

## **MEMORANDUM**

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

Date: April 28, 2021

Subject: **Gasland Petroleum Rt. 9D – Subdivision, Site Plan and Special Permit Review**  
Tax Lots 6157-01-048643, 057642, 057654, 059643, & 040637

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, 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”).

### **The Proposal**

The Applicant is proposing to develop the 1.79-acre site with a gasoline filling station with four pumps and a 3,800 square foot convenience store, and 4, one-bedroom apartments on the second floor in a single 7,860 square foot building (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;” last revised 3/22/21;
2. Sheet G002, “Notes and Legend;” last revised 3/22/21;
3. Sheet C101, “Existing Conditions” last revised 12/20/19;
4. Sheet C102, “Subdivision Plan (Lot Consolidation);” last revised 7/31/20;
5. Sheet C120, “Demolition Plan;” last revised 3/22/21;
6. Sheet C130, “Site Plan;” last revised 3/22/21;
7. Sheet C131, “Vehicle Maneuvering Plan;” last revised 3/22/21;
8. Sheet C140, “Grading & Drainage Plan;” last revised 2/16/21;
9. Sheet C150, “Erosion & Sediment Control Plan;” last revised 2/16/21;
10. Sheet C160, “Utility Plan;” last revised 2/16/21;

11. Sheet C180, "Landscape Plan;" last revised 3/22/21;
12. Sheet C190, "Photometric Plan;" last revised 3/22/21;
13. Sheet C530, "Site Details;" last revised 3/22/21;
14. Sheet C540, "Storm Sewer Details;" last revised 2/16/21;
15. Sheet C541, "Storm Sewer Details;" last revised 2/16/21;
16. Sheet C550, "Erosion & Sediment Control Details and Notes;" last revised 2/16/21;
17. Sheet C560, "Water Details;" last revised 2/16/21;
18. Sheet C570, "Subsurface Disposal System Details;" last revised 2/16/21;
19. Sheet C580, "Landscape Details and Notes." last revised 3/22/21.

We offer the following comments for your consideration.

## **REVIEW COMMENTS**

### 1. Zoning Conformance.

- a. The Applicant is seeking a waiver of the Minimum Front Yard requirements pursuant to Section 240-21.D of the Town Zoning Law. This section 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. However, the section specifies its applicability to the Schedule of Use Regulations for Residential Districts and the Hamlet Business District is not included there. Therefore, we do not believe a waiver pursuant to 240-21.D is applicable here.

To achieve the proposed building location, it appears that two variances will be needed for the required front yard setback from New Hamburg Road and Route 9D. Because the proposed building was moved closer to the road at the request of the Planning Board in the interest of good design and community character, the Planning Board may want to consider including a recommendation to the Zoning Board of Appeals as part of any application referral.

### 2. Site Plan.

- a. At the Town's request, and in the interest of Community Character, the Applicant has reoriented the original conceptual site plan to place the proposed gas pumps in the rear and place the proposed building at the corner of New Hamburg Road and Route 9D. The residential entrances have been located along New Hamburg Road and the retail entrances have been placed along the parking lot in the rear. In the interest of good design and enhanced community character, we recommend the proposed building be rotated slightly and made parallel with New Hamburg Road.

- b. To further the goals stated above, the building should be moved closer to New Hamburg Road so that the walk way along the building and the sidewalk along New Hamburg Road are the same sidewalk. If this is not possible, the walkway along the building should be connected to the sidewalk along New Hamburg Road.
  - c. To enhance the streetscape and in the interest of community character, there should be an entrance(s) to the ground floor retail establishments on the New Hamburg side of the proposed building. This is not intended to replace the entrance on the parking lot side of the proposed building. However, what was originally designed as the rear of the building is now facing a prominent local crossroads and should not function as the rear of the building. We recommend adding entrances for the ground floor retail use to the south elevation that match the ground floor entrances on the north elevation. The Applicant may even want to consider an ‘L’ shaped building that maximizes its frontage along the two major roads.
  - d. The Applicant should address the two outdoor seating areas proposed on the site plan and if they are intended to be publicly used. Has the Applicant had any discussions regarding a bus shelter at the location of the outdoor seating area along Route 9D?
  - e. The project description in the narrative submitted is out of date and no longer accurate. The narrative should be corrected to reflect the proposed plan shown on the site plan and described in the EAF.
3. 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.
4. Elevations. The Applicant has submitted proposed architectural renderings for the Planning Boards consideration.
5. Landscaping.
- a. The landscaping plan should be revised with a renewed emphasis on street trees along New Hamburg Road and Route 9D.
  - b. The landscaping plan should be corrected as there appears to be multiple examples of unlabeled proposed plantings, erroneous labels, and the numbers of proposed plantings that do not always align with the planting schedule.

