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June 20, 2021

Chairman Paul Lahey
 Zoning Board of Appeals
 1 Overocker Road
 Poughkeepsie, NY 12603

RE: JMC Project 22071
 Proposed Wash Co. Car Wash
 2245 South Road (US. Rt. 9)
 Town of Poughkeepsie, NY 2603

Zoning Board of Appeals Application for Area Variances

Dear Chairman Lahey:

On behalf of Splash Car Wash, Inc., we are pleased to make an application to the Town of Poughkeepsie Zoning Board of Appeals for four (4) area variances associated with the Proposed Action which includes the complete redevelopment of a property located at 2245 South Road as a new, state of the art car wash.

Accordingly, eleven (11) copies pf the following drawings and documents are provided for your consideration:

1. JMC Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev. #/Date</u>
C-000	"Cover Sheet"	I. 06/20/2023
C-010	"Existing Conditions Map"	I. 06/20/2023
C-020	"Site Demolition Plan"	I. 06/20/2023
C-100	"Site Layout Plan"	I. 06/20/2023
C-110	"Refuse Vehicle Turning Analysis"	I. 06/20/2023
C-120	"Fire Apparatus Turning Analysis"	I. 06/20/2023
C-200	"Site Grading Plan"	I. 06/20/2023
C-300	"Site Utilities Plan"	I. 06/20/2023
C-400	"Site Erosion & Sediment Control Plan"	I. 06/20/2023
C-500	"Queuing Plan"	I. 06/20/2023
C-600	"Site Lighting Plan"	I. 06/20/2023
C-900	"Construction Details"	I. 06/20/2023
C-901	"Construction Details"	I. 06/20/2023
C-902	"Construction Details"	I. 06/20/2023
C-903	"Construction Details"	I. 06/20/2023
C-904	"Construction Details"	I. 06/20/2023

2. Proposed Building Floorplans & Elevations prepared by John D. Fuller, P.E., P.C., dated 10/24/2022. (11 reduced size copies).
3. Town of Poughkeepsie Zoning Board of Appeals Application Form.
 - a. ZBA Application Fee check in the amount of \$500.00.
 - b. ZBA Escrow Fee check in the amount of \$800.00.

Project Introduction

The 0.95 acre subject property is located at 2245 South Road (US. Rt. 9) at the corner of South Gate Road and is currently improved with a ±10,685 square foot, single story building and associated on-grade parking. The site was formerly occupied by Umberto's Restaurant but has recently been vacant. There are two existing curb cuts serving the property and the one nearest the South Gate Road intersection is proposed to be permanently closed to improve vehicular movements. The site is generally flat and does not contain any wetlands or watercourses.

The proposed conditions include the complete removal of the existing building and the construction of a new, state of the art, 5,400 square foot car wash building housing one fully automated wash tunnel. Additionally, 17 self-serve customer vacuum stations are proposed for customers who have purchased a car wash. Since the site has been previously developed, very little new disturbance is required to implement these improvements and there will be a net decrease in the impervious coverage. A robust landscaping plan is proposed along the site's frontage with South Gate Drive to screen the facility from the adjacent residential neighborhood. Vehicles will enter the site via the modified curb cut on South Road and proceed in the queuing lanes to one of the automated ordering kiosks. A bypass lane providing complete circulation around the building is provided for ease of circulation for fire apparatus and deliveries.

After the vehicles have been washed in the tunnel, they will exit the wash and customers will have the option of using one of the 17 available self-service vacuum stations or proceed to exit the site via the southbound right-turn only driveway on Rt. 9.

The Applicant operates several high-quality car washes in the area, the nearest located in White Plains, NY which was recently renovated and reopened in 2020. Competing full-service car washes average 5-10 minutes per car whereas this operation will have the capacity to wash three cars each minute due to the rapid speed with which the cars go through the wash and exit the property. The facility in White Plains is also located on a state road and has a smaller vehicle queue and has never reached capacity or backed up on to the local roads. This is accomplished in part because cars are not vacuumed by staff, nor are they wiped down, prepped or towel dried; everything is automated for the customer upon vehicle entry and exit.

The business models have proven that within a few months 70 percent of customers will be members with a monthly unlimited wash subscription. The wash is open to the public, but when a subscribing member arrives in the queue, within three seconds a license plate reader scans their

license plates, and a gate will open for entry into the wash. One staff member will monitor the ordering kiosks in case there are problems, and one staff member directs vehicles into the wash. Once in the wash tunnel, a movie plays that gives the customer directions (correct tire placement, foot off the brake, transmission in neutral and hands off the wheel) and takes them through the wash. Upon exiting the wash, customers can leave the property or pull into one of the 17 free, self-service vacuum stations.

