



17 Computer Drive West
Albany, NY 12205
518.438.9900

70 Linden Oaks, Third Floor, Suite 15
Rochester, NY 14625
585.866.1000

Via Overnight Delivery

October 6, 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 September 6, 2022 letter from Hardesty & Hanover, as noted below with our responses in italics:

Response to various comments summary as follows:

1. SEQRA. The Proposed Action is considered an Unlisted Action pursuant to SEQRA. The Planning Board circulated its intent to serve as Lead Agency in a letter dated 5/12/22. The next step in regard to SEQRA is for the Planning Board, as Lead Agency, to consider making a determination of significance.

Comment acknowledged.

2. Site Layout.

- a. Previously, the site layout had featured three curb cuts on Smithtown Road. One for the inventory area and two full movement entrances to the employee and customer parking area. Both the Dutchess County Department of Planning and the Wappinger Planning Board had questioned this. The Applicant has revised the entrances to retain the two full movement entrances into the employee/customer parking area but have eliminated the curb cut into the inventory lot which is now proposed to be accessible through the employee/customer parking area.

Comment acknowledged. Smithtown Road is a fairly low volume road. We have removed the entrance closest to the intersection and have reduced the number of curb cuts to the site from current conditions. We have also added signage to direct customers and delivery trucks.

- b. The fire truck turning templates show a conflict with a parking space in the employee/customer parking lot as well as a lack of turnaround in the display lot. We defer to the Fire Prevention Bureau as to the adequacy of the fire truck turning templates and circulation plan and recommend that these plans be circulated to them for their review.

We received Fire Prevention Bureau and the Hughsonville Fire Department comments via e-mail on 9/29/2022 and have addressed the comments within the plans attached to this submittal. We were asked to provide a 24' wide access aisle to serve as a fire lane to the rear service and car wash area. We provided a new fire truck turn template within the site plan documents utilizing a 34' long tuck as requested and expanded the gate openings and drive aisle along the travel path of the fire truck to be 24' wide. We have also added pavement markings noting the fire lane and noted that the access gate is to open upon siren activation/similar.

3. Parking. The Applicant is proposing 77 parking spaces, which is greater than the 30 parking spaces required by code, which 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. Both waivers are addressed in the waiver request form submitted by the Applicant dated 8/3/22.

Code section 240-67(B), which establishes the minimum parking requirement for auto dealerships, requires a minimum of 10 visitor parking spaces(regardless of site size), plus 2 spaces for each 3 employees. Because 240-67(B) is variable based only on the amount of employees (not site size or any other factor) it favors dealerships with larger service buildings and thus many more employees, but it does not have variable related to site size and/or vehicle display area size or any factor related to sales capacity. CarMax is an auto sales facility first and foremost with only minor amount of service work and thus a limited number of employees comparatively. This, in effect, penalizes CarMax for operating their auto sales business efficiently. As discussed at the September 7th meeting, CarMax has data from its 230+ store across the country and uses that data to determine the appropriate amount of customer/employee parking spaces needed for future facilities. At that meeting, an analysis was presented which compared the 77 parking spaces proposed for this facility with other existing facilities of similar prototype, site size, and demographic data/sales estimates. That analysis found that those comparable facilities had an average of 98 customer/employee spaces, well above the amount proposed for CarMax Wappinger. As requested at the September 7th meeting, as-builts from those comparable facilities have been provided for Planning Board review. The amount of customer/employee parking spaces requested by CarMax is reasonable based on the wealth of historic data they have available and any further reduction to this parking count would result in congestion in the parking area and illegal street parking.

Code section 240-96B.(1) - The waiver for modified dimensions pertains to the sales display area only. The sales display area does not function as a "parking lot" in the traditional sense, as it is a secured area for the display of inventory only. The area is intended to be a pedestrian oriented area for customers to browse vehicles for sale, only CarMax associates may operate vehicles in this area. The drive aisle designated as the Emergency Access/Fire Lane has been increased to 24-feet as requested by the fire department.

