

MEMORANDUM

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

Date: October 30, 2020

Subject: **Gasland Petroleum Rt. 9D – Subdivision, Site Plan and Special Permit Review**
Tax Lots 6157-01-048643, 057642, 057654, 059643

As requested, we have reviewed the applications of Gas Land Petroleum, Inc. (the “Applicant”) on behalf of Charles L. Conklin (the “Owner”) for Subdivision, Site Plan and Special Permit Approvals.

The Property

The subject properties are located at 2361 Route 9D, are designated as tax lots 6157-01-048643, 057642, 057654 and 059643 on the Town of Wappinger tax maps and are located within the HM Hamlet Mixed Use Zoning District (the “Subject Property” or “Site”).

The Proposal

The Applicant is proposing to develop the 1.24-acre site with a gasoline filling station with four pumps and a 2,700 square foot convenience store with 2, one-bedroom apartments above the convenience store (the “Project” or “Proposed Action”).

Submission

The Applicant has submitted for review the following plans generally entitled “Gas Land Route 9D Wappinger” prepared by The Chazen Companies, dated 1/9/20, last revised 10/13/20:

1. Sheet G001, “Title Sheet;”
2. Sheet G002, “Notes and Legend;”
3. Sheet C101, “Existing Conditions” last revised 12/20/19;
4. Sheet C102, “Subdivision Plan (Lot Consolidation);”
5. Sheet C120, “Demolition Plan;”
6. Sheet C130, “Site Plan;”
7. Sheet C131, “Vehicle Maneuvering Plan;”
8. Sheet C140, “Grading & Drainage Plan;”
9. Sheet C150, “Erosion & Sediment Control Plan;”
10. Sheet C160, “Utility Plan;”

11. Sheet C180, "Landscape Plan;"
12. Sheet C190, "Photometric Plan;"
13. Sheet C530, "Site Details;"
14. Sheet C540, "Storm Sewer Details;"
15. Sheet C541, "Storm Sewer Details;"
16. Sheet C550, "Erosion & Sediment Control Details and Notes;"
17. Sheet C560, "Water Details;"
18. Sheet C570, "Subsurface Disposal System Details;"
19. Sheet C580, "Landscape Details and Notes."

We offer the following comments for your consideration.

REVIEW COMMENTS

1. Zoning Conformance.
 - a. Section 240-21.D of the Town Zoning Law allows the Planning Board to grant an exception to the required front yard if, on (at least) one side of the street within 150 feet of any lot, there is a pronounced uniformity of the alignment of the depths of front yards greater or less than the required minimum depth normally required by zoning. The Applicant is seeking an exception from the Planning Board to allow a front yard of 34 feet where 75 feet is required. The adjacent front yards on average have front yards of less than 10 feet. We believe that 10 feet is too small a front yard, and that the Planning Board could find 34 feet to be acceptable.
 - b. The Applicant is seeking a variance to allow a rear yard setback of 24.3 feet where 50 feet is required.
2. Existing Conditions. The Existing Conditions plan contains a note regarding historical access to the Site from the adjacent property (tax map parcel 6157-01-062643). The adjacent property owner has stated that he has access rights to the existing asphalt area on the Site (tax map parcel 6157-01-057654). However, the note states that no recorded documents were found during the deed research. We defer to the Planning Board Attorney with regard to this issue.
3. Elevations. Elevations of the proposed convenience store and gas pump canopy have been submitted for review by the Planning Board.
4. Signs. A measurement should be added to the plans depicting the free-standing sign's distance to the edge of pavement to better illustrate the proposal's compliance with §240-29-D-2(a) of the Zoning Law. Additionally, the same sign appears to be oversized as per the same section of the Zoning Law. The Planning Board may authorize variation from

these standards upon demonstration of good cause and in the interest of good design, as per §240-29-B of the Zoning Law.

5. Lighting.

- a. The Applicant has reduced the proposed lights under the canopy by 1 light to reduce proposed lighting levels. The average footcandle level below the canopy is now 3.9 footcandles, which is more acceptable. We recommend that any Special Permit approval that may be granted be conditioned upon the requirement that the lighting be equipped with dimmers so that the lights can be dimmed if the Building Department finds that the lighting is too bright. We also recommend that the lighting be dimmed or completely turned off when the gas station is closed, especially given that there would be residential uses on the Site.
- b. The Applicant has indicated that no lighting is proposed for the exterior vertical component of the canopy. A note stating this should be added to the Lighting Plan.

6. SEQRA.

- a. The Proposed Action is considered an Unlisted Action with regard to SEQRA.
- b. The Planning Board circulated its intent to serve as Lead Agency on October 8, 2020. Once 30 days has passed and if no objections have been received, the Planning Board can declare itself Lead Agency.

7. Site Access. The site plan has been updated to address concerns related to the limited Intersection Sight Distance (ISD) to the south when exiting the proposed access drive. It is our understanding that New York Department of Transportation (NYSDOT) had similar concerns and the site access is now limited to right in/right out to Route 9D. The proposed access drive now includes a center median designed to discourage left turn movements, but proposed to be a flush-type median so that the large tractor trailer can “travel” over the center median to turn in and out of the site. Although large truck deliveries will be minimal, the turning templates provided, as requested, indicates this large truck will cross the path of an exiting large truck, if this was to occur at the same time. Although this is unlikely to occur, the Applicant should at least evaluate options to create a larger center median to eliminate this concern. NYSDOT will have the final sign-off of this configuration.

We look forward to discussing our comments with you. If you have any questions with respect to the above, please let us know.

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