



Town of Washington, NY

Hospitality Evaluation Report

FINAL: JULY 1, 2022

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PART ONE

CONSULTING TEAM CHARGE

In the Fall of 2021, the Town of Washington Comprehensive Plan Review Committee (CPRC) issued a Request for Proposals (RFP) seeking the services of independent professional planners to assist the committee with an evaluation of the current Town Comprehensive Plan as it relates to hospitality uses. Specifically, the committee sought assistance with evaluating the following:

- Whether the 2015 Town of Washington Comprehensive Plan should be amended to include and permit expansion of hospitality that aligns with the historic rural character of the Town of Washington; and
- If it is determined that the 2015 Comprehensive Plan should be amended: (1) to assist the CPRC in formulating recommendations to the Town Board for specific changes to the Comprehensive Plan; and (2) draft proposed amendment(s) to the 2015 Comprehensive Plan to hand up to the Town Board.

A team of consultants (“consulting team”) led by Nan Stolzenburg of Community Planning & Environmental Associates was selected by the committee for this planning evaluation. In addition to the consulting team, James Staudt—a land use attorney—was also separately retained by the committee to assist them with their evaluation.

This Hospitality Evaluation Report has been prepared by the consulting team as a complete summary of the data and findings collected during the course of that planning process as well as final recommendations for consideration by the CPRC and Town Board.

For the purposes of this planning study, the term “hospitality uses” was defined as a range of potential lodging types for overnight accommodations including Hotels, Resorts, Motels, Inns, Bed & Breakfasts, Short-term rentals, Camping, Glamping, Farm-stays and related on-site accessory uses such as restaurants, bars or event facilities.

THE PLANNING PROCESS

The independent consulting team, in cooperation with the CPRC, developed a planning process to conduct the evaluation of hospitality uses. This process included the following efforts and analysis:

- Review of the current Town of Washington Comprehensive Plan (2015) and zoning codes;
- Focus group meetings with residents and business owners of the Town of Washington and Village of Millbrook to identify early issues and considerations for the evaluation;
- An “Open House” meeting (both in person and virtual) to introduce the planning effort to the general public and collect preliminary input which would be used to help design a town-wide survey;
- A town-wide survey inviting all local residents, property and business owners within the Town of Washington and Village of Millbrook to provide their input on issues of hospitality;
- A trend analysis of hospitality in the state and the county;
- An economic analysis of potential (future) hospitality uses within the area;
- A geographic analysis of existing (and proposed) hospitality venues in surrounding towns within the county;
- A geographic analysis of natural features and sensitive environmental areas within the town which could be negatively impacted by local development.

Taken together, the above steps were designed to provide the CPRC and Town Board with the necessary information and tools to make an informed decision regarding any proposed expansion of hospitality uses within the town.

FINDINGS

REVIEW OF 2015 COMPREHENSIVE PLAN

The 2015 Comprehensive Plan (2015 Plan) updated a previous version from 1987-89. As per the Plans’ introduction, the 2015 plan focused on protection of agriculture, preservation of ground and surface water quality and quantity, and additional environmental protections. It stresses the vision and goals of the community remains largely unchanged from the earlier planning effort. The 2015 Plan was updated in recognition that it “was prudent in order to identify changes to the local community character and surrounding environment.” That periodic review remains the same today – it is important to ensure that a comprehensive plan remains relevant to the community.

The 2015 Plan was stated to be “practical and general in scope” and to reflect the “priorities, hopes, and aspirations of the public; and the commonly shared community values and goals for the future.” It very clearly and strongly establishes the long-standing vision for Washington to remain “a rural town by maintaining existing land use types, protecting environmental resources, and supporting the Village of Millbrook as the location for concentrated diverse housing and commercial activity.” Thus, major principles of the 2015 Plan all support a continued direction for Washington to be a rural community, with great scenic beauty, maintenance of the Town’s historic character, a healthy environment, and a high quality of life for residents, and again stressing the desire to maintain a vibrant and diverse local business district in Millbrook.

Four goals are established to support that vision. The major objectives/recommendations of the plan that pertain to long-term hospitality and that must be considered in all future planning in Washington are (paraphrased from the 2015 Plan) to:

- Maintain existing land use types which keep the Town rural.
- Avoid infrastructure expansion into the Town.
- Keep roads rural in form, use and appearance and discourage construction of new roads in undeveloped areas and deter development or extension of centralized water and sewer systems into rural areas.
- Preserve the duality between the Town and Village - avoid future new or denser zoning that would create village like

areas in the Town.

- Maintain scenic beauty and protect land, water and the natural environment (including protecting farms, agricultural soils, open space, water and floodplains, natural habitats, biodiversity, steep slopes, and scenic areas).
- Encourage reuse and rehabilitation of existing buildings and sites rather than new development whenever possible.
- Strengthen and sustain the mixed-use Village as the area for commercial, retail and service activities; Avoid creation of new commercial development or mixed-use areas that are outside of the existing Village business district.
- Take action to protect the Village water source, located within the Town.
- Goal III (strengthen the Village Center) also establishes the objective to promote tourism as an important regional economic driver and expanding market for the Town and Village. There is no direct mention of hospitality uses in the 2015 Plan.
- Review existing design and development guidelines to ensure that new buildings and expansions of existing buildings reinforce traditional historic character, and endorse compatible land use, scale, setting and architecture of new development adjacent to historic buildings and landscapes.

Overall, the prior two Comprehensive Plans for the Town of Washington were found to be very consistent in their vision, and this vision appears largely consistent with the public input received during this planning effort. Notably, the 2015 Plan also supports future planning efforts and states that the Town should “continually review zoning and land management tools to help achieve desired development patterns”. This planning effort—to evaluate hospitality uses in Town—is one such effort.

REVIEW OF EXISTING ZONING

The Town of Washington Zoning was reviewed in regard to how the code specifically addresses hospitality uses, as well as overall zoning direction and standards. The most recent zoning is dated 2008 (prior to the adoption of the Town’s Comprehensive Plan in 2015) with amendments to the wetlands and watercourse section (Local Law #1 of 2011), and addition of regulations for solar and wind energy systems (Local Law #1 of 2018). Several

other land use related laws have been adopted since 2008 including those to increase fines, amend the flood damage prevention law, address aquatic invasive species, and in 2009, an interim development law and moratorium. Most recently a moratorium was established in 2021 to allow for this hospitality planning effort.

Overall, the zoning law establishes seven different residentially oriented zoning districts having different density/lot sizes (RH-1, RM-2, RL-5, RS-5, RR-10, and RS-10) along with a hamlet mixed-use district (HM) in Mabbettsville (*See Figure 1*). It also establishes an aquifer protection overlay, agricultural overlay, and wetlands/watercourse regulations. The zoning allows for the creation of several other districts as floating zoning districts for Hamlet, Environmental Protection, Industrial/Office, and Mobile Home. As floating districts, the zoning text provides all the procedures, regulations and development standards but does not map such districts. To date, no hamlet, environmental protection, industrial/office, or mobile home park maps have been adopted.

As related to hospitality uses and related topics explored in public engagement for project:

- Bed and Breakfasts are defined (with a maximum of 5 bedrooms and 10 people) and are allowed in all zoning districts, including overlays. Bed and Breakfast uses are further prohibited from being used for retreats, weddings, and restaurants or other for-hire events.
 - Bed and Breakfasts are also allowed to be within a newly created Hamlet District, and all non-residential uses within such a district are limited to 2,000 square feet in building footprint.
- Hotels and motels are both defined (without any size parameters) and are allowed in the HM District (Mabbettsville). The HM district limits non-residential development to 50% of the total square footage of floor space of all new residential buildings constructed in the HM within a 2-year period. There are no other development standards offered in the zoning specifically to hotels or motels.
- Restaurants are allowed in the HM District (Mabbettsville) only. The sizing of such a use would also be determined by the HM limitation of 50% of total square footage of floor space of all new residential buildings constructed in the

HM within a 2-year period. There are no other development standards offered in the zoning specifically to restaurants.

- Agricultural uses are allowed in the HM, RM-2, RL-5, RS-5, RR10, RS-10 (but do not allow any sales to the public at the property). In the LC (Land Conservation), agriculture is also allowed but without restrictions of on-site sales of ag products. However, the Agricultural Protection Overlay (APO), covering larger parcels containing prime farmland soils and soils of statewide importance, allow for roadside stands (< 500 square feet) as a permitted use, and sale of farm products (> 500 square feet buildings) along with storage/sale of certain agricultural products, collection/storage and distribution of agricultural products, and processing of animal products as specially permitted uses. Zoning does not address ag-tourist-oriented uses that are hospitality-related such as farm stays, tasting rooms, and events (such as u-pick operations). The zoning does not address consistency with NYS Agriculture and Markets Law 25-aa, the New York State agricultural districts regulations. Note that New York State does have guidelines for direct sales of agricultural products when the farm operation is in a NYS Certified Agricultural district – which would pertain especially to those parcels included in the APO.
- Public engagement showed that the community is very supportive of architectural standards for hospitality uses. Zoning does establish the need to ensure that new development is designed and sited in a manner that protects the historic and rural character of the Town. This is addressed specifically by requiring architectural review of clustered subdivisions, of non-residential uses in the HM district, in a hamlet floating district, and in the general standards for actions undergoing site plan review. There is an expectation that the architectural style and layout of new districts or uses will replicate and be consistent with the historical patterns and the rural character of Washington. Site plan review includes standards for review and design, of which general statements related to architectural consistency are included (Section 485 (6) Building Design). The Town has also adopted the Greenway Connections, which offer guidelines into architectural design.
- Public engagement showed that the community prioritizes environmental protection. Current zoning addresses this by adopting the Greenway Guidelines, and by establishing

