



Town of Washington
Conservation Advisory Commission

Date: May 9, 2024

To: TOW Town Board

From: TOW Conservation Advisory Commission

The CAC is respectfully writing to the Town Board regarding the draft amendments to the Town Zoning Code issued in April 2024 (the April 2024 Draft) relating to the Hospitality Overlay District (the HOS District), following up on our comments in our letters dated August 8, 2023, and September 7, 2023.

The April 2024 Draft includes new Section 221, which would incorporate the new Natural Resources Inventory (NRI) and related maps into the Town Zoning Code. The CAC fully supports the NRI and related Zoning Code changes.

We favorably note that many comments made in our letter of August 8 were addressed in a draft law dated August 24, 2023, and many of the features responsive to our August 8 letter are carried through in the April 2024 Draft. We commend the Town Board for retaining these changes in the April 2024 Draft. For example, the Zoning Code amendments in April 2024 Draft appear to apply only to the HOS District and not the Mabbettsville Hamlet, and the April 2024 Draft specifically provides that Motels, Hotels, Campgrounds, Glamping, and all other uses not specifically allowed in the underlying zoning district are not allowed; both features are responsive to our prior comments. In addition, we note that that one change in the April 2024 Draft is responsive to another point made in our letters, specifically that there is now a definite cap on the number of rooms that could be built in the HOS District (there is a limit of three Inns, each of which has a room limit).

We reiterate the concerns expressed in our prior letters about situating the HOS District in environmentally sensitive areas. The HOS District 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). The CAC recognizes that the CPRC Report recommends both 1) the creation of the West HOS Site and 2) the creation of an HOS District adjacent to the Village which could have included both the East HOS Site and the Center HOS Site. However, both the East HOS Site and the West HOS Site are in environmentally sensitive areas, as shown on the maps in Appendix F to the CPRC Report.

Given this advance knowledge, more could be done to strengthen the environmental protections in the Special Permit Approval Standards in Section 9 of the April 2024 Draft. The

CAC understands that any development in the HOS District must go through the standard approval process, but the CAC remains concerned about the potential for variances with adverse environmental impact to be granted through that process. Accordingly, we are proposing the changes to Section 9 marked below to show where the language could be clarified or strengthened.

“9. Special Permit Approval Standards.

A. Inn. In determining whether a Special Permit for an Inn within the HOS District may be approved, the Planning Board shall consider the following relevant requirements, in addition to the criteria generally applicable to Special Permits as set forth in Section 473:

1. The character and appearance of the proposed use, buildings, structures, lighting and/or outdoor signs must be in keeping with the traditional rural, historic and community character of the area, and the development must not adversely affect the general welfare of the inhabitants of the Town of Washington;

2. Any proposed development must protect and must not have an adverse effect on the natural environment or natural resources of the site and other properties in the Town of Washington. In evaluating this standard, the Planning Board shall consult the adopted Natural Resources Inventory of the Town of Washington as set forth in Section 221 in addition to any other available resource and may consider the benefit of environmental or conservation improvements proposed to the site and/or the existing structures;

3. The proposed development must be within the Town’s and the site’s capacity to clearly handle additional demand with regard to considerations including, but not limited to, vehicle traffic, emergency services, water quality and supply, electrical supply, stormwater runoff, septic, sewer and noise/light pollution, and pollution of surface water or groundwater, in each case without adverse impact to other properties in the Town of Washington;

4. The acreage of the lot upon which the Inn is proposed must be adequate to accommodate the proposed use, inclusive of, but not limited to, any proposed parking areas, accessory uses and structures, screening, landscaping, stormwater management systems, septic systems, and private wells, without adverse impact to other properties in the Town of Washington; and

5. The design of structure(s) must be in keeping with or enhance the architectural character of the area.

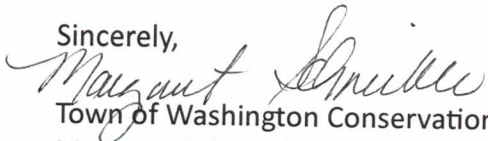
B. Additional Authority. The Planning Board has the authority to impose additional safeguards and conditions as may be necessary to ensure compliance with the terms of the Special Permit.”

Finally, the CAC recommends that the dark sky lighting standards in Section 11.e.3 be made consistent with the “dark sky compliant” language earlier in section 11 as follows:

“3. The color temperature of exterior lighting shall be visually consistent across all fixtures, requiring the use of outdoor lighting at or below 3,000 Kelvin.”

The CAC appreciates the opportunity to provide these comments, and we hope that they are helpful.

Sincerely,



Town of Washington Conservation Advisory Commission

Margaret Schneible

Chair