

TOWN OF RANDOLPH, VERMONT
DEVELOPMENT REVIEW BOARD
MEMORANDUM OF DECISION
(Findings of Facts, Conclusions, and Decision)

PERMIT: **#Z15-57**
PROPERTY ADDRESS: **406 VT Route 12S**
PARCEL NO.: **121011**
PARCEL SIZE: **1.3 acres**

PROPERTY OWNER: **Alex Nichols**
Vermont Dollar, LLC
94 Normanskill Road
Voorheesville, NY 121086

APPLICANT: **George Jarrett**
200 Holleder Parkway
Rochester, NY 14615

I. INTRODUCTION

On August 4, 2015, George Jarrett ("Applicant") filed an application for a zoning permit for a project generally described as **auto parts sales and repairs**. The application was deemed complete pursuant to the Development Review Board ("Board") Rules of Procedure Section 301 on August 4, 2015.

Under the Randolph Zoning Regulations (RZR or "Regulations"), projects are reviewed based on the site plan, conditional use and/or any other applicable criteria of the Regulations. Before the Administrative Officer ("Administrator") may grant a permit, the Board must find that the project complies with all applicable criteria and approve the site plan, the conditional use and/or provide any other approval, as required.

Decisions must be stated in the form of Findings of Facts and Conclusions of Law. In rendering this decision, the Board relied on the following:

1. Sworn testimony presented to and evidence received by the Board during the first and final public hearing held on August 25, 2015;
2. Documents contained in this application's file, the RZR, Town Plan and the Randolph municipal records including the Notice of Decision for zoning permit #Z05-15 ("NOD #Z05-15").

The Board closed the public hearing on August 25, 2015 and rendered an oral decision in this matter. This written decision is required pursuant to 24 VSA ch. 36 §1409 and supersedes the oral decision

II. DETERMINATIONS BY THE ADMINISTRATOR

The Administrator has made the following determinations:

1. The subject property is in the Commercial (COM) District.
2. As the project is not either a one- or two-family dwelling, site plan approval is required.

3. The use is categorized as "retail sales" and "auto repairs". Such uses are listed as permitted on the Chart of Permitted and Conditional Uses.

On August 4, 2015, the Administrator referred the application to the Board for review and approval as determined.

III. PARTICIPANTS

For the purposes of this application, "interested persons" are those who fulfill the requirements of 24 VSA ch. 117 §4465. The Applicant was the only participant in this proceeding.

Participating Board members were John Becker, Thomas Malanchuk, Matthew Murawski¹, Michael Hildenbrand, David Miles and Joel Tillberg.

IV. FINDINGS OF FACTS

The following findings are facts that were entered into the record for this application and relied upon by the Board in formulating its conclusions and decisions. While other evidence may have been or is also entered into the record, if it is not included herein, the Board has determined that it is either not relevant evidence or that it is not a fact.

Project Description

1. The applicant has filed an application for the conversion of former general retail sales to auto parts sales and repairs and the construction of a 25' x 75' canopy along the front of the building that would cover 6 parking spaces, as shown on Exh. #1. (application, testimony of G. Jarrett)
2. There will be 800 SF of retail sales area, 800 SF of tire alignment area, 4,000 SF of tire switch-out area and the balance of the building will be for tire storage of approximately 3,000 – 5,000 tires. (Exh. #3, testimony of G. Jarrett)
3. The applicant is going to operate this facility Monday through Saturday 7:30 am to 6 pm, and Sundays 9 am to 5 pm. (application, testimony of applicant)
4. Typically, customers will park and walk into the sales area. If tires are purchased, an employee will pull car under canopy where the tires would be changed and the car pulled into the alignment area. Once the car is on-site, if tires are purchased, only employees will move the car for servicing. (testimony of G. Jarrett)
5. There will be no traditional car repairs taking place on-site such as oil changes or inspections. (testimony of G. Jarrett)
6. The property received site plan approval for retail space in early 2005 (NOD #Z05-15).

Consistency and compliance with Town Plan and ordinances. (SP criterion A)

7. The front, side and rear setbacks for the COM District are set by the DRB during site plan review. The proposed canopy will decrease the front setback from 112 feet to 87 feet to the centerline of the road. The canopy will not decrease the side or rear setbacks. (RZR application, Exh. #1)

¹ Matthew Murawski is an alternate member who was sitting in place of absent regular members pursuant to Section 206D of the Board's Rules of Procedure.

