

#### Memorandum

To: Town Board

Cc: Town Clerk, Town Attorney,

From: David Sprout, Planning Department

Subject: Special Use Permit for the Extension/Enlargement of a Nonconforming Use John Guo

1610 Dryden Road, Tax Parcel # 44.-1-13.412

**Date**: January 18, 2017

John Guo is seeking a Special Use Permit (SUP) in order to conduct outdoor retail sales at 1610 Dryden Road. The site is currently home to Phoenix Books. Article XVI, Section 1601B of the Town's Zoning Law states that a nonconforming use, existing at the date of adoption of the zoning law, can only be extended or enlarged by SUP. The SUP is required to extend retail sales from inside the store, to the outdoors

In 1985, Phoenix Books acquired a use variance allowing the owners to conduct retail sales in a zoning district that prohibited retail sales. The property is currently zoned 'Rural Residential' (RR), a zoning district that also prohibits retail sales.

In addition to a General Permit and worksheet, Mr. Guo has provided a sketch plan, a second sketch detailing the parking area, a pictorial layout of the site, a survey map, a ground disturbance form, and Part 1 of the short Environmental Assessment Form (SEAF). I have provided two GoogleEarth screenshots of the property and surrounding area.

### SEQR, County Review, Ag & Markets

This is an unlisted action. As noted above, Mr. Guo has provided SEAF Part 1. The Board is the lead agency. This action is subject to Tompkins County Planning 239 review. The project site is outside of Agricultural District #1.

#### Sketch Plan Review

The Sketch Plan documents, as provided, show the basic layout of the site including the size of the existing building, proposed parking spaces in the existing driveway/parking lot, existing signage, and a NYSEG owned electric pole and street lamp.

Site and building improvements including grading, painting, a new roof, a replacement sign, and landscaping are the only improvements proposed at this time. No new lighting is proposed.

This project requires a Special Use Permit, and Site Plan Review if required. The Planning Department recommends that the Board waive Full Site Plan Review but encourage or require the following:

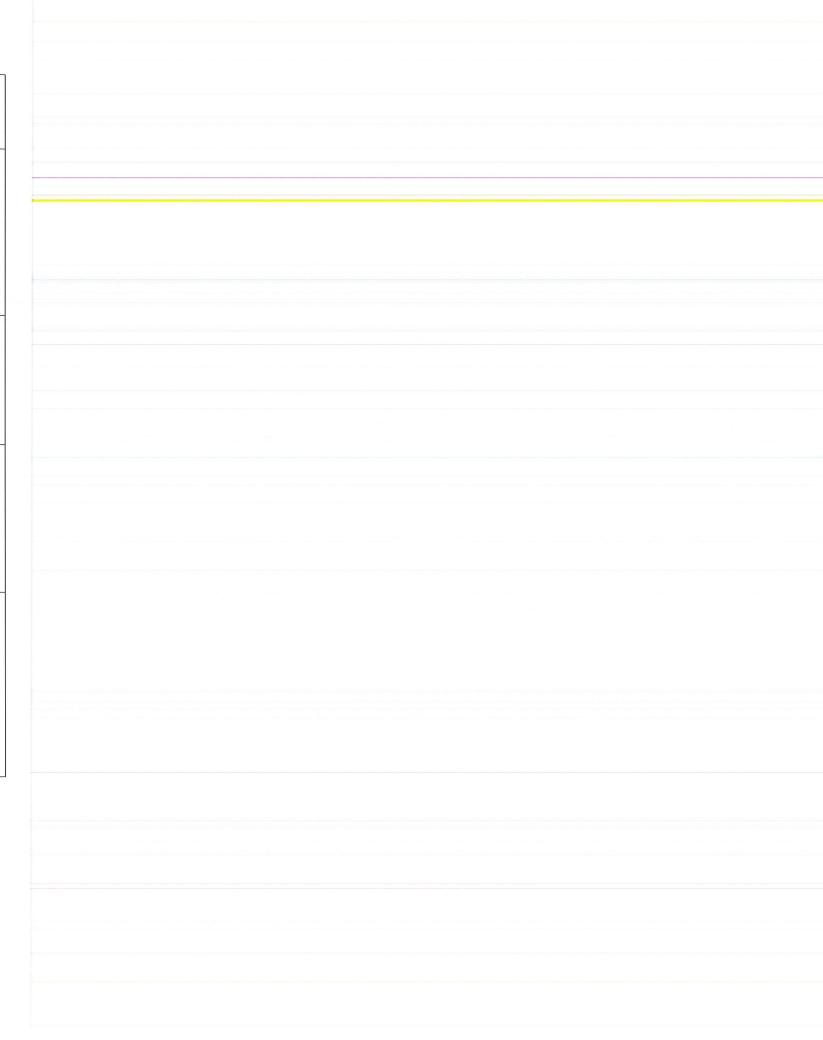
- (1) That the trailers on display be located farther away from the road than indicated on the sketch a minimum distance of 15' would match the setback requirement for signs. Farther back is more desirable as well as more practical because the replacement sign may be obscured by the trailer display and,
- (2) that trees be planted every 50' along Rt. 13, from the display area eastward, to the property line and,
- (3) that the number of trailers that may be on display are shown on the site plan (ten are currently indicated) and,
- (4) if NYSDOT permits it, landscaping should be provided around the electric pole to help break up the expanse of the parking lot and,
- (5) that a revised Sketch Plan be submitted, reflecting the recommended changes.

### Special Use

In order to review the project, the requirements of Special Use Permit should first be considered based upon the Sketch Plan and letter of application for Special Use Permit, and understanding that any issues can be further addressed in conditions or by requiring Full Site Plan Review. The factors to consider for Special Use Permit, according to state and local law are stated in the table below.

