



Town of Washington
Conservation Advisory Commission

August 8, 2023

To: TOW Town Board

Re: Hospitality-Related Zoning Code Amendments

The Town of Washington (“TOW”) Conservation Advisory Commission (“CAC”) appreciates the invitation from the Town Board to review proposed amendments to the TOW Zoning Code relating to a Hospitality Overlay District (the “HOS District”) and other amendments to the TOW Zoning Code being proposed at the same time, dated July 12, 2023 (the “Draft Amendments”). Our comments are consistent with the CAC’s duty, as set forth in the local law establishing the CAC, to “advise the Town Board of the Town of Washington on matters affecting the preservation, development, and use of the natural and man-made features and conditions of the Town insofar as quality, ecological integrity, vistas, and other environmental factors are concerned.” We note that the CAC has a duty to comment on the man-made environment, especially where historic preservation and/or rural architecture are concerned.

The establishment of a new overlay district is a major amendment to the TOW Zoning Code. As such,

- Section 202 of the TOW Zoning Code requires that the CAC submit a written report to the Town Board before any new overlay districts may be established. The CAC is hereby requesting funding for an independent expert consultant to assist the CAC in preparing its written report in fulfillment of this duty, to enable the CAC to consider proposing specific language that is consistent with zoning code best practices, thereby benefitting the TOW.
- We would encourage the Town Board to move slowly in this area and include a broad range of stakeholders, including members of all Town boards and members of the public, in the development and drafting of these significant proposed zoning code changes. While the Draft Amendments appear to be prompted by the report of the Comprehensive Plan Review Committee dated July 1, 2022, regarding hospitality (the “CPRC Report”), some features of the Draft Amendments either directly conflict with the recommendations of the CPRC Report or would allow for buildings and commercial activities inconsistent with the CRPC Report. Therefore, we believe that another round of public input may be appropriate, unless the Draft Amendments are revised to follow directly from the CPRC Report, which has been incorporated into the TOW’s Comprehensive Plan.

The CAC has the following preliminary reactions to and questions regarding the Draft Amendments. Most of the Draft Amendments pertain to a new HOS District, which is comprised of three parcels: an area including the Cottonwood Motel (the “West HOS Site”), an area across Route 44 from Thorndale (the “Center HOS Site”), and an area across Route 44 from the Bennett College site (the “East HOS Site”).

- There are several important environmental sensitivities with West HOS Site and East HOS Site, based on maps in Appendix F to the CPRC Report. The CPRC Report recommended that one HOS District site be established adjacent to the Village outside the aquifer protection area; however, the Draft Amendments propose two HOS District sites adjacent to the Village, one outside the aquifer protection area (the Center HOS Site) and one

inside the aquifer protection area (the East HOS Site). Preliminarily, the CAC opposes the creation of the East HOS Site due to its importance to aquifer protection and its inconsistency with the CPRC Report.

The CAC recognizes that the CPRC Report recommends the creation of the West HOS Site. However, the West HOS Site is in a wetlands and aquifer protection area that is habitat for rare terrestrial animals, as shown on the maps in Appendix F to the CPRC Report. Preliminarily, given the potential for significant environmental damage at the West HOS Site, the CAC would require more information on environmental protection plans before supporting the creation of the West HOS Site.

- In several places, the CPRC Report recommended prohibiting lodging outside Inns permitted in the HOS District. Instead, the Draft Amendments would appear to potentially expand the types of permitted Motels and Hotels and would allow bars and event spaces accessory to Hotels in the Mabbettsville Hamlet, in addition to the restaurants that are already allowed there. Nothing in the CPRC Report contemplates expanding lodging, dining, drinking, and event businesses outside the HOS District. Preliminarily, CAC opposes this expansion in the Mabbettsville Hamlet due to the significant environmental sensitivities in Mabbettsville, including the aquifer areas shown on the maps in Appendix F to the CPRC Report. Also, the CAC is aware that existing Section 313 of the TOW Zoning Code would impose significant if not prohibitive size limits on the square footage of a Motel or Hotel in Mabbettsville, so the CAC is unclear why the TOW would consider changing the definitions of Motel and Hotel at this time. The CAC notes that the CPRC Report specifically recommends continuing the current size limitations on non-residential uses within Mabbettsville.
- The Draft Amendments do not prohibit commercial campgrounds, glamping operations, or RV parks. This prohibition was a recommendation from the CPRC Report. Instead, the Draft Amendments would supply a new definition of "glamping," which could be permitted in a future HOS District. Preliminarily, the CAC recommends the TOW follow the recommendation of the CPRC Report to prohibit any type of commercial camping.
- The CAC is concerned that the accessory uses that would be permitted in the HOS District under the Draft Amendments have no objective size limits as suggested in the CPRC Report; any environmental concerns with the HOS District are compounded accordingly. The restaurant, bar/tavern, and spa/fitness gym accessory uses could serve the general public, not limited to customers staying at an Inn, resulting in significant new restaurant and bar businesses in areas not accustomed to the traffic, noise, and light pollution challenges associated with nightlife. The CPRC Report did not include a clear recommendation to allow accessory uses; instead, on page 19, there was an indication that this was for further study. The CAC notes that there is no definition of Spa or Fitness Gym, so we will reserve further comment until a definition is supplied.
- Preliminarily, the CAC believes that a specific size limit should be imposed on the additional rooms or buildings available through the adaptive reuse incentive, for example, 50% of the total rooms or square footage prior to the incentive, as one way of mitigating the potential environmental issues in an HOS District. The Draft Amendments apparently could allow an unlimited expansion in size of any new Inn above 20 rooms if certain adaptive reuses are approved, and we do not think that was the intent of the adaptive reuse incentive as described in the CPRC Report. A larger development in the West HOS Site and East HOS Site would compound the environmental issues with those sites.
- The CAC would like expert input before making specific recommendations on the environmental and architectural aspects of the standards set forth in the Draft Amendments for building in the HOS District. For example, it seems that Item 7 could be revised to require that the Town ensure that adequate water supplies are part of any new development, without disrupting neighboring water supplies, along with adequate septic systems. It should also be possible to develop objective standards for traffic and noise pollution that are written

into the Zoning Code. Preliminarily, we think that the lighting standards in the Draft Amendments could be strengthened, but we would like expert input before supplying specific recommendations on lighting standards.

- We think that any new overlay district should comply with existing Zoning Code Section 202, which makes it clear that overlay districts supplement and do not supersede existing zoning requirements, “except insofar as overlay districts may impose more restrictive requirements.” Similarly, Item 4 of new Section 312 indicates that the requirements of the HOS District shall be applied with all the limitations and requirements applicable in the underlying district. Therefore, we think that Item 12 of new section 312 should be deleted. Item 12 would have the new District supersede all other zoning laws such as the wetlands laws, and we think that would be inconsistent with existing Section 202 and item 4 of new Section 312.

Finally, the CAC notes that all the observations and comments in this letter are preliminary and subject to revision pending further information from the Town and the expert to be hired by the CAC.

Sincerely,

Conservation Advisory Commission