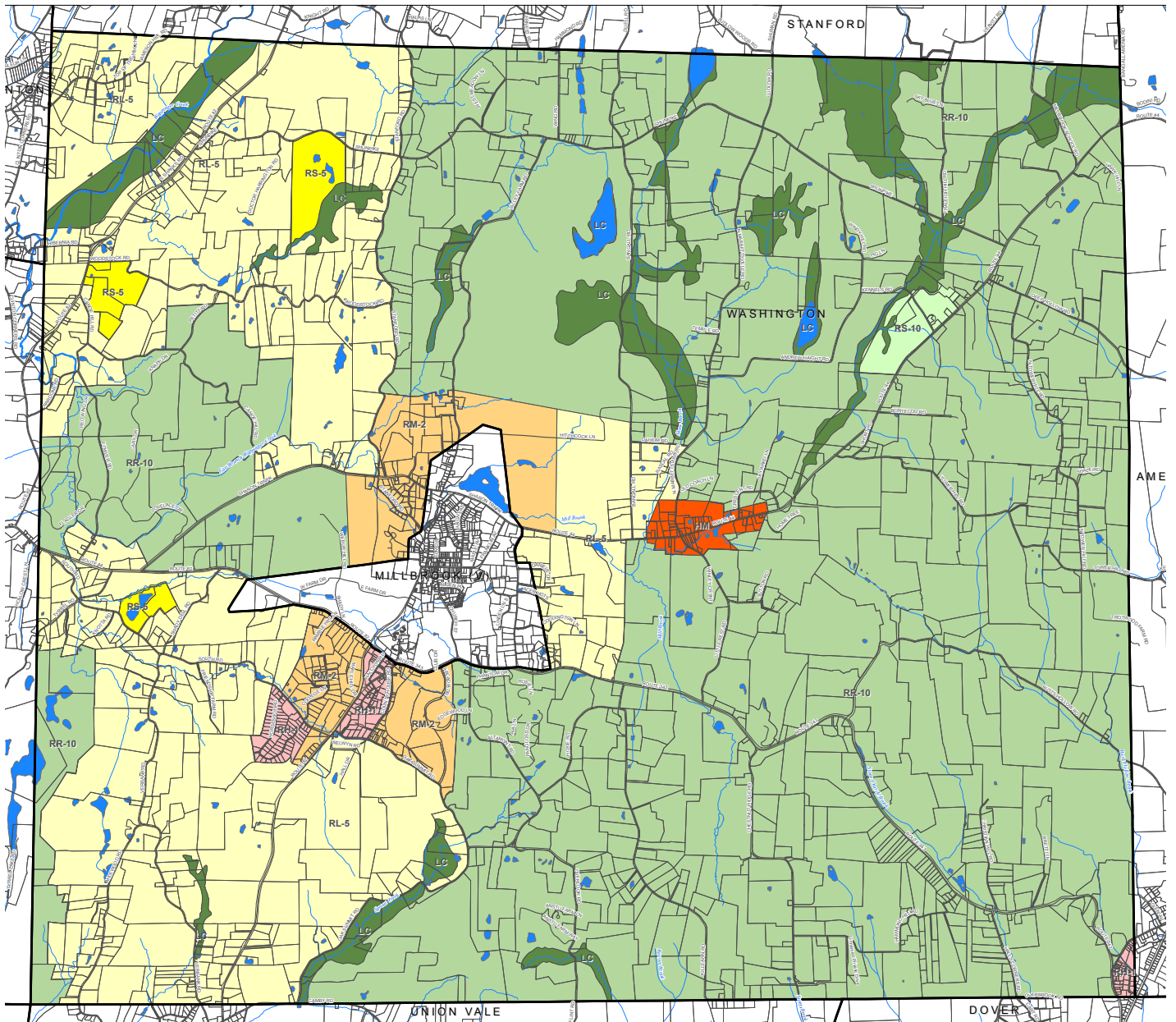








Figure 1. Zoning Map

Zoning Districts

- | | | | |
|---|----------------------------------|---|----------------|
|  | HM: Hamlet Mixed Use |  | Roads |
|  | RH-1: High Density Residential |  | Streams |
|  | RM-2: Medium Density Residential |  | Water Bodies |
|  | RL-5: Low Density Residential |  | Tax Parcels |
|  | RS-5: Low Density Residential |  | Municipalities |
|  | RR-10: Rural Residential | | |
|  | RS-10: Rural Residential | | |
|  | LC: Land Conservation | | |

an Aquifer Protection Overlay, wetlands and watercourse map and regulations, open space subdivision procedures and requirements, scenic road protections, and criteria within site plan and special use permit reviews to protect the environment. Zoning also establishes an environmental protection district (EP). The EP district may be set up by the Town Board based on the natural characteristics of the resource lands identified of importance. To date, no EP district has been created, but the procedures are in place to do so. When created, EP districts requires site plan approval for most development including single-family dwellings, and establishes certain activities as needing additional environmental review, increases lot area and density to be the same as RR-10.

It should be noted that the Aquifer Protection (AQ) overlay district establishes a review process for proposed uses within the Town's aquifer areas to prohibit or control certain uses and activities which may be incompatible with the goal of long-term groundwater protection. This area is illustrated by an adopted aquifer protection overlay district map. Town zoning also recognizes the Village of Millbrook Water Supply Watershed regulations and requires that actions with the Village's watershed must also comply with their requirements, regulated under Section 1100 of the NYS Public Health Law. This area is illustrated by an established watershed map created by Cornell Cooperative Extension. The Village and the Town's aquifer protection maps are different and may present confusion or conflicts in determining land use development constraints. (The aquifer protection map included in this study was also created using data from Cornell Cooperative Extension, but is an updated version from the one created for the Village watershed.)

FOCUS GROUP MEETINGS

In the lead-up to the development of the Open House Meeting, two focus group meetings were held with a selection of local residents and business owners on December 6 and December 7, 2021. These meetings were conducted remotely via Zoom by the consulting team, with participants selected and invited directly by the CPRC. The purpose of these small meetings was to identify early issues, concerns and ideas from a sampling of the community which could provide background to the consulting team and help inform topics and questions for the upcoming Open House meeting.

The focus group conversations noted the long history of tourism and hotels in the village area, and that there were many places and (seasonal) events for visitors to enjoy on and off during the year. However, places to accommodate visitors were often spotty. A single local event or wedding could often not be supported with the available lodging in the area, and many agreed there was a general need for more accommodations. Some of these accommodations were desired to support visiting tourists, while others were desired to serve local friends and family. Another large factor in people's support of any new lodging depended on whether or not it would really support (and bring money to) local businesses.

Almost everyone agreed that, although there seemed to be a need for more lodging, it was very much a question of size and scale. Adaptive re-use of existing structures, redeveloping former Inns, keeping things relatively small, and located in or around the village were popular responses. *Summary notes from the focus group meetings are provided in Appendix A.*

OPEN HOUSE MEETING

A public "Open House" style meeting was scheduled and facilitated by the consulting team on February 26, 2022 at the Millbrook Firehouse in Millbrook Village. The open house format was chosen to provide greater flexibility for people to attend at different times of the afternoon to help increase participation instead of a presentation at a set time. Recognizing that not everyone was able to attend, the in-person open house was followed by a "virtual" (online) version of the same material for about a week after the event. Approximately 118 people attended the live event, and 113 people participated in the virtual event afterwards.

The purpose of this meeting was to introduce the planning effort to the wider community, collect early input on ideas and concerns the public had about hospitality, and to test some preliminary questions which could be used in the subsequent town-wide survey. Participants at the open house were presented a series of display boards which gave an introduction to the purpose of the planning effort, and invited them to use stickers and post-it notes to vote and comment on a variety of different topics.

Input from the open house seemed to show that people were supportive of small to medium-sized Inns. The issue of whether new hospitality uses would help to bring money to local businesses was a very important consideration to people, but

their opinions were often divided on if this would be true. Most people indicated that they may want new hospitality in the area, but their support was largely dependent on a number of factors including the size and scale of the development, if it avoids disturbing sensitive environmental resources, how it fits into the existing community character, and if it would be an adaptive re-use of an existing structure.

Common locations suggested as appropriate for new hospitality included in and immediately around the Village of Millbrook, the Washington Hollow area along Route 44, and Mabbettsville hamlet.

*A summary of the findings from the Open House event are provided in **Appendix B**.*

TOWN-WIDE SURVEY

Following the open house event, the CPRC and the consultant team worked collaboratively to develop a list of potential questions for the town-wide survey. The purpose of this survey was to reach a large local audience and measure their opinion as to whether the town comprehensive plan should be amended to address future hospitality development, and if so, to measure what, if anything, the public desired for such development. The desired target audience for this survey was intended only for people within the geographic extents of the Town of Washington and Village of Millbrook, New York. Residents, property owners and business owners within this area were invited to participate. Although the purpose of this survey was focused on results for the Town of Washington only, people within the Village of Millbrook were included as they are also town residents.

The preliminary survey questions were ultimately narrowed down and refined by the CPRC and consulting team. Once finalized, the consulting team was responsible for launching and facilitating the actual survey, in both online and paper format, and tabulating the results for the CPRC. The survey was launched on Monday, April 11, 2022 and ran until the end of day on May 6th, 2022, collecting a total of 690 responses.

The findings from this town-wide survey were largely consistent with the results found at the Open House. There was a strong priority for protecting sensitive environmental areas and for ensuring that the rural character of the town was maintained. People were most supportive of small to medium sized Inns, up to around 20 rooms in size, and encouraged adaptive re-use

solutions over new construction. When asked which locations would be the most appropriate for any new hospitality venues, the Village of Millbrook was the most popular response. This was followed by the Washington Hollow area, the areas just outside the Village of Millbrook, and finally the Mabbettsville hamlet.

Most of the results of the town-wide survey seemed to validate the vision and recommendations of the 2015 Comprehensive Plan, with at least one notable difference. While the 2015 Comprehensive Plan seemed to be quite clear that the town wanted no new commercial development outside the village, this new public input appears to show the public is somewhat more amenable to at least some hospitality development, provided it is small in scale, fits in the character of the community and does not disrupt the environment. It is suspected that in 2015, when considering the vague notion of “commercial development outside the village” the public would likely say they were against it (since commercial development could take on many different sizes, types and intensities). However, when considering the more specific notion of “do you want hospitality development outside the village, and if so, what size and scale and location” then the public would potentially be more comfortable providing their support for only limited areas and limited sizes. We believe that this would explain some of the apparent change in opinion since the 2015 Comprehensive Plan, and suggest that public opinion on development has not really changed much.

*The complete Survey Results Report is provided in **Appendix C**.*

LODGING FACILITIES IN DUTCHESS COUNTY

In order to understand how the Town of Washington fits into the context of hospitality uses within the larger region, an inventory of all known lodging facilities was developed for areas within Dutchess County (*See Figure 2*). This inventory included existing facilities, as well as any known hospitality facilities which are being proposed, under construction or in some phase of design, review or approvals. The mapping analysis was weighted by the number of guest bedrooms at each facility, showing larger location bubbles for venues with more rooms and smaller bubbles for venues with less rooms.

