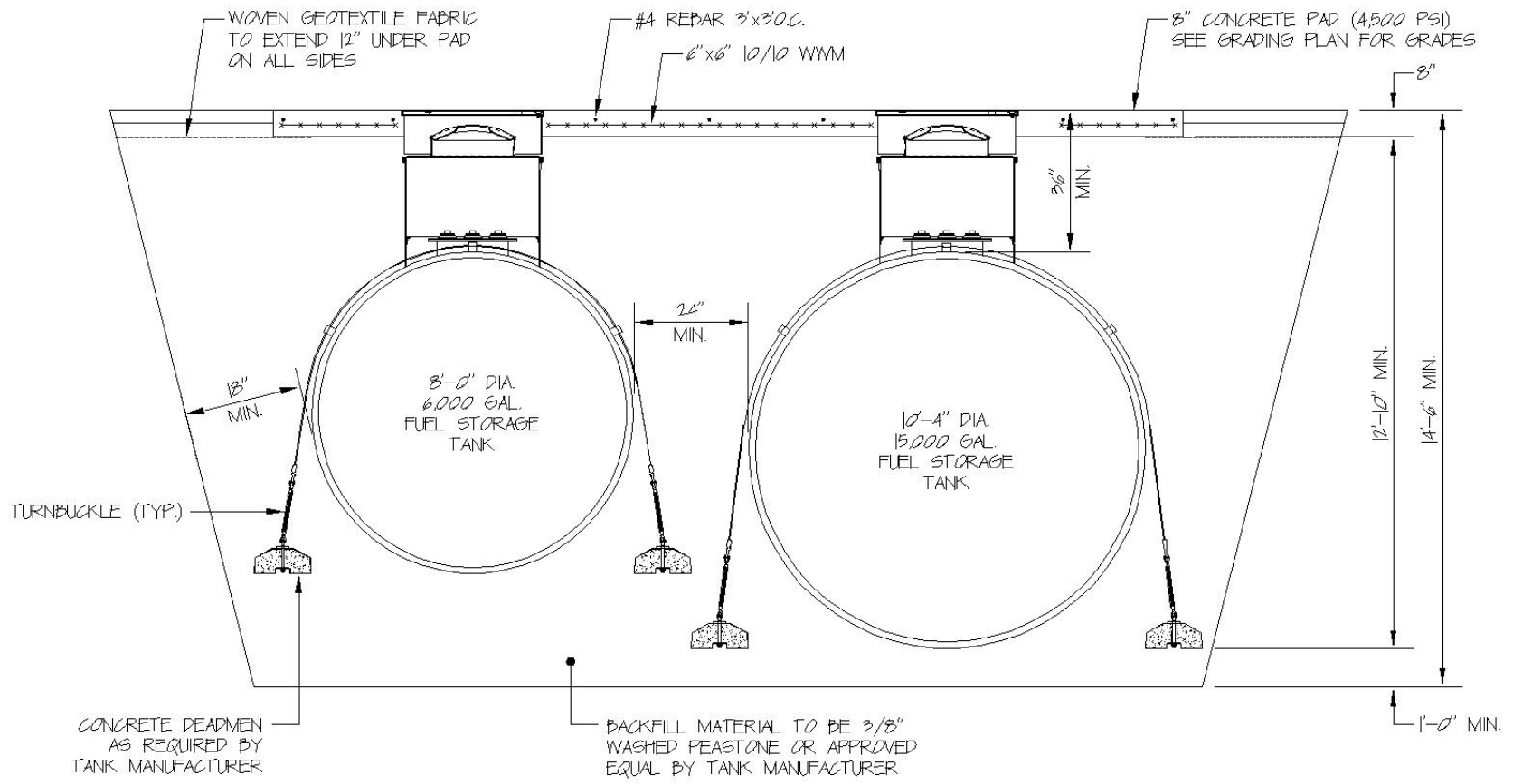
SCALE: 1"=1'-0"  
CROSS REFERENCE: NONE



4 TANK FILL DETAIL  
G-2 SCALE: 1"=1'-0"  
CROSS REFERENCE: NONE



6 VAPOR RECOVERY DETAIL  
G-2 SCALE: 1"=1'-0"  
CROSS REFERENCE: NONE



4 TANK CROSS-SECTION DETAIL

0-1 SCALE: 1/4" = 1'-0"  
CROSS REFERENCE: NONE

residences and businesses is essential. Stewart's also has the added benefit of being a permitted gas mart as defined in the code, which also will provide food staples such as milk, bread and eggs at a convenient location to nearby residents.

