

**RESOLUTION OF INTRODUCTION**

Councilmember Joe Rochfort, seconded by Councilmember Leslie Heaney, introduced the following proposed local law, to be known as Local Law No. \_\_\_\_\_ of the Year 2023 of the Town of Washington, Dutchess County, New York:

**SEE ATTACHED PROPOSED LOCAL LAW WITH MAP.**

Councilmember Joe Rochfort advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. Councilmember Joe Rochfort offered the following Resolution, which was seconded by Councilmember Bob Audia, who moved its adoption.

RESOLVED, the Town Board hereby declares this action to be a Type I action pursuant to the State Environmental Quality Review Act (SEQRA), declares its intent to serve as Lead Agency in the review of this action, authorizes the Supervisor to sign the Full Environmental Assessment Form, Part 1, presented herewith and authorizes any necessary circulation of these documents; and be it further

RESOLVED, that any referrals or notices required by the NYS General Municipal Law be made; and be it further

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing persons interested shall have an opportunity to be heard, to be held at the Town Hall, 10 Reservoir Drive, Millbrook, New York, on November 9, 2023 at 6:00 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of

Washington, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE that the Town Board of the Town of Washington will hold a public hearing at the Town Hall, 10 Reservoir Drive, Millbrook, New York on November 9, 2023 at 6:00 o'clock p.m., on Local Law No. \_\_\_\_\_ of the Year 2023, entitled A LOCAL LAW UPDATING THE TOWN OF WASHINGTON ZONING CODE ENTITLED "HOSPITALITY OVERLAY DISTRICT".

TAKE FURTHER NOTICE, that all persons interested shall have an opportunity to be heard on said proposal at the time and place aforesaid.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Washington, at the Town Hall, 10 Reservoir Drive, Millbrook, New York between the hours of 9:00 a.m. to 12:30 p.m. and then between 1:30 p.m. to 3:00 p.m. on all business days between the date of this notice and the date of the public hearing.


DATED: Millbrook, New York  
October 12, 2023

  
\_\_\_\_\_  
MARY ALEX, TOWN CLERK

The foregoing Resolution was duly put to a vote which resulted as follows:

Supervisor Ciferri	<u>Aye</u>
Councilmember Audia	<u>Aye</u>
Councilmember Heaney	<u>Aye</u>
Councilmember Murphy	<u>Aye</u>
Councilmember Rochfort	<u>Aye</u>

DATED: Millbrook, New York  
October 12, 2023

  
\_\_\_\_\_  
MARY ALEX,  
Town Clerk  
Town of Washington

TOWN OF WASHINGTON, NEW YORK  
LOCAL LAW NO. XX OF 2023

A LOCAL LAW UPDATING THE TOWN OF WASHINGTON ZONING CODE  
ENTITLED "HOSPITALITY OVERLAY DISTRICT"

BE IT ENACTED by the Town Board of the Town of Washington, that the Zoning Code is hereby updated with the following modifications:

**PART 1. New Hospitality Overlay District**

New Section 312: "Hospitality Overlay District" is hereby ADDED as follows:

SECTION 312 - HOSPITALITY OVERLAY DISTRICT

1. **Purpose and Intent.** The purpose of the Hospitality Overlay District (hereinafter the "HOS District") is to permit the use of small-scale hospitality lodging facilities and some associated accessory uses where appropriate within selected portions of the town. This measure is intended to support additional local tourism and economic development, while also ensuring that the scale and character of development is compatible with our rural and scenic qualities and reducing conflicts between potentially incompatible land uses. It is also intended to promote adaptive reuse and historic preservation by incentivizing investment in already established structures within the town to preserve our existing character. Additionally, its purpose is to ensure that hospitality uses are consistent with the adopted Town of Washington Comprehensive Plan.
2. **Overlay Boundary Description.** The boundaries and extents of the Hospitality Overlay District shall be as depicted on the map entitled "Hospitality Overlay District", Town of Washington, Dutchess County, New York.
3. **Interpretation of Boundaries.** The interpretation of any boundaries of the HOS District shall be in accordance with the provisions of Section 230.
4. **Effect of Overlay District.** The HOS District shall be a supplemental zoning district mapped in conjunction with the underlying zoning districts or floating districts. In the HOS District the requirements of this Section shall be applied together with all the limitations and requirements applicable in the underlying district, unless otherwise noted.
5. **Uses Allowed by Right in the HOS District.** All of the uses permitted by right in the underlying zoning district(s) shall continue to be permitted and remain unchanged. The HOS District does not add any additional uses permitted by right. Motels, Hotels, Campgrounds, Glamping and all other uses not specifically listed as allowed in the underlying zoning district(s) are not permitted.
6. **Uses Allowed by Special Permit in the HOS District.** In addition to the specially-permitted uses in the underlying zoning district(s), the following uses may be permitted by Special Permit with Site Plan Approval within the HOS District:
  - a. INNS not exceeding 20 guest rooms on the property, except as may be modified by the "Adaptive Reuse Incentive" subsection below;