This visual analysis illustrates that a majority of the lodging rooms available within the county are found in communities along the Hudson River, with strong concentrations in the areas of Fishkill and Poughkeepsie, and lesser concentrations further

Lodging Facilities in Dutchess County

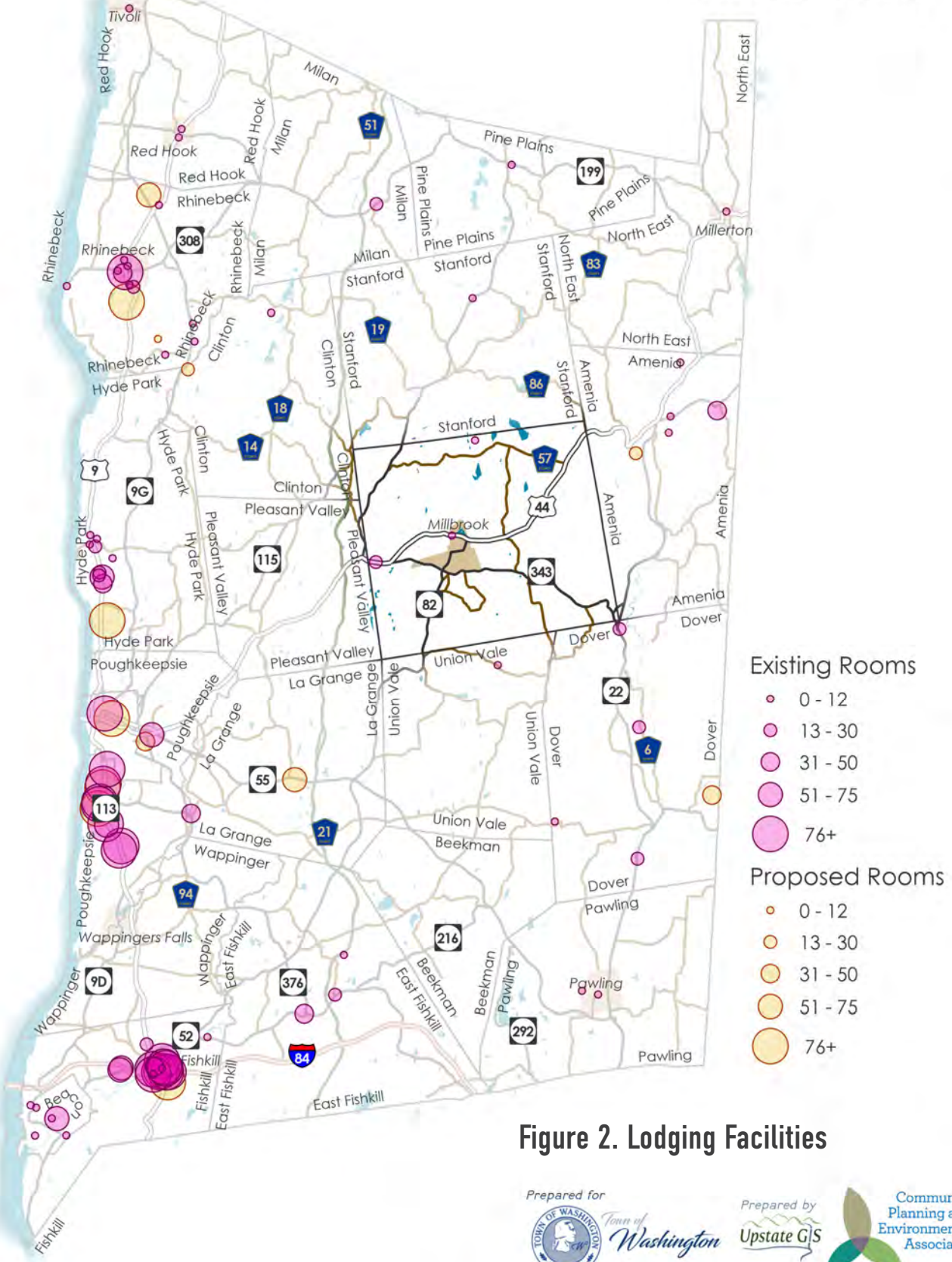


Figure 2. Lodging Facilities

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north on the river in Hyde Park and Rhinebeck. The number of available lodging rooms diminishes as one looks further inland to the east, although almost all towns within the county have at least one lodging venue. Based on data from December 2021, approximately 47% of lodging venues within the county have 12 rooms or less, while 26% have more than 75 rooms.

This data analysis indicates that there are relatively few lodging venues in the adjacent towns immediately surrounding the Town of Washington. It also indicates that there appears to be approximately 139 new guest bedrooms currently being proposed in the adjacent towns of La Grange, Dover, Clinton and Amenia, although some of these proposals date back to 2003 and it is not clear how many of them will be realized.

*Details on the proposed lodging facilities included in this analysis are provided in the Hospitality Trends Analysis in **Appendix D**.*

HOSPITALITY TRENDS ANALYSIS

To understand the role of tourism and hospitality in the local and regional economy, an analysis of trends in traveler spending, hospitality employment, and the lodging market was conducted. Although leisure and hospitality employment and travel spending in Dutchess County experienced relatively steady growth from 2010 through 2019, the COVID-19 pandemic had a dramatically negative impact as business closures and fears of catching the virus reduced lodging demand.

Nationally, the hospitality industry has largely rebounded from the impacts of the pandemic since spring 2021, and it is projected by some to fully recover in 2022. This recovery, however, is driven primarily by leisure travel; business travel is not anticipated to return to pre-pandemic levels for at least another two years.

A travel market research study conducted for Dutchess Tourism in 2018 indicates that the highest occupancy rates in the County typically occur during the summer months (June through August), followed closely by October, while the lowest rates are in December through March. Notably, a visitor survey associated with the study found that the County makes almost three times as much money on overnight visitors as it does on day-trippers. As a result, the primary focus of tourism marketing efforts has been the overnight segment.

Research on travel trends during the pandemic shows that

families visited more rural areas for access to outdoor recreation and stayed for longer durations. With new technologies allowing people to work from anywhere, many travelers were able to mix work and play while on vacation. These trends are likely to continue post-pandemic with a continued interest in enjoying nature, avoiding crowds, and taking advantage of remote-work flexibility.

*The complete Hospitality Trends Analysis is provided in **Appendix D**.*

ECONOMIC IMPACT OF POTENTIAL HOSPITALITY DEVELOPMENT

In order to understand the potential effects of new hospitality venues on the local economy, an economic impact analysis was conducted using a model based on the results of the town-wide survey. In this analysis, a new lodging facility of about 20 guest rooms was modeled as a scenario. Potential accessory uses to this lodging facility such as a bar & restaurant and an event venue were modeled as well for comparison purposes.

In this scenario, a 20-room boutique Inn was modeled because it would be in line with the preferred size of venue identified in the survey. This Inn was assumed to be at the "luxury tier" of hotel accommodations based on available visitor preference data which indicated a preference to upper tier brands. This tier would also have the greatest level of investment and potential income for the Town of Washington for modeling purposes. In this scenario, it was estimated that it would create 11 full-time equivalent jobs, generate almost \$50,000 in annual lodging tax, and over \$160,000 in property taxes. It was also expected to purchase at least some of its goods from local vendors, providing income to other local businesses.

As a potential accessory use, a 60-seat full service restaurant was also modeled, marketed toward upper-income residents and visitors to explore the highest income potential for the town. This business would be expected to create between 11-15 full time equivalent jobs, generating about \$87,000 in sales taxes and \$27,000 in property tax. Similar to the lodging facility, at least some of its purchases would be assumed to be sourced from local vendors.

As a third type of hospitality use, an event venue was also modeled, although it was anticipated to have the smallest economic benefit of the three hospitality types studied. This use

was anticipated to generate \$6,250 in property tax revenue, and would not likely result in any notable sales tax revenue or full-time jobs. Similar to the other use types, this venue would likely source at least some of its purchases from local vendors.

Lastly, it was determined that the activity generated by these venues would likely result in some peripheral spending by guests and visitors in other area establishments.

*The complete Economic Impact analysis is provided in **Appendix E**.*

CURRENT FISCAL CONDITIONS

The committee was charged by the Town Board with determining how hospitality could play a role in mitigating risks to the potential erosion of the retail/commercial tax base. As part of addressing that charge, the question as to the current fiscal health of the Town has been raised. To help answer this, the level of fiscal stress was evaluated.

The New York State Comptroller's Fiscal Stress Monitoring System is a statewide program to objectively identify issues related to the budgetary solvency for each county, city, town, village and school district. The System analyzes the financial information submitted to the Comptroller by local governments against a set of uniform financial and environmental indicators. Those financial indicators for towns include year-end fund balance, operating deficits/surpluses, cash position, use of short-term cash flow debt issuance, and fixed costs. The System also includes environmental and demographic indicators which provide insight about economic and demographic forces confronting communities—that are beyond the immediate control of local officials but might influence revenue-raising capability and the demand for certain types of services.

The System acts as an early warning and provides valuable information to local leaders and citizens so that they are well-equipped to take a deliberate, long-term and strategic approach to managing their local government. As of April 2022, the Town of Washington is not on the Comptroller's list of communities facing significant stress, moderate stress or even susceptible to fiscal stress. Further, data exists for the Town of Washington for fiscal year 2020, and at that time, the Towns' score was 23.3, which indicates no designated level of fiscal stress. Note that the largest contributor to the points Washington received was related to the tax base (20 points)—specifically the percent

change in house value and its relation to the consumer price index and loss of population contributed to the additional 3.33 points of the 2020 score. There are no indications from this data that the Town is experiencing fiscal stress.

MAPPING OF NATURAL RESOURCES

In order to understand the extents of existing natural resources in consideration of future hospitality development locations, data was collected and mapped to show environmental resources in the Town including surface waters (wetlands, streams, floodplains), subsurface aquifers, stream riparian buffers, agricultural soils, contiguous forests, and important habitats such as significant biodiversity and rare species areas (*See Maps in **Appendix F***).

