



Memorandum

To: Town Board

C: Town Clerk, Town Attorney

From: David W. Sprout, Planning Department

Subject: Special Use Permit – Automotive Repair Garage, 4 Cricket Lane, Freeville

Date: March 9, 2016

The Planning Department is in receipt of a Special Use Permit application from Amy and Edward Vorhis, of 4 Cricket Lane. The Vorhis' wish to operate an automobile repair business on their property, located in a Rural Residential Zoning District. A Special Permit is required.

An Automotive Repair Garage is defined as any structure and/or lot used for the repair and/or servicing of motor vehicles, or for motor vehicle body work, structural repair or painting. A NY State Repair Shop License is required.

This project is subject to the following approvals:

- a) A SUP to allow an Automotive Repair Garage in a Rural Residential Zoning District, pursuant to Article XII, Section 1201 of the Town's Zoning Law.
- b) Site Plan Review, pursuant to Article XI, Section 1101 of the Town's Zoning Law.

This action also requires compliance with Section 1310 of the Law, County 239 review and, as an Unlisted Action, an environmental review. The application has been forwarded to County Planning. The Town Board shall serve as Lead Agency for SEQR. Part 1 of the Short EAF is provided.

CONCURRENT REVIEW

The Planning Department has deemed the application complete and is forwarding the initial review with recommendations to the Town Board. The Town Board will be required to review the following items associated with the Zoning Special Use Permit:

- Sketch Plan Review per Site Plan Review requirements and the standards set forth in Section 1310 of the Zoning Law
- Special Use Permit Requirements including a Public Hearing
- SEQR Short Form
- Tompkins County Planning Department review

Sketch Plan Review

The applicant has provided a site plan narrative, photographs and a survey map. The basic layout of the site is indicated. After removing two or three trees, an area already used for parking will be large enough to accommodate eight automobiles. No other changes to the site are proposed. An existing garage will be utilized for the repair shop. No signs are proposed.

Section 1310 requires 10 parking spaces plus two spaces for every three (3) employees. The applicants state that there is likely to be no more than two vehicles at any given time and that they have no intention of having employees. They request that the parking lot requirements be waived. The Planning Department supports their request. Less parking means less impervious surfaces and less runoff.

The garage and parking area are approximately 100 feet from the road and screened from the road by trees and shrubs. The adjacent property to the west is also screened by shrubs and trees; the adjacent residence is approximately 164 feet from the garage.

A map is provided showing the Vorhis property in relation to streets, nearby properties and other pertinent features including the large wetland that runs between Rt. 38 and Ed Hill Road. A Town Environmental map, heavily pixelated, indicates the site topography. A Ground Disturbance Tally Form has been submitted. No SWPPP is required for this project.

No signage is proposed. A motion sensor light is the only proposed lighting. That light will be located on the north side of the building between the garage and home. It will not be directly visible to the neighbors.

Following Sketch Plan review, further Site Plan Review may be waived if the Board feels enough information has been provided to make such a determination. **The Planning Department recommends, based on the sketch plan and project overview documents, that the Board waives Full Site Plan Review.** If a full review is deemed necessary, Site Plan Review Guidelines are attached.

Special Use

In order to review the project, the requirements of the Special Use Permit should be considered first 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 Rural Residential (RR) District is to define an area of the town where residential uses situated in a rural landscape constitute the primary land use. Public water and sewer does not exist in this area. Single and two-family homes are the predominate form of development. Agriculture is also expected to be a substantial land use well into the future. The proposed scale of operation is low. The proposed use is incidental and secondary to the principal use of the property.
Compatibility of the proposed use with the adjoining properties and with the natural and manmade environment.	The proposed use is already occurring at the site. A small increase in the level of activity and traffic may be anticipated. The garage is insulated which helps reduce noise transmission. Applicant states that this is not a quiet neighborhood.
Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police and emergency vehicles.	Ten (10) visitor parking spaces, plus two parking spaces for each three (3) employees, are required (ZL Section 1310A). An area for up to eight vehicles is proposed. There will be no employees. The Planning Department recommends waiving the parking requirement set forth in Section 1310A. Resolution language should reflect that no more than eight visitor (customer) vehicles are permitted.
The overall impact on the site and its surroundings considering the environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare, or any other nuisance. (Note: this standard should be considered carefully with the environmental assessment form)	Applicant anticipates only two customer vehicles at any given time and no employee traffic. Vehicle repairs are already occurring on the site. Applicant must comply with NY State Department of Motor Vehicles Repair Shop regulations regarding, among other things, the storage and disposal of motor oils and other vehicle fluids. No dumpster is indicated. Hours of operation are 7AM to 9PM, Sunday-Friday and 7AM to 10PM on Saturdays. Applicant states noise levels will not increase significantly. The maximum permitted sound level limit between the hours of 7AM to 7PM

	is 65 dBA. From 7PM to 7AM the permitted sound level limit is 55dBA (sound level limit is measured at property boundary).
Restrictions and/or conditions on design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town.	Section 1310 requirements should be included with the Standard Conditions of Approval. Language stating that, if noise complaints are lodged with Code Enforcement and sound levels exceed allowed limits, the hours of operations shall be reduced or operations shall cease or sound control practices will be installed/undertaken.
Compliance with the requirements for site plan review, including conformity to the Town's Residential and Commercial Design Guidelines.	No changes to the site are proposed other than removing two or three trees and No signs are proposed. One motion sensor light is proposed. That light will be located between the garage and residence; it will not be directly visible from the roadway or adjacent properties. The garage and parking area are buffered from the road and adjacent neighbor to west by trees and brush. This property is outside of any Commercial Corridor District.