SUP Standard	Planning Department Notes
Compatibility of the proposed use with the other permitted uses in the district and the purposes of the district set forth in this Ordinance	The purpose of the RR District is to define an area of the town where residential uses situated in a rural landscape constitute the primary land use. Single and two-family homes are the predominant form of development. Agriculture-Related Enterprises, Contractor yards, retail nurseries/greenhouses, and kennels are permitted in the district by special permit.
Compatibility of the proposed use with the adjoining properties and with the natural and manmade environment.	To the east, a single-family home is approximately 625' from the proposed display area. A home on the adjacent parcel to the west is approximately 250' from the proposed display area. A small barn and mature landscaping buffer the two parcels. Homes directly across the road from the display area are approximately 500' and 600' away. Other nearby homes are all approximately 200' or more away from the display area and buffered by mature trees. The applicant points out that a building contractor, landscaping contractor and an auto garage are nearby. All can and do use trailers (and those trailers are on site).

Adaguagy of popling waligular	Six parking spaces are proposed. Based on the size of the
Adequacy of parking, vehicular circulation, and infrastructure for the	building, seven parking spaces are required; however, six
proposed use, and accessibility for fire,	spaces for this type of business are adequate. The parking lot is
police and emergency vehicles.	large enough to accommodate emergency vehicles.
The overall impact on the site and its	This business will not generate a large volume of traffic. No
surroundings considering the	noise, dust or odors will be generated; no harmful substances
environmental, social and economic	shall be released. Solid waste will be handled by a commercial
impacts of traffic, noise, dust, odors,	service (no dumpster is proposed). The overall impact may
release of harmful substances, solid	well be a positive one, given the property's current rundown
waste disposal, glare, or any other	condition.
nuisance. (Note: this standard should	Condition.
be considered carefully with the	
environmental assessment form)	
Restrictions and/or conditions on	See Site Plan recommendations above, and design guidelines
design of Structures or operation of the	below, for design restrictions. No restriction on operations are
use (including hours of operation)	necessary. Besides site and building improvements (paint,
necessary either to ensure compatibility	landscaping, sign, and grading), the only change to the site will
with the surrounding uses or to protect	be the trailer display.
the natural or scenic resources of the	or and transport,
Town.	
Compliance with the requirements for	The Sketch Plan documents provide enough information to
site plan review, including conformity	warrant waiving Full Site Plan Review. The topography of the
to the Town's Residential and	parcel is such that there is little, if any chance for any illicit
Commercial Design Guidelines (see	discharge from the area of development. At most, a simple
below).	erosion and sediment control plan will be necessary (a Simple
	SWPPP). Written approval to pursue a SUP, from the current
	owner, has been provided.
Commercial Development Design	This property is in the Rural Highway Corridor. The existing
Guidelines	buildings are old barns. Their architectural style is evocative of
	the rural landscape. Re-use of existing historic structures is
	encouraged. No new lighting is proposed. Parking is in front of
	the building- the entire front 'yard' in front of the building is
	an impervious gravel driveway.





### **Planning Department**

Director of Planning Ray Burger
Code Enforcement Officer Kevin Ezell
Code Enforcement Officer David Sprout
Zoning Officer David Sprout
Stormwater Officer David Sprout
Administrative Coordinator Joy Foster