The location coverages for all of these elements were combined together as a series of transparency layers into a final Resource Layers Map which illustrated darker red areas where there was overlap of multiple resources, and lighter red or white areas where there was little or no overlap of resources (*See Figure 3 and also full map in **Appendix F***).

The relative transparency/darkness of each of these natural resources were weighted evenly, with the exception of aquifers which were displayed darkest for Zone 1 (directly over the aquifer), lighter for Zone 2 (within the immediate watershed of the aquifer) and lightest for Zone 3 (in the watershed of streams which may contribute to the aquifer). Conservation lands, which are under a protective covenant and would not permit new development, were not included and were simply shown in green for the purposes of this analysis.

This Resource Layers Map provides a basic qualitative analysis on the general location of existing natural resources within the Town of Washington. When considering future development sites, the lighter red or white areas would represent locations which would have less impact on natural resources. It should be noted that this map is intended for conceptual planning purposes to identify general areas within the town which may be more or less suitable for development, and is not intended to be a site-specific or parcel-specific analysis for any individual project. (Proposed development plans on any given parcel would still need to undergo their own individual site assessments and consideration of buffers, wetland permits, etc.) This analysis provides a non-biased method of looking at the resource locations, without any weighted system for scoring certain

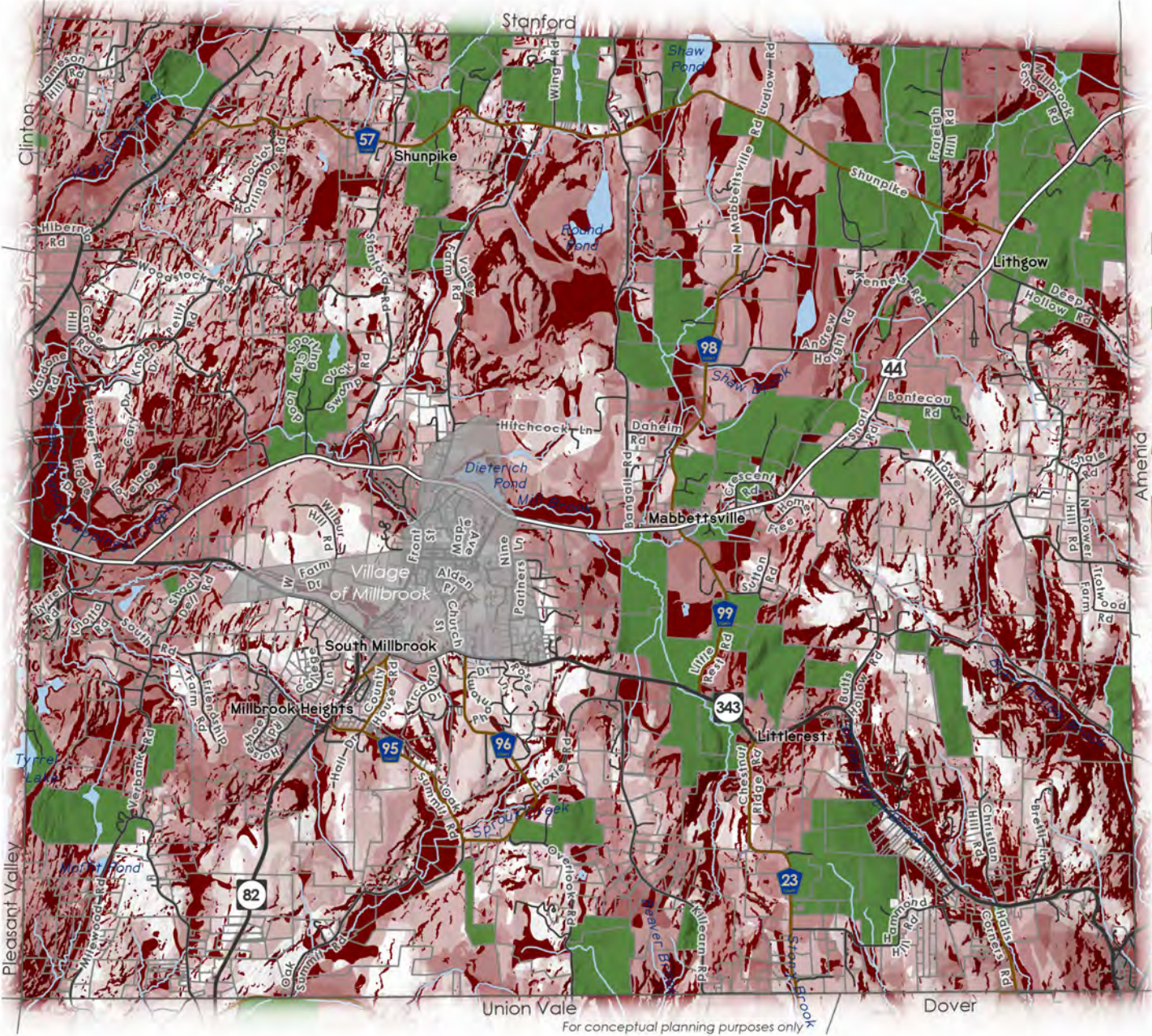


Figure 3. Resource Layers Map



features at a higher value than others.

The results of the Resource Layers Map shows that there are very few areas within the Town which are free from some form of habitat or natural feature. However, it also appears to indicate that some of the areas identified by the public as “appropriate” for future hospitality development seem to be in relatively less sensitive locations. This includes areas directly within the Village of Millbrook, as well as just outside the village boundaries.

The complete set of Resource Layers maps is provided in Appendix F.