7. **Special Permit Approval Standards.** In determining whether a Special Permit use within the HOS District may be approved, the Planning Board or Zoning Board shall consider the following relevant factors in addition to the standards set forth in Section 473:
  1. The proposed development is in keeping with the traditional rural, historic and community character of the area;
  2. The effect of any proposed development on the natural environment or natural resources of the Town of Washington;
  3. The proposed development is within the town's capacity to handle additional demand with regard to considerations including, but not limited to vehicle traffic, emergency services, water or electrical supply, stormwater, septic, sewer or noise/light pollution;
  4. The design of structures, or the adaptive reuse of structures, is in keeping with or enhances the architectural character of the area; and
  5. The environmental or conservation improvements proposed to the site and/or the existing structures.
8. **Accessory Uses.** Each of the following accessory uses, clearly incidental and secondary to the principal lodging use, may be permitted by the Planning Board after consideration of the site, parking capacity, vehicle trips and potential impacts to nearby properties. The Planning Board reserves the right to make additional limits, conditions or performance standards as may be necessary to mitigate identified issues.
  - a. Restaurant.
  - b. Bar/Tavern.
  - c. Spa and/or Fitness Gym.
9. **Adaptive Reuse Incentive.** In order to incentivize the adaptive reuse of existing structures within the overlay district in lieu of new construction, the following incentives are provided:
  - a. **Additional guest rooms.** The Planning Board may consider granting an exception to the limit of 20 guest rooms per property in cases where the applicant rehabilitates, adaptively reuses and preserves an existing building in the creation of the Inn. In such cases, an increase of up to, but never exceeding, a total of 40 guest rooms may be permitted contingent upon Planning Board approval, provided the following conditions can be met.
    1. The adaptive reuse must utilize the existing primary structure(s) on site substantially for the core public functions of the Inn such as Reception, Guest Check-In, Lobby, Guest Bedrooms, Bar or similar public functions. The adaptive reuse structure cannot be used solely for ancillary support functions such as storage space, offices or other non-public functions.
    2. When incentives are approved, all guest rooms shall be within the existing structure being adaptively reused. New buildings or structures built on the site shall be utilized for accessory uses only.
    3. All rehabilitations, new buildings, or site improvements proposed shall be in accordance with the Design Standards established below.

4. The site shall accommodate and have the capacity for such additional density without significant adverse impacts to traffic, traffic circulation, pedestrian opportunities, noise or light pollution, environmental features, stormwater, water supply or septic.
  - b. The number of additional guest bedrooms approved by the Planning Board shall be roughly commensurate with the level of improvements proposed for the site. This consideration may include whether the adaptive reuse structure(s) proposed is sufficient to warrant the bonus, the number of existing structure(s) proposed to remain and be incorporated into the design, the percentage of the existing structure to remain, quality of site improvements, sensitivity to neighboring properties in terms of location, screening and buffering, provision of any public amenities, and where applicable, the overall rehabilitation effort given to any historic architectural restoration.
  - c. The core intent of this incentive is to preserve an existing building and meet all design standards and performance expectations.
10. **Design Standards.** In addition to the requirements of the underlying zoning district, Special Permit or Site Plan Review criteria, all applications for renovation or new construction enabled by this overlay district shall meet the following design standards to enhance compatibility with the scale and character of the town.
- a. **General.** The architecture of the building(s) should be the most prominent visual feature of the site, with clearly visible public entryways, showcased and highlighted by robust landscaping, which reflect and enhance the rural historic character of the Town of Washington.
    1. Any additions to existing structures shall be located at the rear or side(s) of the existing structure and scaled appropriately so as not to overwhelm or detract from the massing of the original building.
    2. Where a new separate building is proposed to be constructed on the same property as an adaptive reuse structure, the new building shall be set back further from the public roadway than the existing structure.
  - b. **Site Layout & Landscaping.** The site layout shall create attractive, shaded and safe routes for pedestrian walkways which link surrounding buildings and parking areas. The incorporation of existing mature trees into the site design is encouraged to maintain shade areas.
    1. Limit the visibility of parking and other utilitarian functions—to the extent practical for the site and existing conditions—by locating these functions in the side or rear of the property and screening from view from the public roadway and adjacent properties with the use of existing or proposed vegetation, landscaping and site features. No parking shall be permitted in the front yard area, except as may be permitted by the Planning Board for limited convenience parking or drop-off areas, or in cases where an adaptive reuse of an existing building is taking place and siting of that building does not allow for parking to the side or rear.
    2. Parking areas shall integrate existing shade trees and/or new tree planting areas to create shade and capture stormwater runoff.
    3. Dumpsters or trash/recycling containers shall be located toward the rear of the site where not readily visible and surrounded in a 4-sided screening enclosure composed of wood and/or landscaping as directed by the Planning Board.
    4. Mechanical equipment, transformers and similar devices shall be screened from view using a combination of fencing and landscaping.