93 East Main Street Dryden, NY 13053

T 607 844-8888 Ext. 216 F 607 844-8008 joy@dryden.ny.us

www.dryden.ny.us

# **General Permit Application – Sheet 1 General Information**

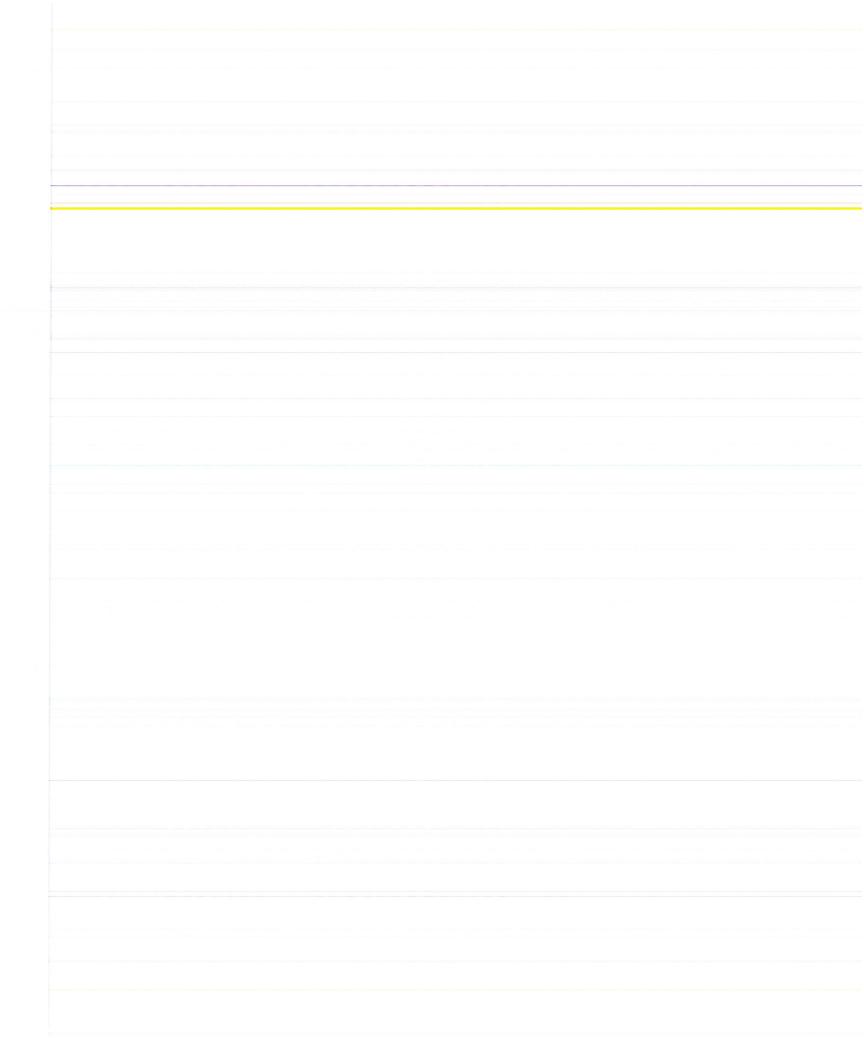
DO NOT FILL IN SHADED SECTIONS

12/16/16	441-13.412		RR ···	
Date:	Tax Parcel #:	Zoni	ing District:	
( <u>Complete</u> ) Project				
Address: 1610 Dryden	Road,			
since mid 1980s, know	he property located at 16 n as Phoenix Books. The p ed to trailers and trailer co	property will cont		retail store of used books as a general retail store
The following three act	tions will be involved.			
	ecial Use Permit for outsic			
	sing the existing sign stru			
3. To improve th	e landscape on the east s	ide of barn where	e trailers will be p	oarked.
Principal Use: Residen	tial	Commercial:	Retails	Other:
	_ Building Zoning _ Demolition Pre-buil		_X_Site Plan Ro	eview Subdivision
To be completed by Pla	anning Department perso	nnel:		
Worksheets / sections	required:			
Site Plan Sketch			_ Driveway or Ro	adcut Compliance
Site Plan Review			_ Notices and Dis	claimer Acknowledgement
Special Use Perm	it		_Agricultural Dat	a Statement
Notice of Ground	Disturbance	253	_County Review	
Zoning Permit			_ Minor Subdivisi	on
Varna Compliance	e Worksheet		_ Major Subdivisi	on
Residential Desig	n Guidelines Compliance		_ Demolition	
Commercial Desig	gn Guidelines Compliance		Lot line Adjust	ment
Sign Compliance	Worksheet			
Notes:				

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# Permit Application - Contact Information

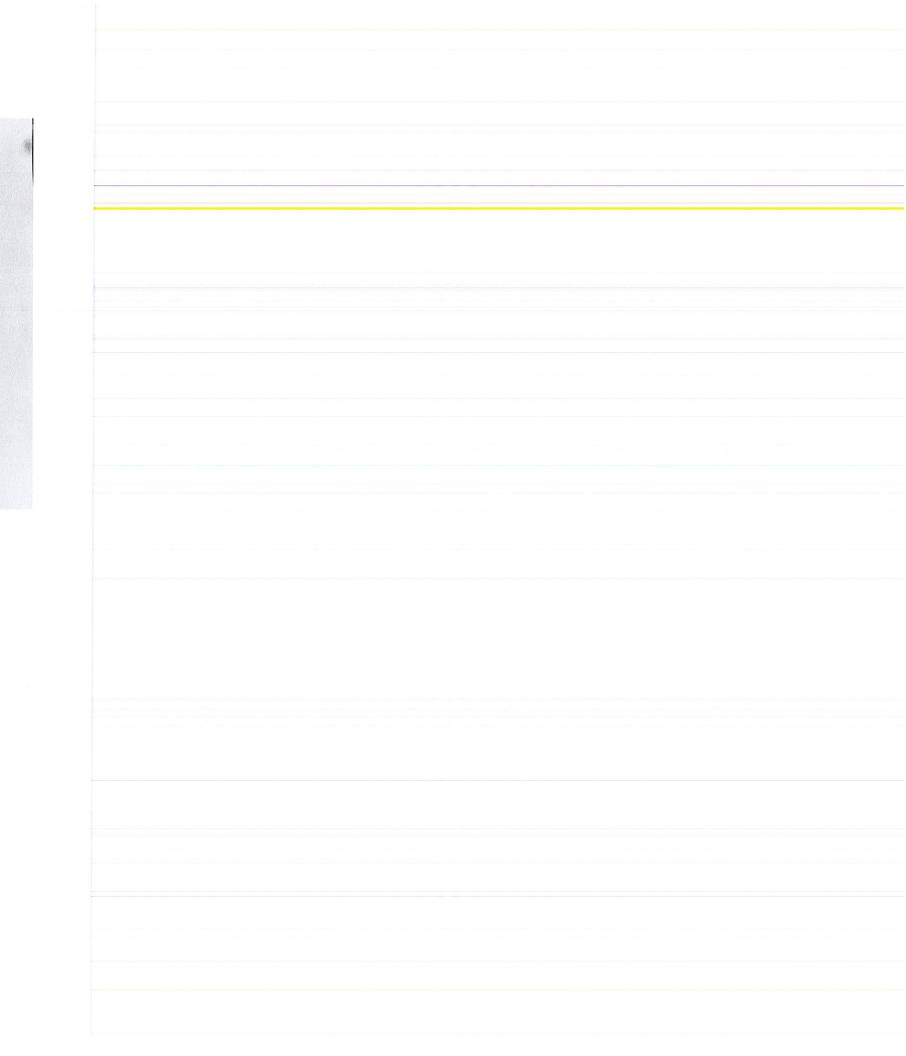
Owner - Print name:John Guo			
Owner Signature required & dated:	, , , , , , , , , , , , , , , , , , ,		
Address: 325 Winthrop Drive	City: Ithaca	State: <u>N</u>	IY Zip Code: <u>14850</u>
E-mail: etronet@yahoo.com	Telephone No:60	7-227-9636	
Emergency Contact:	Telephone No.:	1 =	
Agent / Applicant - Print :			
Address:	City:	State:	Zip Code:
E-mail:	Telephone No:		
General Contractor:	License #		
Address:			
E-mail:			
E-mail.	relephone ivo		-
Mason Contractor:	License #	**************************************	
Address:			
E-mail:			
Electrical Contractor:	License #		
Address:	City:	State:	Zip Code:
E-mail:	Telephone No:		
HVAC Contractor:	License #		
Address:	City:	State:	Zip Code:
E-mail:	Telephone No:		
Plumbing Contractor:	License #		
Address:	City:	State:	Zip Code:
E-mail:	Telephone No:		
Surveyor:	License #		
Address:	City:	State:	Zip Code:
E-mail:	Telephone No:		
Note: The Town of Dryden will keep your contact informat	tion private.		
* *CUT:			**
	24.7.1.20x2360133.2.1.1.1.7.1.0xxxxxxxxxxxxxxxxxxxxxxxxxxxx		
Application from Project Site	for		
Payment received \$	Cash Check#	received on Credit Card (	circle one)
Signature of receiver	Gasii Ciletti#	Credit Card	enere one)



### 12/20/16

I George Schillinger owner of 1610 Dryden Rd consisting of tax id 1-13.412 and 45.-5-13 am agreeing to John Gou to file an application for a special use permit with the town of Dryden.