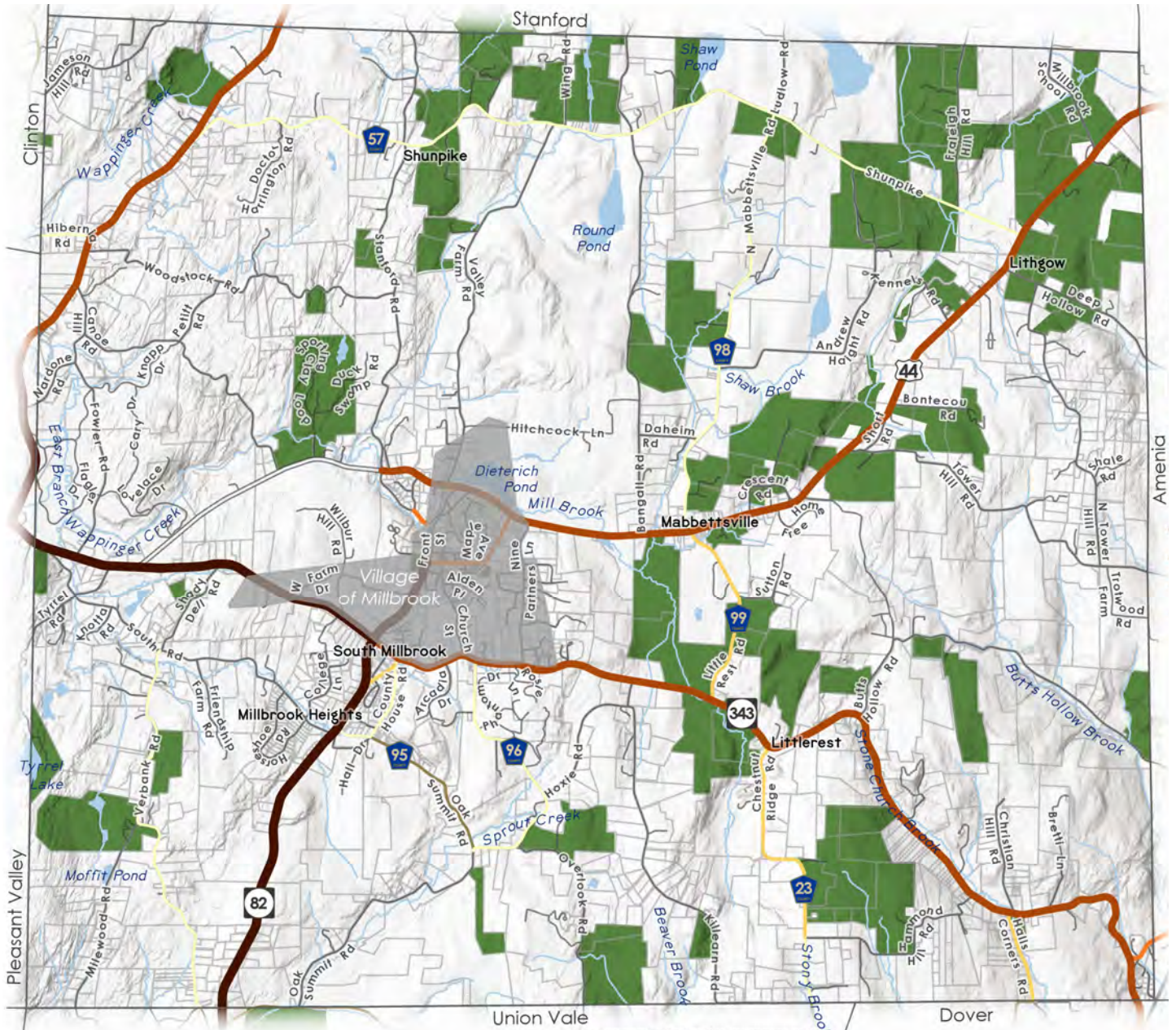


Figure 4. Traffic Volume



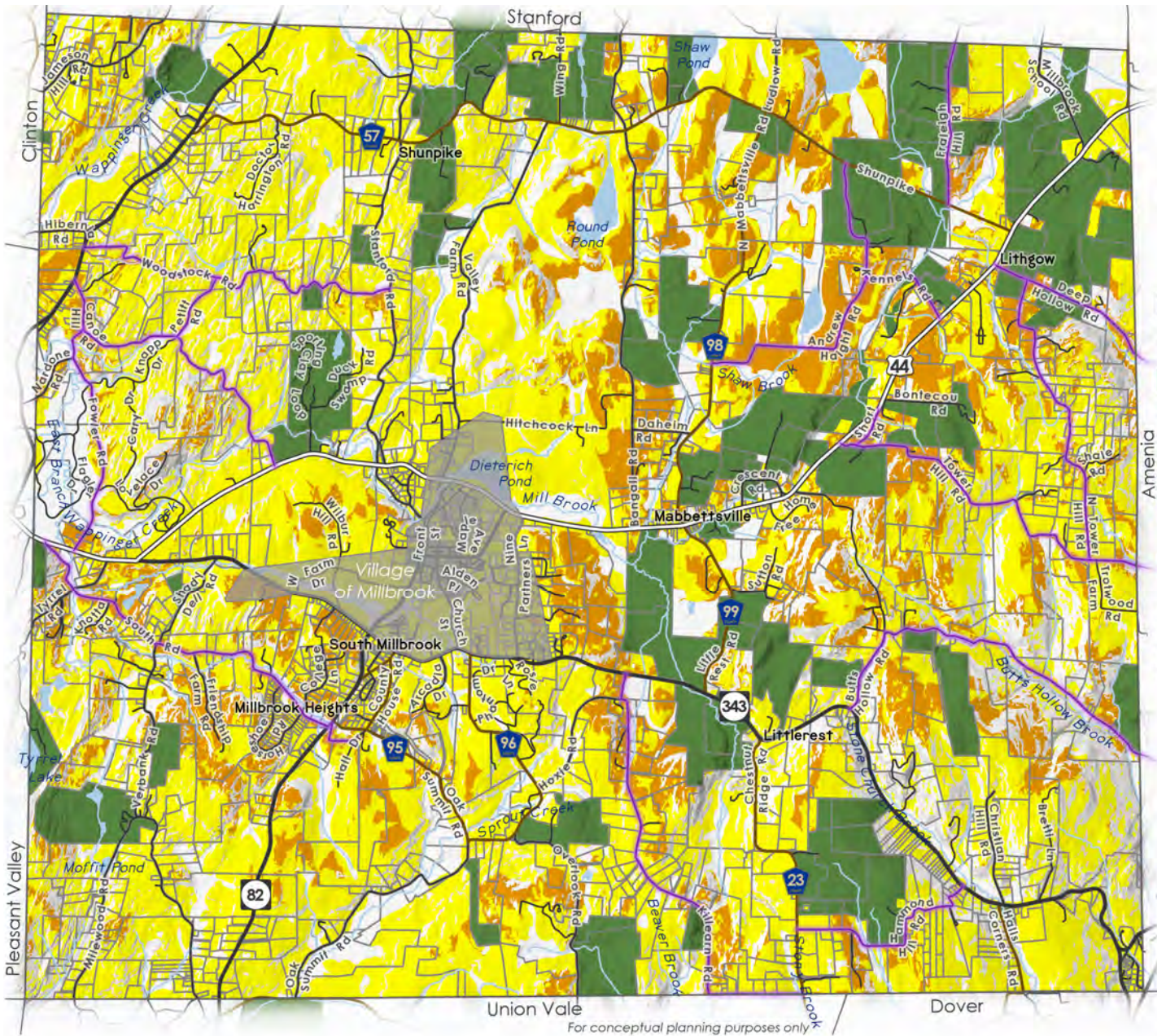


Figure 5. Viewsheds and Buildable Land

-  Tax Parcels
-  Village of Millbrook
-  Conserved Land
-  Rivers and Streams
-  Surface Water
-  Scenic Roads
-  Buildable Land*
-  Buildable Land within Viewshed of Scenic Roads

MAPPING OF EXISTING TRAFFIC VOLUMES

In order to understand the relative traffic volumes of local roads for consideration of future development locations, known traffic volume data was illustrated on a map of local roads (*See Figure 4 and full map in Appendix G*)

This map shows that Route 82 currently has the highest traffic volumes of major roads in town (4,001 to 11,000 AADT) with Routes 44 and 343 having lower daily volumes of 2,500 to 4,000 vehicles. County Routes 99 and 23 have the lowest counted daily traffic volumes. The Traffic Volume Map provides a baseline for comparison to traffic increases that may result from future development, and offers insight into locations in town having low volume roads.

MAPPING OF VIEWSHEDS ON BUILDABLE LAND

To supplement the mapping of natural resources, a computer analysis was conducted to identify the likely visibility (viewshed) of potentially buildable land as seen from the town-designated scenic roadways within the Town of Washington. This analysis was conducted in response to public input which supported the desire to maintain the rural character of town and limit visibility of new development along roadways. Scenic roadways were chosen for this analysis due to their importance in helping to define the natural character of the community. The result of this analysis was the "Viewsheds and Buildable Land" map (*See Figure 5 and full map in Appendix H*).

This map depicts "buildable land" in yellow, and any overlapping "buildable land within the viewshed of scenic roads" is in brown. Buildable land, as defined by the town code, are areas that are free of mapped wetlands, surface water, slopes over 20% and flood zones.

The viewshed from scenic roads was created by starting with a USGS 10-meter resolution digital elevation model (DEM), and then adding existing buildings and forest cover to create a digital surface model (DSM). Using a DSM allows for a more realistic viewshed as it accounts for the obstruction of views by trees and buildings. Building footprints used in the analysis are approximate, estimated with a uniform height of five meters (approximately 16 feet) for each building polygon. For forest cover a height of 12 meters (approximately 39 feet) was applied. The forest cover layer is from Esri's 2021 Sentinel-2 10-meter derived land cover, which was modified to clip out roads and

buffered buildings to increase the validity of the layer. Forest cover was estimated at a height of 12 meters (approximately 39 feet).

In order to complete the viewshed analysis, "observer points" were generated every 200' along all scenic roads, with an observer height set to 1.06 meters (3.5') to account for a typical eye height in a vehicle. The final viewshed results includes areas that are visible from two or more observer points to account for what would more realistically be visible as one is traveling down the road. As you are moving in a car, a brief window through the trees does not provide a "view," rather a sustained opening is what creates the scenic view.

The Viewsheds and Buildable Lands Map offers insight into those buildable locations that may have adverse impacts on the scenic roads identified by the Town. Such locations could be considered as having higher potential impact and where potential adverse impacts on scenic resources would need to be carefully studied as part of any development proposal.

PART TWO

RECOMMENDATIONS

The Washington Town Board created a committee on June 28, 2021 to conduct a limited review of the Town's existing Comprehensive Plan (adopted in 2015). The Comprehensive Plan Review Committee (CPRC)'s review was focused on evaluating community desire for, and municipal capacity for, additional hospitality uses in the Town of Washington. As instructed by the Town Board, the CPRC created a planning process that focused on community input as essential in this review. Although charged with just conducting a town-wide survey, the CPRC developed a broader, comprehensive public engagement process that included listening sessions (conducted prior to consultants being retained), two focus groups (citizen representatives and business community representatives), an in-person open house, an on-line open house, and a town-wide survey made available via online and paper copies. Additionally, all CPRC meetings were open to the public and members of the public were given a chance to comment or ask questions at each meeting. The consultants and CPRC used the maps developed as part of this hospitality study to understand environmental conditions and sensitivities to where hospitality development may be more appropriate or less appropriate. The recommendations have as their foundation the same goals as established in the 2015 Plan—to protect environmental resources in the Town.

Upon consideration of all these efforts by the CPRC and the input collected, the Community Planning & Environmental Associates (CP&EA) consulting team offers the following responses and recommendations related to each of the four charges given to the CPRC by the Town Board in June 2021.

SUMMARY STATEMENT

Overall, it is our recommendation that the Town of Washington reaffirm the vision of the 2015 Comprehensive Plan, but update it to reflect the results of this community planning process and to accommodate for some small-scale Inns. It is recommended the Town continue current policies towards Bed and Breakfasts. Additionally, to accommodate limited hospitality venues beyond those currently allowed in Mabbettsville, it is recommended that the Town establish two narrowly-defined hospitality overlay districts: one in the Washington Hollow area and the other immediately adjacent to the Village outside the aquifer overlay, as these locations have been shown to be the most acceptable and environmentally suitable. These overlay districts would be clearly defined for the additional use of an Inn, and establish specific size, design, and siting performance standards for them. It is recommended that hotels, motels, resorts, and similar more intensive uses continue to be prohibited outside of these overlay areas. Inns should be limited in size with a 20-room limit, while still offering some flexibility for an increase or decrease in the room density based on the overlay location. An updated comprehensive plan could also outline that the allowable number of rooms be determined with the use of a bonus system that incentivizes provision of desired amenities, such as adaptive reuse, or use of green building technologies. Town-defined overlays should include specific architectural, environmental, and site design performance standards to help ensure any development is in keeping with the capacity of the Town, with community character, and to promote use of adaptive re-use of existing structures wherever possible. Furthermore, we recommend that the Village of Millbrook embark on a rejuvenated effort to identify ways the village can take advantage of its hospitality opportunities and coordinate efforts with the Town of Washington for the mutual benefit of the larger community. As part of its hospitality efforts, the Town should also define and regulate short-term rentals. This hospitality study offers the Town additional direction, strategies, and techniques that are consistent with the 2015 plan, but that also firmly establishes a community-defined direction for future hospitality uses in Washington.

Charge #1: *“...amend the Comprehensive Plan to suggest definitions for hospitality uses, including AirBnBs, and to suggest locations in Town where such uses might best be located. Examine what was intended for hospitality in the Comprehensive plan. Consider input on the need (or lack of need) for hospitality from the community at large and judge whether the comprehensive plan is succeeding or failing on meeting that need. If the plan is failing the committee is charged with seeking improvements based on feedback from the community at large via a survey discussed further on.”*

RECOMMENDATION 1A

Reaffirm, but update the 2015 Comprehensive Plan. An update should at a minimum reflect this effort and the findings of this community planning process. This hospitality evaluation effort represents a considerable town-wide planning process that needs to be reflected in an updated Plan to recognize and memorialize the process and its results.

Public input does not support, nor do we recommend, changing the 2015 Plan’s overall direction. The 2015 Plan did not differ from similar findings from the 1990’s. Community input obtained as part of this planning process confirms the direction established in the 2015 Plan via vision, goals, objectives, policies, and recommendations. We propose an update to add policies and recommendations that specifically address how hospitality should be consistent with the 2015 Plan’s vision, goals, objectives and policies. This is recommended because the 2015 Plan does not offer any direction or policy specifically related to hospitality uses in the Town. It is not that the 2015 Comprehensive Plan ‘fails’ in meeting that need. Rather, it is silent on specifically what hospitality is, what the need for hospitality uses in the Town are, and what the Town’s performance expectations for those uses are.

