

TOWN OF GERMANTOWN LAND USE LAW UPDATE

Project Number: 2223713

MEETING #5 SUMMARY NOTES APPROVED

Location: Town Hall/Virtual

Date: February 20, 2023

Time: 6:00 pm

<u>Meeting Attendance</u>
Committee Members
Tony Albino
Austin Sullivan
Daniel Rifenburgh Co-Chair
Will Bell
Faydra Geraghty
Karen Targove, Co-Chair
Joe Guida
Jan Borchert
Ellen Jouret-Epstein
Consulting Team
Matt Rogers, LaBella

SUMMARY NOTES

1. Matthew Rogers began the meeting by reviewing the meeting notes from Meeting #4. There were no comments and the committee voted to approve the notes.
2. Agricultural, environmental, and groundwater resource maps.
 - a. Matthew noted that Agricultural, environmental, and groundwater resource maps were added to the Committee's shared folder for everyone's review.
 - b. A question was raised about Columbia County's 2013 Agriculture and Farmland Protection Plan. <https://sites.google.com/a/columbiacountyny.com/columbia-county-agriculture-and-farmland-board/plan?authuser=0> It was noted that while the plan is 10 years old, there is valuable data in it. The Columbia County Geo-Data site also provides GIS data on soils and agricultural resources: <https://geodata-cc-ny.opendata.arcgis.com/>
 - c. The group reviewed the agricultural resources map.

- i. Questions were raised over how farmland of statewide importance is classified and whether the State has additional regulatory requirements. Matthew noted that the State does not have regulatory authority over those lands, and it functions more as a guidance resource to help communities preserve farmland.
 1. [NOTE: The USDA has defined "prime farmland" and "farmland of statewide importance" to denote soils valuable to agriculture use. Prime farmland is defined as having the best combination of physical and chemical characteristics for producing food, feed, fiber, and oilseed crops that is available for these uses. Farmland of statewide importance extends the definition to other soil types that have the best characteristics for locally grown crops. .
- ii. Matthew reviewed active agricultural lands as designated by tax assessment records. Members expressed interest in the amount of prime farmland that is not being used for agriculture. [NOTE: LaBella will provide the Columbia County's 2013 Ag. Land Protection Priority Map to help guide the Committee's discussions and decisions on agriculture-related zoning.]
- d. A brief discussion on the land use map and land use classification took place. Matthew noted the county will usually update the data annually.
- e. It was noted that the Zoning Map was incorrect, missing HMU parcels on the south side of Main St. LaBella will make the necessary revisions.
- f. The group reviewed the environmental resources map.
 - i. Matthew highlighted the National Wetland Inventory wetlands as well as NYSDEC Wetlands.
 - ii. Matthew noted that steep slopes are not common in the Town, they're primarily concentrated on the Hudson River and the Town's northern border, along the Roe Jan.
 1. Steep slopes are not a significant development constraint. The Committee discussed and agreed that what steep slopes there are in the Town should be regulated to prevent erosion given their proximity to water bodies.
3. Matthew introduced the use and dimension tables to the Committee. As a starting point, the Committee began discussing appropriate locations for cannabis facilities. .
 - a. Matthew clarified that the Town passed a resolution to allow dispensaries and consumption lounges.
 - b. Some Committee members mentioned wanting to limit the number of dispensaries in the community to avoid over-saturation of the market.
 - c. Matthew reviewed the NYS standards for licensing, zoning, and site regulations.
 - i. Matthew noted that it may not be necessary to identify a maximum number of dispensaries/lounges due to several factors including required separation distances and the market. In addition, the State is seeking to spread out cannabis facilities and avoid over saturation.

- ii. A discussion on separation distances from certain land uses (schools and houses of worship) took place.
 - 1. NYS law requires a minimum 500 ft. separation distance between schools and dispensaries/lounges and 200 ft. from houses of worship.
 - 2. The State will allow communities to increase these separation distances and add additional separation distances from "community facilities", defined as: A facility that may include, but not be limited to, a facility that provides day care to children; a public park; a playground; a public swimming pool a library; or a center or facility where the primary purpose of which is to provide recreational opportunities or services to children or adolescents.
 - 3. Communities may also institute separation distances between dispensaries and lounges to no more than 2,000 feet.
- iii. It was decided that the required separation distances may be sufficient to avoid an over concentration of cannabis facilities and therefore, a specific limit on these facilities may not be necessary to legislate.
- iv. A question was raised on county involvement in regulating cannabis facilities. The county has an obligation to review local laws and certain local approvals in accordance with the NYS General Municipal Law, with a focus on county impacts (ex: traffic).
- v. Questions about whether special use permits can be required for all dispensary/cannabis uses. Guidance is currently unclear from the State.
 - 1. Germantown must allow the facilities with regulations. The regulations cannot be so restrictive that they essentially becomes a prohibited use.
- vi. Questions on which other communities allowed cannabis were brought up. This will impact the local market demand.
 - 1. [NOTE: According to the Rockefeller Institute of Government's Marijuana Opt-out Tracker, all but Livingston, Clermont, and Canaan are allowing dispensaries and 11 out of 23 communities are allowing lounges. https://drive.google.com/file/d/1QMbyye1zpr3lpP_6FWpWliXsnYAvMfgU/view?usp=sharing]
- vii. Matthew reviewed the existing zoning map to discuss the appropriate zoning uses for cannabis dispensaries.
 - 1. Members expressed the desire to add a buffer around parks and other uses that would attract children (library, playgrounds, etc.) regardless of the zoning district. An additional 1,000 ft. separation distance between cannabis uses would help to limit oversaturation.
 - 2. Consensus that the Hamlet Commercial zone would be appropriate. Hamlet Mixed Use may also work with some additional requirements, although there were concerns expressed around the residential character of the HMU district.

