

Washington Town Board October 26, 2022 Minutes

The Town Board of the Town of Washington held a special meeting on Wednesday, October 26, 2022, at the Washington Town Hall, 10 Reservoir Dr., Millbrook, NY. The meeting was called to order at 5:30 PM by Supervisor Gary Ciferri with the following individuals in attendance: Councilmen Robert Audia, Michael Murphy and Joseph Rochfort, Councilwoman Leslie Heaney, Town Clerk Mary Alex and Nan Stolzenburg, Planner/Owner of Planning Better Places.

Also in attendance were Richard Philipps, Howard Schuman, Margaret Schneible and Fernanda Kellogg (Committee Members). Via Zoom: Phil Balshi, David Purcell, Jan Stuart, Clair Mann, Zoe Rosenberg, Olivia van Meller, Nancy Hathaway, David Parshall, Nicole Drury, Elizabeth Peters, Tracy Florack, Susie Clarke, Maureen King, Betsy Shequine, Elena Howard, B. Erdener and Claudia Bull.

The meeting began with Ms. Stolzenburg answering questions previously submitted to her by the Town.

The first question was about architectural design standards, and whether the hospitality recommendations included are they just for Mabbettsville or all of Washington? And how do towns usually go about this? Ms. Stolzenburg said that the current zoning that you have has a section in there that talks about the need and the desire to have architectural standards. The way it's set up is when there is some sort of design issue that would come before the Planning Board or Zoning Board, that they can retain an architect to help you understand the architectural character of that proposed building, and how it fits in. While that's a really good step, it's a really good thing to have in your zoning. The reason we included the section in the hospitality study for design standards is because the Zoning and the Comprehensive Plan both call for it. The Comprehensive emphasized development that fits in from an aesthetic point of view. To the community that's reflected in the zoning, but the Town doesn't have the tools developed at the local level to help you do that. It's my opinion that the design standards that a community brings forth, and that sets as a performance expectation for development should be set by you. It certainly can be reviewed by an outside architect, but I don't think that decision making should be left up to a consultant. I'm asked all the time about what do I think about a certain project. The Town really needs to set those performance expectations, so the design standards by district or they could be town-wide. It depends that the design of commercial buildings, say and Mabbettsville may be different than in some other zoning district where one might be a more traditional hamlet, village style, where it's out away from the hamlet. It might be more of a rural, agricultural kind of thing. You might

want to pick up on some sort of other historical feature or building that might be out in the area.

Based on your existing plan and your zoning, that town wide architectural design standards are usually there for commercial uses. They're not for individual homes that are built. They're not for farms, because farms themselves wouldn't be subject to the Site Plan Review, you could fine tune them by area.

The other part of the question was, how do you go about it? You can glean from the public input that you get, say, during your comprehensive plan project. From the hospitality input we had a lot of input when we asked people what kind of design of hospitality do you like? Some communities do hire an architect who does an inventory and takes pictures and helps characterize what some of the local flavor of architecture is. There's always public input. If this is going to be made as part of your zoning, it would have to be public input through a Public Hearing. If it's just a guideline that you hope developers will follow, it's not the quite the same thing as is something that's in the zoning code. There's a lot of decisions along the line, and I could send you samples. Some design standards are written in the text and they describe various features that you want to make sure new development has. Sometimes the zoning itself has illustrations or pictures in them. Sometimes the design guidelines are a separate section or a separate like an addendum to the to the zone. My feeling is the best way to go is when you have either a picture or some sort of illustration, because a picture is better than a thousand words. If you say you're looking for this kind of aesthetic, the better way is to capture that with drawings or with photos of an example. Not to be a slave to those, we're not looking to stymie innovation. We're looking to capture the things that are most important to you all. When you say we want a commercial building to fit into our community, what does that really mean?

The Board commented that they would like to prevent some far out designs that would stick out like a sore thumb. Maybe we could have a generalization with some photos of this is what we would like to see which kind of would eliminates somebody from putting a pink building up with wings on it, or something ultra-modern that wouldn't fit into the community, so it sounds like it would be a simple, simple fix, like a general statement. Conform into this and you could have a couple of photos.

