



## Memorandum

To: Town Board

C: Town Clerk, Town Attorney

From: Planning Department

Subject: 366 Virgil Road, Tax Parcel ID 48.-1-70.2

Date: May13, 2022

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The Planning Department is in receipt of a Special Use Permit (SUP) application from Shana Karn, owner of the Second Knob Gifts & Antiques shop. Ms. Karn is requesting a SUP for a Level II Home Occupation to allow both the Second Knob and Ms. Karn's photography business to operate out of an existing shop/garage on Ms. Karn's Virgil Road property. Within the application Ms. Karn refers to this action as a variance rather than the special permit and site plan approval that is required.

Rather than continue to operate the Second Knob as a traditional bricks and mortar business, Ms. Karn plans an online, or mostly online, operation in the garage that was previously used for a small engine repair business. The garage is accessible from McClintock Road and has been assigned the address – 375 McClintock Road.

On one page of the application Ms. Karn states that she does not intend to make any structural changes to the existing building but on another page she mentions construction of an addition to the building after she receives a variance approval. At this time, no signage is proposed. However, Ms. Karn states in the application material that she will apply for a sign permit after approval of the “variance.”

This action is subject to the following approvals:

- a) A SUP for a Level 2 Home Occupation in a Rural Residential zoning district pursuant to Town of Dryden Code Sections 270-5.2 and 270-12.
- b) Sketch Plan Review followed by Full Site Plan Review, if required, pursuant to Town of Dryden Code Section 270-11.

This project is subject to State Environmental Quality Review (SEQR) as an Unlisted Action. Part 1 of the Short Environmental Assessment Form (SEAF) is provided. The Town Board shall serve as Lead Agency for the SEQR review.

This project is exempt from GML Article 12-B Section 239 (l, m, & n) review based on Intermunicipal Agreement -Exclusion under II-F.

To review the project, the requirements for a Special Use Permit should be considered first based upon the Sketch Plan and letter of application for a Special Use Permit and understanding that any issues or concerns can be further addressed in conditions of approval or by requiring Full Site Plan Review.

## ***Sketch Plan Review***

The Sketch Plan documents, as provided, shows the layout of the site, the existing buildings in relation to the site, proposed highway access and approximate parking areas. The adaptive reuse of an existing building and site should always be encouraged as a best practice.

## ***Special Use***

The factors to consider for Special Use Permit, according to state and local law are stated in the table below.

<b>SUP Standard</b>	<b>Planning Department Notes</b>
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 Rural Residential (RR) district is an area primarily intended for one and two-family dwellings in rural settings. Level 2 Home Occupations are permitted, retail businesses are prohibited (application indicates that business will not be open to the public but also that ‘most’ of the operation will be online)
Compatibility of the proposed use with the adjoining properties and with the natural and manmade environment.	The nearest residences are approximately 210' from the site. A farm is across the road, a farm field and residential lawn/field are immediately adjacent.
Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police, and emergency vehicles.	A Level 2 Home Occupancy requires ‘ample parking to accommodate the requirements of the expected use’. The adequacy of the parking facilities is to be determined by the Board during the SUP hearing. Application says there are two parking spaces.
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)	If operation is fully online, traffic should be minimal. With in-person shopping parking could become an issue – applicant states there is room for about three cars. Sketch indicates two parking spaces (text only, not drawn). No provision for solid waste is addressed in the application. No outdoor lighting is shown. No outdoor storage/display is proposed
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.	Application states that changes will be made once action is approved. Approval should be based on what the site will look like and function with the proposed changes. Proposed hours of operation are 9AM-8PM
Compliance with the requirements for site plan review, including conformity to the Town’s Residential and Commercial Design Guidelines.	There is no reference to the Commercial Design Guidelines in the application material.