George Schillinger



### **General Permit Application Worksheet - Special Use Permit**

Below or on a separate sheet, or in a letter of application, please provide the information required in the list below. All Special Use Permits require Site Plan Review, and applications must proceed beyond Sketch Plan Review in that procedure in order to be approved. The Town Board may waive further Site Plan Review based upon the Sketch Plan (see Site Plan Review Worksheet)

As you can see from the requested information, Special Use Permits are allowed uses so long as they are not disruptive to neighboring properties. The actual performance of the site with regard to traffic, lighting etc. is addressed in the Site Plan Review process. The Town Board may, and likely will, condition any approval to ensure this compatibility (letter E. below). These conditions often have to do with hours of operation, lighting, signs, and outdoor storage that will also have to be shown on the approved Sketch Plan, or Site Plan (if required).

A. Compatibility of the proposed use with the other permitted uses in the district and the purposes of the district set forth in this Ordinance;

Please refer to the Zoning Ordinance (Section 400) and review the descriptions of the zoning districts. These generally describe the intent of the district. Your application should refer to the proper description and state why your proposed project is compatible with the intent of the zoning district.

The property located at 1610 Dryden Rd. has a traditional dairy barn with more than 29 acres of land, which is compatible with the intent of the Rural Residential zoning district according to Zoning Ordinance Section 400. A Special Use Permit is required to store or display trailers outside the barn according to Zoning Ordinance Section 1601.

B. Compatibility of the proposed use with adjoining properties and with the natural and manmade environment;

This requirement is concerned with compatibility with neighbors, and the environment. This is mainly concerned with the over use of the property, and appearance. Essentially how does the proposal blend in with the existing neighborhood?

A historic dairy barn brings unique character to the area. However, the current state of the barn is not sound. To name a few of the issues: water pours into the basement when it rains; the whole structure leans to the north; and the outer wall to the north is falling. The barn needs attention as soon as possible, and the repairs will improve both its appearance and that of the surrounding area.

Within a mile of the property there is a construction company, a landscaping contractor, and an auto garage. Trailers can, and are, used by all of these businesses, so outdoor storage or display of the trailers would be consistent with the existing neighborhood.



F. Compliance with the requirements for site plan review, including conformity to the Town's Residential and Commercial Design Guidelines.

Please review the appropriate design guidelines and state how your project reflects the ideas included in the design guidelines such as vegetation along roadway, peaked roof, lighting, parking on side or in the rear of the building etc.

The Town of Dryden's Commercial Development Design Guidelines Section III.C (Rural Highway Corridor Character Area) will be followed forthe design and improvement of the project. The renovation and restoration of the historic barn, along with the 29 acres of land it occupies, will enhance the rural character of zoning district. The existing driveway and parking spaces will be a safe and efficient way for customers to access the property from Route 13. The improvements to the barn will done using the appropriate materials in order to preserve its traditional appearance. The area for displaying trailers will be kept well maintained and landscaped during the Spring and Summer months. Compared to the current state of the property, these improvements and their continued maintenance will contribute greatly to the beauty of the neighborhood.

# Notices and Disclaimers - Signature Required

1.) Right to Farm Law

#### Be advised:

"This property may border a farm, as defined in Town of Dryden Local Law #1 of the year 1992, a Local Law known as "Right to Farm Law." Residents should be aware that farmers have the right to undertake good or acceptable farm practices which may generate dust, odor, smoke, noise, and vibration."

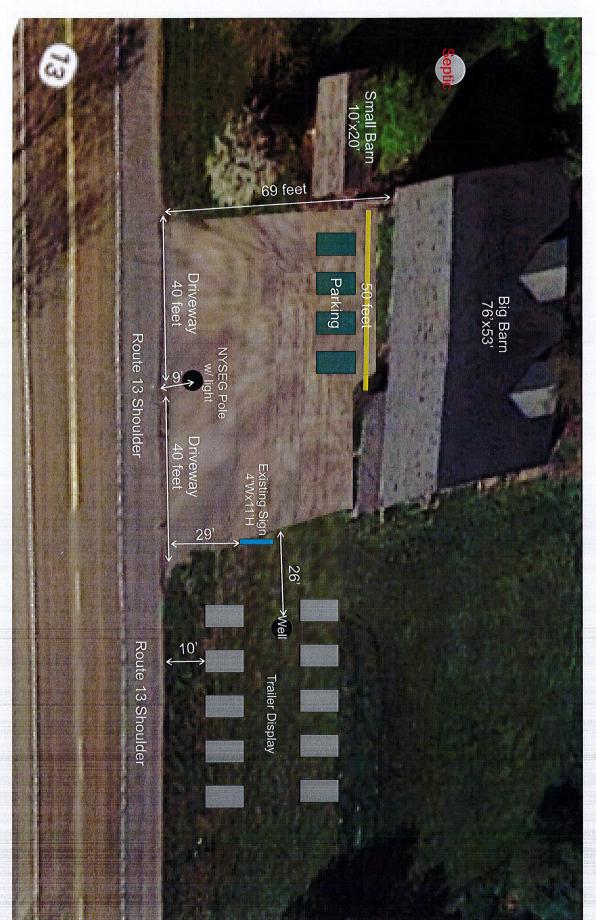
Amendment #12, Local Law #1 of 1992, "Right to Farm Law" Adopted by Dryden Town Board July 14, 1992, Resolution #130. Local Law #1 of 1992. Effective July 20, 1992.