Ms. Stolzenburg said some places specifically address trademark architecture, which is often the root of some of these problems that we have. Where you have a Starbucks or a McDonald's and they look like every other building they have everywhere. A lot of communities have design standards to ensure that they're spin on development, gets incorporated so that you don't become any place USA. Whatever comes in fits in, and is a building that that is unique to you. Even franchise buildings are doing a better job these days, but you know they still might look like the next community. We can often improve by having design standards. We can

improve some of the franchise kind of stock buildings that are out there that have no context for the location that they're putting them in.

The Town Board agreed and said it'd be helpful for us to, instead of reacting to an application, have our standards set in advance of that. There have been examples of that kind of review in the past, when the bowling lane was converted, there was a lot of discussion of trying to make it look like a barn that fit into the aesthetics of the community. There have been those types of applications where the zoning board and the planning board have fleshed that out.

Ms. Stolzenburg said having standards would make it a lot easier for the applicant. She emphasized that one of the things that's a problem, for the business side of these things is uncertainty. When an applicant comes into a planning board, the really the best way to be business friendly is to identify what your performance expectations are and the applicant meets those expectations and gets an efficient Yes at the end. When you don't have those things outlined, then they come to the planning board, and there's back and forth and design, and it almost always takes longer, is more expensive and harder to do. I'm an advocate to give some outline of what you expect. It makes it easier for the applicant to figure that out.

Ms. Stolzenburg said the next question was regarding the phased approach of hospitality development starting with Washington. The idea here is to better understand what capacity the community can uphold and support. I think that was grounded in that Washington and the hospitality going on. You're not an island in and of yourself, and there's lodging and all sorts of other kinds of hospitality things going on around you. It's kind of like let's see how this works out and how it functions before we move further. I think the phased approach was more of a cautious let's see how it goes first. That's my interpretation of what the committee was hoping to get.

Councilwoman Heaney said I remember your analysis of neighboring hospitality sites around the area. That question, was my question. I didn't know if there was any kind of formula or best practice that correlates number of visitors per year with hospitality or populations with hospitality. It's difficult to anticipate, because we're in the Hudson Valley, and during the fall and summer it's a tourist destination. I was just curious about that, and how we look to balance that if we have more than one application at the same time. Ms. Stolzenburg said I don't think that it was based on hard numbers like that. I think there was a lot of unknowns. The community through the public input that we had was very cautious about having too much lodging. It was kind of a balance to find suitable locations at the right intensity. It was not fleshed out with that level of data that you were looking for. It was more of this seems to be the logical place to start. We have this the location, and the character and the situation that would work the best. Let's work there rather than go further far a field with it.

Ms. Stolzenburg discussed the next question, which was when do you think it makes sense to create the village and town task force? Should we be having those conversations now? The answer is yes. I think that if the town is going to take up this comprehensive plan, and to incorporate in whole or in part, the various recommendations that were made in the hospitality study than the town and the village definitely need to talk and plan for these things together. You know you interact and you're intricately involved with each other, so I think that having that task force to start those conversations is important. Especially if you're going to be moving into some sort of update or implementation of those recommendations that there's really no reason to wait, in my opinion.

The Village of Millbrook was the first choice of many of the respondents. The Village has its own Comprehensive Plan and its own Zoning. With two intricately related communities, joint planning is always a good thing, especially with the town's Comprehensive Plan putting so much emphasis on the village as being the primary place for commercial development. You have to coordinate with that.

Ms. Stolzenburg said the next question was with respect to Washington Hollow. Was there any consideration to expanding the zone restrictions on that area, perhaps along the bypass up to Orvis as a designated place for hospitality. Ms. Stolzenburg replied we didn't draw a line around the map and say these are the parcels that should be included in that location. I think that's up for discussion, and that's part of the next phase. It's not a hard and fast, it stops here. We didn't do that kind of evaluation by a parcel-by-parcel basis, so that that's open for input and determination as far as I'm concerned. As the Town updates the Comprehensive Plan, you will need zoning updates to reflect that policy. I don't know if you're going to update your conference plan, and then at some point move into implementing zoning updates, or if you are going to do them together. You may take the hospitality report and create an update to the Comprehensive Plan simply by including that as an appendix and then moving right into the zoning. I think it depends on how you all feel. You want to move forward and phase this. At some point, you know, you have to establish a policy of what it is that you want in the zoning implements. When we're talking about it is in reference to the next steps that you outlined.