Specifically, we recommend an update to the Plan as follows:

- **Summarize the planning effort.** Update the Introduction to add a new section that summarizes this planning process and memorializes this effort. This should specifically mention the various public engagement efforts undertaken, the mapping and natural resource evaluation that has been completed, and the economic studies presented. These are all valuable elements of the Town’s planning

toolbox that can be helpful for future decision making in the Town. The maps, and map analysis especially, will be important to aid the Town in future planning efforts and adds considerably to the knowledge about the Town and its environment.

- **Summarize Findings.** Update the Introduction to summarize the findings of this hospitality evaluation effort.
- **Add an Appendix C (Hospitality Study).** We recommend adding this entire hospitality report submitted by the CP&EA consulting team, including all the public input results, findings and maps as a new Appendix to the updated plan. The new maps can be kept in this Appendix with the rest of the material, or alternately the Town may also update Appendix A to reflect all the new maps and map analysis in that location.
- **Update the Cover.** Develop a new cover page that reflects that it is the 2015 Town of Washington Comprehensive Plan, but updated with the 2022 Hospitality Study information, and add a new date of that adoption.
- **Define Necessary Terminology.** Add definitions for hospitality terminology and related uses to the Plan and zoning so that there is common understanding. At least the following definitions are needed:
 - “Short-term Rentals” could be defined as: The rental of any private residential dwelling or accessory dwelling unit, in part or in whole, for a period of typically less than 30 consecutive days. Commonly referred to as vacation rentals. Separate and distinct from month-to-month or yearly rental agreements under contract with the same tenant.
 - “Inn” could be defined as: Overnight accommodations for transient users having no more than 20 rooms unless an incentive bonus has been approved by the Town. May include permitted secondary accessory uses such as a restaurant and bar .¹
 - “Event Space” could be defined as: An indoor or outdoor space typically rented for not more than a one-day period for the purposes of hosting a special event such as a wedding, reception, private party, meeting or similar activity, typically with catering services, as an accessory use to a permitted Inn.

¹ Note that the Village of Millbrook zoning does not allow for hotels/conference centers, but does allow for Inns, which are defined as having 20 or fewer rooms.

- Motels, hotels and bed and breakfast’s are already defined in the zoning.

RECOMMENDATION 1B

Update Section V (Goals) of the 2015 Plan to incorporate one or more new policies that address the kind of hospitality uses desired in Washington. The 2015 Plan already recognizes that tourism has a role in Town and includes an objective to “*Promote tourism as an important regional economic driver and expanding market for the Village and Town*”. However, the Plan offers no details, and lacks specific mention of hospitality.

It is noted that the Plan does establish other policies related to land use (for example, it establishes a specific policy to not allow for expansion of public water and sewer infrastructure outside the Village of Millbrook) so adding one or more for hospitality is in keeping with the structure of the 2015 Plan. The Plan should be updated to clarify the desired direction to serve the Town in the future.

Since land use regulations must be consistent with a comprehensive plan (State Town Law 272-a (11))², it is important that the Town’s Plan clearly state its policies to offer the necessary foundation for zoning. Regardless of whether the Town ultimately decides to allow for more hospitality or not, it is strongly recommended that the Plan be updated to establish a clear policy for that regulation. Without a clear policy related specifically to hospitality, the question as to whether you should allow it, and if so, where, and how, will continue to be unanswered. After conducting a year-long planning process, this is an opportunity to clarify that direction and establish policies that can be supported in zoning.

- **Establish a specific policy towards hospitality that reflects recent community input.** Update Goal 1 (Keep the Town Scenic and Rural and the Village the One Developed Center), Objective 1 (Maintain Existing Land Use Types Which Keep the Town Rural) to include a policy consistent with input gained from this effort such as:
 - Allow for limited hospitality uses that are small in size, intensity, and architectural scale; which are designed to blend into the traditional rural character and historic land use patterns; that preserve Washington’s natural

environment; and that are consistent with all other policies established in this Plan.

- **Coordinate with the Village of Millbrook.** Establish an additional policy to coordinate hospitality uses with the Village of Millbrook. In keeping with the findings of the 2015 Plan and of this hospitality study, a majority of the community feels that the Village should remain the commercial center of the Town. The Village is an already established commercial center with infrastructure to support these uses. Millbrook also already allows for Inns (with 20 rooms or less) in certain village locations. An updated Plan should reinforce the need for both Town and Village leaders to sit down and work out strategies for accommodating the desired hospitality needs of the area, including opening up new areas of the Village to allow hospitality uses and coordinating consistent terminology.

RECOMMENDATION 1C

Establish a set of strategies in an updated Plan that address the policies recommended above. This study reaffirms the 2015 Plan but recommends adding policies and actions that establish direction for hospitality in Washington. Community input indicates that a majority of those involved feel there is a need for some hospitality uses in the Town. Equally important however, is that the same majority (along with those who do not want to see any additional hospitality in the Town) feel that there is a narrow range of scale, intensity, design, and location that would be acceptable for such uses. Clearly large hospitality uses are not desired: Only 7% of survey respondents indicated they feel 50+ rooms are appropriate for Washington. This compares to 73% indicating that 4 room hospitality venues were very appropriate, and 60% saying 10 rooms are very appropriate.

Locations available and desirable for expanded hospitality use are limited by both environmental sensitivities and community opinion about what is appropriate. Evaluation of environmental conditions in Washington shows many significant resources and sensitive locations that are not advisable for intense development. These include aquifer locations critical to supporting the Village of Millbrook’s water supply, key locations important to support biodiversity, and scenic areas important to the community. These also include wetlands and Class A quality streams, core forest areas, important areas for rare species, and

² 272-a (11) states that the effect of adoption of the town comprehensive plan is that a) all town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section.

farmland soils critical to continued agriculture. These resources are now mapped, and are known to be widespread in the Town. Together with a keen desire of the community to protect these resources, environmental conditions pose significant limitations to intense development of any kind.

In light of this, and to be consistent with the 2015 Plan, the foundation of these recommendations is not to allow ‘any kind of hospitality, anywhere’, but to focus allowance of certain hospitality uses only on a certain scale, in select locations, and with a well-defined set of development standards to ensure such uses perform to the expectations of the community.

The additional strategies offered below are recommended for inclusion in an updated Plan and are oriented toward supporting an amended zoning law which carefully regulates hospitality uses. The following are proposed additional strategies to be established in an updated Comprehensive Plan:

- **Create a Hospitality Overlay District.** To accommodate some new hospitality venues beyond Mabbettsville and in the most suitable locations as determined by this study, two hospitality overlay districts could be established: one in the Washington Hollow area and the other immediately adjacent to the Village, but outside the aquifer overlay. These would be very narrowly defined overlay districts allowing only limited-size Inns and their accessory uses, with specific size, design, and siting performance standards. Hotels, motels, and similar more intensive uses would be prohibited within these overlays and in all other zoning districts.
 - The purpose of the Overlay District would be to allow Inns as an additional use to the underlying zoning, and would provide the Town the ability to establish its own expectations as to size, design and lot siting for such uses. Any Comprehensive Plan or Zoning updates should clearly define that this district is only intended for the areas and uses outlined herein, and are not intended to be expanded to other areas of town or other uses which are not supported by this planning process.
 - The Town already has experience using overlay districts via your aquifer overlay and agricultural overlay. It also has established, but not mapped, other overlays. The hospitality overlay would allow for establishment of Inns (as defined above) in the

following locations as either a new or adaptive reuse of an existing structure.

- Outside the Village, the Washington Hollow area was a preferred location for new hospitality. This location is already a primarily commercial area now with a mix of uses, is where the Cottonwood is situated, and has access to existing main highways. It is envisioned that the overlay district for the Washington Hollow area would be limited roughly to parcels already within the RL-5 zoning district which have street frontage on Route 44, extending from the Town of Washington border east for some distance, possibly to Tyrrel Road but likely not further than the intersection of Sharon Turnpike.
- Adjacent to the Village, but outside of the regulated

WHAT IS AN OVERLAY DISTRICT?

Overlay zoning is a common regulatory tool which creates a special zoning district, placed over one or more existing (base) zones, which establish special rules in addition to those of the underlying district(s). Overlays are useful because they can be applied to multiple districts, or only a portion of a district, as may be needed for their exact purpose.

Overlay zones can be applied for many reasons, including to add additional zoning requirements, encourage (or discourage) specific types of development, require specific design standards, allow a particular use, limit development in an area of sensitive resources, or provide development incentives.

Overlay districts, when properly supported by local government policies within an approved comprehensive plan, would not be considered spot zoning. It is important that development be consistent not only with the established goals and objectives of an overlay, but with the long-term goals and strategies of the overall comprehensive plan.

The hospitality overlay recommended in this report is supported by the public planning process. As such, any Comprehensive Plan or Zoning updates considered from this report should clearly state the defined purpose and specific areas that are intended for the district, with specific rules and clear guidance from the Zoning.

aquifer overlay and Millbrook Watershed. The Natural Resource Layers map offers insight as to where potentially environmentally acceptable areas might be for placement of another hospitality overlay district. East of the Village, land is constrained by several environmental features as well as being in the aquifer protection area. Parcels without significant environmental constraints do exist on the NW and SW edges of the Village along Route 343 that may be possible locations. A possible overlay area location would include properties on the south side of Route 82/343, across the street from Bennett College, extending from the area near College Lane southeast to the monument at the intersection of Old Route 82. However, it is recommended that further evaluation be done to consider possible locations for such an overlay in conjunction with the Village effort to accommodate these uses for a coordinated Town/Village effort.

- It is recommended that the Town implement these overlays in a phased approach, with an overlay first in the Washington Hollow area, followed by initiating coordination with the Village of Millbrook (See Recommendation 1B) to identify the second area if desired.

■ **Provide development standards for the Hospitality Overlay.** Development standards within the Hospitality Overlay should include:

- Allowing Inns via a special use permit.
- Limiting Inns to no more than 20 rooms. This ‘density’ is recommended because: a) support for larger-sized hospitality venues were not supported as per public input; b) a smaller venue is consistent with the 2015 Comprehensive Plan that seeks to maintain the small, rural character of the Town and prevent sprawl, expansions of infrastructure, or inclusion of growth inducing uses outside the Village; and c) is consistent with the 20-room size limit of Millbrook. Although the 20-room limit is an overall recommendation, some limited flexibility may be desired in setting the number of allowable rooms. Two options could be considered by the Town in establishing the room-density limits:
 - » Each of the three areas (two proposed overlay districts as described above and in Mabbettsville) could have different room limitations set in

consideration of the environmental features, access, size, character, and nearby land uses. Each of the three areas could have fine-tuned room maximums to reflect specific conditions in each.