### **Enforcement**

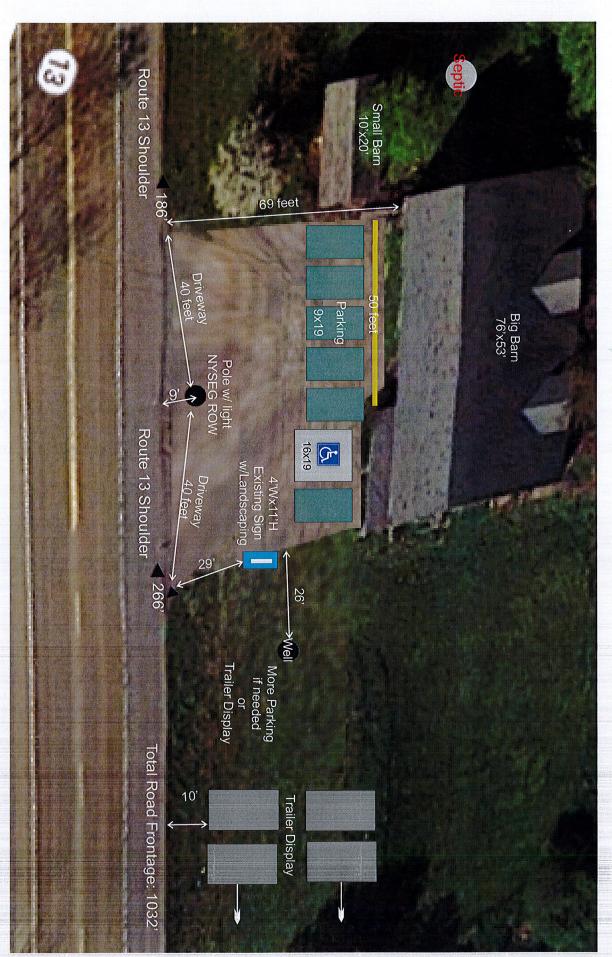
The Town of Dryden will <u>strictly enforce</u> all requirements and regulations of boththe N.Y.S. Building & Fire Prevention Code and the Town of Dryden Zoning Ordinance. The following is the general policy of the Town of DrydenPlanning Department.

- No Building Permits will be issued to any applicant until such time that all other required permits, certificates and documents have been submitted to this office and found to be acceptable and complete.
- 2) No Public Hearings or Town Review will be scheduled for any purpose until this office has reviewed and found that all application and supporting documents are accurate and complete.
- 3) If at any time prior to the issue of an above permit or authority to proceed has been granted, it is found that construction or occupancy has begun or taken place, the violator, and property owner may be prosecuted in a court of law.