6. Lighting.

- a. The Applicant should reduce the lighting below the fueling platform canopy to feature averages between 2-5 footcandles. The entire area is proposed to exceed 5 footcandles which is considered excessive. 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 previously 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.
- c. The lighting plan should be corrected as there appears to be outdated elements from previous drafts.

7. 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 March 26, 2021. As 30 days have passed and if no objections have been received, the Planning Board can declare itself Lead Agency.

8. Traffic Study

- a. Site Traffic Generation. In the previous Traffic Study, the analysis for the weekday morning peak hour was based on 6 additional vehicles and is acceptable. The new analysis during the weekday afternoon peak hour with the left turn exiting restriction at the New Hamburg Road site access drive also utilizes the previous site traffic estimate, which is 25 new vehicles higher than the new proposal.

Review of Figure 13-R indicated that the 47 vehicles exiting the New Hamburg Road site access drive to the right should have been 43 vehicles. It should be confirmed where the 37 vehicles will be turning around to the west of the site to travel back to the NYS Route 9D intersection.

Figure 13A-R should have 18 vehicles exiting right out of the New Hamburg Road site access drive and 8 vehicles on eastbound movement. In addition, there should be -5 vehicles on the eastbound through movement at the NYS Route 9D intersection. It should be confirmed where the 13 vehicles will be turning around to

the west of the site to travel back to the NYS Route 9D intersection. In both cases the volumes used were higher; therefore, the analysis is considered conservative.

- b. Build Traffic Volumes. Build traffic volumes are reasonably acceptable for the weekday afternoon peak hour, see comment 1. The eastbound through movement at the NYS Route 9D intersection should be 132 not 136; however, for purposes of this analysis is acceptable.
  - c. Capacity Analysis Results. The build with improvements analysis still does not include an analysis of the proposed site access plan and improvements along New Hamburg Road, which consist of a left turn pocket eastbound and a right turn only lane westbound at the proposed site access drive.
9. Traffic Site Plan. A review of the Updated Site Plan indicates that the proposed building has been shifted to the corner of the intersection of NYS Route 9D and New Hamburg Road, as requested by the Town. Review of the access to the site and internal circulation is acceptable as shown. However, the one comment we have is for the site access drive to New Hamburg Road, which shows a STOP sign for the exiting movements; however, does not include a NO LEFT TURN sign prohibiting left turn movements out of the Subject Property during the weekday afternoon peak period. As referenced below in the findings, with regard to the results of the analyses provided by the Applicant it shows Levels of Service changing from "D" to "E" and increases in vehicle queuing due to this development. Although the vehicle queuing is currently occurring on the approaches to this signalized intersection the development of the site will increase traffic at two new access drives. One of the factors in the operational characteristics and results of the analyses provided by the Applicant, which is considered conservative since it was not modified to reflect the reduction in site traffic, is that the existing traffic signal operation has a split phase for the two side road approaches to NYS Route 9D due to the slight misalignment of the approaches to the intersection. The Applicant should indicate if there have been any discussions with the County or NYSDOT on shifting the New Hamburg Road approach to the east (into the site) to eliminate this offset and potentially eliminate the need for a split phase operation of the traffic signal. The split phase results in delays at the intersection due to the added time needed to provide the extra phase. Since this development is on the northeast corner of this intersection and any realignment would actually shift into the site this option should at least be explored at this time to determine if it is feasible and appropriate to consider this modification to the New Hamburg Road approach to the intersection.
10. Traffic Findings. Based on our review of the capacity analyses, figures and tables, the Applicant used the site traffic for the previous proposal, which is 6 and 25 vehicle trip ends higher than the new proposal, which removes the 1,400 square-foot liquor store and increased the size of the convenience market from 2,500 to 3,800 square feet. The slight discrepancies found in the figure volumes and volumes in the analysis were in most cases higher; therefore, for the purposes of this analysis are acceptable.

