

ALL ONE ONE ALL- A D' ARTAGNAN FARM

Zoning Analysis

March 24, 2022 (Revised August 9, 2022)

EXISTING CONDITIONS:

The project site consists of 14.5 acres in the RU Zoning District outside of any overlay districts, aside from being in the Town's AQ-6 Aquifer Overlay District. The property currently contains an active farm which includes a residential dwelling, stable, barn, paddocks and multiple other accessory out-buildings. Agricultural uses are permitted by right in the zone.

The proposed Action includes the conversion of an existing barn to a restaurant and farm shop, construction of parking areas for 47 vehicles and creation of an outdoor seating area. All One One All (AOOA) will also establish a "farm distillery" as part of its agricultural operations. The Tobacco Tax and Trade Bureau (TTB) permit application, submitted by AOOA, provides that the alcohol will be approximately 58 gallons during a total production of 15-day period, i.e. approximately 1,500 gallons per year. The total capacity of the distillation equipment (still) being installed by the Farm is merely 20 gallons. AOOA will be applying for a Farm Distillery and Micro-Rectifier's License with New York State Liquor Authority (NYSLA). It is pertinent to mention here that AOOA's license is NOT a regular Distiller's License (Class A) which would be something obtained by a commercial distillery, has no cap on production volume, and no New York State ingredient requirements as to its products. AOOA's Farm distillery license is Class D; this class of license exists so farms can apply for a small distillery operation that are an extension of its farming operations, and not an industrial use.

ZONING

The RU Zone permits restaurants by Special Permit in connection with an agricultural use OR as provided in 97-18C.

Special Permits are broken down in the zoning code into minor and major projects (see 97-70.D). A minor project includes the "conversion of existing structures" up to a maximum of 5,000 square feet to another use. In this case, the barn to be converted totals 4,436square feet (total of both the upper floor and lower floors). Outdoor dining area totaling approximately 500 square feet is also provided in the garden area adjacent to the barn building. The maximum utilized total space for this use will not exceed 5,000 s.f.

Minor projects also include "alteration and active use" of a maximum of 10,000 square feet. The barn and all outdoor seating and dining areas to be used as part of the restaurant total about 4,936 square feet of land area.

Required Findings for Special Permits 97-73

<p>(1) Will comply with all land use district, overlay district, and other specific requirements of this chapter and other local laws and regulations and will be consistent with the purposes of this chapter and of the land use district in which it is located.</p>
<p>Response: The proposed project is consistent with all setbacks and other laws and is not located in any overlay districts other than the Town's AQ-6 Aquifer Overlay District.</p>
<p>(2) Will not result in excessive off-premises noise, dust, odors, solid waste, or glare or create any public or private nuisances.</p>
<p>Response: The proposed restaurant and farm shop is not anticipated to result in excessive off-site noise, dust, odor or glare. Both the restaurant and farm shop are located more than 200 feet from the nearest property line and will be well-screened. Additional information is provided in Item 12 below.</p>
<p>(3) Will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.</p>
<p>Response: Based upon ITE Trip Generation, the proposed restaurant use and farm shop is expected to create a maximum of 270 trips daily. NYSDOT data indicates that in the first week of May 2015, there were an average of 2,226 vehicles per day on Craigville Road. It is expected that there will be more than adequate capacity for the additional traffic and that the project will not significantly alter the nature of traffic operations on the area roadways.</p> <p>There are no sidewalks at this location in the town and therefore pedestrian traffic is minimal. The proposed restaurant is located on a county road and will require a permit from OC DPW for proposed access modifications.</p>
<p>(4) Will be accessible to fire, police, and other emergency vehicles.</p>
<p>Response: A turning radius diagram was provided demonstrating large emergency vehicles can maneuver within the proposed parking lot.</p>
<p>(5) Will not overload any public water, drainage, or sewer system, or any other municipal facility.</p>
<p>Response: The project will utilize on-site water supply and sewage disposal systems which will be sufficient for their intended use and the project will not overload any public water, drainage, or sewer system, or any other municipal facility.</p>
<p>(6) Will not materially degrade any watercourse or other natural resource or ecosystem or degrade the water quality or quantity of an aquifer.</p>
<p>Response: The Project's EAF and OC GIS does not identify any watercourse or wetlands onsite or an aquifer underneath this site.</p>

(7) Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads.