5. A variety of shrubs and flowers with non-stone mulch shall be provided along the base of the building perimeter, at least three feet in depth from the facade.
  6. Pedestrian walkways and outdoor patio areas shall be accented where possible with a dense planting of a variety of shrubs and flowers.
  7. Where pre-existing native trees on the site cannot be preserved or do not exist, new tree plantings shall be incorporated into the site where possible to provide shade in larger areas of lawn. In the absence of existing street trees along the public road frontage, new street trees are encouraged to be planted approximately fifty (50) feet on center.
  8. Landscaping selections should utilize a variety of species native to the region.
- c. Stormwater. Minimize the amount of impervious surfaces, such as paved parking lot, to the extent practicable to reduce stormwater runoff.
1. Landscaped areas on site are encouraged to also serve as integrated stormwater management areas where practical. These may include recessed parking island “dry wells”, rain gardens, vegetated swales or retention ponds which capture rainwater on the site while appearing to be a part of the landscape.
- d. Facades. Exterior facade materials used shall reflect or complement the existing facade materials found on the structure being adaptively reused. Where no existing adaptive reuse structures are present, the use of small-scale natural building materials—such as wood clapboards, wood shingles, brick, or natural stone – or materials which are aesthetically reasonable facsimiles of these materials, are required on new exterior facades.
1. With larger structures or longer building facades, the overall building massing may need to be broken up into smaller, discrete parts where possible to reflect the scale and massing of structures typically found in the area or on site.
  2. There shall be no blank walls or large facade areas without windows facing a public street.
  3. The use of appurtenances on the front facade, such as porches, awnings, balconies, porticos, or port-cocheres, to the maximum extent possible, shall be required to give the facade shade, reduce building scale and provide more visual interest.
- e. Lighting. In order to reduce unnecessary light pollution and trespass, all exterior lighting for pedestrian walkways, parking or security shall be full cut-off shielded fixtures and dark sky compliant which do not permit any light to project outward above a horizontal plane from the fixture head.
1. The number of light standards and intensity of lighting is encouraged to be set at minimal performance levels to reduce unnecessary glare, trespass and energy consumption. Lighting levels at the adjacent property boundaries shall be measured at no more than 0.02 footcandles. Where feasible, motion sensing lights are encouraged for any necessary security lighting. The Planning Board may require a photometric plan to be provided as part of the application.
  2. Lighting standards shall be appropriate to the design of the structure(s) and shall not exceed twelve (12) feet in height.

- 3. The color temperature of exterior lighting shall be visually consistent across all fixtures. It is required that warmer color temperature light (i.e., below 4,000 Kelvin) be utilized, and that colder temperature light above 3,000 Kelvin generally be avoided.
  - f. All signage shall comply with Section 331 and the requirements of the underlying zoning district.
  - g. Off-street Parking shall be provided at the rate of one (1) space per guest room for the principal use, and as specified in Appendix C "Off-Street Parking and Loading Schedule" for any approved accessory uses or as may be modified by the Planning Board.
  - h. All main entrances for staff, guests, and visitors for any use within a HOS Overlay District shall be from New York State Highway Route 44, Route 82 or Route 343. An alternative entrance on a secondary road such as but not limited to College Lane may be approved by the Planning Board for use by delivery vehicles and emergency access or egress only. When permitted, such secondary access points shall have signage posted "For Deliveries Only".
  - i. All other standards and requirements for the underlying zoning district shall also be met including but not limited to protections of wetlands and watercourses, erosion and sedimentation control, preservation of scenic roads, projecting architectural features and others from Article III of the Town of Washington Zoning Law. Where the HOS District overlaps with another overlay district pursuant to the Town of Washington Zoning Law, standards and requirements of both overlays and underlying district shall apply and the most restrictive standard or requirement shall take precedence.
11. **Approval Process.** All applications for uses enabled by this overlay district shall be considered under the processes of Special Use Permits and Site Plan Review.
- a. Site plan review shall also include review of the architectural compatibility of any proposed new structure(s), demolition, expansion, or alteration with the historic architectural character of the area, including the layout, placement, and proportions of buildings, and their relationships to each other, streets, open space, and landscaping.

