

MEMORANDUM

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

Date: November 1, 2022

Subject: **CarMax Auto Superstore– Amended Site Plan and Special Permit**
Tax Lot 6156-02-664986

As requested, we reviewed the application of Caryn Mlodzianowski (the “Applicant”) on behalf of John Arons (the “Owner”) for Amended Site Plan Approval and Special Permit Approval.

The Property

The subject property is a 7.5-acre lot located at 1105-1115 Route 9, is designated as tax lot 6156-02-664986 on the Town of Wappinger tax maps and is located within the HB Highway Business District (the “Subject Property” or “Site”).

The Proposal

The Applicant seeks redevelop an existing 10,200 SF retail space and an existing 1,400 SF interior greenhouse into a an auto sales establishment with a 9,040 retail component and associated car storage lots (the “Project” or “Proposed Action”).

Submission

The Applicant has submitted for review an Application for Site Plan Approval form dated 3/1/22; an Application for Special Permit Approval form dated 3/1/22; a narrative prepared by Caryn Mlodzianowski dated 8/11/22; a comment response memo prepared by Caryn Mlodzianowski dated 10/6/22; A Full EAF form signed by K. Doulass Moyers dated 3/3/22; a single sheet lighting plan dated 2/11/22 and last revised 8/2/22; a lighting narrative prepared by Paul Mercier dated 8/2/22; a lighting comment response memo prepared by Paul Mercier dated 9/30/22; a waiver request form prepared by Bohler dated 8/3/22; a conceptual signage and elevations plan prepared by AGI last revised 7/22/22; 5 sheets of parking plan examples from other Carmax sites; and a site plan (14 sheets) generally entitled “Proposed Site Plan Documents for CarMax Auto Superstores, Inc. ” prepared by Bohler and dated 9/24/21 last updated 9/30/22:

1. Sheet C-101, “Cover Sheet”
2. Sheet C-102, “General Notes Sheet”
3. Sheet C-201, “Demolition Plan”
4. Sheet C-301, “Site Layout Plan”

5. Sheet C-401, "Grading and Drainage Plan"
6. Sheet C-501, "Utility Plan"
7. Sheet C-601, "Erosion and Sediment Control Plan"
8. Sheet C-602, "Erosion and Sediment Control Notes and Details"
9. Sheet C-701, "Landscape Plan"
10. Sheet C-702, "Landscape Notes and Details"
11. Sheet C-901, "Detail Sheet"
12. Sheet C-902, "Detail Sheet"
13. Sheet C-903, "Detail Sheet"
14. Sheet C-904, "Detail Sheet"

REVIEW COMMENTS

1. SEQRA.

- a. 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.
- b. Regarding the determination of significance, the Applicant is requesting multiple waivers from §240-23 of the Zoning Law. The intent and purpose of this section is to "provide standards for outdoor lighting in order to maintain and protect the scenic and aesthetic character of the Town...and to enhance the Town's nighttime ambience and character". The Planning Board should consider potential impacts to aesthetics and community character when considering the requested waivers and the determination of significance.

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. We agree with this decision as the curb cut that has been removed is the closest to the Smithtown intersection with NY Route 9 and the entrance/exit most likely to be impacted by queuing for this intersection.

- b. The fire truck turning templates have been revised and we defer to the Fire Prevention Bureau as to their suitability. However, it should be noted that the fire truck turning templates depend on an absence of parked auto hauler trucks in the loading area and a clear path within the gated service area (where cars will be stored but the locations of those cars are not shown on the plans).
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.
 - a. The Applicant has provided sample parking plans from five other Carmax locations across the United States. For the Boards information, we have provided a table of the total parking spaces provided in the customer/employee lots and their approximate occupancy as observed from aerial imagery from Google Maps as of 2022.

| Carmax Location | Total Parking | Occupancy | Occupancy % |
|-----------------|---------------|-----------|-------------|
| Golden, CO | 121 | 19 | 15.7% |
| Vancouver, WA | 87 | 43 | 49.4% |
| Buffalo, NY | 77 | 43 | 55.8% |
| St. Louis, MO | 100 | 18 | 18% |
| Pensacola, FL | 99 | N/A | N/A |

*The Pensacola, FL location has not completed construction as of the aerial imagery.

4. Lighting. The Applicant has not revised their lighting plan and 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. The comment response memo states that the shorter poles would require additional poles to meet uniformity and illuminance targets but does not state how many additional poles would be required, as was requested. The comment response memo also states that a shorter pole height would create additional hotspots but has not provided a code compliant plan for comparative purposes, as was requested.
 - 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. The comment response memo states that a color temperature limit of 3000K is not in keeping with the existing

lighting in the surrounding area of the Town. However, the current lighting code was adopted out of dissatisfaction with the existing lighting in the surrounding areas of the Town.

- 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 Osborn 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.

The comment response memo quotes multiple sources for guidance on advised illuminance intensity including the 2020 Fire Code that states that a minimum of paths leading from building egress and the public way should not be less than 1 footcandle. The comment response memo also states that unless specified, illuminance values are interpreted to be average maintained values.

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 Zoning Administrator as to the interpretation of the last sentence above. In the past, it has been interpreted as an upward limit on absolute footcandle values and not as an upward limit on site averages. In the past, the lighting code has been interpreted to advise absolute footcandle values between 1 and 5 footcandles with higher averages recommended for higher security areas.

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.

- d. The lighting plan does not include the fixture BUG ratings, and this should be added to future submissions.
- 5. 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.

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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