Response: The proposed farm stand and restaurant are suitable and appropriate for the proposed property and location and commonly associated with a working farm. The majority of the Project Site has been previously disturbed and there is no significant habitat present. The proposed action will not result in significant changes to topography or hydrology as no significant grading is proposed and the increase in impervious surfaces is minimal.

The proposed layout allows for existing natural vegetation to remain along the site frontage and between the proposed use and neighboring properties as well as more than a 300-foot setback. Additional landscaping has been provided to buffer the proposed use from neighboring properties.

(8) Will be subject to such conditions on operation, design and layout of structures, and provision of buffer areas as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the Town.

Response: Design and layout of structures on the Project Site will remain as they are currently with more than 300 feet between the proposed restaurant and the closest property line. The Proposed Project will not alter the character of the area.

(9) Will be consistent with the goal of avoiding strip commercial development and buffering nonresidential uses that are incompatible with residential use.

Response: The proposed project is not strip or corporate development. The proposed project represents a way to get local agricultural products to market while maintaining the natural landscape and the site's agricultural character. The site design allows for natural vegetation to remain along the road frontage and between the site and neighboring properties.

(10) Will not adversely affect the availability of affordable housing in the Town.

Response: The proposed project will not impact the availability of housing.

(11) Will comply with applicable site plan criteria in § 97-75D.

Response: See site plan.

(12) If the property is in a residential district, will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social, and economic impacts.

Response: The Project Site is located in the RU Zoning District where commercial agricultural uses are permitted as of right. The site is currently an active farm located in Orange County Agricultural District #1. As an active farm, the zoning allows for the raising, storage, processing and sale of crops, livestock, poultry, fish, honey and dairy products. The site currently has stables and other farm buildings which could be expanded considerably for these purposes with no Site Plan review and limited setbacks and no buffers required.

For comparison purposes, the property could be used as municipal office building as a permitted as-of-right use. A plan entitled, "Alternative Development Plan- Municipal Office Building" has been included showing potential construction of a 19,600 square foot municipal office building on the property. Additional parking has been shown on the plan to accommodate the office building. Water use and sewer demand for such an office building is estimated to be about 1,568 gpd and sufficient area is shown for a subsurface sewage disposal system area to serve the building.

In accordance with the traffic impact study provided, said use could generate up to 443 vehicle trip ends per day and 63 vehicle trip ends in the afternoon peak hour. The impact study indicated that the proposed action would generate an estimated 173 less vehicle trips per day and 23 less vehicle trips in the peak afternoon hour. Therefore, the proposed action will result in less traffic than could otherwise be created with another permitted as-of-right use.

Construction of a municipal office building would require the demolition of the existing stable, grading and construction of the office building. While the applicant intends to have music in the restaurant area, the decibel levels in the restaurant are expected to be below 80 decibels. At the nearest property line (approximately 200 feet from the restaurant), the noise from the restaurant will be reduced to 43.5 decibels, which is less than the maximum permitted by Town Code (75 db) and equivalent to a babbling brook. There is expected to be no increase in noise associated with the proposed project.

Neither the proposed use or the municipal office building would be expected to create any objectionable odors in the areas surrounding the site.

The Proposed Project will contribute to the economic viability of an existing agricultural use and will occupy an existing building currently used for agricultural purposes. If the property was to be developed as a municipal office building, there would be a loss of agricultural land. This farm stand and restaurant will have no greater overall, off-site impact than the use of the property for a municipal office building.

Respectfully submitted,



David Higgins, P.E.