Councilman Rochfort expressed that he would like to adopt this as an appendix and then zoning coming out to enforce the plan. Ms. Stolzenburg said that's up for discussion. There are certainly different ways to move through this process, some a little more efficiently than others. But I think you need to decide what direction you want to go. The most efficient way is to update the Comprehensive Plan by adding the Hospitality Report as an appendix or addendum. You still have a little bit of process to go, but that doesn't then mean you have to go back and rewrite your full Comprehensive Plan. Maybe it's a new cover, with an introduction about how you got to this point. Why, you did it. Why, you're adding it into an agenda, and what you expect to happen by including it in as an addendum. That is certainly the most straightforward way. I don't think there was anything in our report that conveyed

we weren't, recommending, changing the direction of the plan that you have, but adding more detail to it in relationship to the hospitality questions, providing more context and detail. It was such an involved process. Where we had a committee, we had public meetings. We had a survey. It was really a comprehensive plan like process, because it was so involved. It could have been just a report from a consultant. Lots of communities hire a consultant to do a report, and they come up with their ideas and their recommendations to give you a report. This was a community-based project that is, it is aligned with what a normal, comprehensive plan would have been part of it. I think you have the opportunity to be efficient that way if you want.

Councilman Murphy asked for clarification. If we took the next step of adopting this as an addendum or an appendix, we're basically approving and sanctioning what that committee has done. We have given them the kind of authority post act, to attach that to the document. So now we've got a tool that we can refer to as we start to pull pieces out to build code that helps a planning board and a zoning board have some reference tools when an applicant comes forward and says, yes, this can go forward. No, it can't. But to do that we have to adopt codes that parallel that addendum. Ms. Stolzenburg said yes. The agenda you can think about it is that the addendum would, along with the rest of your comprehensive plan, establish the direction and the policy and the expectations of the community. The zoning then is adopted separately, with its own process, to implement those that policy in those directions. Just like the comprehensive plan, let's say you did nothing. You have lots of ideas in your existing comprehensive plan that were Zoning related recommendations that haven't implemented. Some may be more relevant than others. You don't have to be a slave to every item in a comprehensive plan, but the zoning has to be consistent with it, and there are times where a Comprehensive plan will recommend to do something, and then through the next phase it gets altered or shifted, or it becomes apparent that something would work better. So, you don't have to follow it word for word. You have the addendum that would give you that policy background upon which to me to be the foundation for those zoning changes.

Ms. Stolzenburg said the next question was did the committee ever discuss the zone restrictions which currently apply to Mabbettsville area with respect to commercial expansion and is the current restriction, the type of spot zoning with respect to those restrictions. Ms. Stolzenburg said we did talk about those restrictions, but our job was really to look at hospitality, and not the broader commercial development expectations that you have. It was discussed, but we never really talked about should that be changed for a broader commercial development pattern. I think the committee felt that that was out of their scope of work that they were expected to do. We talked about it behind the scenes. I'm not quite sure why spot zoning would come up. That is definitely not spot zoning it. It may be a very restrictive way of approaching commercial development. But I definitely do not see any spot zoning in that.

That goes into the next question, which was the same idea of removing the restriction of fifty percent residential development in Mabbettsville. You're tying commercial development

to the residential development that you have. If you have no residential development, you have very little commercial development opportunity. I think that from a broader commercial perspective that is unusual. I will be honest with you that that is unusual, but that goes back to what is the goal that you want. If you effectively want to limit commercial development there's a whole range of techniques, including the one that you use to not have a lot of commercial development there. So again, it goes back to what your what your policy is for that. It is restrictive. But if you want to be restrictive. It's probably doing a good job of it. We didn't really get into, but in the broader sense of making zoning changes it's more of a broader commercial and economic development strategy that you decide what it is you want and address it in zoning updates.

