



Memorandum

To: Town Board, Planning Board

C: Town Clerk, Town Attorney

From: Planning Department

Subject: 465 North Road, Dryden Tax Parcel ID# 27.-1-27.2

Date: January 19, 2024

The Planning Department is in receipt of a Special Use Permit application, submitted by Shana Karn, for a retail business at 465 North Road. The proposed business will be used to store and sell gifts, antiques, and collectible items. The business will be located within a portion of an existing warehouse. The applicant proposes no structural changes to the warehouse and no ground disturbance at the site. Several Special Use Permits have been issued at the site. Most recently a Special Use Permit was issued for a combination commercial warehouse and commercial garage in 2010 which has not operated in several years. The project site is located in a Rural Agricultural zoning district.

This action is subject to the following approvals:

- a) A SUP to allow a retail business in the Rural Agricultural zoning district pursuant to Town of Dryden Code, § 270-12
- b) Sketch Plan Review followed by Full Site Plan Review, if required, pursuant to Town of Dryden Code, § 270-11

This action is subject to Regional GML-239 review as the project site is located within 500 feet of a County Road. The project was submitted for GML-239 review on January 10th. Review comments will be distributed upon receipt.

This action is a type II action, that is not subject to SEQR review, per 6 CRR-NY 617.5(18), which states, reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part.

Application documents include a General Permit application, SUP worksheet responses, Ground Disturbance Tally Form, Short Environmental Assessment Form, a sketch plan of the site as well as several other supplemental documents. The requirements for a Special Use Permit should be considered based upon the Sketch Plan and application for a Special Use Permit with an 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, show the general layout of the site, the portion of the existing warehouse that will be used as a retail business, the existing driveway and parking areas, as well as existing landscaping that will be maintained. The applicant submitted supplemental information including responses to the subset of the site plan checklist, the expected number of vehicles accessing the site, updated site plans and narrative and an updated parking plan. Provided the Board deems the sketch plan materials sufficient, the Planning Department believes that the Board can waive full site plan review on condition that:

- 1) Existing vegetation that partially screens the adjacent residences, and North Road, is to remain undisturbed.
- 2) Initial porta-potty use is to be replaced with permanent facilities within 6 months.
- 3) The applicant shall install the proposed sign in accordance with sign regulations found in Town of Dryden Code, § 270-9.4.

Special Use

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
<p>Compatibility of the proposed use with the other permitted uses in the district and the purposes of the district set forth in this Ordinance</p>	<p>The purpose of the Rural Agricultural zoning district is to define an area of the Town primarily for agricultural use and associated natural areas protection.</p> <p>The use of a retail store in the Agricultural District is allowed by Special Use Permit review and approval. The project site has previously operated as other businesses (most recently as a combination commercial warehouse and commercial garage) over the years and farm operations have continued in the immediate area surrounding the site. The proposed use of the site is not expected to interfere with agricultural uses.</p>
<p>Compatibility of the proposed use with the adjoining properties and with the natural and manmade environment.</p>	<p>As noted above, the project site is located within the Rural Agricultural zoning district. The project site contains agricultural fields and farm operations about the project site to the south, west and east (across North Road). These farm operations that abut the site will be notified of the proposed project prior to the public hearing. As stated above, the operation is not expected to have a negative impact on the nearby agricultural uses.</p> <p>Two residential dwellings abut the project site to the east and are located on North Road. Existing vegetation is located on the site that partially screens the existing warehouse from these locations. The applicant proposes no changes to existing vegetation at the site.</p>

