Draft RESOLUTION #____ (2022) - Approving Site Plan and Granting Special Use Permit for a Antique Sales and Photography Business at 366 Virgil Road, Tax Parcel 48.-1-70.2

Cl _____ offered the following resolution and asked for its adoption:

WHEREAS,

A. Shana Karn has applied for a Special Use Permit (SUP) to operate an antique sales and photography business, a Level 2 Home Occupation, at 366 Virgil Road, Tax Parcel 48.-1-70.2; and

B. The proposed business will be mostly online sales and operate out of a 1520 sq ft building located behind the residence at 366 Virgil Road, this building to be assigned a new address of 375 McClintock Road, and

C. An application, sketch plan, short EAF, and Agricultural Data Statement have been submitted, and

D. The Town Planning Department considers the application complete and in conformance with the requirements of the Code of the Town of Dryden (Code) for review under §270-11 and §270-12, and

E. A public hearing was held on May 19, 2022 with public comments registered in the meeting minutes and considered by this board, and

F. The proposal is exempt from Tompkins County Planning Department GML §239 –l, -m, and n review, and

G. Pursuant to the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations at 6 NYCRR Part 617, the Town Board of the Town of Dryden has, on May 19, 2022, made a negative determination of environmental significance, after having reviewed and accepted as adequate the Short Environmental Assessment Form Parts 1, 2, and 3, and

H. The Town Board has reviewed this application relative to the considerations and standards found in Code §270-11 for site plan review and §270-12 for Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board approves the sketch plan documents, submitted with the application dated March 26, 2022 as site plan for 366 Virgil Road, conditioned on the following:

a. Any outdoor storage or display of antiques will be limited to an area of 1000 sq ft located to the north or west of the existing building.

b. If employees or the public are to enter the building it will need to comply with building codes and receive a Certificate of Occupancy.

c. Any lighting installed shall be night-sky compliant.

d.

e.

2. The Town Board hereby finds that the considerations for approval of the requested Special Use Permit listed in Code §270-12 have been met, specifically that:

a. The proposed use is compatible with the other permitted uses in the Rural Residential district and compatible with the purpose of this district as Level 2 Home Occupations are an allowed use in this district and there is an active farm business in the vicinity.

b. The proposed use is compatible with adjoining properties and with the natural and manmade environment, as this proposal is for an antique sales business operated out of an existing 1520 sq ft accessory structure already located on the property. The property is adjacent to agricultural fields to the west and south, and single-family dwellings to the east and north.

c. Parking, vehicular circulation, and infrastructure for the proposed use is adequate. The business having pick-ups and deliveries off of McClintock Road is much safer than using Virgil Road for deliveries.

d. 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 nuisances has been considered and found to be negligible, based on the information and reasons in the Short Environmental Assessment Form.

e. Restrictions and/or conditions on design of structures or operation of the use necessary to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town have been incorporated into the site plan.

f. The project complies with the requirements for site plan review and conforms to the Town's Commercial Design Guidelines to the maximum extent. This is a reuse of an existing building.

3. The Town Board, finding that the applicant is in compliance with all other provisions of the Town Zoning Law and other applicable ordinances, approves a Special Use Permit for the antique sales and photography business at 366 Virgil Road with the Town of Dryden Standard Conditions of Approval as amended August 14, 2008.

2nd Cl _____