Project History

The Applicant made an initial application to the Town of Poughkeepsie Planning Board for Site Plan and Special Permit Approval in January, 2023. The Application was initially heard at the February 16, 2023 Planning Board Meeting. At that time, the Planning Board communicated numerous comments on the project and circulated their intent to serve as lead agency under SEQRA review. The comments included a review memorandum from the Zoning Administrator which indicated that the following variances may be required to facilitate the project:

1. As per Section 210-90-(D), no facility shall be located within 500 feet of any property developed for residential use which is located in a residential district.
 - a. The proposed car wash facility improvements are located approximately ± 71.0 feet from the nearest residentially used lot line located at 1 Oriole Drive requiring a variance of $\pm 429.0'$.
2. As per Section 210-90-(F)(1), lot size for automobile washing facilities shall be a minimum of two acres.
 - a. The existing lot size is 0.95 acres in size requiring a variance of 1.05 acres.
3. As per Section 210-112, for trash and storage containers and receptacles, no container or receptacle shall be placed or located within 50 feet of any residential district or any property used for residential purposes.
 - a. The proposed trash enclosure area is located approximately $\pm 24.5'$ from the nearest residentially zoned district. The adjacent residential zone is R-20.
4. As per Section 210-35-(F)(1) a landscaped buffer area of not less than 30 feet in depth shall be provided along the front yard, side yard, and rear yard of any lot.
 - a. The site provides an existing nonconforming landscape buffer setback of $\pm 1.3'$. The proposed site plan slightly increases this buffer distance to $\pm 1.7'$ which does not exaggerate the existing non-conforming setback distance. A robust landscaping plan is provided along South Gate Drive to provide a visual buffer.

Area Variance Balancing Standards

With regard to the five factors to consider when weighing requests for area variances, we offer the following narrative:

1. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variances.*

The Applicant submits that there will be no undesirable change to the character of the neighborhood or detriment to nearby properties by granting the requested variances. The existing site has been vacant for some time and is in a state of disrepair. In fact, one of the former uses of the property was a car wash and detailing facility with an enclosed wash tunnel. The neighborhood character is a busy commercial corridor and the car wash use will be complimentary to the businesses in the area and located on an already developed site. The Applicant operates several high-quality car washes which will ensure that the property is maintained in excellent condition. Since it is located on the corner of a roadway providing access to an adjacent residential neighborhood, the Proposed Action would help to beautify the area, clean-up a neglected property and provide a new, updated business use to the otherwise vibrant and thriving South Road commercial corridor.

2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variances.*

The area variances are triggered by the change of use from a commercial restaurant property to an automotive wash. The Applicant cannot change the size of the existing parcel to achieve a two-acre minimum, nor can the applicant change the boundary location of the existing residentially zoned district to the southwest. However, the proposed “automatic car wash” use is a specially permitted use in the “B-H” Highway Business zoning district and the Applicant can comply with all of the supplementary use regulations with regard to visual impact mitigation, parking and wash operations.

There are a finite number of available properties on the South Road corridor that are available for redevelopment and the subject property is available, has excellent access, visibility and pass-by vehicle trips, all of which will contribute to a successful car wash and the revitalization of the property.

3. *Whether the requested area variances are substantial.*

While the requested variances may seem substantial on paper, they are the minimum required to achieve the proposed site plan. The Applicant has taken great care to design the site plan to work within the existing 0.95-acre property size. The need for a two-acre minimum lot size, buffer and residential setbacks are not functions of the size or intensity of the proposed car wash. The requested variances are not substantial when taken in the context of the effect on the surrounding area and other lots and residences in the area. The granting of the variances will provide a benefit to the Applicant and the community.

4. *Whether the proposed area variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood if the variances are granted. The Proposed Action will have a positive impact on the area. The existing site driveway providing access to South Gate Drive at the intersection with South Road is proposed to be closed and a sidewalk installed on the site’s frontage. This alone will improve neighborhood conditions with regard to vehicular intersection operations and pedestrian connectivity. The site is currently vacant and has

fallen into a state of disrepair. The Proposed Action will clean-up the site conditions and result in an aesthetically beneficial situation which will enhance the corridor leading to the adjacent residentially zoned district. The renovations will include state of the art waste water reclamation, updated storm drainage and water quality controls and generous landscaping to beautify the site and meet all the Special Permit requirements for visual screening.

5. *Whether the difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the variance.*

Although the need for the area variances is self-created by the Applicant in seeking to purchase and redevelop the property, that in and of itself is not a reason to deny the area variances. The hardship is not entirely self-created since the Applicant is taking great care to work within the confines of the existing property size and location. There will be no adverse impact on the surrounding properties or a material change in the character of the neighborhood resulting from the granting of these area variances.

We trust that this information is sufficient for you to commence your review and look forward to working with the Town of Poughkeepsie throughout this process.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC

James Caris

James Caris, AICP
Project Manager

CC: Mr. Glen Sheeley