	<p>Mapped wetlands are present to the north of the project site – approximately 650 feet from the warehouse.</p>
<p>Adequacy of parking, vehicular circulation, and infrastructure for the proposed use, and accessibility for fire, police and emergency vehicles.</p>	<p>The requirements for a retail business are 5 spaces per 1,000 square feet of floor area. The proposed retail area is 4,762 square feet and as such 24 parking spaces are required.</p> <p>The applicant expects on a daily basis, at any given time, there will likely be 3 to 4 vehicles expected and for large sales events up to 20 vehicles are expected. The applicant initially proposed up to 46 parking spaces on the sketch plan - which included the use of an overflow parking area in a grassy area at the site. The applicant has submitted a revised parking plan, submitted on January 18th, showing the newly proposed parking layout at the site. The revised plan shows space for 24 parking spots with parking areas near the entrance of the building and on a portion of the northern side of the driveway. Parking on the northern side of the driveway will be perpendicular to the driveway. At the eastern edge of these parking spaces along the driveway, the parked vehicles would somewhat constrict the driveway. At this location, the driveway is approximately 35 feet wide, so, with a 15-foot-long vehicle parked it would leave approximately 20 feet for vehicle and emergency vehicle access into the site. The revised parking plan was sent to the Town of Dryden Fire Department for comments on January 19th. All proposed parking spaces are 9 feet in width and one parking space near the entrance of the business will be handicapped accessible.</p> <p>All parking areas identified on the plan are set well back from the edge of North Road – the closest identified parking area to North Road is approximately 240 feet away. Existing vegetation is present on the site that will partially screen the parking areas from the residential dwellings on North Road as well as vehicles travelling on North Road. The applicant does not propose to alter existing vegetation at the site.</p>
<p>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)</p>	<p>The applicant stated that a bathroom is not currently available in the portion of the warehouse that is available for the proposed business use. As such, the applicant proposes to install a porta-potty for use and within 6 months of opening install a functioning bathroom and sink. The applicant has coordinated with staff in the Building Department regarding this proposal.</p>
<p>Restrictions and/or conditions on design of Structures or operation of the use (including hours of operation) necessary</p>	<p>Existing vegetation that partially screens the adjacent residences, and North Road, is to remain undisturbed.</p>

<p>either to ensure compatibility with the surrounding uses or to protect the natural or scenic resources of the Town.</p>	<p>Initial porta-potty use is to be replaced with permanent facilities within 6 months.</p> <p>The applicant shall install the proposed sign in accordance with sign regulations found in Town of Dryden Code, § 270-9.4.</p>
<p>Compliance with the requirements for site plan review, including conformity to the Town’s Residential and Commercial Design Guidelines.</p>	<p>The applicant has submitted all required materials for sketch plan review – the Planning Board will evaluate the sufficiency of the submissions at the January meeting and will provide recommendations it deems appropriate.</p> <p>The existing site conforms with the intention of several of the commercial guidelines. For example, the flat, open parking lot allows for walkable pedestrian access to the building – especially during most times when parking areas are not full, and vehicles are thus parked close to the building. The proposed sign at the site will be between 4 and 6 feet in height, with possible solar lights, and plantings beneath the sign thus mostly conforming with the development guidelines specifically the recommendations calling for lower signs with flowers, shrub or lawn. The guidelines also call for natural site design which includes minimizing cutting and filling, avoiding disturbance to drainageways and limiting soil erosion and disturbance. The applicant is fully complying with these guidelines by utilizing an existing site and not proposing to disturb or alter the site. Additionally, the proposed site is not “overlighted” as the applicant does not propose any new light fixtures, aside from possible solar lights near the sign, and the existing lighting at the site consists of a motion-sensing outdoor light fixture. As stated above, existing vegetation landscaping is present that partially screens the building and most of the parking areas.</p> <p>One aspect of the development guidelines that is not in full conformance is access management and circulation. The existing parking areas do not allow for smooth circulation of vehicles – vehicles will have to back out of parking spaces and turn around to exit. Also, when at full capacity the width of the driveway will be restricted to approximately 20 feet. However, since most of time the parking areas along the driveway are not expected to be needed, and the creation of new parking areas would require ground disturbance and filling of the site, the Planning Department does not feel this a reasonable guideline to conform with.</p>