

August 10, 2022

Town of Wappinger
Planning Board
20 Middlebush Road
Wappingers Falls, NY 12590

Attention: Bruce Flower, Chairman

**Re: Response to Comments Summary
Proposed CarMax Auto Superstore
Tax Parcel 6157-04-659168**

Dear Chairman Flower,

On behalf of CarMax Auto Superstores, Inc., we are pleased to submit this response to comments summary to the Town of Wappinger Planning Board for the above referenced project. This summary is in response to the various comments received in the April 13, 2022 Memorandum from Hardesty & Hanover, as noted below with our responses in italics.

1. SEQRA

The Proposed Action is considered an Unlisted Action pursuant to SEQRA. The Planning Board should discuss if they would like to pursue a coordinated or uncoordinated review.

Comment acknowledged. It is our understanding that the Town has circulated the SEQR notices as part of an uncoordinated review.

2. Site Layout

The current site layout features three curb cuts on Smithtown Road. One for the inventory area and two full movement entrances to the employee and customer parking area. The Applicant should clarify why two entrances to the employee parking and customer parking area is required. Additionally, a sheet should be added to the plans showing mobility and turning radii for the delivery trucks in and out of the loading area and a separate mobility plan showing emergency vehicle access.

Truck turns showing the delivery truck turning radii and emergency vehicle access (ladder fire truck) have been added to sheet C-904. We have removed one of the accesses to Smithtown Road as requested, so that two remain. One for employees/trucks and one for customers. Signs have been added to the Site Plan accordingly.

3. Parking

The bulk table identifies the applicant requires 51 parking spaces and that they are proposing 77. The use category identified is 'Retail or Service Business', however the Applicant should be using the parking requirements for motor vehicle sales establishments identified in §240-67.B. In either case, the Applicant is proposing more parking than is prescribed by the Code and will require a

waiver from the Planning Board as per §240-97.A. Additionally, the Applicant is proposing modified dimensions for parking geometry in the employee controlled inventory and service lots which would also require a waiver from the Planning Board.

We are requesting a waiver for the quantity of parking spaces in the customer and employee parking lot and size of the drive aisles in the employee-controlled inventory lot and service lot. The parking requirement calculations have been updated in the Zoning Analysis Table. CarMax has data from its 230+ nationwide stores and specific customer/sales projections for this site which tell them this is the necessary amount of parking. Based on these projections, what is shown is the minimum amount of parking necessary to provide adequate parking for customers and employees. Please find parking data attached to this submittal within the waiver request.

4. Lighting

The Applicant should revise the lighting plan for future submissions. We recommend that the lighting plan include the color temperature and BUG rating of proposed fixtures. We also recommend that the color temperature not exceed 3000K and that the proposed lighting plan avoid hotspots in excess of 5 footcandles. Most areas should feature an average of 1 footcandle. The current lighting plan far exceeds the maximum advised lighting level with maximums of nearly 40 footcandles. The lighting plan also proposes light poles of 30' which would conflict with the current lighting code revisions being entertained by the Town Board which would cap light pole heights at 15'.

Please see the revised Lighting Plan enclosed. Lighting is an integral part of the proposed business for operations and security. It provides safety and convenience for customers. We are meeting the Code as it exists today and have made efforts to bring the proposed lighting plan much closer to complying with the proposed Code updates. Two (2) waivers are being requested. One for the proposed pole height, where 15-feet is allowed, 19-feet is proposed. The other waiver request is for color temperature; where 3,000 Kelvin is allowed, 3,500 Kelvin is proposed.

Plans

5. Landscaping

In agreement with the 4/1/22 comment memo from the Dutchess County Department of Planning and Development, the landscaping along Osborne Hill Road and the southern property line should be enhanced.

The landscaping along Osborne Hill Road has been enhanced on the revised Landscape Plan enclosed. There are additional trees proposed on site and lower height vegetation to help provide sufficient screening. Based on the July 6, 2022 Planning Board meeting a row of arborvitae have been added near the longer façade facing Smithtown Road.

6. Environmental

The EAF notes the presence of the endangered Indiana Bat which would require calendar restrictions on tree clearing as mitigation. The Applicant should add a note to this effect and confirm if there is any tree clearing proposed. The EAF also notes the potential presence of the Blanding's Turtle. Given the current condition of the Site, it is unlikely the Site contains potential



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habitat for the Blanding's Turtle. The Applicant should reach out the New York Department of Conservation and confirm the above. Any correspondence between the Applicant and the NYSDEC should be forwarded to the Town for the record.

Comment acknowledged. Tree clearing is not proposed.

Should you have any questions or any additional needs please do not hesitate to contact us at (518) 438-9900.

Sincerely,

BOHLER ENGINEERING AND LANDSCAPE ARCHITECTURE NY, PLLC

A handwritten signature in dark ink, appearing to read "Caryn Mlodzianowski".

Caryn Mlodzianowski

cc: **Malcolm M. Simpson, Hardesty & Hanover (via e-mail)**