- » The Town could also establish a policy in an updated comprehensive plan to offer an incentive bonus. An incentive bonus is a method, allowed pursuant to NYS Town law, to incentivize developers to provide specific amenities to the Town in return for an increase in the number of rooms allowed in an Inn. However, a key point is that an incentive bonus is not open-ended: An upper limit would be required to ensure the proper scale in each location. For example, an incentive bonus could be established to allow for no more than 50% increase above 20 rooms if one or more stated amenities were provided. Such amenities could be when an existing structure is rehabilitated instead of building new, when public recreation is allowed on premises, when larger or important areas of open space are permanently preserved, or when energy-conserving or renewable energy sources are provided on-site. Many communities incentivize developers to provide desired features by offering such a bonus.
- Requiring a set aside of open space when sited on larger properties. Consider applying conservation design principals to identify and preserve this open space.
- Encouraging adaptive reuse over new construction. Consider allowing the adaptive reuse of an existing structure for an Inn to be allowed with site plan review, while new construction would require a special use permit.
- Detailing architectural design standards.
- Requiring avoidance of sensitive environmental locations including fragmenting core forests and important aquifer locations.
- Limiting new hospitality uses to using private water and septic systems because the 2015 Plan seeks to avoid expansion of water and sewer infrastructure outside of the Village and creation of new water/

sewer infrastructure that would act as an inducement to further growth, Include an authorization for the Planning Board to require well pump testing to ensure adequate water supplies and to avoid adverse impacts on adjacent wells.

- Screening, landscaping, and signage expectations should be articulated for hospitality uses in this overlay.
- **Clarify hospitality accessory uses that are desired.** An updated plan should also identify the hospitality accessory uses desired by the community. As per community input, bars and restaurants were deemed acceptable secondary uses by more participants. Outdoor recreation or sports, hosted events, and spa/shops were strongly supported to supported by 57%, 53%, and 50%, respectively, and may be desired subordinate uses to hospitality uses. However, the community was not in favor of condominiums, single-family or tiny house residences as part of a hospitality use; camping/glamping or similar temporary lodging, and on-site residences (which could potentially be used as short-term rentals) were opposed or strongly opposed by the majority (58%, 52%, and 56% respectively). It is recommended that an updated comprehensive plan clarify the Town’s vision regarding these potential accessory uses to hospitality venues, and the allowable uses in the zoning be updated to reflect this vision. The Town may also consider providing specific use requirements or performance standards for these accessory uses to ensure that they are subordinate to the primary use and in keeping with the scale and intensity of the area. Such provisions may include a seating or table limit to an accessory restaurant, or guest/occupancy limits to an accessory event space.
- **Maintain Mabbettsville as a small, mixed-use Hamlet and continue size limits on non-residential uses in Mabbettsville.** Both the 2015 Plan and the Town’s zoning have very focused purposes for Mabbettsville and strictly controlled non-residential uses are promoted. This Hospitality Study did not find any evidence showing a desire on the part of the community to change strategies in Mabbettsville. Land uses in the HM, and area around Mabbettsville must meet both Town and Village aquifer and watershed protection requirements. A recognition of the role the Mabbettsville area plays in groundwater protection – especially for the Village of Millbrook, must

influence land use decisions in that area.

Zoning currently limits the size of non-residential uses to 50% of the total square footage of floor space of all new residential buildings constructed in the HM district within 2 years. This rule would limit the size of hotels and motels here unless there was a very large housing building boom. Such size limitations are appropriate to maintain the desired character of Mabbettsville, but are also important since Mabbettsville is located in an important aquifer that is critical to the Village’s water supply where intense development is not appropriate.

Currently, hotel, motels, and bed and breakfasts are allowed in Mabbettsville and defined in the Town’s zoning. Given the community’s strong input that small hospitality venues were desired, hotels and motels as currently defined may not be in keeping with the community vision, especially considering zoning places no size limitations. Consider removing hotel and motels from the desired allowable uses and replace these uses with “Inn”, with the definition presented above limiting them to no more than 20 rooms. Inns align more closely to the direction for hospitality expressed by the community. The Town should also consider that in Mabbettsville, the size of an Inn may need to be smaller than a 20-room maximum, and should be dependent on lot sizes, location, site conditions, and environmental conditions.

- **Update Zoning Code Site Plan Review Section 485 (Standards for Review and Design).** This is a very important section that addresses siting, layout and design of new, non-residential developments. This section would benefit from having graphics and photographs to clearly illustrate the scale and character of new development desired by the Town. This section would also benefit the Town by being more definitive. For example, sub-section 6 (Building Design), item (a) says “Proposed building design shall recognize compatible building forms indigenous to the community and in particular of the historic character of the Town of Washington.” The design and permitting process becomes more difficult with such undefined guidance because there are no details offered.

It is further recommended that an updated plan call for an overall review of how the site plan review sections

addresses architectural review, identify what needs architectural review, what guidelines they would follow, and ensure there are standards to be incorporated for hospitality uses.

- **Develop architectural and design standards.** Architectural review is already part of the Town zoning process, and is required in Mabbettsville as well as in other review processes. While that is an important step, no specific architectural standards, details or criteria are offered to guide design and review of new proposals. The survey indicates 80% support for having architectural or site design standards in zoning for hospitality.

Currently hotels and motels are allowed only in the HM District in Mabbettsville with a special use permit and are required to be consistent with the historic architecture of the hamlet. That review requires an architect to evaluate the architectural compatibility of the proposed development with the historic character of the hamlet. Instead of delegating that evaluation to an architect, it is recommended that the Town establish its own architectural design standards.

This recommendation is further bolstered because the Zoning states that *"Historic architectural character may be established by the architectural consultant and the Planning Board by identifying exemplary existing structures and groups of structures in Mabbettsville and the surrounding area and/or by adopting design guidelines to supplement this Local Law."* Because the zoning currently does not incorporate these details and does not offer other criteria upon which developers can use or Planning Board can judge against, the architectural review becomes more subjective. It is strongly recommended that the Town follow through and develop its own specific design standards for non-residential uses, including hospitality, for all areas in the Town.

- **Utilize Visual Preference Input.** Specifically related to hospitality, use the photographic examples chosen in the open house and survey to help guide the direction of the architectural and site design standards.
- **Continue current rules for B&B's.** Currently Bed and Breakfasts are allowed in all zoning districts in the Town. Bed and Breakfasts are owner-occupied dwellings that provide overnight accommodations not exceeding 5

bedrooms for less than 30 days. Continue this practice because this is an existing hospitality use that addresses the desire for very small lodging opportunities.³

- **Develop a natural resource inventory to use in combination with the environmental resource maps in this report as a foundation for future decision making.**

A natural resource inventory (NRI) is a document that compiles and describes important, naturally occurring resources in the Town. It also includes cultural resources such as historic, scenic and recreational resources. The inventory provides the foundation for land use planning and decision making.

This hospitality study provided up-to-date maps on a variety of critical environmental resources in Washington. The Natural Resources Overlay Map presented in this hospitality study was developed to analyze potential buildable areas for hospitality uses and is not weighted. A full natural resource inventory however would provide more detail and allow the community to weigh and prioritize specific natural resources. We understand that the Washington Conservation Advisory Council is currently working to develop a full NRI. It is recommended that information from this study and the future NRI be used to create an environmental protection map. The NRI and environmental protection map should be appended to the updated comprehensive plan to further guide future development.

- **Use the environmental protection map to establish an Environmental Protection Overlay.**

Currently the zoning includes good development standards designed to protect the environment, but this is not applicable unless environmental resources are mapped. To elevate the importance of environmental protection and consistent with the 2015 Plan, it is recommended that this map be created. Use maps included in this Study and/or the recommended natural resource inventory to create this map.

- **Integrate resource maps with decision making.** As per the 2015 Comprehensive Plan, and reaffirmed by this hospitality study, the Washington community is committed to protecting its environmental resources. The recommendations made in this plan related to where

³ Note that the Village of Millbrook zoning allows for bed and breakfasts in all zoning districts as well.

hospitality is appropriate are in part, based upon review of the natural resource maps. These and other detailed maps to be included in the NRI are critical in future land use decision making. They should be used to identify and understand resources during subdivision, site plan and special use permit review processes. They are critical to aiding the Planning Board effectively conduct required environmental reviews (SEQR), and are important to landowners/developers to understand parcel-level environmental sensitivities. Thus the maps should be integrated and part of the knowledge base upon which future land use decisions are made.

RECOMMENDATION 1D

Develop short-term rental regulations. Short-term rentals are a use that fills some of the hospitality needs in the Town. They can be useful to meet the need and desire to have smaller hospitality opportunities. It is recommended that the Town establish regulations for short-term rentals. The following components are supported by the community and should be reflected in both the updated plan and zoning regulation:

- Define short-term rentals and create a policy regarding them in an updated plan.
- Include short-term rental regulations as a new section in the Zoning.
- Create a regulatory system that permits short term rentals but requires registration and a fee to operate in Washington.
- Update the Town's fee schedule to include a fee for short-term rental
- Include a violations and penalty section that establishes how complaints can be filed and followed up by the code enforcement officer. This should also include loss of short-term rental registration for multiple offenses.
- Establish noise standards to prevent nuisance noise.
- The Town may want to consider not allowing short-term rental venues from also being used as event spaces, or at least separate them as uses. As such, the Town should establish development standards for event venues.

- Require off-street parking on the property for all short-term rentals.
- In recognition that short-term rentals can result in adverse impacts, especially those related to affordable housing opportunities, the Town should carefully monitor short-term rentals and their impacts. If additional regulation of short-term rentals is deemed important, and to further implement the 2015 Comprehensive Plan direction, the Town should consider setting a reasonable limitation on the number of guests at a short-term rental so to minimize the chance of these becoming nuisances or to limit short-term rentals only to owner-occupied structures.

