



## Community Planning and Environmental Associates

152 Stolzenburg Road, Berne, NY 12023

518-248-8542 • [planningbetterplaces.com](http://planningbetterplaces.com)

### Memo

To: Town of Washington Town Board  
From: Nan Stolzenburg and Michael Allen  
Date: August 18, 2023  
Re: HOS Overlay

In response to the Town of Washington Conservation Advisory Commission (CAC) letter dated August 8, 2023, we are providing a newly revised draft Local Law (HOS Overlay District, Version 3 with changes highlighted) and offer the following comments.

1. The CAC letter questions why the existing definitions for Hotel and Motel are proposed to be revised and is concerned that the revised definitions would “potentially expand the types of permitted Motels and Hotels and would allow bars and event spaces accessory to hotels in the Mabbettsville hamlet.” First, the standards and rules outlined in Section 312 apply only to those three areas included in the HOS Overlay District. This does not address any other use in any other district. This does not address or affect anything in Mabbettsville. The rules for lodging in that hamlet remain unchanged.

The proposed definitions in this Local Law are written to be included in the definition section of the Zoning. This is important and they were provided to make the wording more consistent across the different types of lodging facilities and clarify that each is distinct from each other. It is not clear what the CAC means by expanding the “types” of Motels and Hotels. It was assumed that bars were already permitted as part of a Hotel in Mabbettsville as an accessory use under “Uses customarily incidental to any principal use”, however if that is not the case, or the Town does not wish to allow bars as an accessory use elsewhere in town, this language could be removed. However, an important distinction between a Hotel and a Motel is the potential inclusion of a restaurant, which is already permitted for Hotels, and customarily includes a bar.

As Motels and Hotels are not allowed in any HOS Overlay area, and only an Inn as defined are allowed, motels and hotels are thus prohibited from the HOS districts. Since they are not on the current list of allowed uses in any place other than Mabbettsville, they are still prohibited in all other areas of the Town.

In keeping with the previous edit of the draft Local Law, we have removed the words “event space” from these definitions.

2. The CAC letter notes that the draft Local Law does not prohibit commercial campgrounds, glamping or RV parks, as recommended in the report. However, that is not entirely correct. The only use that is allowed by the HOS (in addition to the existing underlying zoning district uses) is Inns. We provided a definition for “Glamping” specifically to distinguish it as a separate use, effectively prohibiting it town-wide because it is not listed as an allowable use in any underlying zoning district. In response to the CAC suggestion, we have also added a definition for “Campgrounds” (including RV’s), which would therefore also be prohibited town-wide since it is not listed as an allowable use in any zoning district either. We have also added additional language in this latest draft to clarify that no Campgrounds, Glamping, Hotels or Motels are allowed within the HOS to avoid confusion created by the additional definitions.
3. The CAC letter notes that there are no objective size limits to the accessory uses associated with Inns, and these restaurants could potentially be used by people who are not guests at the Inn. The prior version of this draft Local Law did include proposed size limitations for the accessory uses; however this language was requested to be removed. In this latest draft we have placed the language back into the text, for discussion on appropriate sizes for each, and suggest that some size limits are a reasonable consideration. Regarding the CAC’s concern for the potential of the general public (non-guests) to solicit a bar or restaurant at an Inn, we respectfully suggest that no limitations for this be included. It is not clear how the Town would control or police the use of restaurants by local residents who were not guests at the Inn. Furthermore, local patrons would likely represent a significant portion of their restaurant/bar income, particularly during off-season periods, and we do not think that any Inn would agree to such restrictions. The Hospitality Study did indeed ask the public about appropriate accessory uses associated with hospitality and of a long list that was explored with the community, only restaurants and bars were clearly expressed as desirable. That is why these are included.
4. The CAC letter notes that there are no specific size limits on the additional rooms permitted through the Adaptive Reuse Incentive. The prior version of this draft Local Law did include a proposed cap on the number of rooms permitted with the incentive, however this language was requested to be removed. In this latest draft we have placed the language back into the text for discussion and because we feel that is consistent with the Hospitality Study Appendix now included in the Comprehensive Plan. If the Town Board feels that there needs to be more flexibility, that can be changed, but some cap seems consistent with the goals of the Town to keep Inns small and on a scale that is consistent with town environment and character.
5. We concur with the CAC recommendation that Section 12 of the draft Local Law (“Conflicts”) should be removed, as it could potentially cause confusion, and it has been removed in this version.
6. The Town Board worked on the location of the HOS Overlay District so we have no further comment on that. However, the CAC is correct in that the Study did indicate the HOS should be outside of the aquifer overlay district. With that said, the current designated HOS areas are narrow defined, limited, with specific size, design, and siting performance standards, and opportunities for adaptive reuse.

7. The Hospitality Study included an extensive amount of public input into the issue of what, where, and how much hospitality uses are desired in town. Adoption of this law will require a public hearing, yet to be scheduled, as well as County Planning Board review, and SEQ. Given the comments above, we are unsure where this draft is otherwise inconsistent with the Study that is now included into the Comprehensive Plan.
8. We remind the Board and the community that creation of the HOS does not exempt any development from having to meet all the other requirements of the zoning law. The HOS is in addition to all those requirements. The same review, performance expectations, and environmental protections afforded development in the zoning for all districts will still apply to the three areas included in the HOS. Thus, all wetlands, aquifers, and other environmental features will continue to have the same protections as now. All aquifer protection standards and criteria will still need to be met, and the HOS will allow for Inn uses in those three areas in a careful manner with high performance expectations as outlined in the HOS.
9. We note that the Hospitality Study did recommend that in Mabbettsville, Motels and Hotels be considered for removal as an allowable use and replaced with Inn. Since this local law effort is oriented solely to creating the HOS Overlay District and necessary coordination edits, no changes are being proposed within Mabbettsville. Should the Board wish to also make changes to the Mabbettsville hamlet, additional edits would have to be included in to make that change.

The newly revised draft Local Law (Version3) is attached, and we have highlighted (in yellow) text which has been revised since the last version for your convenience.