

## 80 WASHINGTON SQUARE PROPERTIES LLC

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June 19, 2023

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

Re: CarMax Superstore; Tax Parcel #6156-02-664986  
File Nos. 21-3439 and 22-4100

Dear Chairman Flower and Planning Board Members:

As previously noted, this office owns and rents property at 1099 Route 9, adjacent to the south of the proposed CarMax which is the subject of site plan and special use permit applications presently before the Board. As noted in prior appearances, we understand that the proposed CarMax operations is a permitted use under the Zoning Code. We are not trying to 'kill the project'. The underlying purpose of our comments is to provide information to the Board so that an informed decision can be made and that any approved plan is the best for the neighborhood taking the Code into consideration.

We appeared before the Planning Board on April 3, 2023 and submitted our comments concerning the site plans. On May 1, 2023, the Board adjourned the Public Hearing until June 19, 2023.

Kindly accept this letter as further comment regarding lighting and landscaping issues we have raised.

Some time ago, the Town's consultants requested CarMax to prepare and submit a lighting plan which would be Code Compliant with respect to pole height. Somehow, along the way, this request was withdrawn and the only lighting plan before the Board is one in which the parking lot poles would be 19' tall which is a 26% increase over the Code limitation of 15'. The higher the light pole, the better chance for glow from the pole lights to be seen at some distance.

While the Board has the authority to waive the strict requirements of Code §240-23(K), it may do so only where the Board determines that better site design or safety can be achieved. In the case at hand, we submit that it cannot be determined that better site design or safety can be achieved unless CarMax submits a Code Compliant lighting plan. At present, there is nothing in the record for the Board to make such a comparative determination. CarMax needs to supply a Code Compliant plan in order to show hardship to request a waiver of the lighting code provisions and

permit 19' lights in the parking lot. Without such a plan, the planning board will be unable to take a hard look at the waiver request.

It has also come to our attention that another local car dealership previously came before the Board and the Board strictly construed the provisions of Code §240-23 and limited the parking lot poles to 15'. How can one dealer in the Town be treated differently from another one?

We previously submitted that the lighting plan does not take glare from chrome, glass and high gloss paint from the vehicles into consideration when computing footcandles. CarMax's lighting consultant does not disagree with such a proposition but merely states that its computation of footcandles is done with industry standards. Perhaps in this case, where a waiver is requested, CarMax should show the effect of glare from the vehicles rather than relying upon "industry standards".

CarMax made a minor modification to its plans to provide for the planting of Forty (40) arborvitae trees (5'-6') along its southern boundary where it meets our site at 1099 Route 9. We suggest that the trees should be 7'-8' in height and planted 6' on center. The landscaping buffer should be no less than 10' in width. Moreover, in order to ensure that the plantings are made and that the plantings are properly cared for, we suggest that CarMax place an amount of money, to be determined by the Town covering the cost of the trees and labor to plant the same, in escrow for a period of one year. The escrow agreement will provide that CarMax will take proper care of the arborvitae and will replace any one of them that does not take root properly and/or dies. We also propose that the plantings and escrow be in place as a condition of any CO for the site.

CarMax also submitted a landscaping plan which would provide for the planting of many trees within the site with a size of 2 1/2" - 3" cal. If the planning board were to request that trees with an initial height of 8'-10', the trees would also properly act as a buffer for any light glare to neighboring properties.

Thank you for your attention.

Very truly yours,



Frank Redl  
Project Manager