RECOMMENDATION 1E

Prohibit commercial campgrounds, glamping operations, and RV parks. These were hospitality uses not felt to be appropriate for Washington by a majority of those engaged in the planning process. These uses are currently not allowed. Continue to allow for private camps. However, consider updating the zoning's definitions of 'camp, private' to clarify that these are non-commercial uses for personal use only. The Town may also consider adding allowance for private camps to include a tent or other temporary structures in addition to a dwelling, as currently defined.

RECOMMENDATION 1F

Additional Observations. The following recommendations are not specifically hospitality-related, but arise from our analysis of the comprehensive plan and zoning:

- Both the Town of Washington and the Village of Millbrook should adopt the same updated Aquifer Protection Map developed for this study using new data from Cornell (See Aquifer Map in Appendix F) as the official watershed map of protection zones 1 thru 3. The Town of Washington should abandon the use of the older Town Aquifer Map so that both communities are referencing the same map.
- Fully implement the 2015 Plan. Follow through on the many un-implemented actions recommended in the

2015 Plan. The plan offers many very good actions and strategies that would help fine tune the Town’s zoning to more completely meet the goals of the Town.

Charge #2: “...the Town Board has always been sensitive to the real property tax base in the Town. There is probably a general awareness that more and more people are shopping online and that the need for traditional retail and commercial space has been declining. As that decline continues, the real property tax revenue generated by such properties may decline and will have to be made up elsewhere. In addition, there is probably a general awareness that more and more people can work remotely and possibly from home, and the need for traditional office space has been declining. This has become particularly evident during the COVID-19 pandemic. As that decline continues, the real property tax revenue generated by such properties may decline and will have to be made up elsewhere. The committee is charged with determining how hospitality could play a role in mitigating said risks to the potential erosion of the tax base, including property tax and a potential hospitality tax.”

RESPONSE

The CP&EA consulting team evaluated the economic impact of potential hospitality development in Town. It also examined the trends in traveler spending, hospitality employment, and the lodging market. The Trends Analysis indicates that rural areas like Washington are increasingly desirable places for families to visit, and that there will likely be continued tourism interest in such rural places. The Economic Impact study shows that small hospitality venues and associated accessory uses such as a restaurant and event facility could positively add to the tax base in terms of property taxes. Current occupancy taxes go to Dutchess County—the Town currently does not have its own mechanism for collecting occupancy taxes.

There is limited data to quantify what the long-term effects of COVID, remote-working and online retailers might have on the local retail economy and tax revenues. However, some diversification of the local economic portfolio should hypothetically help to insulate or offset the Town and Village from market changes. This diversification could come from hospitality uses, but could also come from other uses identified by the community as being needed such as cultural, entertainment, and recreation venues.

In order to help quantify what the potential economic offset might be from new hospitality venues, our analysis included potential development scenarios. These scenarios were based on the desired community vision of smaller scale hospitality venues, potentially with accessory uses such as a restaurant and/or event space. This scenario was modeled because it represented the “upper limit” of what the community seemed willing to support before support began to drop. A “high-end” boutique lodging facility was assumed for this analysis since it would potentially generate more revenue. Using this model, the assumed upper-limit of direct tax revenue which could be experienced by the Town for a combination Inn with restaurant and event facility would be approximately \$190,000 per year.

Figure 6: Hospitality Model - Estimated Annual Tax Revenues

Type of Use	Estimated Property Tax Revenue ¹
20-Room Inn	\$160,000
60-Seat Restaurant/Bar	\$27,000
Event Facility	\$6,250
<i>Total:</i>	\$193,250

¹ These figures do not represent the NET property tax gain the Town would experience, because the Town would presumably already be collecting tax revenue on the parcel before the hospitality use is established. Actual net revenue would be lower.

(See **Figure 6**) This would represent the “upper limit” of potential direct economic benefit from this one development. Assuming an annual town budget of about \$4,200,000 and \$2,800,000 in tax revenue, this would equate to approximately 4% of the town budget, and 6% of town property tax revenue.

It is important to note that the current property taxes collected by the town on this (hypothetical) property would need to be deducted from this in order to understand any net increase in revenue. The actual net revenue would likely be smaller. This model also does not quantify the ancillary benefits which the Town could experience from the estimated 22 to 26 full-time equivalent jobs, local business purchases and additional tourist activity.

While Dutchess County would potentially collect up to an estimated \$50,000 in lodging tax and \$87,000 in sales taxes

from this model scenario, it is not known what percentage of these revenues would be passed back to the Town, so these numbers were not included in the revenue.

If the Town were to establish its own occupancy tax on lodging/hotel stays, some additional revenue could be captured. Using the same model scenario above of the 20-room Inn, a 1% occupancy tax on the estimated \$1.2 million in room sales would equate to approximately \$120,000 in revenue. Combined with the estimated property tax, this model scenario could potentially generate up to about \$313,000.

Charge #3: "...the Town Board is concerned about the viability of businesses in the Town as a whole, but particularly in the Village of Millbrook and the traditional hamlets of Mabbettsville and Washington Hollow. The committee is charged with determining how hospitality could be of help to the business within the Millbrook Village and the said hamlets. The committee is further charged with considering a way for the Comprehensive plan (and then the Zoning Code) to be updated to better support these areas of the Town."

RESPONSE

The recommendations included in this hospitality study do not include opening up a large portion of the Town for hospitality uses. That would not be consistent with the bulk of the 2015 Plan, nor with the input received from the community. It is recommended (see **Recommendation 1C** above) that additional hospitality uses be allowed in the Washington Hollow area and in suitable areas near the Village and that hospitality options continue to be allowed in the HM District in Mabbettsville. Concentration of some additional hospitality uses in those areas would continue to focus commercial attention on the Village, which would continue to be the desired location for shopping and restaurants.

RECOMMENDATION 3A

- As noted above, the Town should coordinate with the Village of Millbrook to ensure consistency in zoning regulations to mutually support common community goals. The 2015 Plan and any update should continue the strong ties between the Town and Village and continue its

policies to maintain Millbrook as the commercial center of the Town. This desire, along with the finding that most people overwhelmingly favored new hospitality uses to be located in the Village, means that the Village should evaluate their land use regulations to determine how and where this can be accomplished.

- Since Village residents were an important part of this hospitality study, Millbrook should consider adopting this study and its results into their next comprehensive plan update.

Charge #4: "...if a property contains a unique structure of historic significance, even though that structure might not be on a registry of historic places, should the Comprehensive Plan be amended to support an adaptive reuse of such a structure? If so, what is the best way to do so?"

RESPONSE

There was a high degree of support for adaptive reuse of buildings for hospitality. 66% of survey respondents supported this when structures are historic buildings or otherwise contribute positively to the architectural character and charm of the Town, and when properties/structures were formerly a hotel or Inn which has ceased operations. There was also support for adaptive reuse in other situations, such as when a structure has been vacant or otherwise underutilized.

Perhaps more importantly in response to this charge, the 2015 Comprehensive Plan already supports adaptive reuse. This is reflected in the following statement from page 40: Goal 1, Objective 1, Recommendation 4 that states "Encourage reuse and rehabilitation of existing buildings and sites rather than new development whenever possible."

RECOMMENDATION 4A

- **Emphasize that adaptive reuse of certain structures would be encouraged.** The 2015 Plan already supports adaptive reuse. However, in development of hospitality policy (see Recommendation 1b, above), add that it

is a policy of the town to support adaptive reuse of existing structures that are historic, that contribute to the architectural character and charm of the Town, when properties/structures were formerly a hotel or inn which has ceased operations, and when structures have been vacant or otherwise underutilized and in those circumstances where such adaptive reuse is consistent with the scale, intensity and location desired for hospitality.

Consider incentives, such as a density bonus or allowing a rehabilitation with site plan review and not as a special permit use as described above.

Figure 7: Summary of Report Recommendations

Priority Recommendations	Page
Update the 2015 Comprehensive Plan to reflect the effort and public input collected as part of this planning process. This should include a summary of the effort, public outreach and findings. A new cover page to the Plan should be added to reflect the update, and this report should be added to the Plan as an Appendix.	15
Define necessary terminology regarding different hospitality uses, including Inns and Short-term Rentals.	15
Coordinate with the Village of Millbrook on an effort to identify ways in which the Village could accommodate additional hospitality uses to benefit the larger community.	16
Update Section V (Goals) of the Plan to establish specific policies toward hospitality that reflect recent community input, describing the desired size, intensity, architectural scale and appropriate locations for future hospitality uses within the Town.	16
Create Hospitality Overlay Districts which permit Inns (limited to no more than 20 rooms) in the Washington Hollow area and in environmentally suitable areas immediately adjacent to the Village of Millbrook to accommodate some limited new hospitality venues, with performance/environmental/development standards. Prohibit hotels, motels, resorts and similarly intensive hospitality uses in areas outside of these overlay areas.	17
Limit Inns to 20 rooms but consider options to fine tune this density by location and/or by offering a density bonus to incentivize Inns that provide for additional amenities desired by the community.	18
Define hospitality uses and hospitality accessory uses which may be allowed by right or by special permit.	19
Allow for Inns with room limitations and development standards in Mabbettsville instead of current allowance of hotels and motels.	19
Continue the current size limitations on non-residential uses within the hamlet of Mabbettsville.	19
Update Zoning Code Site Plan Review Section 485 to incorporate architectural and site design standards and remove ambiguity in requirements.	19
Develop architectural and site design standards which are built from the public responses to the visual preference example images used in the open house and community survey outreach efforts.	20
Continue the current rules for the use and operation of Bed & Breakfasts (B&B's) within the Town.	20
Develop a Natural Resource Inventory and include as an adopted part of an updated comprehensive plan.	20
Create a map to activate the current Environmental Protection Overlay.	20
Develop short-term rental regulations which require registration and fees to operate, include a structured complaint process, penalties for violations, loss of registration for multiple violations, and reasonable limitations on performance such as number of guests and off-street parking. Longer-term, consider the need for limiting short-term rentals to owner-occupied structures to mitigate the loss of longer-term rental properties available on the market.	21
Coordinate the aquifer protection area between the Town and the Village by adopting the same Aquifer Protection Map for both municipalities, using the latest data and protection zones 1 thru 3 established by Cornell.	21
Prohibit commercial campgrounds, glamping operations and RV parks.	21
Complete the implementation of the remaining 2015 Comprehensive Plan recommendations.	21
Encourage adaptive re-use of existing structures in lieu of new construction where feasible.	23