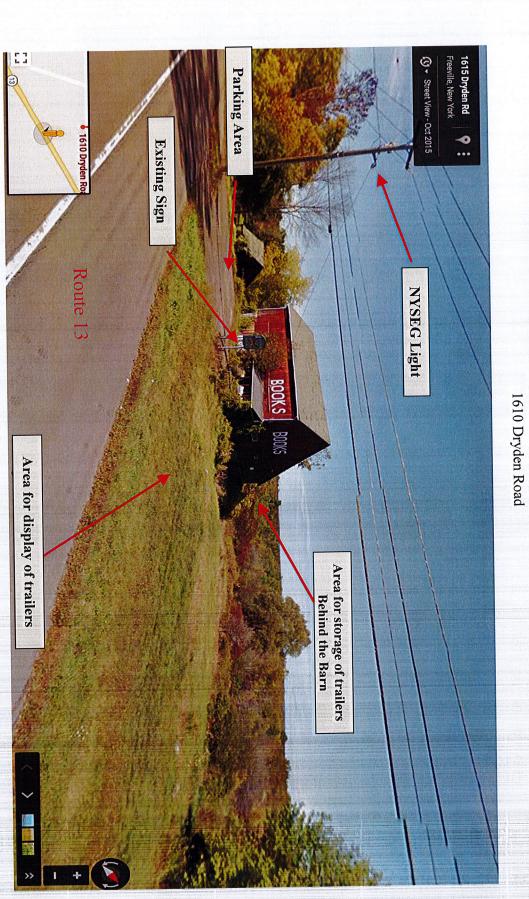




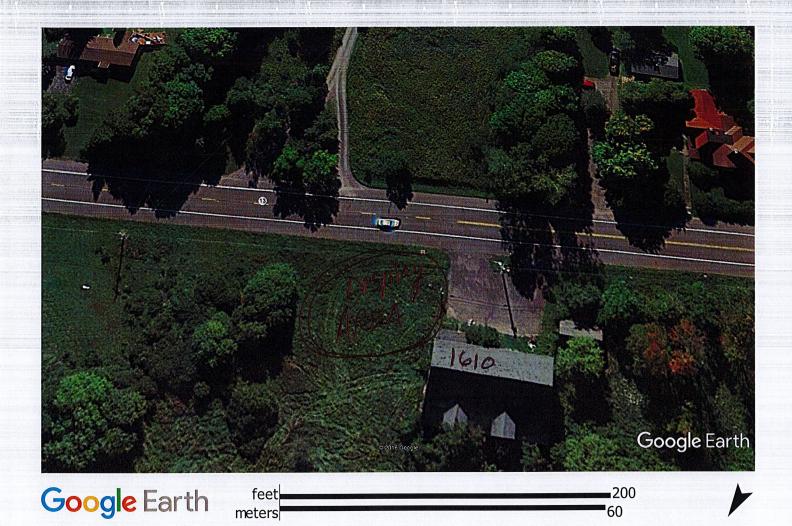




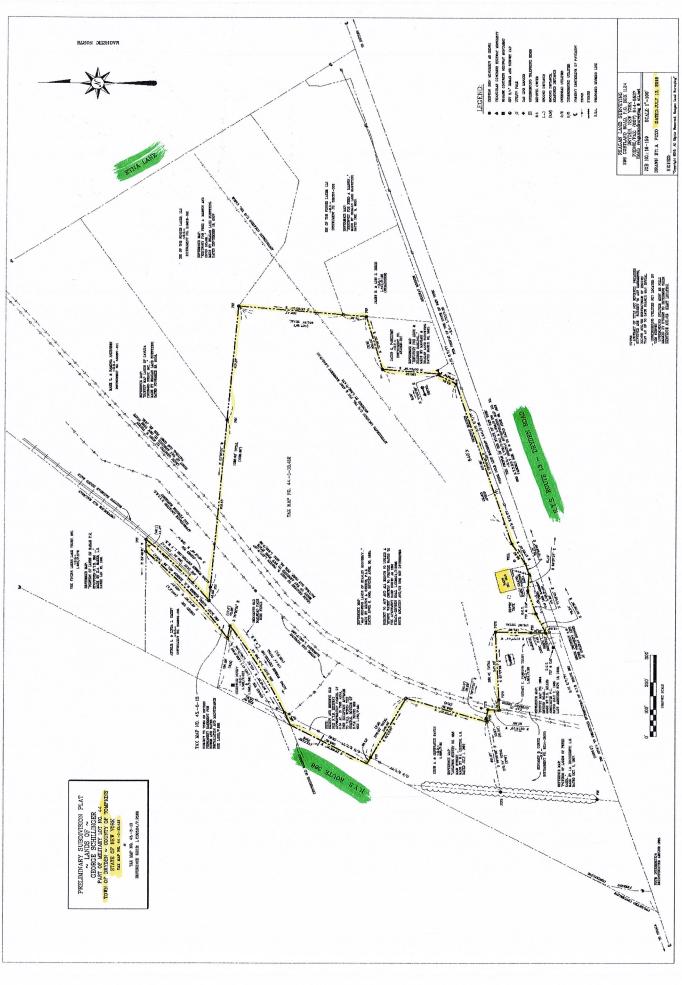
Site Plan Sketch
Tax Parcel #: 44.-1-13.412
1610 Dryden Road

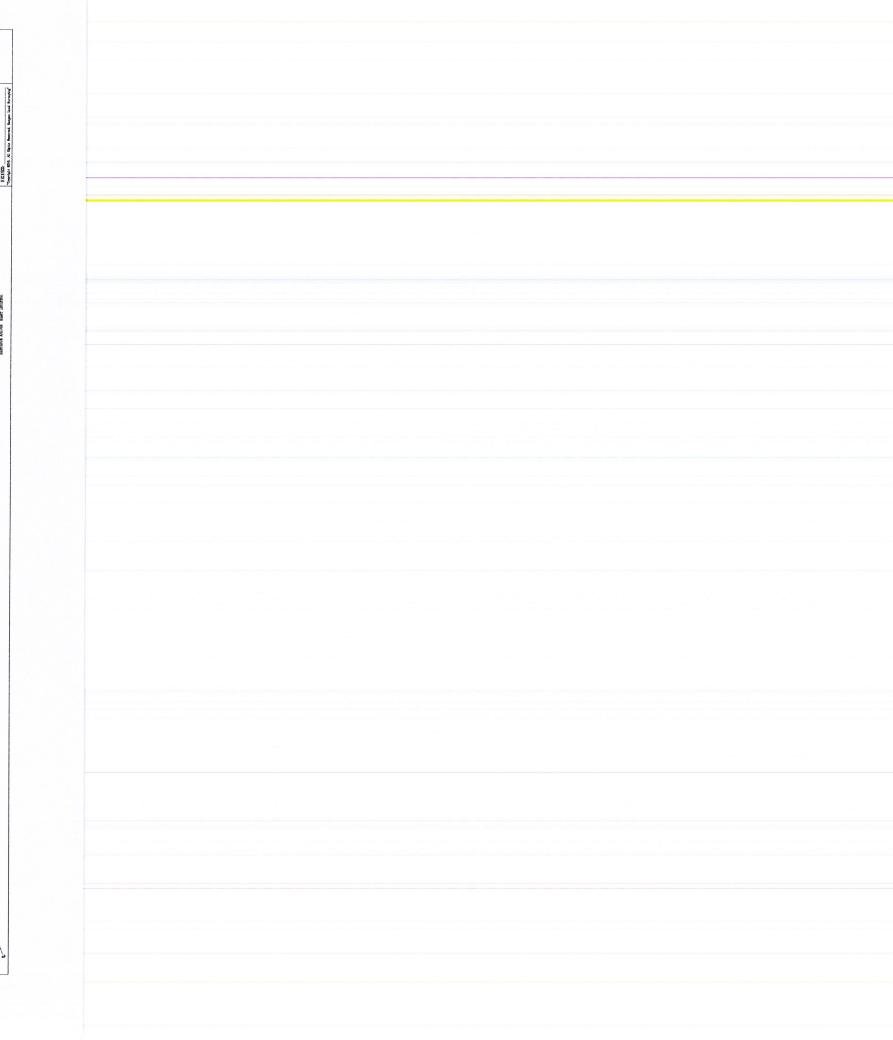


Pictorial Layout of the Project TAX PARCEL #: 44.-1-13.412 1610 Dryden Road









### **Notice of Ground Disturbance / Area Tally Form**

Please complete this form and submit to the Town of Dryden Stormwater Management Officer, David Sprout. "Land Development Activity" resulting in Ground Disturbance is defined as all areas where soil will be disturbed as a result of clearing, grubbing, grading, excavating, stockpiling, placement of fill, paving, installation of utilities, and construction of buildings or structures. This form will enable Town of Dryden staff to assist applicants in meeting local stormwater standards, and it is helpful to submit this form prior to finalizing your SWPPP.