It is Stewart's understanding that there are no other proposals to redevelop or rezone any other properties along the Route 55/82 corridor. Future proposals can be considered on a case-by-case basis for consistency with the Comprehensive Plan and compatibility with surrounding uses, among other relevant considerations, as the Town Board has done for Stewart's proposal.

### **Project Relation to Town Aquifers**

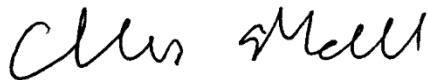
Pursuant to Figure 2.3-8 "Aquifers" (attached) of the Town's Comprehensive Plan, the project is situated outside any of the Town's established aquifers. Regardless, Stewart's is attaching our "*Petroleum Equipment – Design, Installation and Maintenance*" manual to show that our tanks are double-wall fiberglass tanks with interstitial monitoring which exceeds current NYSDEC standards.

### **Inclusion in Open Space Plan**

The "Total Compiled Rating" of the Town's Open Space Plan graded location "low" in open space planning document, please see map attachment.

A representative from Stewart's will be in attendance for the April 17<sup>th</sup> meeting to retrieve any questions. Stewart's professional will participate in the May 1<sup>st</sup> Public Hearing to answer any of the questions that arise.

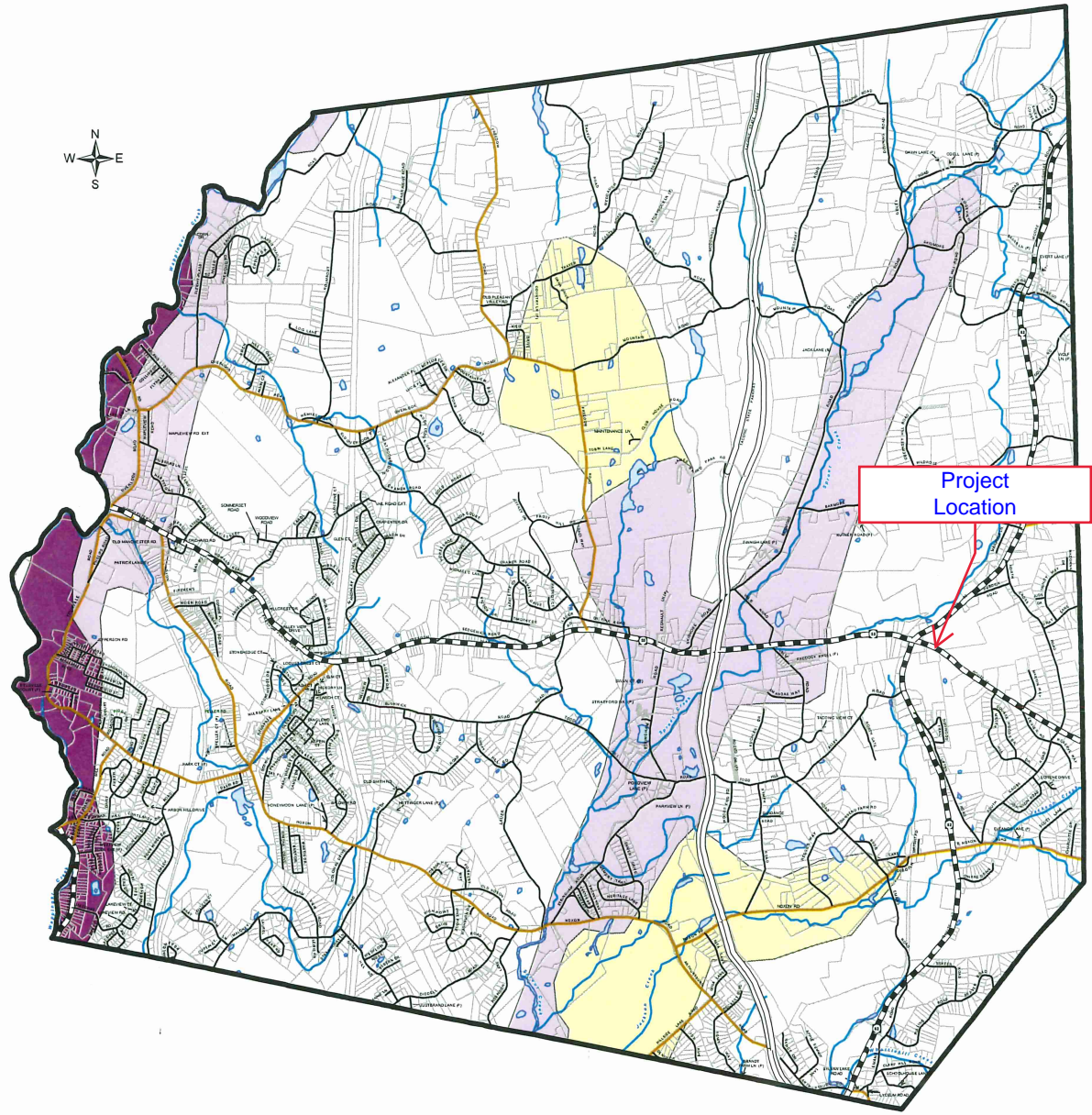
Respectfully,

A handwritten signature in black ink that reads "Chuck Marshall". The signature is written in a cursive, slightly slanted style.

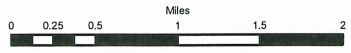
Charles "Chuck" Marshall  
Stewart's Shops Corp.



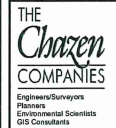
	Parcel Boundary		Water Bodies
<b>Aquifer Type And Estimated Potential Yields In Gallons Per Minute (gpm)</b>			Streams
