

## TOWN OF GERMANTOWN LAND USE LAW UPDATE

Project Number: 2223713

### MEETING #8 SUMMARY NOTES

Location: Town Hall/Virtual

Date: May 15, 2023

Time: 6:30 pm

<u>Meeting Attendance</u>
Committee Members
Tony Albino
Karen Targove, Co-Chair
David Rifenburg, Co-Chair
Joe Guida
Jan Borchert
Ellen Jouret-Epstein
Tony Stagno
William Bell
Faydra Geraghty
Andrew Fennell
Consulting Team
Matthew Rogers, Labella Associates
Corneil Smith, Labella Associates

### SUMMARY NOTES

- **Meeting Notes:**
  - Committee approved Meeting #7 Notes.
  
- **Permitted Use Schedule:**
  1. Matthew Rogers began the meeting with an overview of changes that were made at the previous meeting.
  2. The Committee requested clarification regarding the definition for "transportation shelters."
    - a. There was agreement that it refers to bus shelters.
    - b. A draft definition will be prepared.

3. Committee continued their review of the Use Table, beginning with "Agriculture Husbandry (raising of livestock)".
  - a. Committee discussed the pros and cons of allowing chickens in HR, HMU, and HC.
  - b. Potential difficulties regarding enforcement were raised and discussed.
  - c. After a lengthy discussion, the Committee decided to leave "Agriculture Husbandry (raising of livestock)" in the Use Table as is and make no changes.
4. Art galleries and artist studios:
  - a. Committee members discussed differences between the two, indicating that galleries are more of a commercial use.
  - b. Karen Targrove mentioned that this subject may be affected by the LWRP recommendations in NR, AR, and HR zones and that it may be helpful to discuss this again after the next LWRP meeting.
  - c. Committee discussed the potential of allowing art galleries in more districts. In general, they are a low-impact use and may be beneficial for tourism. Art galleries are more of a destination and bring people to the location.
  - d. Committee also observed how art galleries may help with adaptive reuse of barns as these spaces lend themselves well to art exhibitions.
  - e. Committee members agreed that art galleries should be allowed with a special use permit in AR, RR and that basic supplemental regulations for art galleries be prepared. No other changes to the Use Table regarding art galleries were proposed.
5. Car wash:
  - a. The Committee discussed concerns regarding the Town's limited groundwater.
  - b. **Vote was held** and it was agreed that car wash be prohibited in Germantown. The use will be removed from the Use Table.
6. Entertainment and recreational uses:
  - a. This use is also being addressed by the LWRP.
  - b. The Committee agreed to revisit the use after the LWRP Committee provides recommendations.
7. The Committee discussed "preexisting nonconforming use" regulations and how they would apply to uses removed from the Allowed Use table. Matthew clarified the Town's current regulations. The regulations are found in Article XI. When a use is removed from the Allowable Use Table, it becomes a pre-existing, non-conforming use. The use can continue to operate and may be allowed to expand under certain restrictions. When a structure or land used for or occupied by a non-conforming use has been discontinued for a period of one (1) year, such use shall not thereafter be used or occupied as a non-conforming use except under certain circumstances outlined in the code.
8. Gas stations:
  - a. Multiple Committee members do not see the need for more gas stations since there are already 3 within close proximity to each other.
  - b. Committee discussed the need for, and the likelihood of more gas stations would be developed in the Town.