)wner'	s Name: (John)	Guo	Date:_	12/16/16
			Winthrop Drive, Ithaca NY	
roject	Site Address: 1610 I	Oryden Road	Tax Parcel #_	441-13.412
roject	Sponsor Name (If Diff	Perent than Owner):	Phon	ne:
ddres	s:			
Brief I	Description of the P	roject:		
nown mited 1. T 2. T	as Phoenix Books. The to trailers and trailer c o apply a Special Use o continue using the e	e property will continue to be components. The following Permit for outside storage consisting sign structure for ne		ore including but not ed.
roject	and Site Characteris	tics (Check yes or no as ap	ppropriate)	
1.	Will the project invol-	ve multiple phases?   YES	[x] NO If YES, how man	y phases?
2.			a of disturbance to the edge 1000 fee	
[x]	Check all that are app	licable:	potential wetland presence?  EC Wetlands   Mapped In indicative of wetlands	
4.	Please describe the slo	ope on site (e.g. steep or flat	areas, stream banks, gullies	s, bluffs etc.).
5.	Will the project include □YES [x]NO	le a linear excavation that is	s more than 500 feet long an	d 3 feet wide?
6.		ve excavation or fill resulting material?   □YES [x] NO	g in the movement of more	than 250 cubic yards
7.	Does the project requirements:	re any state or federal envir	ronmental permits?   YES	[x] NO
8.	Do connected Imperv (If YES a Full SWPP)	ious Areas exceed ½ acre. P is required)	□ YES [x] NO	

## Town of Dryden Notice of Ground Disturbance / Area Tally Form

	SWPPP is necessary from	following, in square feet, as applicable. If it has the Notice of Ground Disturbance, then please ste.
Driveway	0.0	manara ya Amanazania ya Kasa sa sa manara 1900 ya 1900 wa manara a wa manara ya Uli kata ya Manara a Manara Ma
Parking Area	0.0	Considerable and the second se
House / Main Building	0.0	
Other Buildings	0.0	
Septic System	0.0	
Other Grading / Clearing / L	awn <u>20,000</u>	
Wells and Ditches	0.0	
Drainage Structures	KINY MENDENDENDENDE KOMONING KOMONING PROMINING DE ANALYSIS FRANKSIS DE ANTAL	
Utility Laying	0.0	
Additional Area	20,000	(for construction access, stockpiling, etc.)
9B) For subdivisions only: Total from Above:  9C) As estimated above, the		+ (road area) = is:20,000
the Tompkins County Soil	Survey? □ YES [x] NO	s in Hydrologic Soil Group A, B, or C according to oter 9 of the DEC's design manual?   YES [x] NO
12. Total Parcel Acreage:	28.5	
13. Area of existing imper	vious surface prior to dev	elopment: <u>4,200</u>
14. Total Impervious Area	a expected after project con	mpletion: <u>24,200</u>
Signature:		Date:12/16/16

