

February 6, 2023

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 November 1, 2022 letter from Hardesty & Hanover, as noted below with our responses in italics:

Response to various comments summary as follows:

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.

Comment acknowledged.

- 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.

The proposed pole height, planned installation arrangement, and proposed luminaire options for glare control optimize energy consumption, meet recognized lighting minimums, minimize glare, minimize atmospheric light pollution, limit backlight and glare experiences of neighbors, and the color of the light and the appearance of the light level on the site are not divergent from the observed community aesthetic at the time of this submission.

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.

Comment acknowledged. We welcomed the Town's suggestion on this and were happy to make the improvement for circulation and access.

- 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).

The fire truck turning template has been revised to reflect an auto hauler parked in either loading space, showing that if an autohauler is parked then the emergency vehicle can still navigate through that adjacent drive aisle. Additionally, the storage locations of cars have been added to the plans along with a 24' striped lane labeled "Fire Lane No Parking" as requested by the Fire Prevention Bureau.

- 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.

As discussed at the workshop meeting at Town Hall on January 18, 2023, we are requesting to withdraw our waiver request for amount of 'customer & employee' parking and are now proposing 30 'customer & employee' parking spaces as allowed by Code as part of the overall parking count. The project is allowed to have a total of 525 parking spaces (30 for

customers & employees, and 495 for employee controlled parking spaces) and a total of 452 parking spaces are proposed; 30 being 'customer & employee' spaces which conveniently located near the entrance of the building. We are still requesting a waiver for reduced drive aisle widths in the inventory lot from 24 feet to 20 feet in some areas. See updated waiver request attached.

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.

An alternative plan documenting illuminance calculations for shorter pole heights is not necessary to demonstrate that a design implementing shorter poles would require additional poles and create higher areas of illuminance surrounding each pole ("hotspots") than those indicated in the designed lighting system that has been submitted. The following reference information explains how shorter pole heights impact uniformity, aiming angles, and glare:

- IES G-1 6.2 document page 15 (PDF page 1)
- IES G-1 7.2 document page 20 (PDF page 2)
- IES G-1 A.12 document pages 49-50 (PDF page 9)

- 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.

The luminaire specification has been changed to 3000k as requested.

- 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.

The code does not require illuminance calculation by area for site lighting. Local code 240.23.5, as quoted, may be interpreted as non-compliant with fire code. Specifically, prescribing a desired light level of "...at or below 1 footcandle average..." cannot achieve the minimum of 1 footcandle maintained required by code for egress. Target illuminance values are considered average, maintained illuminances for designed task areas. The following reference information provides the definitions for illuminance; this information is consistent throughout the IES standards library for standards relevant to this application.

- *IES RP-33 2.3.6.1 document page 8 (PDF page 1)*

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

The drawings have been modified to include the requested BUG ratings.

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.

Included with this submittal is a letter from the NYSDEC letter containing the historical record stating the Blanding's Turtle has not been documented in the vicinity of the project site since 1979 or earlier.



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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 black ink, appearing to read "Caryn Mlodzianowski".

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)
Paul Mercier, MS, LC, IALD, Lighting Design Innovations (via e-mail)