	Unconfined overburden aquifer with potential yield of 10-100 gpm	<b>Roads</b>	
	Unconfined, >100 gpm		State Route
	Aquifer, but no other information provided		Taconic State Parkway
	Other bedrock aquifer areas with no probable overburden aquifer potential, yields variable		County Road
			Local Road
			Private Road



**Project Location**



Data Sources:  
 Aquifer data is based upon 1:250,000 scale mapping provided by the NYS Department of Health, Bureau of Public Water Supply, 2000. Areas on this map described as "other bedrock aquifer areas..." is based upon Bugliosi and Trudell, 1987.



**CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.**

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This map is a product of The Chazen Companies. It should be used for reference purposes only. Reasonable efforts have been made to ensure the accuracy of this map. The Chazen Companies expressly disclaims any responsibilities or liabilities from the use of this map for any purpose other than its intended use.

*Town of LaGrange 2004 Comprehensive Plan*

**Figure 2.3-8 Aquifers And Estimated Potential Yields**

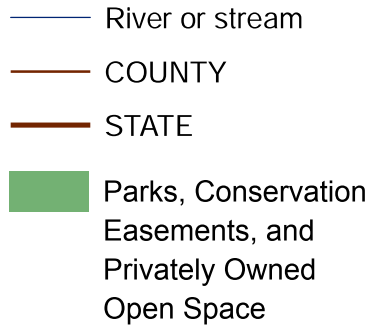
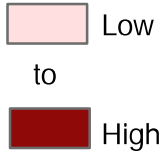
Town of LaGrange  
 Dutchess County, New York

Created by:	Carol Conolly
Date:	10/05/2004
Scale:	1:46,000
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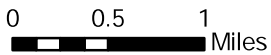


# TOWN OF LAGRANGE, NY OPEN SPACE PLAN

## Total Compiled Rating



Value based on:  
Farm "Area" Rating  
Aquifer and Flood Protection Rating  
Natural Areas Rating



Maps created by:  
Behan Planning Associates, LLC  
Planning Community Futures

Data Sources:  
Town of LaGrange Planning Dept.  
Dutchess County EMC