**PART 2. Update Section 202 "Overlay Districts"**

Existing Section 202 is hereby amended to add the new overlay district to the list as follows (new text underlined>:

In addition to the above districts, the following overlay districts are hereby created, to take effect upon Town Board adoption of overlay maps for each district, pursuant to Sections 312, 314 and 315 of this Local Law.

APO:	Agricultural Protection	AQ:	Aquifer Protection
HOS:	Hospitality		



**PART 3. Update Section 210 “Zoning Map Series”**

Existing Section 210 is hereby amended as follows:

The districts listed in Sections 200-202 are bounded as shown on the map series entitled “Zoning Map Series, Town of Washington, Dutchess County, New York” dated [~~December 27, 1989~~] August XX, 2023, which, with all explanatory matter thereon, is made a part of this Local Law. Said Zoning Map Series must include, at a minimum, the districts described in Section 200 of this Local Law, and shall include any mapped floating zones (EP, MII, II, or I) or overlay zones (AQ, [~~or~~] APO, or HOS), as well as the Wetlands and Watercourses Map described in Section 328(3) of this Local Law. Until such time as the Wetlands and Watercourses Map has been adopted by the Town Board, the pre-existing Land Conservation (LC) zone shall be used to protect wetlands. Upon adoption of this new map, the LC zone shall be deemed superseded.

**PART 4. Update Section 317 “Industrial/Office Floating District Regulations”**

Existing Section 317 is hereby amended as follows:

Industrial/Office Development Districts (hereinafter “I Districts”), may be established within an area designated as RR-10, RS-10, RL-5, RS-5, and RM-2, by zoning amendment as specified below. Land zoned RH-1, EP, LC, HM and land subject to the APO, [~~and~~] AQ and HOS district Overlay requirements shall not be eligible for designation as an I District.

**PART 5. Update Section 470 “Special Permits”**

Existing Section 470 is hereby amended as follows:

The Planning Board or the Zoning Board of Appeals, as specifically authorized by Section 334 and Section 391 of this Local Law, shall issue special permits where required by this Local Law for uses whose special characteristics necessitate consideration of each specific use as an individual case. These uses are identified in the Schedule of District Use Regulations (Appendix A). In addition, the following require special permits from the Planning Board:

1. Certain uses in the APO Overlay Zone (Section 315)
2. Certain Home Occupations (Section 321)
3. Stripping of Topsoil (Section 329)
4. Certain uses in the HOS Overlay Zone (Section 312)

**PART 6. Update Section 610 “DEFINITIONS”**

Existing Section 610 is hereby amended to add the following definitions:

**ADAPTIVE REUSE:** The process of adapting an existing building through renovation or restoration to function for a new use which it may not have been originally designed for, while retaining its primary features or character.

Typically utilized for the purposes of saving existing structures from demolition, historic preservation, or improved sustainability compared to completely new construction.

**ADAPTIVE REUSE INCENTIVE:** An optional bonus which may be granted by the Planning Board within the Hospitality Overlay District, providing the applicant additional development potential above what might normally be permitted, in exchange for utilizing an existing building for development through adaptive reuse, an approach which benefits the larger community and meets the goals of the town.

**BAR/TAVERN:** An establishment primarily designed and licensed to sell alcoholic beverages to patrons for on-site consumption at provided seating areas.

**CAMPGROUND:** A parcel of land established or maintained for the commercial purposes of short-term outdoor recreational camping by transient users where campsite areas are provided and rented for tents, trailers, recreational vehicles, shelters, cabins, lean-tos or similar accommodations. Separate and distinct from a Private Camp, as well as Glamping, Inn or other lodging use types.

**COMPREHENSIVE PLAN (MASTER PLAN):** A document adopted and periodically updated by the Town of Washington containing goals and policies to direct long-term decision making for the orderly growth of the community, including but not limited to land-use decisions such as zoning.