## Short Environmental Assessment Form Part 1 - Project Information

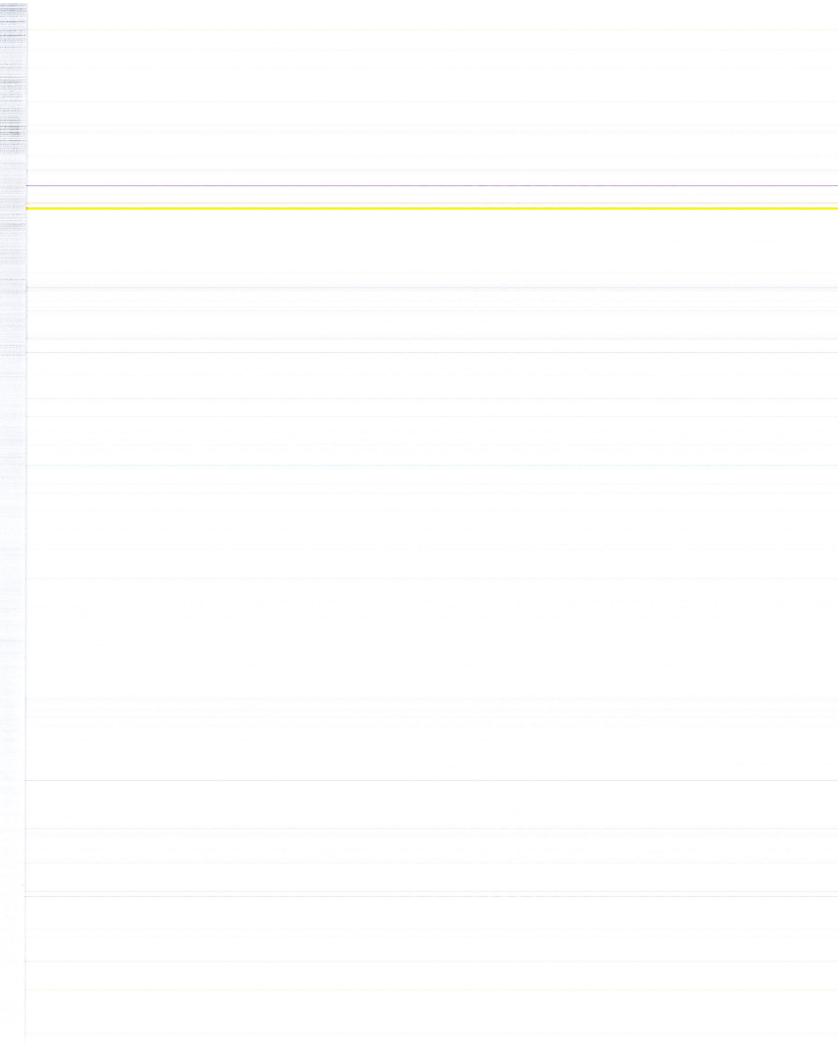
### **Instructions for Completing**

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Name of Action or Project:				
Applying a Special Use Permit for an Extension or Enlargement of non-conform	ning use			
Project Location (describe, and attach a location map):			ne a war are	
1610 Dryden Road, Tax Parcel #: 441-13.412				
Brief Description of Proposed Action:			es tohon	
The property located at 1610 Dryden Rd. has been used as a retail store of use property will continue to be used as a general retail store including but not limit		hoenix Bool	ks. The	)
The following three actions will be involved.  1. To apply a Special Use Permit for outside storage or display of trailers.  2. To continue using the existing sign structure for new business.  3. To improve the landscape on the east side of barn where trailers will be	parked.			
Name of Applicant or Sponsor:	Telephone: 607-227-9636	}		
John Guo	E-Mail: etronet@yahoo.co		E) E)	
Address:				**************************************
325 Winthrop Drive				
City/PO:	State:	Zip C		
Ithaca	NY	14850		
1. Does the proposed action only involve the legislative adoption of	a plan, local law, ordinance,	1	ON	YES
administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed ac	tion and the environmental resource	es that		
may be affected in the municipality and proceed to Part 2. If no, cor		os that		
	com any other governmental Agend	cy?	ON	YES
2. Does the proposed action require a permit, approval or funding fr	om any other governmental Agent			SWAFFEE
· NEE 图 文字 医含化物 (1) 图 图 1 图 1 图 1 图 1 图 1 图 1 图 1 图 1 图 1	on any other governmental Agent		$\checkmark$	95.00%
2. Does the proposed action require a permit, approval or funding fi			<b>✓</b>	

Page 1 of 3



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<b>V</b>		3 TERES
b. Consistent with the adopted comprehensive plan?		<b>/</b>	7 700 B
6. Is the proposed action consistent with the predominant character of the existing built or natural		NO	YES
landscape?	cadhed place		<b>✓</b>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental A	\rea?	NO	YES
in res, identify.			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?		<ul><li>✓</li></ul>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed a	ction?	<b>V</b>	
9. Does the proposed action meet or exceed the state energy code requirements?  If the proposed action will exceed requirements, describe design features and technologies:		NO	YES
		V	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			V
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			V
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic	;	NO	YES
Places?  b. Is the proposed action located in an archeological sensitive area?			598
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, cont wetlands or other waterbodies regulated by a federal, state or local agency?	ain	NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	·?	✓	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-success	all that	apply:	
☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	allank sara	NO V	YES
16. Is the project site located in the 100 year flood plain?		NO	YES
10. 15 the project site located in the 100 year nood plant:		1	
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YE
If Yes, a. Will storm water discharges flow to adjacent properties? ✓ NO ☐ YES			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm dra If Yes, briefly describe:	ins)?		

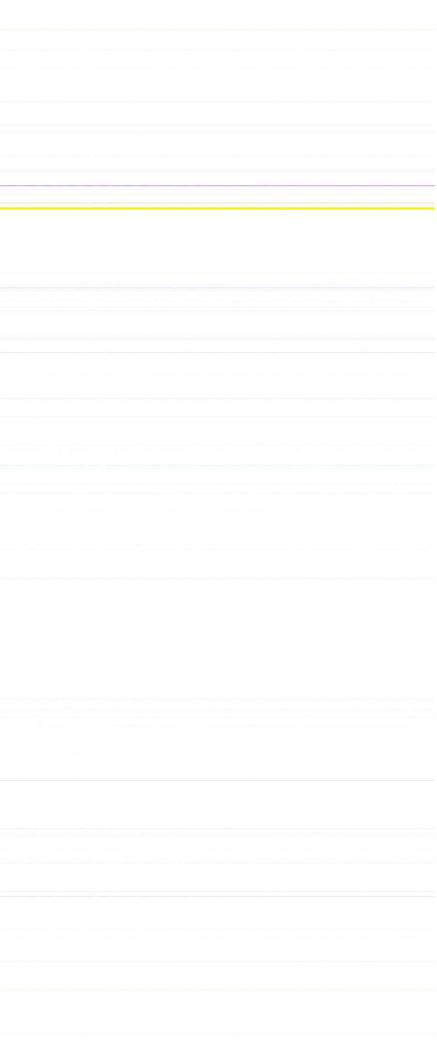
Page 2 of 3

	BOOK MARKAN	STREET, STORE
	ncorne province 1964 Par III Transport	Lawaren is son in Lawaren is son in
NO	YES	N/A
<b>V</b>		
	NO	7 700 m
	No.	YES
rea?	NO	YES
	<b>V</b>	
	NO	YES
	V	
tion?	✓	1 2002 S
	NO	YES
	<b>✓</b>	
	NO	YES
		Second West
matri		
	NO	YES
		<b>V</b>
	NO	
	NO V	YES
	V	
in	NO	YES
		<b>✓</b>
	V	
4		
all that	apply:	
all that ional	rr-J.	
	NO	YES
	V	
	NO	YES
	NO NO	
	NO	YES
ns)?		

water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	IES
If Yes, explain purpose and size:	V	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<b>✓</b>	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<b>✓</b>	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE	BEST O	F MY
Applicant/sponsor name: John Guo Date: 12/16/16		PARTE SANCE SANCE OF
Signature:		e de la companie

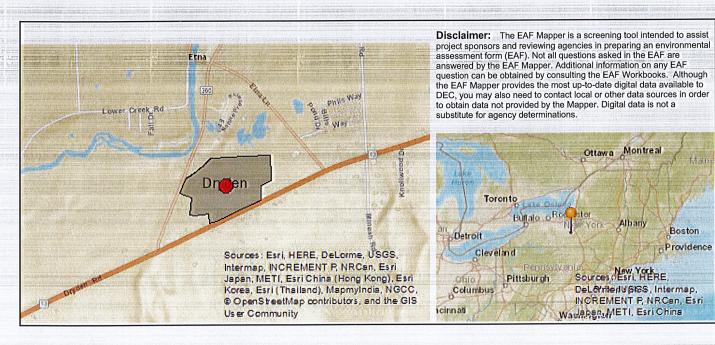
PRINT FORM

Page 3 of 3



## **EAF Mapper Summary Report**

Tuesday, December 13, 2016 11:09 PM



Part 1 / Question 7 [Critical Environmental Area]	No .
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

Part 1 / Question 20 [Remediation Site] No

Short Environmental Assessment Form - EAF Mapper Summary Report