



555 Theodore Fremd Ave, Suite C-301  
Rye, NY 10580  
T: 914.967.6540  
[www.hardestyhanover.com](http://www.hardestyhanover.com)

## **MEMORANDUM**

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

Date: March 1, 2023

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 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 2/6/23; A Full EAF form signed by K. Doulass Moyers dated 3/3/22; a 2 sheet lighting plan dated 2/11/22 and last revised 1/27/23; a lighting narrative prepared by Paul Mercier dated 9/30/22; a lighting references prepared by Paul Mercier dated 1/31/23; a waiver request form prepared by Bohler dated 8/3/22, last revised 2/3/23; a conceptual signage and elevations plan prepared by AGI last revised 7/22/22; a letter from the New York State Department of Environmental Conservation dated 1/4/23; and a site plan (15 sheets) generally entitled “Proposed Site Plan Documents for CarMax Auto Superstores, Inc. ” prepared by Bohler and dated 9/24/21 last updated 8/5/22 last revised 2/06/23:

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"
15. Sheet C-905, "Detail Sheet"

## **REVIEW COMMENTS**

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.
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 the need for three full movement entrances. 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.
  - b. The fire truck turning templates have been revised following comments regarding conflicts with auto hauler parking spaces, and a lack of clarity in access routes through the service area. We defer to the Fire Prevention Bureau regarding the adequacy of the revised turning templates.
  - c. The auto hauler turning templates provided shows two conflicts in their exiting movements.

- i. The exiting auto hauler conflicts with the entering lane and if the conflict with entering traffic is maintained, a gate could be considered restricting access at the west side entrance to auto hauler and emergency traffic only.
- ii. The exiting auto hauler conflicts with the west bound lane of Smithtown Road as an auto hauler makes a right turn exiting the Site. The turning radius should be revised to eliminate conflict with west bound traffic on Smithtown Road.

3. Parking.

- a. The Applicant is proposing 77 parking spaces, which is greater than the 30 parking spaces required by code, however, they are no longer requesting a waiver from the Planning Board as per §240-97.A. Instead, the Applicant has stated that 30 of the proposed 77 spaces are for employee and customer parking and that the remainder are for other purposes including, but not limited, to the temporary storage of cars being unloaded from an auto hauler.
- b. The Applicant is proposing modified dimensions for parking geometry in the employee-controlled inventory and service lots that would reduce the drive aisle width and remove the need for vegetated islands as per § 240.96. This would require a waiver from the Planning Board.

4. Lighting. The Applicant has revised their lighting plan to make the proposed color temperature and lighting levels code compliant but are still requesting a waiver from the lighting code for the height of the proposed lighting poles.

- a. The Applicant has proposed pole heights of 19', with 17' poles atop 2' pedestals. This would require a waiver from the Planning Board. However, based upon our review the combination of increased pole heights and the high glare ratings of the proposed luminaires has the potential to cause glare issues. The BUG (Backlight, Uplight, Glare) ratings evaluate a light fixture's backlight, up-light, and glare with a rating system of 0-5 with 0 being the lowest. Many of the light fixtures being proposed have a glare or "G" rating of 4 which conflicts with the narrative of the Applicant that numerous efforts have been taken to reduce the glare of the proposed lighting plan. The Applicant should address how they intend to mitigate the glare of the proposed lighting fixtures.

5. Landscaping. The landscaping plan was not included in the most recent submission. The Applicant should provide a complete set of plans in their next submission.

We look forward to discussing our comments with you. If you have any questions with respect to the above, please let us know.

Malcolm Simpson  
Planner

cc: James Horan, Esq.  
Barbara Roberti  
Jon Bodendorf, PE  
Michael Sheehan  
Richard O'Rourke