A question along that line was brought up. Hospitality is commercial, so in your experience with other communities when the question of commercial (development) has come up and hospitality, dining, other types of non-industrial commercial come up in a community, are there typically uh restrictions beyond what the focus of the commercial zoning is. Are there other things layered on top? Whenever you develop a commercial zone, such as Mabbettsville and Washington Hollow, is it typical to control the growth of commercial. Ms. Stolzenburg said communities put added restrictions on those zones, so it doesn't explode into unwanted development. Yes, there's a whole range of things ranging from lot dimensions, lot coverage, building size limitations, parking access. There are all sorts of things that a lot of communities do use, so that it's controlled, when we adopt these recommendations into the zoning codes, we are going to have to get really specific. Things like parking, square footage, acreage, all of that, and that in itself becomes restrictive uses. Just going back to the lodging are many communities, rural communities that want to have lodging, but you don't want a five hundred room area. You can put restrictions on the number of rooms which was a part of the hospitality report. That's a zoning standard. There are all sorts of those types of things that serve to control the size and the intensity and the impact of a particular use.

Councilman Audia said the Mabbettsville zone was my question. The zone is the only place where they allow hospitality in the town, but it can't happen there, because there's no room for residential growth, and that's in our current zoning, so that has to change. Like we said you could change the uses that we have? You could put other restrictions to it, but we have to get rid of the caveat of having twice as much residential growth, one hundred and fifty percent. Washington Hollow is different, it is a residential zone, and you can't have growth without special permits.

Ms. Stolzenburg replied, yes, the town can require added levels like some commercial zones. She suggested it could be a tested site plan review that have a specific criterion for that kind of use. So oftentimes lodging, or any other kind of use, they would have specific development and design standards that would be expected for that use. It can be multi-layered, both for the district and for a particular use in the district.

Ms. Stolzenburg said the last question on the list that you sent me was, did the proposal include implementing changes to the code which were recommended when the previous plan was adopted? That's a good question. We might have to talk about that because I would have to go back and review all of the zoning-oriented recommendations that were in the original plan so I can't answer that question right now, but I will go back and look at that. With that said, I think that doing a zoning change is a big deal for most communities, you don't make changes every six months. Most communities don't do that. If you're going to be making zoning changes, it is certainly efficient to make as many of the zoning changes that meet your policies at one time, so you have one process. Then you have one set of public hearings, one set of SEQR evaluations, one set of resolutions and public hearings, and so forth. It makes sense to be efficient but I have to go back and look and see what some of those other things are from your original plan that weren't incorporated into our recommendations. I will look at that and send that to you. Councilwoman Heaney agreed and said we have a list of housekeeping items that Mary and I keep and zoning things we might want to clarify, and that just keep coming up. We could do these with all of the zoning changes. Ms. Stolzenburg said we mentioned it in the recommendations and I think it was mentioned in your comprehensive plan, incorporating conservation subdivisions which really has nothing to do with lodging, but development patterns of major subdivisions is a real thing to look at and figure out better ways of doing subdivision, so that they meet your community goals, maybe more than what you have now. So that would be a good time to incorporate something like that.

The Beard discussed the process to move along the addendum. Ms. Stolzenburg noted that right now we would we would have a hearing on the Appendix. The process is that it has to be available for the public to review. You have to have a legal notice, a ten-day legal notice, which is a little different than other legal notices. The legal notice is published in the paper for a public hearing. You have your public hearing. It has to be referred to the county for the County Planning Board Review. You have to do a SEQR analysis. As an update to a comprehensive plan, it is an automatic Type One Action so it's certainly required to do SEQR. Then you would adopt it as a resolution of the Board. So those are the those are the basic steps.

Ms. Stolzenburg added there's a couple of different ways to approach this. We talked about taking the hospitality report and making it addendum, and then It's just updating the front of the plan to tie it all together. AnOther way is to create a whole new document that integrates all of those recommendations from the hospitality report into the verbiage that you have in the plan which is basically rewriting it and redoing it. I don't think you need to do that, but it's certainly an option if you wanted to. Councilman Murphy noted that isn't what the town would do because in 2025, we're already scheduled to take a look at the existing comprehensive plan for its ten-year review. At that time, that's when you start to pull all that other stuff right into the document, and you've got a whole new document established.

Ms. Stolzenburg said I think it's a pretty straight if you don't want to do that integration now, and you formally adopt this into the plan. It's the cover, and it's an introduction to review and discuss why you put in addendum in. It's a pretty straightforward process to get to that point.

