

TOWN OF GERMANTOWN LAND USE LAW UPDATE

Project Number: 2223713

MEETING #4 SUMMARY NOTES APPROVED

Location: Town Hall

Date: January 16, 2023

Time: 6:30 pm

SUMMARY NOTES

1. Matthew kicked off the meeting and introduced Kyle Hatch who will be assisting with meeting notes and documentation.
2. Matthew reviewed discussions and agreements from meeting #3 related to the 2018 Comprehensive Plan Land Use Regulations Summary Document.
3. The Town is looking into having their own representation on the County Planning Board (currently the Town is represented by Clermont's representative). Update: Austin Sullivan indicated that the Town Board is pursuing options to add Germantown representation to the County Planning Board.
4. The committee suggested that members with interest or comments on a specific subject should distribute comments and suggestions ahead of time to allow for more meaningful discussions at the meetings.
5. Future stakeholder meetings will be scheduled with the Planning and Zoning Boards and Building Department.
6. Matthew continued reviewing the 2018 Comprehensive Plan Land Use Regulations Summary Document:
 - a. Natural Resources Protection
 - i. Matthew reviewed requirements for NYSDEC and federal wetland protections and the Comprehensive Plan's recommendations for additional wetlands and water body protection.
 - ii. Groundwater resources and protections were discussed. Matthew noted that LaBella recently hired a new hydrogeologist that is familiar with Germantown's groundwater. Matthew will be working closely with the new hydrogeologist on this code update.

1. There are concerns regarding new development straining the Town's groundwater supplies.
 - iii. The group discussed siting standards on environmentally sensitive areas.
 1. The Germantown Code sets steep slopes at 25%.
 2. Matthew identified 15% slopes as a potentially more appropriate slope to begin regulating. Erosion and failure can occur on slopes as low as 15%.
 3. The Committee will evaluate and identify the appropriate limit to regulate.
 - iv. The Town's junk law was noted as not being sufficiently enforced due to capacity and issues with the current code procedures.
 - v. A discussion on development in agricultural districts took place:
 1. Matthew stressed the importance of understanding county agricultural districts and how they impact local land use regulation.
 2. Matthew discussed the purpose of Zoning Districts and how each sets forth allowed uses and permit types. The Committee will be going through each district to evaluate allowed uses, review procedures, and permit types.
 3. Matthew reviewed how agricultural easements and conservation easements could work and collaboration with groups like Scenic Hudson.
 4. A brief discussion on right to farm laws took place. Matthew discussed the benefits of a right to farm law.
- b. Matthew provided an update on applying for a community grant through Hudson Valley Greenway to develop a natural resources inventory. The total potential funding is \$10,000.
- c. The committee provided a brief update on the LWRP process.
 - i. They estimate they are approximately 2/3 through the process.
 - ii. The timing will allow the Town to consider land use law amendments identified in the LWRP.
- d. Members discussed balancing the need to protect natural resources against development needs, such as housing and job creation.
 - i. Matthew noted it's often an iterative process that requires constant evaluation of ng priorities against individual projects and initiatives.
 - ii. Matthew gave an example of a subdivision proposal on lands near open space. The community may use the presence of certain natural resources to guide the layout of the subdivision and allocate space for open space protection and trail connections.

- iii. The committee observed the need for an appropriate balance between protecting natural resources and allowing compatible growth, including housing.
 - iv. Streamlined and predictable processes and guidelines will be instrumental in navigating conflicting interests.
 - e. Matthew clarified what a wellhead protection plan contains and how the community may integrate one or more into the code with overlay districts.
 - f. Matthew reviewed what factors may trigger a conservation subdivision design. Ex: prime agricultural lands.
 - 7. Agriculture & Farmland Protection
 - a. Matthew reviewed the practice of adding buffer requirements between non-agricultural lands adjacent to agricultural uses to limit issues between property owners.
 - b. Matthew discussed regulations pertaining to farm operations, particularly animal husbandry.
 - i. Committee members expressed a desire to clarify the difference between agritourism and agricultural operations. Event venues were mentioned specifically as becoming controversial. It was also noted that many agricultural uses are not clearly outlined in the Use Table and clarification may promote certain types of ag uses within areas not typically thought of for agricultural. Ex: farm stands in the hamlet
8. Housing
 - a. A discussion of manufactured homes took place. Matthew noted that new laws prevent banning manufactured homes where single-family homes are allowed. He clarified there is the ability to control how those manufactured homes are developed. Ex: minimum widths, setbacks, foundations, etc.
 - b. Matthew reviewed the Town's existing accessory dwelling unit regulations and update options for the Town to consider which may allow more flexibility and clarify requirements.
 - i. Questions were asked about requiring ADUs to be on the same utilities (electric and sewer) as the principal dwelling. Some communities do this as a way to keep the ADU subordinate and accessory to the principal dwelling.
9. Local Economy and Commercial Development
 - a. While reviewing home-based businesses, Matthew noted the Town may want to clarify sign requirements.
 - b. The committee discussed the existing public parking lot and its role in long-term parking strategies for Main Street.
 - c. Matthew highlighted the need to clearly define uses in the code to make the Code Enforcement Officer's job easy as development takes place.

10. Waste Disposal and Nuisance Standards
 - a. Discussions with the code enforcement officer and enforcement officers will help guide recommendations in this section.
 - b. Challenges in adopting and implementing a noise ordinance were discussed, including placing undue burdens on the code enforcement officer. The project review process is a better place to address noise impacts related to new development.
 - c. The committee discussed light pollution and how to enforce lighting standards, including illuminated signs.
 - i. The Town has had enforcement issues lighting impacts and signage. The Town needs better standards to control this.
 - ii. Signs that are illuminated 24/7 present a particular challenge.
 - iii. One option is to prohibit internally illuminated signs.
11. Matthew reviewed next steps
 - a. Matthew will draft a detailed outline of the code and where each amendment/recommendation will take place.
 - b. Committee members highlighted that the next meeting is scheduled for Presidents Day. That's not an issue for any members. Given the holiday members agreed to meet earlier at 6PM.
 - c. Members expressed a desire to understand how each recommendation will impact enforcement. The Town has very limited capacity for enforcement, so this is a critical aspect of the code update. It must also be understandable by the general public.

Next meeting: February 20, at 6:00PM

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