3. Matthew will update the map with buffers around uses that attract children to help make final determination.
4. The Committee began reviewing the Permitted Use Table, starting with residential uses.
 - a. A discussion on adding two-family and multi-family units to the NR zone took place. There was a consensus to allow two-family to the NR zone as a Permitted Use (Site Plan).
 - b. It was noted that the current Code allows conversion of a single-family dwelling to two and multi-family in NR, AR, and RR, while new multi-family homes are prohibited in those districts. No final decision on allowing multi-family in these three districts was made – additional land use and groundwater analysis is necessary.
 - c. The discussion moved to considering two-family and multi-family residential on the AR zone as well.
 - i. It was recommended that two-family be permitted in AR as a Permitted (Site Plan) use, currently requires Special Use Permit approval.
 - d. Multi-family and two-family uses were discussed for the HR and HMU districts. Two-family is currently allowed as a permitted use (Site Plan) in HR and HMU, while multi-family is allowed by Special Use in both districts. Concerns were raised about impacts to rural community character. Matthew suggested capping the maximum number of units as one option to address concerns. He also noted that the limited availability of sewer infrastructure and no municipal water supply will further limit the scale of development that may occur. No decision on any additional changes to two- and multi-family dwellings were made.
 - e. An in-depth discussion of multi-family housing took place. Matthew suggested adding additional definitions for 3-family, and 4-family as needed; reminded the committee that the comprehensive plan clearly recommended the need for additional housing stock.
 - f. A review of accessory apartments took place. Matthew noted the existing allowance of 800sq ft is a benefit to the Town, and many communities regulate based on a percentage of primary structure size or lot size.
 - i. A discussion on detached vs attached accessory dwelling units (ADUs) took place – the current law only allows attached or within an existing accessory structure. There is support to allow ADUs as detached structures.
 - ii. Current zoning essentially allows ADUs as a density bonus. Matthew noted that there are several ways to control the growth of ADUs (requiring water/sewer connections, special permit reviews, etc.). General support for allowing more ADUs to accommodate aging in place, people with disabilities, etc.
 - iii. Consensus to limit ADUs to one per parcel.
 - g. Consensus to allow seasonal cottages as a permitted use across NR, AR, and RR zones.
 - h. There was a general discussion about not overcomplicating or overthinking basic uses like residential uses. Overregulating will make it difficult for the planning board to enforce and slow development.

- i. Consensus to keep dwelling units above first floor commercial as a permitted use across all zones. Existing density review for more than one-unit is appropriate.
 - j. The Committee reviewed manufactured home parks.
 - i. Matthew clarified that a single manufactured home must be permitted anywhere a single-family dwelling unit is allowed. The community may regulate certain site requirements to ensure consistency with existing character. Matthew will provide a draft of these design guideline requirements for a future discussion.
 - ii. Manufactured Home Parks for multiple manufactured homes can still be regulated as a separate use.
 - k. The committee reviewed Residential Care Facilities.
 - i. State law requires that anywhere a single-family or two-family home is permitted a residential care facility for the mentally disabled must also be allowed. These developments may be subject to review with a special use permit. The Use Table will be updated in accordance with this requirement.
 - l. A discussion of townhouses took place.
 - i. Based on existing definitions, there is little difference between townhouses and apartments other than the design of the structure (ex: shared wall). Communities should avoid regulations around ownership structure (condominiums). Matthew recommended updating the definitions for townhouses and will provide an example definition for the next discussion.
5. Matthew recommended that everyone familiarize themselves with the existing permitted use table, definitions, and zoning map to ensure efficient use of time in future reviews.
- a. A discussion of the timeline took place. The committee expressed that if longer meetings are needed, they could commit to that.

ITEM	ACTION ITEM	OWNER
1	Ag. Land Protection Priority Map	LaBella
2	Correct Zoning Map to add southern parcels to HMU	LaBella
3	Draft Cannabis Regulations and updated Cannabis Setback Map: 200 and 500 ft. separation distances around parks and the library for Committee review.	LaBella
4	Revised the Permitted Use Table and definitions as agreed.	LaBella
5	Groundwater resources map and analysis to guide allowable uses and density discussions.	LaBella
6	Revise ADU regulations to allow as detached structure	LaBella
7	Draft individual manufactured home regulations	LaBella

Adjourned: 8:15pm

Next meeting: March 20 at 6:30PM

The preceding minutes represent the author's understanding of the matters discussed and decisions reached. The Committee will determine completeness and accuracy at their next scheduled meeting.

Respectfully submitted,

LABELLA ASSOCIATES, D.P.C.

Matthew Rogers, Senior Planner, LaBella Associates

Cc: All Attendees