- c. Matthew mentioned that an alternative to an outright prohibition may be to implement setbacks between gas stations.
  - d. **Vote was held** and it was agreed that gas stations would be removed from the Allowable Use Table, and that the current gas stations in town would become pre-existing nonconforming.
  - e. The Committee asked whether the term gas station included charging stations for electric vehicles. Matthew and other members were of the opinion that it does under the town's current definition, but that the vote applied to commercial uses and E.V. charging stations could still be set up elsewhere in the town.
    - i. *[Follow-up: It is recommended that EV Charging Stations, as accessory uses, be added to the Use Table, defined, and supplemental regulations drafted to clarify differences between gasoline stations.]*
9. The Committee asked if short-term rentals were being lumped into language around hotels and inns.
- a. Matthew indicated that short-term rentals are generally defined separately from hotels and inns. In addition, the Town Board is currently finalizing short-term rental regulations.
10. Kennel or animal shelter:
- a. Committee members discussed whether this should be an allowable use near residential areas.
  - b. Some members did not like the idea of it being a "home-based business". Members discussed short term operation and whether things like a doggie day care would help with tourism.
  - c. Committee agreed to continue allowing kennels but recommended amending the Use Table, changing the approval from Site Plan to Special Use Permit in HC.
11. Truck terminals:
- a. The Committee questioned the purpose/benefit they provide the community.
  - b. A concern raised was the air quality and noise impacts associated with idling trucks in residential areas.
  - c. Members agreed this issue should be addressed.
  - d. **Vote was held** and it was agreed that trucking terminals would continue to be allowed in BD and recommended changing the approval from Site Plan to Special Use Permit.
12. Breweries:
- a. The Committee observed that "breweries" do not appear in the Use Table and they should be considered different than a tavern (which is on the use table).
  - b. Matthew referenced how other communities are addressing breweries and similar uses (wineries, distilleries, etc.), farm and non-farm related.
  - c. The committee agreed to add breweries and related uses to the Use Table (HMU, HC, and AR for discussion) and to clarify definitions. Supplemental regulations will also be added.

13. Campgrounds:

- a. The Committee observed that the Town's current definition is vague and that it is not listed in the Use Table.
- b. Committee discussed the potential impacts and benefits of campgrounds.
- c. The Committee recommended that draft supplemental regulations for campgrounds be prepared for discussion by the Committee. At that point, the Committee will determine if the use should be allowed in one or more districts.

14. The Committee observed that "hospital" is defined but not listed on the Use Table.

- a. It was also observed that "Office, professional or general" is listed on the Use Table but not defined. The term will be defined to include medical office and urgent care-type facilities. [Follow-up: Medical office is referenced under Professional and general office under Schedule C: Minimum Parking Space Requirements.]

15. Sportsmen club and shooting range:

- a. Use is not defined.
- b. The Committee discussed whether it should be an allowable use. Some members felt that current regulations are sufficient.
- c. The term will be defined and differences between indoor and outdoor shooting ranges and archery will be addressed.
- d. Current best management practices for shooting ranges will also be reviewed and the supplemental regulations updated as necessary.

16. Due to the fact that several uses on the Use Table are not defined, in addition to the uses noted above, LaBella will conduct a review of all uses on the Use Table and draft definitions for Committee review.

17. Elder cottage home:

- a. This use is dated and no longer needed with the proposed ADU amendments agreed to earlier.
- b. The Committee agreed elder cottage home should be removed from the Use Table.

- **Future Topics for Discussion:** The Committee discussed priorities for the next two meetings.
  - June 6:
    - Historic preservation
    - Design guidelines, including for franchise/formula business
  - June 19:
    - Groundwater impacts with Steve Winkley
    - Campgrounds
- The Committee identified the need for a noise ordinance. This topic was previously discussed and does not fall under LaBella's current scope of work. If a noise ordinance is requested, a contract amendment will be required.

- **Next Meeting:**
  - June 6<sup>th</sup>. 6:30

ITEM	ACTION ITEM	OWNER
1	Draft language around special use permit for art galleries	LaBella
2	Draft language around special use permit for art studios	LaBella
3	Adjust gas station definition for E.V.	LaBella
4	Compare kennel definitions and regulations from other towns	LaBella
5	Clarify definition of trucking terminal	LaBella
6	Enhance/clarify regulations for parking of tractor trailers/large commercial vehicles	LaBella
7	Clarify definition of breweries/distilleries, related uses, and add it to the use table for discussion	LaBella
8	Revise definition of campgrounds and draft supplementary regulations	LaBella
9	Clarify definition of sportsmen club, indoor/outdoor range, and archery	LaBella
10	Review BMPs for firing ranges	LaBella
11	Clarify definitions and regulations for franchises/formula businesses	LaBella
12	Define Transportation Shelters	LaBella
13	Add Electric Vehicle Charging Stations to Use Table, Define, and add supplemental regulations	LaBella
14	Identify all uses listed on the Use Table not defined and draft definitions for Committee review.	LaBella

**Adjourned:** 8:35 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.  
 Matthew Rogers, Senior Planner, LaBella Associates  
 Cc: All Attendees