8. The maximum allowable building coverage in the COM District is set by the Board during site plan review. The proposed project increases the footprint of the building by 2,250 SF and increases the building coverage from 18% to 22%. (RZR and application)
9. The required off-street parking for retail sales is 6 spaces per 1,000 SF of gross floor space and for the auto repairs it is set by the Board. Although the building is about 10,000 SF, only about 10% is for customers/retail sales area, 10% for employees (alignment area) and the remaining 80% is warehouse space. Therefore, at most, 2,000 SF will be for customers and employees with requires 12 parking spaces. The proposed project provides parking spaces for 22 cars with an additional 6 spaces under the canopy. (RZR and Exh. #1)
10. There is no clear and unambiguous language in the Town Plan that relates or refers to the proposed project. (Town Plan)
11. The purpose of the Commercial District is: "To concentrate the regional and town-wide business, to provide areas for its best development and to protect these locations by excluding other kinds of development which would serve to scatter new businesses and limit the expansion of present business; to provide areas sufficiently compact for the convenience of pedestrians, and with sufficient area to allow parking space for patrons who come by automobile." (RZR)

Character of the area (SP criteria B)

12. The surrounding area is a mixture of commercial and residential uses. The adjoining properties are used as a car wash & auto repair shop, office supplies warehouse, insurance office, undeveloped/forested land and a residence. (application)
13. The proposed project is in keeping with the adjacent commercial activities. The only external alteration will be the construction of the canopy over 6 existing parking spaces. (Exh. #1)
14. Used tires will be stored in an enclosed trailer. A solid waste dumpster will be fenced. (Exh. #1, testimony of G. Jarrett)

Traffic and pedestrian considerations (SP criterion C)

15. The proposed use will utilize the VT Route 12S, which is a state highway. The Vermont Agency of Transportation has reviewed the project and will be issuing a Letter of Intent. (Exh. #2)
16. The only changes to the existing accesses is the widening of the northern entrance to 30'. (testimony of G. Jarrett)
17. Customers parking is to the north of the building and customers will not have to cross the main flow of traffic that will occur in front of the building. (Exh. #1, testimony of G. Jarrett)

Affects on adjacent land (SP criterion D)

18. The only external alteration to the building will be the construction of the canopy over 6 existing parking spaces and the addition of a bay for alignments. (Exh. #1)
19. The adjacent property has a 2-bay auto repair shop and a 2-bay car wash. (application)

V. CONCLUSIONS

Based on the foregoing Findings of Fact, it is the conclusion of the Board that the project described in the application referred to above and including the Applicant's representations at the public

hearing, if completed and maintained in conformance with all of the terms and conditions of that application and as required below, will meet the following site plan criteria:

- A. The proposed use, design and layout meets the provisions of the zoning ordinance, other regulations and ordinances of the Town and is not in non-conformance with the Town Plan.
- B. The proposed use, design and layout is of such a location and in such a size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- C. The proposed use and layout is of such a nature that it will not make vehicular or pedestrian traffic hazardous when considering turning movements, relationship to intersections, sight distances, location and access of off-street parking, pedestrian traffic and pedestrian-vehicular contact points.
- D. The proposed height and location of buildings, walls, fences, parking, loading and landscaping will not interfere with or discourage the appropriate development in adjacent land or unreasonably affect its use.

VI. DECISIONS²

Based upon the foregoing Findings of Facts and Conclusions, approval is hereby granted for the site plan for the auto parts sales and repairs as applied for in zoning permit application #Z15-57. Site plan approval is granted with the following conditions:

1. The project shall be constructed as shown on the exhibits, and completed and operated in accordance with the application and the findings of fact which are incorporated herein.
2. Construction shall be as shown on Exh. #1 and 3.
3. All landscaping shown on Exh. #1 shall be maintained in a healthy, living condition.
4. Snow from parking areas must not be plowed onto public highways, adjoining streams or waterways, or onto abutting properties. Snow must be plowed elsewhere on the subject property or removed. On-site snow storage shall not interfere with sight distances or designated parking areas.
5. The subject property shall have adequate entrance and exit for emergency vehicles at all times.
6. Any significant modifications to the approved site plan shall require re-approval by the Board pursuant to the regulations in effect at the time of re-application.

² An interested party (as defined in 24 VSA §4465) who participated in this proceeding may appeal this decision to the Vermont Environmental Court within 30 days of the date of the decision, for a fee of \$262.50 and a notice in writing, certified mailed to the Environmental Court, giving reasons for the appeal, and a copy mailed to the Zoning Administrator. Failure to appeal this decision may prevent any party from arguing against its elements in a future hearing or appeal. 24 VSA §4472.

Dated at Randolph, Vermont this 22 day of September, 2015.

RANDOLPH DEVELOPMENT REVIEW BOARD
Concurring Board Members



Joel Tillberg, Chair



Matthew Murawski

Thomas Malanchuk



John Becker



Michael Hildenbrand



David Miles