**DESIGN STANDARDS:** Specific design requirements regarding architectural elements, site planning, parking, building materials, lighting, signs or other considerations which may be required or recommended as part of application approval.

**GLAMPING:** The use of land rented for the purposes of short-term outdoor camping by transient users where additional amenities and comforts are provided for visitors beyond a normal camping experience, including but not limited to the use of beds, electricity, indoor plumbing, kitchen equipment, and more elaborate temporary shelters such as yurts, sleeping pods or motor homes. Separate and distinct from Hotel, Inn or other lodging use types.

**HOSPITALITY:** The activity or business of providing services and amenities such as overnight lodging accommodations, food, drink, gathering or meeting space for the purposes of attracting and serving visitors and tourists to the area.

**INN:** An establishment providing sleeping rooms rented for overnight accommodations to transient visitors having no more than 20 guest rooms, unless additional guest rooms are approved through an incentive bonus. May include permitted secondary accessory uses such as a restaurant or bar, or accessory recreational uses such as a spa or fitness/gym equipment. Separate and distinct from Hotel, Motel or other lodging use types.

**LODGING:** A room or rooms rented for overnight accommodations to transient visitors, such as a Bed and Breakfast, Inn, Hotel, Motel, Short-term Rental, Campground or Glamping.

**OVERLAY DISTRICT:** A special zoning district which is superimposed on top of one or more zoning districts, or parts of districts, to implement modified land use regulations within a defined geographic area. An overlay's requirements may function in addition to the normal provisions of the underlying zoning district(s), or may replace or modify the normal provisions of the underlying zoning district(s), being more or less restrictive.

**RESTAURANT:** An establishment where food and drink is sold for consumption on the premises at provided seating areas and where the taking of any food or drink off-premises is incidental to the principal use. May include permitted secondary accessory uses such as a bar or tavern.

TRANSIENT: Temporary visitation in a place for a short duration, typically for a period between one or a few days.

Existing Section 610 is hereby amended to revise the following definitions as shown:

PRIVATE CAMP: A detached one-family dwelling designed and suited for non-commercial, personal leisure use that is used on a seasonal basis for not more than six (6) months in each year.

~~MOTEL: A building or group of buildings containing six (6) or more individual living and sleeping accommodations consisting primarily of one (1) bedroom and bath units, each of which is provided with not less than one (1) off street parking space, offered principally for rental and use by motor vehicle travelers. An establishment providing sleeping rooms rented for overnight accommodations to transient visitors containing six (6) or more guest rooms, without accessory uses such as a restaurant or bar. Separate and distinct from Inn, Hotel or other lodging use types.~~

~~HOTEL: A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests, and where only a general kitchen and dining room are provided within the building or in an accessory building. An establishment providing sleeping rooms rented for overnight accommodations to transient visitors containing more than twenty (20) guest rooms, with or without accessory uses such as a restaurant or bar. Separate and distinct from Inn, Motel or other lodging use types.~~

**PART 7. Update "Appendix A - Schedule of District Use Regulations"**

Existing Appendix A - Schedule of District Use Regulations is hereby amended to ADD the new overlay district to the list of Applicable Overlay or Floating Districts for the RH-1, RM-2, and RL-5 districts as follows:

Residential District	Principal Uses Permitted by Right	Accessory Uses Permitted by Right	Special Uses Which May be Allowed by Special Permit and Subject to Site Plan Approval	Applicable Overlay or Floating Districts
RH-1				APO Overlay AQ Overlay <u>HOS Overlay</u> EP Floating
RM-2				APO Overlay AQ Overlay <u>HOS Overlay</u> MH Floating I Floating
RI-5 and RS-5				APO Overlay AQ Overlay <u>HOS Overlay</u> EP Floating MH Floating I Floating

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**PART 8. Update "Zoning Code Index"**

The "Zoning Code Index" (page 167) shall be updated to include new references to "Hospitality Overlay District".

**PART 9. Update "Appendix D - Zoning Map Series"**

The "Appendix D - Zoning Map Series" (as well as Table of Contents listing) should be updated to ADD the following:

MAP #6: Hospitality Overlay District (HOS)

# Town of Washington

Dutchess County, NY

## Hospitality Overlay District

Hospitality Overlay District (HOS)

Tax Parcels

Village of Millbrook

Conserved Land

Rivers and Streams

Surface Water



July 2023

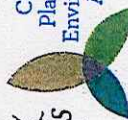
Prepared for



Town of Washington

Prepared by

Upstate GIS



Community Planning and Environmental Associates

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