The results of the capacity analysis using the SYNCHRO computer model for the weekday morning peak hour at the signalized intersection of NYS Route 9D indicate that with the Applicant's proposed improvements all lane groups, approaches and intersection overall will operate at similar Levels of Service and vehicle delays as the no-build, with the exception of the eastbound approach, which will have a deterioration in Level of Service from "D" to "E" with an increase in vehicle delay of 9.1 seconds. The eastbound lane groups will operate with volume to capacity ratios below 1.0; however, the 95th percentile queue for the right turn pocket during a build condition will now exceed the storage length by 4 feet. The eastbound left/through and southbound through/right lane group's 95th percentile queue will still extend past the proposed site driveways when compared to a no-build condition.

The results of the capacity analysis during the weekday afternoon peak hour at the signalized intersection an NYS Route 9D indicates that with the Applicant's proposed improvements it will have a deterioration in the overall Level of Service from "D" to "E" with an increase in vehicle delay of 6.1 seconds. All lane groups and approaches will operate at similar Levels of Service and vehicle delays, with the exception of the southbound through/right, which will have a deterioration in Level of Service from "D" to "E" with an increase in vehicle delay of 6.1 seconds. This lane group will operate with a volume to capacity ratio below 1.0; however, the 95th percentile queue during a build condition will increase by 54 feet. The eastbound left/through and southbound through/right lane group's 95th percentile queue will still extend past the proposed site driveways when compared to a no-build condition.

Generally, the signalized intersection will operate similarly to a no-build condition; however, a deterioration in Level of Service from "D" to "E" is considered a significant impact and is not desirable. However, as noted, the Applicant is using higher site traffic volumes (which is 25 vehicles higher during the weekday afternoon peak hour) and the errors found were in most cases showing higher volumes. The site driveway to NYS Route 9D operates at acceptable Levels of Service. Once the analysis is provided for the New Hamburg Road site driveway improvements we will review and provide our findings. In addition due to the results of the analyses and the Levels of Service and queueing lengths it would be appropriate for the Applicant to provide an updated capacity analysis with the site traffic matching the current proposal. The updated analysis would be more appropriate to provide the actual impact and need for mitigation. The latest site traffic may indicate the reduced increase in vehicle delay and may indicate maintaining certain Levels of Service. It is important to note that the capacity analysis results using the Highway Capacity Manual (HCM) procedures used by NYSDOT, yield better results than the SYNCHRO model. However, it is our opinion that the SYNCHRO model yields more realistic results for Levels of Service, delay and vehicle queuing. The HCM method indicates that with this mitigation plan Level of Service "E" results are eliminated.

The current alignment of the signalized intersection and slight offset of the New Hamburg Road and Old Hopewell Road approaches to NYS Route 9D requires a split phase in the

traffic signal operations. This additional signal phase, in part, contributes to the long traffic delays and vehicle queuing at the intersection. The Applicant should indicate if there were any discussions with the County or NYSDOT on shifting the New Hamburg Road approach to the east to align with the Old Hopewell Road approach.

The current analysis results indicate a potential significant traffic impact from this proposed development and the change in Level of Service from "D" to "E" should be mitigated, if possible. Further, the vehicle queue length will block the site access drive and have a negative impact on site exiting movements. This may result in internal congestion. Although the site frontage is blocked with current traffic the new development will generate a higher level of site traffic.

We recommend that any meetings or discussions between the Applicant and NYSDOT or the County include our office to be a part of those discussions and provide input, as needed, on behalf of the Town.

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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