

TOWN OF GERMANTOWN LAND USE LAW UPDATE

Project Number: 2223713

MEETING #7 SUMMARY NOTES

Location: Town Hall/Virtual

Date: April 7, 2023

Time: 6:30 pm

<u>Meeting Attendance</u>
Committee Members
Tony Albino
Karen Targove, Co-Chair
Austin Sullivan
David Rifenburg, Co-Chair
Joe Guida
Jan Borchert
Ellen Jouret-Epstein
Tony Stagno
Will Bell
Dawn Breeze (Zoom)
Andrew Fennell (Zoom)
Consulting Team
Matthew Rogers, LaBella
Kyle Hatch (Zoom)

SUMMARY NOTES

1. Meeting Notes:

- A. Committee approved Meeting #3 Notes.
- B. Committee approved Meeting #6 Notes with a correction to the meeting attendance.

2. Residential Amendments dated April 11, 2023:

- A. It is recommended that the maximum ADU size not be based on a percentage of the primary unit square footage.

- B. Some Committee members are concerned that 800sf is very limited in terms of living space. Additional concerns that limiting to 800sf will push people with land to subdivide rather than develop an ADU.
- C. **A vote was held**, and a decision was made to allow up to 800sf by right, qualifying for a density bonus. Anything larger will require acreage for two dwelling units or approval of an area variance. Despite continued Committee discussion with some in favor of allowing larger ADUs, the decision to keep the size at 800sf remained in place.
- D. A point of clarification was made regarding the placement of ADUs – they cannot be placed in front of the primary dwelling unit.
 - i. A question was raised about using a manufactured home as an ADU. Matthew pointed out a standard single-wide manufactured home would not be allowed under the regs as they are over 800 sf in area. A smaller manufactured unit could be allowed if it meets the dimensional requirements and other standards included in the proposed regulations.
- E. Additional discussion on manufactured homes took place:
 - i. Matthew reminded the committee that NYS law requires manufactured homes be allowed anywhere single-family homes are also allowed.
 - ii. It was decided that manufactured homes do not need to be listed in the Permitted Use Table separate from single family homes. Therefore, single-family dwellings will include manufactured homes.
 - iii. It was decided that existing setback and lot size requirements should be adequate to regulate manufactured housing.
 - iv. **A vote was held** on whether to establish supplemental design guidelines for manufactured homes. Consensus was no. Proposed regulations at Article VI. Section L.1.c-g (April 11, 2023) were deemed sufficient.
 - v. Minimum sf (not maximum) of a manufactured home was discussed but no decision was made. This discussion will be addressed at a future meeting on tiny homes and ADUs.
- F. Other Permitted Use Table Amendments.
 - i. The Committee reviewed proposed residential revisions to the Permitted Use Table (April 11, 2023).
 - ii. Matthew clarified that single-dwellings do not require site plan approval [*Update: Two-family dwellings do not require site plan approval under the current Zoning Law*].
 - iii. Proposed change from special use to site plan for two-family residential in AR approved.
 - iv. Three-family homes: Proposal to allow them in RR District with site plan approval.
 - a. Committee has concerns that three-family homes may negatively impact the rural character of the district. A primary goal of the comprehensive plan is to preserve the rural character of the Town. However, the Town will need to balance the need for increasing the housing stock and protecting community character.

- b. Some members expressed concern three-family dwellings will create too much density and lead to traffic and issues with water usage. Matthew reminded the committee that site plan review will consider traffic and water use. In addition, septic requirement will also have to be met for any project to be approved outside of the sewer district.
- c. It was clarified that three-family dwellings do not necessarily have to be large or look like a three-family home.
- d. **A vote was held**, majority decided to allow three-family units with a special use permit in the RR Zoning District.
- e. *[Update – As a special use, supplemental regulations will be drafted to address rural character concerns.]*
- v. Concerns were raised about absentee landlords and whether the Town should require owner-occupied units. Matthew discussed the difficulty of administering owner-occupied requirements and suggested the Town consider establishing a rental registration process – would require a local point of contact and give the Town more resources to hold absentee landlords accountable.
- vi. Matthew discussed single-family home conversions. It was suggested that “Dwelling, new conversion of existing single-family dwelling to two or multi-family” be removed from the Use Table. Any proposed home conversion would go through the applicable review process, depending upon the proposed number of units. For example, a proposal to convert a single-family home to a multi-family home in HR would require a special use permit.
- vii. Matthew discussed the proposed revision to the definition of townhouse. There was consensus with the proposed regulations.

3. Cannabis Facilities – April 11, 2023.

- A. Setback requirements around parks and libraries (200ft or 500ft). It was clarified the setbacks are only for dispensaries and consumption facilities.
 - i. Support for a 500ft setback for parks and libraries, consistent with school setbacks.
 - a. **A vote was held**, the 500ft setback was approved.
 - ii. Matthew clarified that if a new house of worship opened within 500 feet of an existing dispensary, it would not force the dispensary to close, per proposed NYS regulation (still in draft form).
 - iii. Matthew reviewed hours of operation regulations. After discussion, the Committee decided that the specific hours of operation be removed from the law and replaced with “The hours of operation will be established by the Planning Board during site plan and special use permit review.”
 - iv. A discussion on drive-thru windows and allowed districts took place. The Committee agreed to allow dispensaries with walk up and/or drive-thru windows in the Highway Commercial district. Only walk-up windows will be allowed in Hamlet Mixed Use.

- v. There was a related discussion about “drive-through windows” as listed in the Permitted Uses Table. Matthew clarified that the table currently refers to other uses with drive-throughs (e.g., restaurants, banks, etc.). Dispensaries will be handled differently, and the Permitted Use Table will be revised to read “drive-through window, excepting cannabis dispensaries.”

4. Permitted Use Schedule:

- A. Karen Targove provided an update on the ongoing LWRP. At the appropriate time, an update on the proposed land uses within the Waterfront Revitalization Area will be provided to the Zoning Update Committee.
- B. Matthew began a review of the existing Permitted Use Table.
- C. Committee began reviewing existing definitions in the Town's code.
 - i. The definition of religious uses was reviewed.
 - ii. Similar concerns were raised for “community center” and “community use” facilities.
 - iii. It was suggested that all these uses should require a special use permit to give the Town some control.
 - a. **A vote was held** – suggestion was approved.
 - iv. A discussion of where to allow cell/wireless towers and infrastructure took place.
 - a. Matthew said he will review the existing regs and look at how the Town can incentivize expanding service without having towers negatively impact the aesthetic or character of the Town.

ITEM	ACTION ITEM	OWNER
1	Confirm minimum size of single family homes/tiny homes, and accessory dwelling units (ADUs), including manufactured homes. Code does not have a minimum size for dwellings or ADUs.	Committee/LaBella
2	Review existing cell/wireless regulations to see if they address 5G and properly address aesthetic concerns.	LaBella
3	Three-family dwelling in RR - As a special use, supplemental regulations will be drafted to address rural character concerns	LaBella

Adjourned: 8:30 pm

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

Respectfully submitted,

LABELLA ASSOCIATES, D.P.C.

Matthewhew Rogers, Senior Planner, LaBella Associates

Cc: All Attendees