



555 Theodore Fremd Ave, Suite C-301
Rye, NY 10580
T: 914.967.6540
www.hardestyhanover.com

MEMORANDUM

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

Date: June 14, 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 3/24/23; 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; an existing traffic data review prepared by GTS dated 5/16/23; a conceptual sidewalk plan (2 sheets); 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 revised 3/20/23:

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. Traffic. We reviewed the Traffic Letter prepared by GTS Consulting dated May 16, 2023. The letter provided both traffic/pedestrian count data, as well as queue observations. The findings of the queueing observations indicated that the average queues eastbound on Smithtown Road to U.S. Route 9 were 5-6, 6-8 and 6 vehicles during the weekday morning, weekday afternoon and Saturday midday peak hours. Assuming an average length of 25 feet, this translates to 125 to 200 feet of average queueing, which would not block either proposed site driveway. The proposed easterly and westerly site driveway are approximately 275 feet and 430 feet from the STOP bar on the eastbound Smithtown Road approach to U.S. Route 9.

The maximum queues observed were 12-15 vehicles, or 300-375 feet, which would block the proposed easterly site driveway. This occurred 5 times during the morning two-hour period, 7 times during the afternoon two-hour period and 4 times during the Saturday midday peak hour. The maximum queue never spilled back to the proposed westerly site driveway. If a vehicle is waiting to turn left into the site, the westbound volume on Smithtown Road is low, at most 4 vehicles per cycle of the adjacent signal. We concur with the findings of the Traffic Letter, which indicated that existing eastbound queues on Smithtown Road to U.S. Route 9 will not extend to or block the westerly site access drive. The easterly driveway will experience for short and infrequent periods a blockage due to the eastbound queue.

3. Sidewalk.

- a. The Applicant has provided two conceptual sidewalk plans, one with the sidewalk on the south side of Smithtown Road along the frontage of the Property, the other across Smithtown on the north side. As the Applicant does not own the property along the full north frontage of Smithtown Road, it is unclear if or when this conceptual plan would be built out.
- b. The pedestrian counts were conducted on a Thursday (5/11/23), a Friday (5/12/23), and a Saturday (5/13/23) with a peak morning and evening hour on both weekdays and a peak mid-day hour on the Saturday. The counts show all movements across the intersection of Smithtown Road and Route 9 with a total of 15 pedestrians across the 5 hours of observation. It should be noted that there is currently no sidewalks at any approach to the study intersection and no crosswalks across the study intersection.

4. 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. The turning templates have been revised but now show a conflict with an interior curb as it approaches the exit movement. We defer to the Fire Prevention Bureau regarding the adequacy of the revised turning templates.
- c. The auto hauler turning templates have been revised and no longer show a conflict with the west bound lane on Smithtown Road when making a right turn exit. However, there is still a conflict with the interior double yellow line of the entrance/exit as the auto hauler enters the site. We make the following two recommendations.
 - i. To eliminate the conflict with westbound traffic on Smithtown Road, the entrance/exit the auto haulers are proposed to use has been widened to 46 feet. We recommend that the additional width beyond the standard be made

with a different material and/or marked in a different color to visually narrow the entrance/exit while maintaining the functional width proposed.

5. 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.

6. Lighting. The Applicant has revised their lighting plan to make the proposed color temperature and lighting levels code complaint but are still requesting a waiver from the lighting code for the height of the proposed lighting poles. The Applicant has proposed pole heights of 19', with 17' poles atop 2' pedestals. This would require a waiver from the Planning Board. The Applicant has proposed integral louvers on all of the perimeter fixtures to mitigate potential lighting glare from the Site.

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