4. Lighting. The Applicant has revised their lighting plan but are still requesting numerous waivers from the lighting code.
- a. The Applicant has proposed pole heights of 19', with 17' poles atop 2' pedestals. The Narrative states that this is in the intention of a more energy efficient design as the Applicant would need more poles should they comply with the code requirement of 15' poles. We recommend that the Applicant demonstrate with a code compliant conceptual plan how many additional poles would be required as it is unclear from the narrative and lighting plan.

Please see the 'Topic Memo', dated 30 September 2022, prepared by Lighting Design Innovations attached for response.

- b. The color temperature is proposed to be 3,500K. We recommend that the Applicant revise this to use code compliant fixtures at 3,000K.

Please see the 'Topic Memo', dated 30 September 2022, prepared by Lighting Design Innovations attached for response.

- c. The average footcandle level for the overall Site is calculated to be 3.3 fc.. However, this is somewhat misleading due to the effective use of lighting cutoffs and low levels of lighting in the periphery of the Site and in the field between Osborne Hill Road and the proposed building and parking lots. Area averages should be calculated separately for the display lot, employee and customer parking lot, and employee only service area as they are separate and distinct areas with different functions. Areas outside of these can be included in Site-wide average calculations but should not be included in area specific average calculations.

The inventory lot and employee/customer lots appear to be lit regularly in excess of 5 footcandles and frequently as high as 15 footcandles. The lighting narrative seems to misinterpret the lighting plans code compliance when it states that an average footcandle level of 3.3 meets the ordinance requirement of 5.0 maximum. The maximum of 5 fc. does not address averages but absolute footcandles and is meant to control excess lighting and hot spots.

240.23.E states that "...Parking lots shall have an average lighting level at or below one footcandle. High-security areas shall have lighting levels of no more than five footcandles, and two to five footcandles is the suitable range. Footcandle levels greater than 5.0 are considered excessive and shall be avoided."

We defer to the Planning Board as to whether parking areas used for inventory and sales are to be considered high security areas but remind the Board that they have not been considered high security areas in the past. Either way, the Applicant would need to add their proposed intensity of lighting to their list of requested waivers.

Please see the 'Topic Memo', dated 30 September 2022, prepared by Lighting Design Innovations attached for response.

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- d. The lighting plan does not include the fixture BUG ratings, and this should be added to future submissions.

Please see the 'Topic Memo', dated 30 September 2022, prepared by Lighting Design Innovations attached for response.

5. Landscaping. The landscaping along Osbourne Hill Road has been enhanced but it appears the southern property line has not been. A not on the plan identifies an existing hedge row to be preserved along this line but does not identify its height. We are curious how tall the hedge is and how effective it will be for screening purposes. The Applicant should consider bolstering the screening along this area.

We have modified the plans to propose to remove the existing hedge row and plant a new more robust landscape buffer along the southern property line consisting of trees and shrubs. This is included within the plans enclosed.

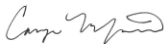
6. Environmental. The EAF notes the presence of the endangered Indiana Bat which would require calendar restrictions on tree clearing as mitigation. The EAF also notes the potential presence of the Blanding's Turtle. Given the current condition of the Site, it is unlikely the Site contains potential habitat for the Blanding's Turtle and the Applicant has confirmed that no tree clearing is proposed. The Applicant should reach out the New York Department of Conservation and confirm the absence of the Blanding's Turtle. Any correspondence between the Applicant and the NYSDEC should be forwarded to the Town for the record.

Comment acknowledged. This correspondence will be forwarded upon receipt.

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



Caryn Mlodzianowski

cc: **Malcolm M. Simpson, Hardesty & Hanover (via e-mail)**
John Thatcher, CenterPoint Integrated Solutions (via e-mail)
CarMax Auto Superstores, Inc (via e-mail)
Richard O'Rourke, Keane & Beane P.C. (via e-mail)
Jon Bodendorf, PE, CPL