Councilmen Audia and Murphy raised the question about Washington Hollow and would that corridor extend to say Orvis. The survey addressed different areas and people were making recommendations to identify where they wanted hospitality where they thought it was appropriate. Would moving the line be a separate process? Ms. Stolzenburg said if you were looking to move the line there, I think that could be incorporated. The Comprehensive Plan can broadly say this is what we envision for Washington Hollow and the area. I don't know what the wording would be expanded, or including additional lands to accommodate this use. The plan outlines that you're going to do something in Washington Hollow. The zoning change then, would actually include the boundaries and all of the regulations that you want to go for that zoning district.

Ms. Stolzenburg said you don't need the details or a map for the Comprehensive Plan. You need the foundation of what you want to see occur. The very particulars of that would have to be worked out and discussed and have community input or at least town board, input and then community input with the Public Hearing before that would get adopted as a zoning update.

Councilman Murphy said for the last year we've been looking at short-term rentals throughout the town, and we're aware that there are short-term rentals in the village. There are no existing codes right now that help regulate those, even to the point of having a registry to know who has them where they are, who's the owner, and so on. We've been doing some research collecting model laws from other towns. The State just did a big presentation in Hyde Park on it. One of the lawyers recommended a gold standard law that the State is looking at, would we? Because that's going to be a separate issue, but it falls under hospitality when we roll that into the discussion of this recommendation that we're making an appendix. Or do we keep the hearings and the research and the committee separate, just specific to short-term rental. Ms. Stolzenburg said the hospitality report included a recommendation to regulate short-term rentals and gave a list of options of what should be included in the regulations. You have another committee, and kind of a separate process, but I think it should all be integrated. My recommendation if you're going to do something with short-term rentals, there's got to be a component in the zoning. You have to update the use table at the very least, to say you're going to allow them, or you're not going to allow them, or whatever you want to do with them. My recommendation would be that if we integrated into the zoning update, so we create a new a new section in the zoning for short-term rental or integrated into special use permits, or however, you ultimately decide you want to address them, and then you have one process for everything. She added that the report had more guidance in it than just do something. I also think that for having a subcommittee that's working just on short-term rental is a good thing,

because short-term results are very complex. They can be very contentious, it's a hot button issue right now that can often take all the air out of the room. I think it needs the attention of a subcommittee that just is looking at that. Short-term rentals have implications for housing, and has implications for affordable housing, and has implications for hospitality so It's very complex. The recommendations were based on the volume of the village or placing these facilities.

A discussion ensued about incorporating the village into the town discussions. Many respondents suggested hospitality should be placed in the village or on the outskirts of the village. What happens if the village residents say we're not interested in having them. Councilman Rochfort said than we go forth with our own. I think discussions with the village is necessary. If a proposal for a hotel in Washington Hollow comes forth it would be nice to have a conversation with the village on what that impact might have on the village. But that doesn't necessarily mean we're asking the village "Is this, okay?". We should try to have those conversations maybe even just to identify areas or learn from the village board if they agree. Right now, you can have up to ten rooms in the village. There's some number that that you can have.

Ms. Stolzenburg agreed it was limited. You want to coordinate with them. They're going to care about what you do in there just like you should care about what they do and where. You want to have your land uses at least working together. There would be some mutual benefits and coordination of how you should move together to benefit everybody. You get to control what's in outside of the village, and they get to control what's inside the village, but you move forward with what you think is right for the town.

The Town Board concurred that they should begin conversations with the village. The Town wants to keep our process going. We can introduce the report to them, which most of the Village Board may have already seen and ask them for some input. The Board said they want to continue on with the timeline established. As part of the committee work there was a village component where business owners expressed wanting to have more traffic and a correlation to hospitality.

Ms. Stolzenburg concluded by advising the Board that she would provide the Town with different kinds of design standards which will provide a range from simple to more complex. In addition, she will look at the current Comp Plan and her proposal to see where it leaves the suggestions from the 2015 Comprehensive Plan. Councilwoman Heaney requested she also include guidance on conservation subdivisions and what other towns do.

The Board thanked Ms. Stolzenburg for her time and looks forward to receiving the information from her.

There being no other business, on a motion made by Councilman Audia and seconded by Councilman Rochfort, the Town Board closed the meeting at 6:30 PM. The vote was as follows:

Supervisor Ciferri: Aye
Councilman Audia: Aye
Councilman Murphy: Aye
Councilman Rochfort: Aye
Councilwoman Heaney: Aye

Maty Alex, Town Clerk